

For Immediate Release –December 21, 2004
YWCA Toronto Takes a Stand on Sharia Law
In Ontario, Some Are More Equal than Others

Marion Boyd's report, *Dispute Resolution in Family Law: Protecting Choice Promoting Inclusion* misunderstands the fundamental risk of allowing women to "choose" to waive their rights under law in alternative dispute resolution processes.

While Ms. Boyd states and restates her commitment to the full range of competing aims between religious freedom and women's rights put forth in the Canadian Charter of Rights and Freedoms, ultimately she puts her faith in training for arbitrators.

"I think she's kidding herself", says Executive Director, Heather McGregor. "If there was a foolproof mechanism for screening for abuse and protecting women from the power imbalances that threaten their equality and safety, they'd surely be in evidence in the courts, the judiciary and the police by now. We have plenty of sensitivity training and protocols that do nothing to protect women at the end of the day", continues McGregor. "As the recent tragic deaths of so many Ontario women at the hands of their partners exemplifies, training is a flimsy mechanism for protection. It assumes a level of aptitude, good will, and accountability that has never been present before".

While Ms. Boyd has gone to great lengths in her report to accommodate all Ontarians' concerns, YWCA Toronto feels she is being naïve about the limits of choice in unequal circumstances. "Her report counts on the willingness of those who would be required to give up power to be cheerfully educated to give up their advantage. To my knowledge", continues McGregor, "nowhere in the world did women wake up one day to find enlightened men in positions of power handing over equality. We have always had to fight for our rights. Ms. Boyd's proposal flies in the face of this historical fact."

One only needs to look at the words of one of the main proponents of Sharia to see where the danger lies.

Mr. Mumtaz Ali, leader of The Islamic Institute of Civil Justice and inspiration for the movement for private Sharia-based courts, says of any Muslim opting out of a Sharia agreement, "...a Muslim who would choose to opt out at this stage, for reasons of convenience would be guilty of a far greater crime than a mere breach of contract - this could be tantamount to blasphemy-apostasy." Mr. Ali's own words testify that as with women from many faith groups, Muslim women may also be shamed into complying with the most conservative interpretations of their rights and are at risk of losing their community's support. "In these circumstances", points out McGregor, "what does 'choosing' to give up your equality rights really mean? We believe that this proposal has the potential to throw women in Ontario back decades", she concludes.

YWCA Toronto is part of an international movement based in Geneva that is working with women and girls around the world. In Ontario, YWCAs are an integral part of 14 different communities. YWCA Toronto is the largest and only women's multi-service organization in the Toronto area. As an integral part of the province's most multicultural centre, we serve just under 50,000 people from a huge variety of cultures, faiths, creeds and ethnicities. As public sponsors of the fight to include equality rights in the Canadian Charter of Rights and Freedoms, we bring to bear a unique perspective to the debate surrounding the introduction of Muslim Family Law into the Arbitration Act of Ontario.

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