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Ministry of Justice  
102 Petty France  
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21<sup>st</sup> January 2019

Dear Sirs

**Re: Ministry of Justice's Consultation on reforming the legal requirements for divorce**

Thank you for providing us with the opportunity to share our thoughts in respect of the Ministry of Justice's consultation looking at reform of the legal requirements for divorce. We are very grateful.

Muslim Women's Network UK (MWN UK) is a small but national charity that works towards advancing equality and improving social justice for Muslim women and girls in UK. This includes making women better informed in respect of their rights under UK law and Islam, particularly in area of marriage and divorce. We run a national, faith and culturally sensitive helpline (MWN Helpline) where the issue of divorce has consistently featured in the top three reasons for calls made by our service users; it is these lived experiences of Muslim women in UK that we rely upon when we raise awareness of issues and make recommendations for change. Further information and statistics relating to our MWN Helpline and the issues we deal with, and have dealt with over the last four years, can be obtained through our MWN Helpline Dashboard. Please see the following link and kindly register to access the data: <http://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>

We wish to begin by making clear that like many others, we also believe that there is an urgent need to reform the legal requirements of divorce and in particular, are in favour of making reforms so as to allow 'no-fault' divorces. We are aware that there are instances where despite the very best of intentions and good faith, a couple may simply not be compatible and may have already tried all avenues to resolve their differences. To expect them to observe a significant period of separation before they can be granted a divorce, or compel them to 'blame' one another is unfair on both parties. We are particularly aware of the prevalence of arranged marriages in Muslim and some BAME communities; the cultural

factors involved can mean that individuals have not been able to truly assess their compatibility. Placing fault on one another can also have the impact of antagonising and causing conflict with the wider family circle. As such we do believe that a fairer and conciliatory approach needs to be followed, whereby couples who have in good faith tried to reconcile their differences (such as through counselling) but it is clear that the marriage will not be successful, should be able to part ways amicably and changes should be made to the law to allow them to do so.

However, as a charity that works with Muslim and BAME women at a grassroots level and specifically assists women in cases of marriage and divorce and also domestic violence, we are also aware of the additional factors which must be taken into account so as not to create unfair burdens and hardship for Muslim women in the UK.

We wish to raise the following points in respect of the consultation and its proposals:

1. We are admittedly conflicted by the proposal to replace the five facts with a notice process. On the one hand, we can see the benefits of a simplified process as it will ultimately make it easier for victims of domestic abuse to escape from abusive marriages as they will only need to give notice and the courts will no longer need to be provided with reasons as to why they feel that the marriage has in their opinion irretrievably broken down. This means they would not have to re-live their experiences and perhaps also aggravate their abusers by speaking up and raising their ordeal with third parties. On the other hand however, we are also aware of situations where an abusive partner could potentially use the notification process to their advantage, as a means to cause further harm and hardship to their victim and/or their families. We state this on the basis that the notification process being proposed is in our opinion, somewhat similar to the process as per Islamic divorce requirements whereby a male spouse is able to unilaterally end a marriage by simply uttering the words 'talaq' (divorce) three times. If we look at spirit of the Quran, the process itself is intended to be conciliatory, whereby a husband is required to pronounce divorce on three separate occasions with a month in between and this time in between should be used as an opportunity to ascertain whether reconciliation (and being able to continue with the marriage harmoniously) is possible. If not, the third pronouncement of talaq would irrevocably end the marriage. The reality however is that not only are some men not taking the opportunity to act in a rational, humane and conciliatory manner but some do not even follow the rules specified in the Quran and pronounce all three 'talaq's in one sitting, despite this procedure being frowned upon and in some Islamic schools of thought invalid. We have ample examples of the pain and hardship this has caused. For example:
  - a. *A Muslim woman in her 40s went to her siblings' home for the weekend to attend a wedding and once she arrived there, she found a letter waiting for her from her husband where he had written down that he had taken another wife (Islamic marriage only), that he divorces her and that she must not return to the family home which is in his name.*
  - b. *A Muslim couple had an Islamic marriage only and she became pregnant very soon after. On their first anniversary, her husband came home and told her he was not happy in the marriage as this was not the life he wanted for himself and pronounced talaq three times and told her to leave the home with her then 6 week old newborn baby.*
  - c. *A 25 year old Muslim woman married her boyfriend of two years and after marriage moved in with him and his family, which included his parents, brother and two sisters. Conflicts started to arise not between the couple but*

*between the wife and the husband's mother and two sisters. The mother in law in particular was unhappy that the wife was still working and not staying at home. One day the husband was given an ultimatum by his mother that if he loves and respects her, he will immediately divorce his wife to teach her a lesson and throw her out of the house. Out of loyalty to his mum he complied but then later regretted his actions and sought advice from the local Imam who confirmed that as he had pronounced the talaq out of pressure from his mum, that it is invalid. The couple decided to move into a house of their own and have since then had no issues albeit there is still friction between the wife and mother.*

- d. *An arranged marriage took place between two cousins (both of whom were British) in the UK and the young woman moved in with her husband's family, her husband's mother being her paternal aunt. Two years later a conflict arose within the wider family as the young woman's sister had refused to marry her cousin (the brother of the husband in this scenario) and threats were made by the paternal aunt that if she did not agree to the marriage that the elder sister's marriage would also end. One talaq was pronounced (i.e. one and not three as one can be revoked) and the younger sister agreed to the marriage so as not to end her older sister's marriage, which would ultimately harm the older sister as she would face stigma and other forms of hardship. From then on both sisters lived under constant fear of having their marriages unilaterally ended overnight if they did anything to displease their paternal aunt who was also their mother in law.*

Admittedly in the examples mentioned above, none of the couples involved were in legally recognised marriages and therefore would not have needed to follow the civil divorce process which is the subject of this consultation. However, the reason we raise the above is to highlight the manner in which abusers are able to misuse notification based divorce processes to their advantage to not only abuse and control victims, but also hurt their families – albeit we appreciate that the civil divorce process would not lead to individuals being divorced overnight unlike some of the cases we deal with. The key point we wish to raise is that unfortunately despite various progresses made to tackle the stigma, it still grips the subject of divorce and it is Muslim and BAME women in particular who can be adversely affected by the stigma even if the divorce takes place through no fault of their own. The divorce may be the ultimate means by which to harm a spouse and/or their families (by stigmatising the spouse and/or the family) and we feel a cautious approach needs to be taken if a similar process is to be implemented in UK law. Indeed we feel that perhaps a reason some Muslim men insist on an Islamic only marriage despite living in the UK and marrying a British spouse is because it places them in control and allows them to unilaterally end the marriage without cause or the need to attempt counselling to address any issues.

(For sake of completeness, in some cases of Islamic marriage, the right to divorce can be delegated to a woman so that it is the woman that can end the marriage but in our opinion this tends to be quite a rare occurrence. Additionally, we wish to clarify that instant talaq (where all three talaqs are pronounced in one go, are not in accordance with the Quran and is in our opinion a breach of Islamic principles. Unfortunately however this procedure, whilst frowned upon, has been regarded as a valid means to dissolve an Islamic marriage).

2. We also feel that consideration needs to be given to the mental health impact which may be involved in circumstances where the notification for divorce is started without any prior warning. Whilst we know that generally couples will have had some form of

conversation (at the very least) as to why the marriage has broken down and cannot be retrieved, unfortunately we are also aware of cases where no such regard has been given. For example, in one instance, where the couple are both legally and religiously married, one day the wife was told by her husband that he is not happy with the marriage and that he will be filing for divorce. Up until that point she was not aware of any issues between the two and asked why but he refused to provide her with any reasons and merely stated that he is allowed to have a divorce if he wants it. He also refused to provide reasons to her parents when they asked and this not only had a toll on her emotionally but it had led to her being viewed suspiciously by both her family and other members of the community as they could not understand why there was no explanation for the divorce. She ended up self-harming after being accused of having an affair by her sister in law (as the only explanation they could think of for the silence) and has needed counselling ever since. Regardless of whether you are divorced instantly, in three months (as per the procedure in the Quran) or longer (in accordance with UK law), there will be a natural toll where explanations have not been provided and we find it inhumane that a marriage could be ended much more easily than a phone contract. Having said that, we also appreciate that retaining the need to give reasons does not in itself mean that the 'real' reasons would in actual fact be stated and therefore this may not be an issue that can be addressed purely through legislative measures and perhaps additional policies and procedures may be necessary to ensure that the process is as humane as possible.

3. In respect of our point above, we wish to also make the comment that – quite rightly – calls for reform have highlighted the impact of acrimonious divorces on children and we do agree that placing fault on one another is unlikely to assist in achieving a harmonious environment for children (and why it is important to find a way to incorporate provisions by which to allow 'no-fault' divorces). However, the mental health and wellbeing of a parent is also crucial for children and their development. Thus we need to ensure that divorcing couples are provided with the opportunity to come to terms with their divorce (such as by being provided with explanations or provided the time to obtain either individual or family counselling) so that they can proceed in an amicable manner. Parents should be strongly reminded at each stage that their actions or inactions during the divorce process will either directly or indirectly affect their children and they should approach the divorce process keeping the best interests of their children in mind, which includes resolving any issues with one another (where possible – this can be naturally more complicated in cases involving domestic violence). Putting the best interests of a child first does not mean that a couple cannot or should not get a divorce (in some cases getting a divorce could be what is best for the children overall) but simply means that they deal with the process as amicably and humanely as possible.
4. We are also concerned about the impact it may have on women who are married both under Islam and UK law. Although many British Muslim women prefer to go to a Shariah council to obtain an Islamic divorce (at the same time or after their civil divorce) so that they have the reassurance of being 'formally' divorced and can also produce evidence of an Islamic divorce if requested by any future partners or in-laws, there is also a view followed by some Islamic scholars that if a man initiates the civil divorce then the civil divorce can also be regarded as dissolving the Islamic divorce. More importantly, if the woman initiates the civil divorce by filing the petition and the man does not object (and allows the civil divorce to proceed) then this can also be taken as evidence of an end to the Islamic marriage. Some Muslim women may be satisfied that they are also divorced under Islam once they have their decree absolute (and we have raised awareness of this option on many occasions and feel a wider awareness raising campaign is necessary in this respect), whilst others may

take the decree absolute to a Shariah council as evidence of the end of the civil marriage and obtain an Islamic divorce certificate purely on that basis. We are concerned however that removing the right to object could have an impact on the basis that the husband was no longer provided with the opportunity to object and since he could not object to the civil divorce, the principles do not apply and he must be provided with the opportunity to object to the Islamic divorce. We are also concerned that the removal of the 'conduct' requirements may have the effect of viewing the dissolution as a 'khullah' (Islamic 'no fault' divorce) rather than a 'faskh' (divorce where the husband is at fault). This is important because if a divorce is viewed as a khullah then the wife may be required to return her Mahr (marriage dower), which in some cases can be a substantial amount of gold and/or money and to do so may place her in financial detriment. This would be wholly unfair where domestic violence was involved. We do not know if these fears of ours will play out in reality, however we think it is imperative that our concerns are taken into account and at the very least Shariah Councils across the UK are approached to gauge their opinions in this respect. The last thing Muslim women need is to be forced to undergo a divorce process with a Shariah Council, a number of whom follow very patriarchal interpretations of Islam, especially if they have already gone through an ordeal during their marriage. Please see for example our following case studies:

- a. *Ameera\* wanted a divorce because her husband had married again. He was also regularly watching porn and then raping her. He had also given Ameera sexually transmitted infections. When she contacted a Shariah Council for a divorce, they pressured Ameera into mediation, which she did not want. As the Shariah Council was in another city, they instructed her to visit a religious advisor in her locality (who was working in affiliation with the institution). Ameera was expected to visit this man at home alone. When she visited him, he asked Ameera very personal questions about her sex life. Despite her testimony of rape etc. he told Ameera that polygamy was allowed and said: 'be patient, you have lasted 22 years, why do you want a divorce now?' This was the extent of her so-called mediation. Ameera went to another Shariah Council and obtained her divorce.*
- b. *Aaliyah\*\*'s husband walked out on her with no explanation. When she applied for an Islamic divorce, the Shariah Council contacted her husband who said he would only agree to the divorce if she returned mahr gifts he had given her worth £25,000 which was not even true. The religious scholar agreed with the husband and told Aaliyah that she could not have her Islamic divorce (khullah) until she agreed to her husband's demands. She was not believed that she did not owe him any mahr. In the meantime her husband also initiated civil divorce proceedings, which actually made his demands for the mahr invalid from an Islamic perspective. Despite this, this was not taken into account by the Shariah Council which continued to place pressure on Aaliyah to pay the £25,000 worth of mahr in exchange for the Islamic divorce. She felt this was a form of blackmail e.g. she had to pay a ransom to be set free, while he continued with his life. After visiting a further two Shariah Councils and an individual scholar with regard to her case, she eventually obtained an Islamic divorce as it was recognised finally that as her husband had initiated a civil divorce, it amounted to talaq and he had no right to make any demands.*

Aaliyah's case study is particularly noteworthy because the husband in question was the one who had ended the marriage by walking out on her without explanation and yet was creating obstacles and trying to financially abuse her.

\* Anonymous case study

5. For further details in respect of the Islamic divorce process please see our 'Muslim Marriage & Divorce' booklet, particularly pages 26 - 33: [http://www.mwnuk.co.uk/go\\_files/factsheets/631720-MWNUK%20Muslim%20Marriage%20and%20Divorce%20Booklet\\_WEB.pdf](http://www.mwnuk.co.uk/go_files/factsheets/631720-MWNUK%20Muslim%20Marriage%20and%20Divorce%20Booklet_WEB.pdf)
6. This leads us to the very crucial point which we have raised previously and links to proposals relating to reducing the minimum time frame for divorce. Although we do not have specific proposals for minimum time periods, we do wish to raise the dangers of allowing a civil divorce process to be finalised without first ensuring that the ancillary Islamic divorce proceedings have also been finalised. In many cases, Muslim women who have had both a civil and Islamic marriage have become trapped in the Islamic marriage because their husbands have refused to grant them an Islamic divorce and/or cooperate with Islamic divorce proceedings initiated through a Shariah Council. This may be despite the fact that civil divorce proceedings are progressing. In some cases men have used this to pressurise Muslim women into agreeing to unfair custodial and/or financial terms during the civil divorce proceedings. In other occasions they have simply allowed the civil divorce to be finalised, which enables them to legally remarry, and not deal with the Islamic divorce. This means that Muslim women in that situation are unable to remarry as they are still religiously married despite being legally divorced. Although some Muslim women are able to use their civil divorce as proof that they are no longer married under Islam, generally a 'formal' Islamic divorce certificate is required by prospective partners and also for a woman's own peace of mind and mental wellbeing (in the absence of the former husband having pronounced talaq himself).

Like Muslim women, Jewish women in legally recognised marriages, can be pressurised by their husbands in agreeing to unfair custodial and financial demands during the civil divorce in return for the husband giving the wife a religious divorce. To remedy the unbalanced bargaining power of the husband, the UK passed the Divorce (Religious Marriages) Act in 2002. This means that a judge can withhold finalising the civil divorce until the woman receives her religious divorce from the husband. The Divorce Act has been successful within the Jewish community and it could also be utilised to help Muslim women who are in similar situations. If the Muslim husband wanted his civil divorce, he would have no choice but to give the religious divorce, which he could do so without involvement of a Shariah Council. A signed written statement would suffice and be given to the court. (If civil marriages are also made compulsory, it would be more difficult for Muslim men to move forward with their lives with another religious marriage (while forcing their wives to remain married to them) as is happening now; we will revert to this point later on in this letter). However, currently the Act does not apply to Muslim communities. It explicitly mentions the "usages of the Jews," and "any other prescribed religious usages." Although, any other religious group e.g. Muslims may also subject itself to the Act, it can only do so by asking the Lord Chancellor to prescribe the religious group for that purpose. We wrote to then Lord Chancellor, Rt Hon Michael Gove MP, in 2015 requesting such recognition but to no avail. We therefore repeat again that we would like to make an application requesting such recognition and hope this can be facilitated in 2019. We look forward to hearing from you further in this respect.

To this effect we do believe that the two stage process should be retained.

7. Unfortunately despite our reservations of the notification process, we cannot say that we are much happier with the current conduct and separation grounds either. We are sadly aware of circumstances where spouses have been unfairly and inaccurately

accused of adultery or unreasonable behaviour, whilst in other cases spouses have objected to the petition simply as a means to delay the process and create hurdles for the petitioning spouse. We appreciate the difficulties in manoeuvring these competing issues and understand that a notification process will therefore resolve both aspects so that unfair allegations cannot be made, and unfair objections cannot be made either.

8. However, taking into account the experiences of Muslim and BAME women in such circumstances and factoring in the issue of Islamic divorce, we feel (at least at this stage) that there is still merit to retaining the conduct and separation grounds for a divorce. For one, there continues to be stigma around obtaining a divorce and Muslim and BAME women may feel the need to 'justify' wanting a divorce; this can be achieved if the conduct grounds are retained and a judge has granted a divorce on that basis i.e. a judge agreed that there were grounds for divorce. In some cases it could also act as a form of empowerment and closure, particularly where domestic violence and adultery was involved. It may even assist both parties to move forward as there has been an 'acceptance' of what has occurred and a validation of feelings involved (albeit we do not think this process would be healthy if used purely for the purposes of seeking 'justice' and feel it is vital that counselling is incorporated into the process, especially in such circumstances). Most importantly, in respect of Muslim women, it could impact on their ability to obtain (or at least claim a right to) their Mahr through Shariah Councils; i.e. they do not need to return their Mahr or the former husband is required to pay Mahr due to the fact that the marriage broke down due to the husband's adultery or unreasonable behaviour (including domestic violence).
9. In a similar vein, the right to object must be retained if the fault based grounds are retained. Other than it being necessary as a point of fairness (everyone should be entitled to the right to defend themselves of allegations regardless of whether it is in respect of criminal proceedings or family proceedings), we know that unfair allegations can have serious implications for individuals and in particular for Muslim and BAME women. Unfair allegations, particularly adultery, could have serious consequences for women as they may face stigma, isolation, ostracization and in some cases, honour based violence. If they are regarded as being at 'fault', it can severely impact their ability to move on and remarry and in some cases it can also stigmatise their children and other family members. We know of a number of instances where family lawyers have advised Muslim and BAME women not to object to a divorce petition (or to simply note that they do not accept the allegations but do not wish to defend the petition) on the basis that it is 'just a piece of paper' and will not impact their future; however such lawyers have not taken into account the faith and cultural factors which may be at play. Moreover regard has not been given to the fact that divorce can be used as a final weapon by spouses and in-laws and whilst no one may see the petition or court papers, that will not stop former spouses or in-laws informing members of the community that the divorce was granted on the basis that the wife had been unreasonable in her behaviour, committed adultery, was abusive, had stolen from them etc. Depending on the allegations and the profession of the individual, it could also have an impact on their professional reputation and pursuing defamation claims can be expensive. It can also have an impact on mental health and wellbeing and impact claims over Mahr. Thus for these reasons we feel it is necessary that a right to object should remain and we also ask that courts take into account when making costs orders that there may be compelling reasons for why an objection has been pursued and not unduly penalise individuals objecting in such circumstances. The entirety of the circumstances should be taken into account as we feel that this will shed light where abusive behaviour is involved.

10. Additionally whilst we accept that a notification process will be beneficial for victims of abuse as they will not have to state reasons which may otherwise antagonise their abuser, we do wonder whether this could in fact be a lost opportunity in terms of tackling abuse? Could this allow perpetrators of domestic violence to hide this reality about them because their victims no longer have to mention the reasons? We wonder whether, instead of placing reasons of domestic violence under 'unreasonable behaviour' it may be useful to have a specific fact based ground of domestic violence which victims can choose and can submit evidence (such as police records, medical evidence, statements from organisations like MWNUK that work with victims and survivors of domestic violence etc). Selecting a specific category would then alert the judge to deal with the case in a sensitive manner and ensure the victim is protected and it could also be a means of tackling domestic violence as perpetrators will know that even if criminal proceedings are not pursued, it can be brought up in family proceedings and end up being on court record in this manner.
11. Although we appreciate that it may not be the simplest of approaches, we wonder whether the best way to take all the competing factors into account and proceed is to include a further ground for divorce which is simply the 'no fault' ground. This would be based on both parties consenting to the divorce without the need for a period of separation on the basis that they have already in good faith attempted to resolve any issues between them and have been unsuccessful in doing so. This could be evidenced for example by showing that both parties sought counselling, moved in with each other (as opposed to living with in-laws and/or extended family members), took time out and went on holidays to spend time with each other etc. It would depend on the issues at hand and each case would need to be decided on a case by case basis but we feel that these type of circumstances can be easily assessed by a judge, and generally it is quite obvious when a couple are working in a conciliatory manner. Moreover, although counselling may not be appropriate in cases of domestic abuse, in instances where a spouse is being otherwise difficult or unable to come to terms with the whole situation, having them seek counselling may allow them to see more clearly. At the very least the counsellor can confirm that there is no hope for the marriage and the divorce can be progressed in this manner – without the need to place blame on either party. We feel that this alternative process should be considered at least as an interim reform whilst other aspects (such as the issues surrounding Islamic divorce) are addressed and changes made therein.
12. In any event we do feel that it is necessary to reduce the time periods relating to the separation grounds (with and without consent). Whilst we do not have any specific suggestions on an appropriate length of time as such matters can depend on the circumstances of each case, we do feel that requiring a consenting couple to wait two years or requiring an individual to wait five years before being able to obtain a divorce without the consent of the other spouse is unfair. Unless there are compelling reasons (such as hurdles created by extended family members or mental health issues involved), which have hindered the ability to see if a couple are able to reconcile, generally we feel two years is more than sufficient to ascertain whether the marriage has irretrievably broken down and if one of the parties will not consent after two years then the other should be able to apply for a divorce. We also feel that regardless of the time frame, courts should be provided with the discretion to increase or reduce the time periods specified in appropriate circumstances. For example, if the time period for separation with consent is revised to 12 months, we feel that a judge should be able to reduce this time period to 6 or even 3 months if it is apparent that the marriage has broken down (e.g. because they have tried counselling and the counsellor agrees with the couple that it has broken down) and both parties consent.



13. Finally, we feel that making changes to family law provisions in a piecemeal manner, which is what we feel is happening through this consultation process, has the danger of causing more harm than good as some aspects will be reformed and fit for purpose for a 21<sup>st</sup> century society whilst other aspects will be lagging behind. Whilst we appreciate that it will be more time-consuming and require much more resources to be dedicated, it would in our opinion be better if review and reform could be carried out in respect of all aspects of family law at the same time.
14. In particular we ask that laws relating to cohabitants rights are addressed immediately and consideration is also given to changing the law so that a civil marriage is obligatory before an Islamic marriage can be entered into.

Despite unverified claims in the media of 100,000 Muslim couples in unregistered marriages, there are no credible statistics to show how many Muslims in UK do not have legally valid marriages. However, it is clear from enquiries we receive through our MWN Helpline and feedback from our members across the UK, that significant numbers are in such marriages i.e. those who conduct their religious ceremony in the UK but do not have an additional civil marriage. Although some actions can be taken to increase the number of Muslims having civil marriages such as campaigns to have more Muslims to get their marriage registered, more buildings (such as mosques and functions halls) becoming registered for the purposes of civil marriage, and more imams registering to be an 'authorized person' to register marriages (conducted in the registered places of worship or other authorised premises), they are only a partial solution. These actions will only help facilitate civil marriages for those couples who want to be in a legally recognized marriage. According to our findings, most couples who only choose to have the religious ceremony, do so because one party (in most cases the man) refuses to have the civil marriage to protect assets such as finances and property. When women raise concerns, they are usually pressurised into agreeing with such a set up. Many fear that it will reduce their chances to get married if they refuse.

To avoid these situations, we recommend that this matter be taken out of the hands of couples and we follow France and make it illegal for anyone to conduct a religious wedding ceremony without a prior civil marriage. In France, a religious ceremony may be performed after (never before) the civil ceremony. The person conducting the religious marriage will require the certificate of civil marriage as proof that the civil ceremony has taken place.

Making a civil marriage compulsory would also reduce and eventually eliminate child marriages and polygamous marriages. Such a law would also help to resolve the many problems Muslim women face when trying to obtain a religious divorce at Shariah Councils, which place many barriers in their way, keeping them in so called 'limping marriages' while allowing the man to remarry and move forward with his life. Having a civil marriage would mean having to obtain a civil divorce should the relationship breakdown. As mentioned above, some Islamic scholars regard civil divorces as valid Islamic divorces particularly when the husband has initiated the divorce or when the wife has initiated it and the husband willingly signs the divorce papers without raising objections. This is why we advise women to obtain their civil divorce first and then take their decree absolute to the Shariah Council as evidence. Upon seeing these documents, Shariah Councils usually issue the religious divorce certificate automatically. It is clear that making a civil marriage compulsory and therefore a civil divorce compulsory accompanied by awareness raising about the validity of civil divorce in Islam, would reduce the need for Shariah Councils, especially if the Divorce (Religious Marriages) Act 2002 was also amended.

As mentioned from the outset, we do believe it is necessary to make changes to the divorce laws to ensure that they are fit for purpose but it is also important that the reforms do not inadvertently cause hardship on others, particularly Muslim and BAME women. We urge the Ministry of Justice to take our concerns into account and make the legislative changes that we have proposed, particularly in respect of the Divorce (Religious Marriages) Act 2002, as soon as possible.

Finally we wish to express our willingness to work with the Ministry of Justice and assist through roundtables, events, research, training, support, information or advice or any other means on the issues discussed.

We would like to thank the Ministry of Justice for providing us with the opportunity to provide our comments in respect of the Consultation and hope it proves to be useful in your considerations.

We look forward to hearing from you.

Yours faithfully

**Nazmin Akthar**  
**Chair of Muslim Women's Network UK**

1. Muslim Women's Network UK (MWNUK) is a national Muslim women's organisation in Britain ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)) that has been advancing equality and connecting voices for change for the last 15 years. We are a small national charity (no. 1155092) that works to improve the social justice and equality for Muslim women and girls. Our membership also includes women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)) that provides advice and support on a range of issues including: domestic abuse, forced marriage, honour based violence, sexual exploitation and abuse, female genital mutilation, divorce, discrimination, mental health etc.
3. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.
4. Although we work predominantly with Muslim/BAME women and girls and where relevant will focus on the experiences of Muslim/BAME within our Evidence, the points we raise may equally apply to some men and non-Muslim/non-BAME women generally.