



ONE LAW for ALL



AN OPEN LETTER TO PRIME MINISTER DAVID CAMERON

Time to Dismantle the Parallel Legal System: Call from 395 Signatories

10th December 2015

Prime Minister David Cameron
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Dear Prime Minister

Women's rights and secular organisations urge the new government to take concerted measures to stop the development of parallel legal systems and to facilitate full and proper access to justice for all citizens and to one secular law for all.

For decades, successive governments have appeased undemocratic religious power brokers in minority communities who have sought to gain power through multicultural and now multi-faith social policies. These policies have led to the homogenisation of minority communities including the 'Muslim community' and have recognised and legitimated 'non-violent' Islamists as 'community representatives', outsourcing legal justice to what are in effect kangaroo courts that deliver highly discriminatory and second-rate forms of 'justice.' Over the years, we have witnessed with increasing alarm the influence of 'Sharia courts' over the lives of citizens of Muslim heritage.

Any government inquiry into 'Sharia courts' must also examine the impact of the draconian cuts in legal aid that have adversely affected access to justice for the most vulnerable. Many abused women from minority backgrounds, for instance, are increasingly forced to either represent themselves in court in what are often complex family legal proceedings or go to 'Sharia courts' that operate entirely outside the rule of law. The loss of legal aid contributes to a context that is conducive to the consolidation of privatised and unaccountable forms of justice and 'Sharia courts' are amongst the main beneficiaries.

Though the 'Sharia courts' have been touted as people's right to religion, they are in fact, effective tools of the far-Right Islamist movement whose main aim is to restrict and deny rights, particularly those of women and children. 'Sharia' laws are highly contested and challenged in

many countries, including in Muslim-majority countries across the globe – from Iran to Algeria, Saudi Arabia, Tunisia and Pakistan. Those of us in Britain who oppose ‘Sharia courts’ and all other religious forms of arbitration over family matters, are part of the same movement that challenge the religious-Right and defend the principle of one law for all underpinned by the notions of universalism, human rights, secularism and equality.

Opposing ‘Sharia courts’ is not racism or ‘Islamophobic’; it is a defence of the rights of all citizens, irrespective of their beliefs and background to be governed by democratic means under the principle of one law for all. What amounts to racism is the idea that minorities can be denied rights enjoyed by others through the endorsement of religious based ‘justice’ systems which operate according to divine law that is by its very nature immune from state scrutiny.

We have seen recent victories against the accommodation of ‘Sharia’ codes within law and policy in the UK. Using equalities and human rights legislation, we have successfully challenged both the Universities UK for issuing guidance that condones gender segregation in universities and the Law Society for endorsing discriminatory ‘Sharia’ codes in the area of inheritance. As well as challenging draconian state measures that criminalise whole communities and aid and abet xenophobia, anti-Muslim bigotry and racism, it is vital that we also push back the Islamist narrative and challenge ‘Sharia courts’ since they clearly represent yet another assault on our civil liberties.

We also urge the government to withdraw from its intention to repeal the Human Rights Act 1998. Such a move will represent a break from what was the most important social contract to have emerged between European States and citizens, following the Second World War. The agreement to sign up to a simple set of standards that uphold human decency and universal values led to the creation of the Universal Declaration of Human Rights and to standards that protect and uphold the rights of all people in the face of state and non-state abuses of power. Now more than ever, we need the Human Rights Act to challenge the arbitrary and unaccountable power of ‘Sharia courts.’

We, the undersigned, therefore, call on the new Government to:

1. Reinstate legal aid in all areas of civil and criminal law to ensure equal access to justice for all.
2. Recognise that ‘Sharia’ and other religious courts deliver arbitrary and unaccountable forms of ‘justice’ that discriminate against women and children in particular. Citizenship and human rights are non-negotiable.
3. Abolish the use of ‘Sharia courts’ and all other religious arbitration forums, including the Beth Din, in family matters since they undermine the principle of equality, non discrimination and universal human rights that must be enjoyed by all citizens.
4. Reject calls for state regulation of ‘Sharia’ and other religious courts and tribunals. This will only legitimate parallel legal systems in the governance of family matters.
5. Re-affirm the principle of the separation of religion and the law. The law is a key component of securing justice for citizens and one law for all.
6. Desist from repealing the Human Rights Act 1998. This move will strip all vulnerable people of their right to protection and justice.

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