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Sharia law still not dead

Liberals haven't passed bill outlawing religious arbitration, leaving it dangling as election approaches

By **CHRISTINA BLIZZARD**, QUEEN'S PARK

A curious delay in proclaiming into law changes aimed at shutting down the use of sharia law in this province is cause for alarm for one Muslim spokesperson and an MPP demanding to know why the government is dragging its feet.

Amid a furor over a proposal to allow sharia law to settle civil disputes, more than a year ago Attorney General Michael Bryant issued a press release saying proposed amendments to the Arbitration Act would mean there would be "one law for all Ontarians."

Oddly, although the changes were passed Feb. 14, 2006 and given royal assent shortly thereafter, they have not formally been proclaimed into law.

Bill 27 said, among other things, that third party arbitrators could only serve as advisers in civil cases. Some parts of the bill have been made law, but the key provision outlawing religious arbitration have not. In 2005, pressure was building to allow sharia law, a 1,400-year-old set of Islamic laws covering legal and family issues, be used to settle civil disputes -- including family law settlements -- in this province. Women's groups protested that sharia law is often oppressive towards women and they worried in the power imbalance that often occurs when religion is allowed to dictate law, the rights of women and children would be trampled. And moderate Muslims feared the power of the imams they had come to Canada to avoid would follow them even in this country.

"There is one family law for all Ontarians and that is Canadian law," Bryant said in a press release dated Nov. 15, 2005.

Given the foot-dragging that's happened since then, Niagara Centre MPP Peter Kormos questions the government's commitment to these changes.

"I am not sure that the government really was that enthusiastic about their proposal that they said was going to protect women," Kormos said in a recent interview.

"The elephant in the room was sharia law, but you never heard those words come from Mr. McGuinty's mouth. It's a strange thing, then, that Mr. Bryant would bask in the spotlight a year ago, but be nowhere to be seen 12 months later," Kormos said.

A spokesman for the Muslim Canadian Congress, (MCC) a group that opposes sharia law, said he is surprised and alarmed that the law hasn't been enacted.

"All over the Muslim world, people want to get away from it, (sharia law)" said Tarek Fatah in a telephone interview yesterday.

"The nurturing and the appeasement of Islamists by all political parties has come to the stage where people can come around and demand that these laws be enacted and I was hoping that Premier Dalton McGuinty's and Attorney General Michael Bryant's brave decision would have ended the issue, but it alarms me there is still some chance of these people doing what they do," Fateh said.

Fateh says MCC opposes sharia law primarily because it doesn't believe in laws that can't be debated in Parliament.

"We would have no problem with religious laws if religious laws were subject to parliamentary discourse." Instead, he says, changes in sharia law can only be made by Islamic scholars.

Other religions already have in place their own faith tribunals, and those, too, would be shut down by the changes.

'DELIVERED THIS SPRING'

A spokesman for Bryant said the law hasn't been proclaimed because the "nuts and bolts of the regulations" are still being worked out with religious leaders.

"They will be signed, sealed and delivered this spring," said Greg Crone.

"No family arbitrations based on religious principles have been brought to any Ontario court in the interim period."

Well, let's hope the amendments get proclaimed before the election writ is dropped -- and everything dies on the order paper.

It was the NDP who, in 1991, allowed individuals to negotiate civil disputes through faith-based tribunals. Frankly, it is one thing for parents to inculcate religious beliefs and values in their children. It's quite another for them to live by separate rules. In a modern society, all children should be afforded the same protection of the law. You can't have some kids governed by a court of law while other children have their fates dictated by faith-based rules that date to the Dark Ages -- whether they be Catholic, Jewish, fundamentalist Christian or Muslim. And in faiths dominated by priests, rabbis and imams, women are often intimidated into making deals they may later regret.

That is why we have the rule of law in this country. And it should apply evenly and fairly to all.