

FAMILY LAW ARBITRATION: PROCLAMATION AND REGULATION

April 5, 2007

Greetings,

The journey to this conclusion has been long, arduous and stressful, but it appears that our voices were heard and here is the result. Without your concern and compassion for all religious women and their equality rights, we could not have achieved what we have. It still appalls us that Canada as a liberal democratic Western country permitted such a practice within our legal system.

I have just returned from an incredible journey to Syria, Lebanon, Jordan and Italy where people are keenly interested in what is happening in Canada. They looked at us with yearning, that we have a civil code which applies to all citizens equally.

Pam Cross has kindly reviewed the changes and though we would wish for more, we are relieved that the law has been changed and the regulation is being proclaimed. The Regulation spells out more details and this means that only Canadian law can be used for family arbitration. There will be a website and there is a government commitment to consult with us. We also want to ensure that there will be a review in 2 years time.

I know some of us did not want private arbitration in family matters as this remains outside the court system and is private justice. We do sincerely thank those who made the difficult decision that this was better than having religious laws in settling family disputes.

We are still hearing from some people that we should have worked towards a "reformed" version of Sharia/Muslim Family laws to be practiced in Canada, and that we caved in to "islamophobia."

Our response continues to be the same. As believing Muslim women, we decided on our position only after we did research, learnt from the research done by Women Living Under Muslim Laws, consulted with Islamic scholars, and with our sister equality seeking organizations. Though we would be delighted to work with other Muslims to reform the laws, we could not ever think that the old Arbitration Act should be applied to any Canadian religious woman. We acknowledge that there were elements of anti-Muslim sentiments in the public discourse, but how could we have allowed that to silence us and not advocate against any possible harm to Canadian Muslim women.

The decision of the Ontario government still allows for families to consult with their religious leaders but this will not have the sanction of Canadian laws.

Many of us are now working on a Ontario Women's Directorate project, FAMILY LAW EDUCATION for WOMEN. This project is part of the follow up of the legal changes, and the intent is to develop educational materials to ensure that women know of the revisions and their rights in family law. The YWCA is the lead agency and if you would like further information please contact Lisa Cirillo. There will be a website soon as well.

We know that there are other struggles and we will look forward to working with you again.

Sincerely,
Alia Hogben for CCMW
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