

From a distinguished peer fighting to protect women... Sharia marriages for girls of 12 and the religious courts subverting British law

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The protection of children is one of the essential principles of civilised society. Yet the duty to safeguard the vulnerable seems in danger of being undermined out of sensitivity towards some minorities.

This disturbing trend has been highlighted this week by revelations that, during an undercover investigation, two imams from Islamic centres, one based in Peterborough, the other in East London, expressed their willingness to marry an under-age Muslim girl — aged just 12 — to a man in his 20s under the aegis of Sharia law.

It is right, of course, that we respect freedom of religion, but surely not when basic laws and morality are being flouted in this way. It is reported that one of the imams, in trying to justify his actions, said that he would not have married the girl unless she had given her consent.



Influential: An imam advises two women at Leytonstone Islamic Centre, in east London

But a 12-year-old cannot consent to a marriage. It is precisely because children lack the experience, judgment and maturity to make such decisions that we have laws against marriage and sex under the age of 16.

Any failure of the authorities to uphold these laws, because of an apparent clash with another culture, is an example of the politically correct establishment failing vulnerable children.

Unfortunately, police and local authorities sometimes appear to allow excessive deference to cultural considerations to prevent them from acting to stop abuses.

There is sometimes a tendency to defer to the most traditional practices within a culture, rather than trying to assist the modernisers. The result is that those who need most help are often neglected.

This most recent case demonstrates once again how women's and girls' rights are subverted under Sharia.

This applies in areas including child custody after a couple split up — when the father is often given the right to keep the children without adequate consideration of the child's welfare — and, even worse, domestic violence.



The Sharia Council of Britain preside over marital cases at their east London headquarters

Imagine you are a woman living in London, when your husband comes home after a bad day at work and decides to take out his frustrations on you, battering you so savagely that you end up in hospital.

Ordinarily, you would call the police, report the attack and he would be charged with assault and possibly jailed, and you would be afforded some protection.

But if you and your husband are Muslim, it's possible that you will be pressured by family and friends or community leaders into allowing this violence to be dealt with in a local Islamic Sharia court where an imam will adjudicate.



Child bride: An imam at the Husaini Islamic Centre in Peterborough allegedly agreed to the marriage of a 12-year-old girl

There, the result may well be that the aggressor is given no more than a mild reprimand, or just told to go to an anger management class, while his bruised wife is often required to go back and give her husband 'another chance'.

She will remain trapped in an abusive home without any of the protection, help or support available to other women. The misery that can be caused by Sharia law is illustrated by tragic cases such as this, which I have come across countless times during my work campaigning on this issue.

The women insist on remaining anonymous for fear of reprisals — another indicator of the climate of intimidation that sometimes exists.

It's a disturbing picture in a country in which equality for all is meant to be a guiding principle of the justice system.

That great ideal stretches back centuries to the Magna Carta, requiring that everyone should be treated equally under the law, regardless of their wealth or status.

More recently we have enshrined our commitment to the ideals of gender equality and the eradication of gender discrimination.



Campaigners argue that children can't decide whether they want to be married (posed by model)

In recent years, however, the concept of judicial equality has come under severe pressure, due to the increasing official acceptance of Islamic Sharia law.

No longer do we have a single legal code in our society.

Instead, alongside our own law, there is now effectively a parallel quasi-legal system operating within some Muslim communities.

Sharia law, imported from theocracies like Afghanistan and Saudi Arabia, first began to be used here in a strictly limited form, dealing mainly with narrow issues like Islamic financial contracts. But as the Muslim population has grown and the pervasive creed of multiculturalism has become ever more powerful, so Sharia law has rapidly grown in influence within some communities.

There are now estimated to be no fewer than 85 Sharia courts across the country — from London and Manchester to Bradford and Nuneaton. They operate mainly from mosques, settling financial and family disputes according to religious principles.

Recently, their remit has widened considerably, with reports from London that Sharia law has been used even to decide a case of serious criminal assault.

The courts, which also claim to cover matters such as marriage, divorce, domestic violence and child custody, take place in private and do not publish their judgments.

No society can function effectively with a parallel quasi-legal system, with some people having, in practice, drastically diminished legal rights because of their religion and their gender.

This situation also leads to open discrimination against women.

In so many ways, Sharia law treats women as second-class citizens, whether it be in inheritance rights or divorce.

According to Sharia law, for instance, a woman's word counts for only half the value of that of a man. Polygamy is also tolerated, with men allowed to take multiple wives. This attitude to women has devastating consequences for many women appearing before the Islamic courts.

One particularly disturbing case I witnessed involved a woman who had been repeatedly hospitalised by her abusive husband who was told by the Sharia courts to return to the family home, resulting in her suffering more violence.

The unfairness was compounded when her husband divorced her under civil law and married another wife from overseas, while at the same time refusing her permission to divorce him in the Sharia courts.

So she has been left in a tragic state of limbo, still 'married' to her abusive husband under Islamic law, even though he is living openly with his second wife in England.

The British people have proved very welcoming towards immigrants and tolerant towards the changes in our society brought about by immigration.

But what people rightly cannot understand is how the state is allowing the spread of a form of law that is so inimical to all our liberal traditions.

To begin to address these problems I am introducing a Bill into Parliament which would cover all arbitration tribunals and mediated settlements, and any pseudo-courts, regardless of religion.

It would make it a criminal offence for any individual or group to pose as a proper legal court, with the full sanction of prison sentences for those who contravene this law.

The Bill would also make it easier to challenge in a civil court any settlement made in a Sharia court based on gender discrimination.

There will also be a statutory duty on police and local authorities to inform women of their rights under British law.

Such steps are vital because under Islamic law, divorce is easy for men but often a brutal obstacle course for women.

In theory, abused Muslim women can resort to the British courts.

But such a course requires a knowledge of their rights and of the English language, both of which they often lack.

Moreover, even if they are aware of their rights, they may still face intimidation from their family and their community.

In one well-documented case, outlined in a book called *The Imam's Daughter* — by a young writer living in Britain called Hannah Shah — a woman tried to escape abuse in her household, only to be returned to her family by a 'culturally sensitive' social worker, resulting in even worse abuse.

The woman eventually managed to escape and is now in hiding in fear for her life.

It is outrageous that this should be tolerated in Britain. Such injustice and intimidation should have no place in our society.

The cruel irony is that many Muslim women came here to escape the heavy rule of the Mullahs in their own societies, yet they now find the same oppressive conditions recreated here in what, as far as they are concerned, are courts of law.

As one Muslim woman poignantly said to me: 'I feel betrayed by Britain. I came to get away from all this and the situation is worse than in my home country.'