

Independent Review on Sharia Law and Sharia Councils

In May 2016, the former Home Secretary launched an independent review into the application of sharia law in England and Wales. The review was chaired by Professor Mona Siddiqui, who was supported by a panel of experts, including experienced family law barrister Sam Momtaz QC, retired High Court judge Sir Mark Hedley, and specialist family law solicitor Anne Marie Hutchinson OBE QC.

Yesterday, the findings of the review were published in a report. The review focused on whether and to what extent the application of sharia law by sharia councils may be incompatible with the law of England and Wales, and particularly whether there were discriminatory practices against women who use sharia councils.

There is no clear definition of what constitutes a sharia council. For the purposes of the review, sharia councils are voluntary local associations of scholars who see themselves or are seen by their communities as authorised to offer advice to Muslims, principally in the field of religious marriage and divorce. Evidence collected as part of the review showed that the majority of users are women seeking Islamic divorce. Sharia councils have no legal status and no legal binding authority under civil law. They have no legal jurisdiction in England and Wales, although they are a source of guidance for many Muslims. The report looks at common misconceptions around the authority of sharia councils and the primacy of sharia over domestic law.

The report includes very significant proposals for change to marriage law, designed to promote equality between religions and within them. The key recommendation of the report is registration of all Islamic marriages. Further recommendations include awareness campaigns and regulation of sharia councils. These are designed to alleviate the current difficulties associated with many Islamic marriages not being civilly registered, in many cases unintentionally.

It is hoped by the review panel that such proposals, if adopted, would address the issue of identified current discriminatory practices within the sharia councils and the likely effect over time would be a decrease in demand for religious divorces from sharia councils.

The report can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678478/6.4152_HO_CPFGR_Report_into_Sharia_Law_in_the_UK_WEB.pdf