

BRIEFING by Aina Khan OBE 1 October 2019

Our Vision

“To see a world where all religious marriages are legally registered”

WHAT is “Register Our Marriage” (ROM)?

We are a two-pronged campaign:

1. Raising awareness of the lack of legal protection for unregistered religious marriages and
2. Lobbying for Reform of the Marriage Act 1949 for all religious marriages to be legally registered

WHO is leading the ROM campaign?

Aina Khan OBE, Founder & Director of ROM, is an International Family Law specialist and one of the world’s leading experts in Islamic and Asian marriage & divorce. Aina identified a loophole in English marriage law and launched the ROM campaign in 2014. Aina received an OBE from Her Majesty the Queen in the 2018 New Year’s Honours List for ‘Services to the Protection of Women and Children in Unregistered Marriages’.

The ROM National Working Group comprises of lawyers, faith leaders, women’s groups, academics, Parliamentarians and other influencers. It is a truly diverse group of individuals representing the cross-section of British society – men, women, young, old, religious, secular, and of all political hues. For the first time funding was received when in February 2019, the UK Government (Ministry of Housing, Communities and Local Government - MHCLG) asked ROM to run awareness-building in 3 target cities - Birmingham, Leicester and Bradford. ROM has reached several milestones:

1. Parliamentary launch 5pm on 10 December; local launches 7 – 15 November 2019 Interfaith Week
2. Legal Surgeries
3. Faith leaders’ training
4. Rebranding with a new logo, website and downloadable materials.

WHY is the Marriage Act 1949 out of date (70 years without reform)?

English marriage law is no longer “Fit for Purpose”. It requires only 3 faiths to register their religious marriages:

1. Anglicans (Church of England and Wales)
2. Jews
3. Quakers

For all other faiths, they can voluntarily register a religious marriage under civil law. If they do not do so, it will not be recognised under English law. Shockingly, in most Third World countries, it has been mandatory for many decades to register a religious marriage - but not in the UK. So a religious marriage registered abroad is legally recognized in the UK (even if it took place at home). The law is confusing and even Judges disagree. ROM is currently an Intervenor in the Court of Appeal on a case brought by the Attorney-General. We believe it is against public policy that the law is so unpredictable and allows many no access to justice. Most cannot afford these court battles, which leads to lack of financial rights, exploitation and coercion for British couples. The result? Chaos, injustice and confusion about why faiths are treated differently. There is no possible defence not to reform this outmoded 70 years old law, which was last changed before mass migration began in the 60s. In the 21st century, a fair and equal marriage law must cover all faiths – or none.

WHICH faiths are affected?

Smaller faith groups with a strong leadership (such as Ismaili Muslims, Catholics, Hindus, Sikhs) mostly register their marriages under English law. But in sheer numbers it is young British Muslims who do not register the Islamic marriage, the *Nikah*. The numbers have grown dramatically whilst it was assumed that registration would become the norm. Young Muslims are unknowingly - but often deliberately - acting directly against the Islamic requirement that a marriage is an enforceable contract which requires the husband to financially support his wife and children. It is hard to reach them as they are originally from over 30 diverse countries and communities, with no one leader. Amongst converts to Islam, unregistered religious marriages have become the norm. Some African churches, Hassidic Jews and Chinese groups are not registering. ROM is an Interfaith campaign.

WHERE?

The issue occurs all over the UK and in many countries around the world.

FACTS & FIGURES

There is no data as research has never been commissioned. We invite those who seek statistics to raise finance for this. Failing this ROM has had to rely on anecdotal evidence and not stand by as suffering increases. A survey was carried out by 'The Truth about Muslim Marriage' TV documentary on Channel 4 which aired on 21 November 2017. It followed Aina Khan's work with ROM for over a year. Channel 4 commissioned an independent quantitative survey of 1,000 British Muslim women and announced these KEY FINDINGS:

- 80% of under 25s had a Nikah only ceremony, without civil registration to make their marriage legal
- 60% of over 25s had a “ “
- 78% want a legally recognized marriage
- 28% did not realize that an unregistered Nikah ceremony did not give the protection of the law
- Nearly 90% were not advised that there was no legal status to the Nikah ceremony

Aina Khan's own legal experience with Muslim families reflects these statistics, with the numbers rising amongst certain communities. She has stated from 2014 that:

- 90%+ of Mosques are not registering religious marriages under civil law
- 80%+ of young British Muslims are not registering their religious marriages in the
- So over 100,000 Muslims do not have legally recognised marriages

(based on 3.3 million UK Muslims. There were 2.7 million Muslims at the last Census in 2011, 1/3 of them young).

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REPERCUSSIONS:

- Overnight homelessness and financial reliance on family/friends/Benefits system
- Losing income and savings invested in “matrimonial” home or business – can be £100,000s
- Instant divorce given by husband – which is illegal in most countries
- Conversely, wives kept in ‘marital captivity’ and refused a divorce
- Rapidly rising Polygamy, secret and part-time marriages
- If no marriage certificate after oral ceremony, cannot claim even religious financial rights & British women imprisoned abroad and children taken away
- Higher rates of relationship breakdown in cohabitations when compared to a legal marriage
- Being evicted after death of ‘spouse’
- ‘Spouse’ is not “next of kin” so cannot bury body without in-laws’ consent
- No Pension rights
- Husband remarries and has a good lifestyle while wife and children suffer destitution

REASONS for RISING FIGURES:

- complacency – “We’ll get around to it soon”
- fear of commitment/desire to test relationship – “Let’s see how it goes”
- widespread ignorance of the law – “Living together gives the same rights”
- wish to avoid divorce courts, maintenance and sharing assets
- increased religiosity – “religious ceremony is all that matters”
- fear of losing a partner who will not marry legally
- misplaced trust that spouse will treat them fairly should marriage ever fail
- desire for polygamous, secret, ‘part time’ marriage – not committing Bigamy as not legally recognised
- chosen venue does not register marriages

QUESTIONS

- Should the onus be on the religious minister, not the venue? (as in Scotland)
- Should there be penalties for conducting unregistered ceremonies? (as in most Muslim countries)
- Cohabitation rights? (UK remains committed to marriage’s special status)
- Trusts law? (prohibitively expensive, risky, slow, hard to win)

ROM MILESTONES

International and National Endorsements:

- **Council of Europe Report 2019** - endorsed the 2-pronged approach taken by ROM
- **UN’s CEDAW Report 2019**
- **‘Integrated community strategy’ Green Paper 2018**
- **Sharia Review by Home Office January 2018**
- **Evidence** given to Government Reviews, Select Committees, Law Commission, Parliamentarians
- **Law Commission on Marriage Law** cited ROM in its Scoping Report of 17 December 2015, clause 1.35:

http://www.lawcom.gov.uk/wp-content/uploads/2015/12/Getting_Married_scoping_paper.pdf



Register Our Marriage

JOIN US NOW IN CHANGING LIVES!

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