



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
10 Downing St
London
SW1A 2AA

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. Reinstatement of 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.

Signatories:

A C Grayling, Philosopher
A Gilani, Spokesperson of Atheist & Agnostic Alliance Pakistan
Afiya S. Zia, Active member of Women's Action Forum in Pakistan
Afsaneh Vahdat, Spokesperson of Children First Now
Al Grandy, Songwriter
Alber Saber, Egyptian Blogger
Albert Beale, Pacifist Journalist
Ali A. Rizvi, Pakistani-Canadian Writer and Physician
Ali al Razi, Ex-Muslims Forum
Aliaa Magda Elmahdy, Egyptian Blogger
Alison Assiter, Professor of Feminist Theory at UWE, Bristol
Aliyah Saleem, Secular Education Campaigner
Alya Marquardt, British-Iraqi Singer and Composer
Amel Grami, Tunisian Professor
American Humanist Association
Andrew Lowdon, Chair, Nottingham Secular Society
Ani Zonneveld, President of Muslims for Progressive Values
Anila Atharhasan, Rationalist Society of Pakistan
Anissa Helie, Professor
Annie Laurie Gaylor, Co-founder and Co-president of the Freedom From Religion Foundation
Ansar Ahmed Ullah, Nirmul Committee
Anthony McIntyre, Writer
Armin Nabavi, Atheist Republic Founder
Aso Kamal, Founding Board Member of Kurdistan Secular Centre
Ateizm Derneği
Atheist Alliance International
Babak Yazdi, Spokesperson for Kanoon-e Khavaran, Organisation for Defence of Political Prisoners in Iran
Bahram Soroush, Political Analyst
Bariş Çetin, Board of Directors' Member of Ateizm Derneği
Ben Kerr, Chair of Plymouth Humanists
Bo Liao, President of LSEU Atheist, Secularist and Humanist Society
Bob Charlwood, Committee Member of Brighton Secular Humanists
Bread and Roses TV
British Muslims for Secular Democracy
Bushra Tahir, Chair of Awaaz Group – Voice of Women
Centre for Secular Space
Chetan Bhatt, Professor of Sociology, LSE Centre for the Study of Human Rights
Children First Now
Chris Moos, Secularist Researcher and Activist
Christine M. Shellska, President of Atheist Alliance International
Clara Connolly, Immigration Lawyer
Clive Aruede, Organiser of London Black Atheists
Council of Ex-Muslims of Britain
Darren Johnson AM, Green Party, London Assembly

Dashty Jamal, Secretary of International Federation of Iraqi Refugees
David Silverman, President of American Atheists
Deeyah Khan, Filmmaker and Founder/CEO of Fuuse
Dennis Penaluna, Secular Activist and Organiser
Derek Lennard, Activist
Diana Nammi, Founder and Executive Director, Iranian and Kurdish Women's Rights Organisation
Dilip Simeon, Labour Historian
Dominic Wirdnam, Secretary of Bristol Secular Society
Elham Manea, Academic and Writer
Ensaf Haidar, Campaigner
Equal Rights Now – Movement for Women's Liberation in Iran
Faisal Gazi, Writer and Blogger
Faisal Saeed Al-Mutar, Iraqi Activist and Founder of the Global Secular Humanist Movement
Faizun Zackariya, Citizens Voice for Justice and Peace
Fariborz Pooya, Bread and Roses TV Host
Farida Shaheed, Executive Director of Shirkat Gah, Women's Resource Centre in Pakistan
Farideh Arman, Women's Rights Campaigner
Fatou Sow, International Director, Women Living Under Muslim Laws
Federation of Iranian Refugees UK
Fitnah
Francis Wheen, Writer
George Broadhead, Secretary of the Pink Triangle Trust
Gina Khan, Women's Rights Activist and Researcher
Gita Sahgal, Director, Centre for Secular Space
Glen Carrigan, Scientist and Founder of AHSUCLan
Gona Saed, Founding Board Member of Kurdistan Secular Centre
Guy Otten, BHA Trustee and Humanist Celebrant
Habiba Jaan, Founder of Aurat- Supporting Women in the Midlands
Hamid Taqvaee, Leader of the Worker-communist Party of Iran
Haras Rafiq, Managing Director of Quilliam Foundation
Harold Kroto, Nobel Prize Winner
Harsh Kapoor, Founder and Editor of South Asia Citizens Web
Hasan Mahmud, Advisory Board of World Muslim Congress and General Secretary of Muslims Facing Tomorrow
Homa Arjomand, Coordinator of the International Campaign Against Sharia Court in Canada and One Secular School for All
Ibn Warraq, Writer
Ibrahim Abdallah, Muslimish NYC Organizer
Inna Shevchenko, FEMEN Leader
International Front for Secularism
Iram Ramzan, Journalist
Iranian and Kurdish Women's Rights Organisation
Ishafak Tely, Technology Engineer
James Bloodworth, Journalist and Editor of Left Foot Forward
Jane Donnelly, Human Rights Officer of Atheist Ireland

Javed Anand, General Secretary of Muslims for Secular Democracy in India
Jocelynne A. Scutt, Barrister & Human Rights Lawyer
Johnny Monsarrat, Secular Policy Institute Alliance Director
Jonnie Dean, Peace Activist and Filmmaker
Julie Bindel, Writer
Justice for Women
Kamran Ahmed Khan, Oncologist
Kamyar Dadfar, Secretary of LSESU Atheist, Secularist and Humanist Society
Karima Bennoune, Professor of Law, University of California, Davis School of Law
Kate Smurthwaite, Comedian and Activist
Kazimierz Lyszczynski, Foundation Poland
Khushi Kabir, nominated for Nobel Peace Prize in 2005 for her work at Nijera Kori with Bangladesh's landless
Kiran Opal, Pakistani-Canadian Writer and Human Rights Activist
Lakshmi Pala, Ateizm Derneği
Laura Guidetti, Rivista Marea
Lawrence Krauss, Foundation Professor of School of Earth and Space Exploration and Physics Dept., Co-director of Cosmology Initiative and Director of Origins initiative, Arizona State University
Leesa Gazi, Cultural worker
Lejla Kuric, Writer
Lila Ghobady, Filmmaker
Lino Veljak, University of Zagreb
Lloyd Newson, Artist
London Black Atheists
Maajid Nawaz, Founding Chairman of Quilliam Foundation
Madhu Mehra, Partners for Law in Development
Magdulien Abaida, Women's Rights Activist
Maggie Hall, Committee Member of Brighton Secular Humanists
Mahin Alipour, Women's Rights Activist
Mariam Faruqi, Rapporteur National Commission on Forced Marriage
Mariam Taheri, Human Rights Activist
Marieme Helie Lucas, Founder of Secularism is a Women's Issue and Women Living Under Muslim Laws
Maryam Namazie, Spokesperson, One Law for All and Council of Ex-Muslims of Britain
Mehran Mahbobi, Children's Rights Activist
Michael Nugent, Chairperson of Atheist Ireland
Mina Ahadi, Spokesperson of the International Committee against Stoning and Execution
Mohammed Alkhadra, Human Rights Activist and Founder of the Jordanian Atheists Community Group
Morgan Elizabeth Romano, Vice President of the Board of Directors & Director of International Relations of Ateizm Dernegi
Muhammad Syed, President of Ex-Muslims of North America
Muslims for Progressive Values
Nadia El Fani, Tunisian Filmmaker
Nari Diganta

Natalia Paszkiewicz, Campaigner for Refugee Women and Migrants Rights
National Secular Society
Nazanin Borumand, Council of Ex-Muslims of Germany
Network of Women in Black Serbia
Nick Cohen, Journalist
Nina Sankari, President of the Europejska Feministyczna Inicjatywa
Nira Yuval-Davis, a founder member of Women Against Fundamentalism and the International Research Network on Women in Militarized Conflict Zone
One Law for All
Ophelia Benson, Columnist of The Freethinker and Free Inquiry
Pervez Hoodbhoy, Pakistani Nuclear Physicist and Social Activist
Peter Tatchell, Peter Tatchell Foundation
Piara Mayenin, Solicitor and Producer of Legal Help with Piya
Pragna Patel, Director, Southall Black Sisters
Protagora
Pushpita Gupta, Women's Rights Campaigner and Convenor of Secular Bangladesh Movement
Rafai Aadam, Leader of the SOAS Ex-Muslim Society & The Student Room Ex-Muslim Society
Organiser
Rahila Gupta, Writer and Journalist
Ramin Forghani, Ex-Muslims of Scotland Founder
Reza Moradi, Director of Bread and Roses
Ritu Mahendru, Director of South Asian Sexual Health
Robert Stovold, Committee Member of Brighton Secular Humanists
Robyn E. Blumner, President & CEO of Richard Dawkins Foundation for Reason and Science
Rohini Hensman, Writer and Activist
Roy Speckhardt, Executive Director of American Humanist Association
Roy W Brown, International Representative, International Humanist and Ethical Union
Rumana Hashem, Nari Diganta Organiser and Founder of Phulbari Solidarity Group
Rumy Hassan, Author
Sadaf Ali, Writer and Civil Rights Activist
Salim Mansur, Vice President of Muslims Facing Tomorrow
Sally Armstrong, Journalist and Human Rights Activist
Salma Siddiqui, President of Coalition of Progressive Canadian Muslim Organizations
Sanal Edamaruku, President of Rationalist International
Sara Mohammad, Chairwomen for Never Forget Pela and Fadime Organisation
Sarah Haider, Director of Development of Ex-Muslims of North America
Sarah Peace, Founder of Fireproof Library
Sawsan Salim, Director of Kurdish and Middle Eastern Women's Organisation
Secular Policy Institute
Secularism is a Women's Issue
Selma Dabbagh, Author and Lawyer
Shaheen Heshmat, Writer
Shahla Daneshfar, Coordinator of Workers' Solidarity Network of the Middle East and North Africa
Sheila Crosby, Author
Shelley Segal, Singer and Songwriter

Shirkat Gah
Soad Baba Aissa, Feminist
Sohaila Sharifi, Women's Rights Campaigner
South Asian Sexual Health
Southall Black Sisters
Stasa Zajovic, WiB Belgrade
Sue Cox, Survivors Voice Europe
Sukhwant Dhaliwal, co-editor of Women Against Fundamentalism: Stories of Dissent and Solidarity
Sultana Kamal, Women's Rights Defender
Taher Djafarizad, President of Neda Day Association
Tahira Abdullah, Human Rights Defender
Taslima Nasrin, Author
Tehmina Kazi, Director of British Muslims for Secular Democracy
Terence Waites, Head of Teesside Humanists
Terry Sanderson, President, National Secular Society
The Angelou Centre
Tolga Inci, President of Ateizm Dernegi
Tom Holland, Writer and Historian
Valerie Mainstone, Committee Member of Brighton Secular Humanists
Wahid Rahman, President of Queen Mary Atheism, Secularism and Humanism Society
Waleed Al-Husseini, Palestinian blogger and Founder of the Council of Ex-Muslims of France
Women in Black Belgrade
Women Living Under Muslim Laws
Women's Action Forum Karachi, Hyderabad, Lahore and Peshawar
Yasmin Alibhai-Brown, Columnist
Yasmin Rehman, Women's Rights Campaigner
Yasmin Weaver, Trustee of Aurat: Supporting Women in the Midlands
Zahra Asli, Coordinator of Friends of Women in the Middle East Society
Afzal Khan, Ex-Muslim Secular Activist
Ahlam Akram, Basira for Universal Women's Rights
Aidan Keogh, Railwayman
Aisha K. Gill, Criminologist, University of Roehampton
AJ Sikes Freelance Editor and Author
Albertine Ahmadi, Translator
Alejandra Vega, Anthropologist and Women's Rights Defender
Alex Northam, Loss Adjuster
Alice Carr, President of Progressive Atheists
Amal Wissa, Dentist
Amanda J Brown, Business Owner
Amazon Films Independent Movies
Amir Feridooni, Radio Payam
Andrew Coates, Trade Union Activist and Secularist
Anna Ritchie, Publishing/Technology
Anne Sassoon, Artist
Anthony Keith Wilson, Retired Publisher

Anthony Keith Wilson, Retired Publishing Executive
Antony Chapman, Vice-Chairman, Chiltern Humanists
Aroup Chatterjee, Doctor and Author
Audrey Holdaway, Secular Humanist
Audrey King, Activist and member of UNITE
Audrey King, Retired
Avtar Brah, Emeritus Professor, Birkbeck College
Azouz Charif, Algerian Atheist
Behzad Varposhti, Human Rights Activist
Benjamin Hagberg, Secular Humanist
Boyd Sleator, Chairperson of Atheist Northern Ireland
Cathy Oliver, President of Ontario Humanist Society
Chiltern Humanists
Chilterns Humanist Group
Christa Stolle, General Secretary of Terre des Femmes
Christina Helen Wilson, Retired
Christopher Richard Brand, Retired Psychologist and Author
Christopher Roche, Vice President of Bath UCU
Christopher Zamonska-Blake, Student
Christy Walsh, LLM
Colin Atkinson, Sheffield Humanists Committee Member and Sheffield Skeptics in the Pub
Organiser
Conway Hall
Council of Ex-Muslims of Morocco
Cressida Brown, Offstage Theatre
Daniel Anderson, Social Welfare Solicitor
Danny Afzal, Writer/Historian
Darren Gregory, Planning Enforcement Officer
David Alexander Hereman, Business Analyst
David Flint, Vice chairman of North London Humanist Group
David Hurlbut, Retired IT Engineer
David Jack, Audio Engineer
David Rand, President of Libres penseurs athées — Atheist Freethinkers
Derek Marcus, Hon. Secretary of North London Humanist Group
Diane Munday JP
Edwina Rogers, CEO of Secular Policy Institute
Eileen McFadden, Secularist
Elisabeth Castle, Retired Teacher
Elizabeth Lutgendorff, Chair of Trustees of Conway Hall
Elly Horne, Development Officer
Eric Olson, Professor of Philosophy at University of Sheffield
European College of Law
Farideh Arman, Women's Rights Association in Sweden
Feminism in London
Fouzia Dib, Teacher
Garry Otton, Author

Gerhard B. Wolski, Journalist and Writer
Graham Connell, Chair, Greater Manchester Humanists
Graham Dutfeld, Professor of International Governance, School of Law, University of Leeds
Gush Bhumbra, President of Leicester Secular Society
Halima Begum, Ex-Muslim Secular Activist
Hans Christian Cars, Board Member of the Austrian Freethinkers
Hassan Radwan, Author
Helena Underhill, Retired
Hemant Mehta, editor of FriendlyAtheist.com
Hidde Gaastra, Secularist
Houzan Mahmoud, Kurdish Women's Rights Campaigner and Organisation of Women's Freedom in Iraq
Hud Rogers, Nurse
Humanist Association Netherlands
Imad Iddine Habib, Founder of Council of Ex-Muslims of Morocco
Iman Kouchouk, Feminist
Ivan Bailey, Freelance Consultant
J.Hans de Vries, Chairman of Party for Reason, Sociologist and Educational Researcher
Jalil Jalili, Activist
James Wolsey, Retired Lecturer and School Governor
Jamie Clarke, Train Driver
Jamie Martin, former Special Adviser at Department for Education
Jan Mole, Retired Teacher and Humanist
Jano Rochefort, Secretary to Welsh Marches Humanist Group
Jim Walsh, CEO of Conway Hall
John Catt, Member of Leicester Secular Society
John White, Chair Oxford Humanists, Committee Member of the Humanist and Secularist LibDems
Jonathan Rudd, Product Design Engineer and Activist
Julia Pascal, Playwright and Theatre Director
Justin James Meggitt, Senior Lecturer in the Critical Study of Religion, University of Cambridge
Kathleen O'Connor, Marketing Consultant
Kenneth Chamberlain, Retired, former Trade Union Official with the GMB Union
Keziah Conroy, President of UCLU Atheist, Secularist and Humanist Society
Lee Turnpenny, Biologist and Blogger
Leicester Secular Society
Len Rogers, Professor, International School of Management in Paris
Leslie Shaw, Associate Professor, ESCP Europe
Libres penseurs athées — Atheist Freethinkers
Linda M. Gruson, Psychologist
Lisa-Marie Taylor, Feminism in London
Lisa-Marie Taylor, Feminism in London
Liz Mellings, Tutor and Writer
Lynn Corken, Tour Guide
Mahendra Mathur, Author
Malgorzata Koraszewska, Translator

Malika Lakbiach, Translator
Mansur Dhanani, Retired Hospital Director, Aga Khan University
Marc Joan, Author
Maria Gandra, Designer and Senior Lecturer
Marie Nadia Jasim, Medical Student
Maureen Lofmark, Retired Teacher
Mersedeh Ghaedi, London Spokesperson for Iran Tribunal
Michael Martin, Engineer
Michele Rosito, Data Scientist
Mohamed Atef Saad Hegazy, Aerospace Engineering Student and Blogger
Mr. D. Crawford – Physiotherapist
Muhammad Bin Iftikhar, Blogger
Muhammad Imran, Human Rights Activist
Nahla Mahmoud, Spokesperson for the Council of Ex-Muslims of Britain
Naomi Hamilton, Student, UK
Narain Kataria, President of Indian American Intellectuals Forum
National Federation of Atheist, Humanist and Secular Student societies
Nezir Likaj, Vice President of Center for Civil Courage
Nicola Holdsworth, Singer/Songwriter
Nicole Davidoff, Solicitor and member of Law Society
Noor Zaheer, Writer and Researcher
North London Humanist Group
Offstage Theatre
Ontario Humanist Society
Ophelia Benson, blogger Butterflies and Wheels
Ophelia Benson, Writer and Blogger
Owen Dixon, Software Engineer
Pablo Paredes Zamora, construction worker
Party for Reason
Pat McKeown, Professor, OBE FREng FCIRP FIMechE
Patricia Wallis, Teacher of English at Godalming College
Paul Alan Thompson, Business Mentor
Paul Braterman, Professor Emeritus, University of North Texas and Honorary Senior Research Fellow in Chemistry, University of Glasgow
Paul Ruck, Retired
Pepijn Besselink, Activist, Humanist, Atheist
Pink Triangle Trust
Prashanta B Barua, Director of Studies & Head of Laws, European College of Law
Prof. Dabir Tehrani Research Consultant, School of Energy, Geoscience, Infrastructure & Society Development, Heriot-Watt University
Qasim Bashir, Chairman, Southside Management Company
Rachael Rayment, Theatre Director/Teacher
Rajinder Singh Rajput, Retired Teacher
Ray Ward, Retired Librarian
Rayhana Sultan, Spokesperson of Council of Ex-Muslims of Britain

Richard J. Acton, President of National Federation of Atheist, Humanist and Secular Student Societies
Richard Jakeman, Member of the Chiltern Humanists
Ritu Mahendru, Director of South Asian Sexual Health
Robin Blick, Labour Party, Historian and Human Rights Campaigner
Robin P Clarke, Researcher and Author
Rodney Kay-Kreizman, Retired Teacher, Amateur Orchestra, Violin Musician, and Essayist
Roger Gordon, Retired Mental Health and Childcare Professional and Activist
Rohinton Collins, Software Engineer
Rory Juss – Detective Constable
Ruby Lescott, Retired Teacher
Sanekli Monia, Professor, Doctor and Philosopher
Saxon May Spence, CBE., School Governor
Scottish Secular Society
Sean Livingstone, IT Professional
Secular Policy Institute
Shaun Goodwin, Postman
Shaun Maunder, Teacher
Sheila Triggs, Membership Secretary of Women’s International League for Peace and Freedom (UK WILPF)
Siba Shakib, Author
Sikivu Hutchinson, Black Skeptics Los Angeles
Soraya Chemaly, Safety and Free Speech Coalition
Spencer Fildes, Chair of the Scottish Secular Society
Stephen Law, Provost, Centre for Inquiry
Stephen Oliver (retired)
Steve West, Humanist
Steven Lindsay, Human Rights Activist
Steven Pinker, Cognitive Scientist, Linguist and Author
Stuart Hartill, Isle of Man Freethinkers
Sue Blackmore, writer, Lecturer and Broadcaster
Sue Dunderdale, Freelance Director
Sue England, Lawyer
Sunny Qureshi, Pakistani Secular Blogger
Susan E. Ferner, Artist and Musician
Syeda Maida Batool, Secular Humanist
T M Murray, PhD, Author, Philosopher, Director of Studies at Fine Arts College Hampstead
Tata Marion Ringberg, Retired Medical Doctor
Terre des Femmes
Tomasz Mielcarek, Poet
Trama di Terre Onlus-Aps, intercultural association of women from Imola
UCLU Atheist, Secularist and Humanist Society
Ursula Baer, PhD
Uttam Niraula, SOCH Nepal
Vahid Aban, Activist
Val Nuttall, Domestic Abuse Outreach Worker, Manchester Women’s Aid

William James Francis Heron, Retired
Wim Lourens, Piano Teacher, Composer and Philosopher
Women in Black (London)
Women's International League for Peace and Freedom (UK WILPF)

For more information, contact:

Pragna Patel, [Southall Black Sisters](#)

pragna@southallblacksisters.co.uk

020 8571 9595

@SBSisters

Maryam Namazie, [One Law for All](#)

maryamnamazie@gmail.com

077 1916 6731

@MaryamNamazie

BM Box 2387, London WC1N 3XX, UK



Home Office

Lord (Tariq) Ahmad of Wimbledon
Home Office Minister
(Countering Extremism)

2 Marsham Street,
London SW1P 4DF
www.gov.uk/home-office

Maryam Namazie
BM Box 2387
London
WC1N 3XX

CTS Reference: M249/16

26 JAN 2016

Thank you for your letter dated 10 December 2015 to the Prime Minister regarding 'parallel legal systems' and access to justice in the UK. I am replying as the Minister for Countering Extremism. I am sorry for the delay.

Many British people of different faiths follow religious codes and practices, and benefit from the guidance they offer. Religious communities also operate arbitration councils and boards which seek to resolve disputes. The overriding principle is that they must operate within the rule of law.

There can be no question of there being a parallel system of law in this country. There is one system of national law which applies equally to all citizens, regardless of religious belief. Practices that follow Sharia principles are therefore allowed to the extent that they also comply with the existing law in England and Wales. Sharia law has no jurisdiction in England and Wales and the Government has no intention to change this position.

The Government does not prevent individuals from seeking to regulate their lives through religious beliefs or cultural traditions. Communities and individuals have the option to use religious councils or any other system of alternative dispute resolution and to agree to abide by their decisions. However, these councils are not part of the court system in this country and have no legal means of enforcing their decisions. If decisions or recommendations are contrary to national law, including equalities legislation such as the Equality Act 2010, national law would prevail. This is no different to any other council or tribunal - whether or not based on Sharia principles.

There is some evidence that some Sharia councils may be working in parts of the country in a discriminatory and unacceptable way. That is why, as part of the Government Counter-Extremism Strategy, the Home Secretary has announced that she intends to commission a full, independent investigation to enhance our understanding of any misuse of Sharia law, and the extent of the problem where it may exist.

Any individual or group is free to express views and beliefs, but they also have a duty to behave responsibly and to respect other people's rights. Where there are behaviours and views which run counter to our shared values, these will be challenged by this Government. Promoting fairness in society is one of the Government's core commitments. This is everyone's responsibility; it is only together that we are able to develop a stronger and more cohesive society.

In relation to your concerns around legal aid and access to justice, public funding for legal services through legal aid is a fundamental part of the justice system, but our resources are not limitless. Reforms to legal aid, introduced in the last Parliament, target limited public funds at the cases and people most in need of assistance. As such, funding is maintained for the highest priority cases, where people's life or liberty is at stake, where they are at risk of serious physical harm or immediate loss of their home, or where children may be taken into care. Legal aid remains available to victims of domestic violence in private family law proceedings and for emergency protective remedies. Public funding is also available for emergency orders that seek to prevent international child abduction and orders for remedial action in domestic child abduction cases.

The Government also believes that it is right to encourage families, where appropriate, to resolve their disputes without recourse to the courts, so while private law family cases such as child custody and contact are no longer covered by the scheme, legal aid remains available for family mediation, and for legal advice to support such mediation, for those who satisfy the eligibility criteria.

For those cases that still come to court significant steps have been taken to provide better information to make sure that litigants in person are supported and able to represent themselves effectively. This is also a major element of the courts reform programme, which will, among other things, make the justice system much more accessible and supportive.

Regarding your concerns on the Human Rights Act, this Government was elected with a mandate to reform and modernise the United Kingdom human rights framework. Whilst the United Kingdom has a proud tradition of respect for human rights which long pre-dates the Human Rights Act 1998, it is the Government's view that the Human Rights Act opened the system to abuse, damaging the credibility of human rights.

The Government will bring forward proposals for a Bill of Rights, which will replace the Human Rights Act. The Bill will protect fundamental human rights, but also prevent their abuse and restore some common sense to the system.

Reform of the UK's human rights framework involves careful consideration within Government. Our proposals will be published for consultation in due course.

I trust that this has addressed the points you have raised in your letter to the Prime Minister.

Yours Sincerely,

T. Ahmad of Wimbledon

Lord (Tariq) Ahmad of Wimbledon



ONE LAW *for* ALL



bmsd

22 March 2016

Lord (Tariq) Ahmad of Wimbledon
Home Office Minister Countering Extremism
2 Marsham Street
London SW1P 4DF

CTS Ref: M249/16

Dear Lord Ahmad

Thank you for your very detailed response to the petition addressed to the Prime Minister. We understand that Sharia councils do not have formal recognition in the laws of England and Wales. Nevertheless, our extensive work shows that although classified as informal these parallel legal systems are contrary to the laws of England and Wales and in practice have a detrimental effect on access to justice for marginalized groups and particularly for women

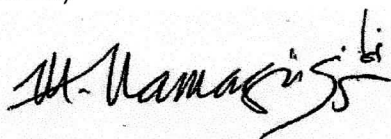
We think it would be helpful to discuss the matter further with you and other relevant Ministers such as the Minister for Women and Equalities, the Minister for Justice and the Equality and Human Rights Commission. This is because the grave issues raised by Sharia councils relate to several different departments. We hope that you will be prepared to facilitate a meeting with relevant government departments in the near future to discuss the inquiry. In fact, we are anxious to know as soon as possible what progress has been made regarding the inquiry and what its terms of reference are likely to be.

As our petition indicates, we agree with you that dispensing discriminatory advice is one of the major problems of Sharia councils and other parallel legal bodies. But if that were the only problem, it would surely not need to be handled under policies countering extremism? As you are undoubtedly aware, many of those involved in running Sharia councils are also promoting laws which define the boundaries of Islam, thus undermining minorities such as the Shia and the Ahmadiyya Muslims, attacking their right to freedom of religion or belief. They also promote death penalties for blasphemy and apostasy that threaten the right to life as well as freedom of expression. Although, often contrary to British law, these parallel systems of justice promote as 'God's Law' many regressive practices – and place them higher than the law of the land. In short, they provide intellectual justification for British-based extremism and help to mobilise support for it.

We would be very dismayed to find that this long awaited inquiry had a remit so narrow that it failed to address many of the problems caused by the existence of parallel legal systems. We look forward to meeting relevant departments to discuss these matters.

On 30th April, the One Law for All campaign together with its partners is planning to hold a meeting on the issue of Sharia law and other parallel legal systems. We would be delighted if you or another government representative were available to speak at the meeting.

Sincerely

A handwritten signature in black ink, appearing to read 'M. Namazie', with a stylized flourish at the end.

Maryam Namazie

Spokesperson

One Law for All

BM Box 2387, London WC1N 3XX, UK

tel: +44 (0) 7719166731

email: onelawforall@gmail.com

web: <http://www.onelawforall.org.uk/>

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Home Office

Ms Maryam Namazie
BM Box 2387
London
WC1N 3XX

Reference: M4611/16

28 APR 2016

Dear Ms Namazie

Thank you for your letter of 22 March regarding Sharia councils, their compatibility with UK law, and the independent Sharia Review to which the Government has committed.

The Government takes the issue you have raised seriously and that is why the Home Secretary announced last year that we will commission an independent review into the application of Sharia Law in the UK. As you are aware, the Counter-Extremism Strategy reiterates this commitment. We are committed to enhancing our understanding of the application of Sharia Law in the UK, this includes its potential misuse and the extent to which a problem may exist.

The review may focus on a number of issues including (but not exclusively):

- Whether Sharia is being misused, causing social harm in communities.
- The role of particular groups and Islamic authorities in the UK.
- The role of Sharia Councils and Muslim Arbitration Tribunals.
- The treatment of women (particularly in divorce, domestic violence and custody cases).

The Home Secretary and I recognise the importance of establishing a review that is credible. To this end, we are prioritising securing an independent chair and expert panel that has experience of working with the Muslim community and expertise in the application of Sharia Law in the UK.

Maintaining the independent status of the review is vitally important and, therefore, on this occasion I am declining your invitation to discuss the review.

The review chair and panel will want to consult widely with stakeholders once appointed, and I have instructed officials to ensure your contact information is passed to the review chair in due course. I am sure your evidence would be of interest to the review team and could have a role in shaping their thinking.

Yours sincerely,

Tariq Ahmad of Wimbledon

Lord (Tariq) Ahmad of Wimbledon