



Home » Personalities » Aina Khan, Campaigner For Legal Protection Of Women

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Special Correspondent, London
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While the people have this supposed view that English and Muslim Laws are not only different but are antagonistic to each other, Aina Khan does not share this observation. As an expert solicitor, she believes that these two schools are compatible. Always seeking new horizons, Aina Khan chose to specialize in Islamic Family Law because she enjoys handling different challenges every day and is "passionate about coming up with innovative solutions to difficult legal problems."

A renowned solicitor in London, Aina Khan's family is originally from Pakistan. Having grown up with a strong commitment to women's rights in Islam, she specializes in achieving solutions using Sharia law principles in the English courts.

Aina Khan, is the Head of Duncan Lewis Solicitors' Islamic Law Department. She has hit the headlines recently on starting the 'Register Our Marriage' project (originally the Muslim Marriage Project). The project aims at countering the ill effects and aftermaths of marriages which are not registered according to English Civil law. It is a pleasure to listen to Aina talking about her background and family roots with a sparkle in her eyes. "My father is from Hyderabad Deccan and my mother is from Peshawar. My father is a lawyer by profession. My mother is a doctor, as was her father In the 70's my father came to England for the Bar education. He liked the place and decided to stay here. He was the reason for my interest in the field."

When asked why her mother and grandfather's work did not inspire her to take up medicine, the ferocious lawyer recounted a surprising story, "I wanted to be a doctor, but I am afraid of blood".

She cherishes her bond with Pakistan. "I have great love for Pakistan and go there whenever I get time."

Very proud of her British Muslim identity, Aina thinks that "if anyone works with devotion and puts in effort, then Britain rewards them."

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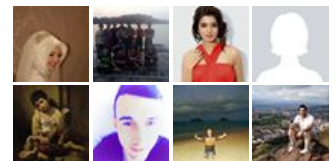


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The working mother of two children says that she would not have been successful if her husband had not supported her." I have two children. My daughter is 14 years old and my son is 11. My husband is a management consultant. Without his support, I could not have been successful. My parents in law spend six months of the year with me. I think that this is the basis of a strong family system. The children get to know what place the elders have in our lives."

A woman with strong opinions, Aina Khan is well aware of the problems which Muslims are facing in Britain. When asked what made her choose the field, she said "I have observed that Muslim families are being crushed between two systems - and there are not many people who are experts in both systems and can come up with a conciliatory approach between two separate systems. There were English Courts and Sharia Councils working independently of each other. An organization having expertise in both the field was not there. "

"When I started my legal career over 20 years ago, many clients looked to me for the solution, saying that I was a Muslim and knew the religious and cultural intricacies well. I decided I should lay the foundation for an Islamic Department. I advise clients all over the UK and from abroad via Skype. In Duncan Lewis, my team provides consultation about immigration, housing, social benefits, as well as divorce, financial and children disputes, forced marriages, family abuse and other matters. Just today, I was instructed by a woman abandoned in Pakistan by her British husband for whom I will get a financial settlement - and also by a British woman whose husband had persuaded her that their Islamic marriage was not accepted under English law and that she had no financial rights. She was pleased to know that as the marriage was registered, she and her daughters do not have to remain homeless and the husband must support them after divorce."

Many may think that the new generation of Muslims might not be very interested in Islamic customs and Muslim law, but Aina has a different observation and an optimistic forecast for Muslim community, "The youth of the Muslim Community has a strong urge to seek solutions to their problems in the light of Islamic customs. In other words, I see a surge in demand for an approach which would be drawn from both English and Islamic Jurisprudence. Moreover as a result of savage cuts to legal aid, most of the cases are likely to be dealt with in the framework of Muslim law; English judges would be merely assisting in the cases which come to court. Therefore it is even more important for me to be a bridge between English law and Sharia Councils and other mediators."



Some people think that English and Muslim laws are opposite to each other but Aina, with her in depth analysis, has reason to differ." I think it is the wrong perception. English judges cooperate with Muslims to solve the issues in the light of Islamic law – as long as it is fair under English law. As far as comparison is concerned, under Islamic Law, husband and wife can get a 'no

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fault' divorce without accusing each other of anything. The Quran Sharif too lays emphasis on issues being resolved amicably. However, under English law divorce is only possible if the husband or wife can come up with a reason. In other words, if you want a divorce then you must put the blame for inappropriate behavior, or adultery, or desertion on your partner. The other option is 2 years' separation as long as the other person consents. Cases involving division of finances sometimes take up to 2 - 3 years. Moreover if there are no other grounds, then the divorce has to be based on five years' separation. On the other hand, Muslim law makes the process easy and expedient and women can even remarry after a Khula or Tafeeq divorce, without the husband agreeing."

Physical abuse and emotional torture seem to be the issues women face the most. Talking about how Sharia Councils co-operate with women, the veteran lawyer said "In some Sharia Councils, they ask women to go back to their husbands without reporting abuse to law enforcing agencies. I think that this is a dangerous situation as abuse may lead to injury and even murder. Importantly, the growing children see their mothers being a target of violence. Instead of ignoring these issues, we must try and resolve these. I do not say that ending a marriage is always the solution. There are many programmes we can use to teach new behaviours, after the woman and children are in a place of safety. However, if a husband shows no capacity for change, then a woman must think of parting ways with her husband."



Elaborating on the other issues which plague Muslim community of the UK, Aina Khan said "Another important issue which the Asian community needs to confront is Forced Marriages. The ratio of such crimes is highest in the Pakistani community i.e. 65 percent. Many times people even leave their daughters in Pakistan after forcefully arranging their marriages there. There is a high rate of marriage breakdown as soon as the husband has acquired his Citizenship. If a child is born, then the situation becomes even more complex." There is a Forced Marriage Unit at the Foreign Office. "Forced marriages bear no good results. There is now criminal legislation against these forced marriages. The people who say that such legislation would let girls succumb to their parents' choice of marriage, must bear in mind that the same argument was presented three decades ago about violence and abuse at home. Many said that our culture would not let a woman send her husband to jail even if he beats her. However the law gave protection to our women regardless. So similar legislation will set an example for parents who forcefully impose marriage on their children.

"In Islam there is no concept of forced marriages. Parents must also think - would forced marriages bring happiness to the children? If people think that marriage can be a chain which can stop their children from committing immoral acts, then they are wrong. Forced marriages often lead to adultery, abortions and even suicides, so how can they be solutions? I think parents should bring up children in such a way that they do not later have to impose their will."

In the UK Muslim community, the marriage registration is disappointingly low, whereas other communities such as Hindus and Sikhs all register their marriages. When the Nikah is not registered under English civil law, the spouses have no legal rights. In the case of breakdown of the relationship, women are often made homeless overnight, face problems getting a divorce or their Mehr, or lose savings invested in a family home. "Mehr may mean a great deal financially and provide security for a woman at a time of distress. A man should pay Mehr in the case of divorce, but often in the Nikah certificate only a nominal amount e.g. £101 is paid". Sometimes it is even left blank. It is surprising that such an important entry is not marked, "They come up with the reason that the girl's family asked for too much money so it was decided that they could reach the decision later on."

Islamic laws do not approve of such attitude." Islam has ordered Mehr for a reason. After finalizing a marriage proposal, the first thing which ought to be decided is Mehr. Under English law, if Mehr is not paid, I file a case against the man in court. I am probably the first person to have obtained Mehr for women

under English contract law since the first case in 1965!"

Muslim marriage must be dealt with like a civil contract. "If all the legal obligations are not met in the case of marriage, then there may be complications in future. Think from the angle that if somebody is deliberately avoiding such serious matters on marriage, then they are non-serious about the entire relationship."



If one is married in a registered ceremony abroad, the marriage is recognised in the UK. But Aina's experience is that over 80 percent of Muslim marriages performed in the UK are not registered under British Law and that this has increased rapidly over the past 5 years. 90% of mosques are not registered to perform marriages. In such cases women do not get rights under UK law. This ratio is even higher in people who are in their twenties. "Maybe the young men are shying away from their responsibilities. In the case of civil marriage, they may fear they will lose half of their property in the case of divorce. The bride's family should take into account all these considerations. They must bear in mind that in the case of separation or divorce, the girl would not only lose her legal right to property or maintenance, she would also have to fight a long legal battle for her rights. I have only one question - why don't more Imams register Nikah marriages? Imams tell me that even when a mosque is registered to perform marriages, the groom often does not want a legal marriage. It is only when the law is changed to require registration, as it is in all Muslim countries, that the Nikah is registered".

"Under General Ayub, Pakistani law took care of the issue under the Muslim Law Marriage Ordinance 1961, but British law is still lagging behind, not having been updated in line with immigration patterns". In Pakistan, if a Nikah is not registered, then the person carrying out the ceremony can be sent to jail. This is the same in all Muslim countries. Should this not be the case in the UK? This would discourage secret marriages and our community would be forced to get marriages registered and stop abuse of women. Islam brought dignity to women and children by requiring a legal marriage that gave them rights. For this reason, I am campaigning for ALL religious marriages, including Nikahs, to be legally registered marriages. Those who do not want a legal marriage, or who want to enter into polygamy, could still 'opt out' by getting married at home. But they would be aware they are unprotected under law.

Second marriage is a controversial subject leading to a long debate of polygamy, but Aina has a different take on the issue. "I am not against second marriage because if one can act justly with two or more wives, then no one else should intervene. Islam allows polygamy only if all parties are genuinely happy and children are not suffering." Some reports and surveys pinpoint that young, often educated and career oriented women prefer second marriages or they want part time marriages. "There are very few such cases. Such relations are often superficial and insincere, as people use marriage to fulfill needs without caring about the consequences i.e. who will support the woman and children when it all goes wrong? Islam does not expect the State to take up the financial burden, but the husband. If people go into these risky marriages despite knowing they are vulnerable, it is their choice. But this type of marriage definitely gives you a husband with divided attention!".



Recently Aina Khan has launched a campaign uniquely of its own kind. After working with The Ministry of Justice and in collaboration with Baroness Sayeeda Warsi, Aina Khan started the 'Register Our Marriage' Project, which works with Imams and the Muslim community to raise awareness and to improve the situation of people in unregistered marriages. Due to her expertise, newspapers and TV channels often seek her opinion on the subject. Aina is currently involved in nationwide Road Shows, having held one at the Al-Mahdi Institute, Birmingham on Saturday 28 March, followed by one in Bradford on 3 May at 2.30pm at the Mercure Bradford hotel, Bingley and then one in London on 10 June. "I feel so strongly that women and children are being exploited, against the spirit of Islam, that in my own spare time I have started the process of education via national Road Shows, social media etc."

Aina sees her work as a struggle for justice, but an enjoyable struggle because she is blessed with so much support from right across the community, as well as judges, lawyers, and Parliamentarians. More information can be found at: [duncanlewis](#)

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