

Gender equality

Key points

- Women remain disadvantaged in many public and private areas of their life; they are underrepresented in the judiciary, in Parliament and in senior positions across a range of jobs; and there is still a substantial pay gap between men and women.
- Stereotypes and assumptions about women's lives can lead to unlawful discrimination.
- Factors such as ethnicity, social class, sexual orientation, disability status and age affect women's experience and the types of disadvantage to which they might be subject; assumptions should not be made that all women's experiences are the same.
- Discrimination is often unconscious and based on a person's own experience and perceptions; it is important to be aware of the wide diversity of women's experiences.
- Women may have particular difficulties participating in the justice system, for example, because of child care issues, and courts may need to consider adjustments to enable women to participate fully.
- Women's experiences as victims, witnesses and offenders are in many respects different to those of men.
- As judges, we can go some way to ensuring that women have confidence in the justice process and that their interests are properly and appropriately protected.
- Of course, men can suffer from gender discrimination too; this section reflects the reality that this is rarer.

Introduction

1. This chapter contains information about:
 - a. gender stereotyping;
 - b. women in education and employment;
 - c. women as carers;
 - d. pregnant women and mothers;
 - e. sexual harassment and violence against women;
 - f. women as offenders;
 - g. women in the court or tribunal room;
 - h. marriage.

Gender stereotyping

2. Gender inequality is reflected in traditional ideas about the roles of women and men and, though they have shifted over time, the assumptions and stereotypes that underpin those ideas are often very deeply rooted. Thus, it is common to assume that

a woman will have children, look after them and take a break from paid work or work part-time to accommodate the family. However, such assumptions and stereotypes can and often do have the effect of seriously disadvantaging women and may be discriminatory.

3. As Baroness Hale said in *R (European Roma Rights Centre) v Immigration Officer, Prague Airport* in 2004:

“The individual should not be assumed to hold the characteristics which the supplier associates with the group, whether or not most members of the group do indeed have such characteristics, a process sometimes referred to as stereotyping. Even if, for example, most women are less strong than most men, it must not be assumed that the individual woman who has applied for the job does not have the strength to do it... If strength is a qualification, all applicants should be required to demonstrate that they qualify.”

4. Common stereotypical assumptions often applied to all women and men are that:

- a. men, not women, are the main earners in the family;
- b. women are primary carers of children;
- c. women with children will be less committed to their work; they may not return from maternity leave or will want to work part-time;
- d. men are best suited to heavy, physical jobs; women to caring jobs;
- e. men will not want to take time off work to care for children;
- f. women are physically weaker than men;
- g. women are better carers than men;
- h. female judges are more appropriate for family cases than male judges and male judges are more appropriate for heavy criminal cases.

5. Such assumptions should not be made about all women (or men) even though they may be true about many or even most women (or men).

6. However, statistics about practices which disadvantage women in particular, compared to men, may be relevant to establish indirect sex discrimination. Indirect discrimination is where there is an unjustified practice or policy that particularly disadvantages one gender as well as disadvantaging the individual claimant. Indirect discrimination recognises the need to make an adjustment for individuals who are disadvantaged because of characteristics associated with their gender (or race, age, disability) the aim being to put men and women (and different racial groups and disabled people) on an equal footing. Thus, evidence that more women work part-time is relevant to show that a requirement to work full-time is likely to disadvantage more women. If not justified in any particular case this would be indirect sex discrimination. This must be distinguished from unfounded assumptions that a particular woman will want to work part-time.

Education and employment

Education

7. A government report in 2007, *Gender and education: the evidence on pupils in England* found that:
 - a. Considerations of social class and ethnicity alongside gender helps to identify which children are 'underachieving'.
 - b. Since 1988, on the threshold measure of 5+ A*–C GCSEs, a significant gender gap in favour of girls has emerged. Girls tend to do better in the majority of GCSE subjects; they are more likely to take arts, languages and humanities and boys are more likely to take geography, PE and IT.
 - c. Girls are more likely to stay on in full-time education at age 16 (82% of girls and 72% of boys).
 - d. Ethnicity is also a more important factor than gender. Black Caribbean and Black Other boys are the least likely of any ethnic group to achieve 5+ A*–C GCSE passes, but Black Caribbean and Black Other girls are not disadvantaged to the same extent.
 - e. White British free school meals boys are a group with particularly low attainment.
 - f. 70% of children with identified Special Educational Needs are boys.
 - g. Boys are nine times as likely as girls to be identified with autistic spectrum disorder.
 - h. Boys are four times as likely as girls to be identified as having a behavioural, emotional and social difficulty (BESD); gender is a better predictor than social class and ethnicity of being classified as having BESD.
 - i. Boys account for 80% of permanent exclusions and three-quarters of fixed-term exclusions, though there has been an increase in permanent exclusions of girls (from 16% to 21%). Pupils receiving free school meals are three times more likely to be excluded.
 - j. Girls are more likely than boys to have been the victim of psychological bullying whilst boys are more likely than girls to have been the victim of physical bullying.
 - k. Boys are more likely to have committed a criminal offence (33% compared to 21%).
 - l. Women make up over 80% of full-time regular teachers and 90% of primary teachers, but only 30% of secondary head teachers and 64% of primary head teachers.
8. Under the **gender equality duty** local authorities and all maintained schools in the UK, as well as city academies, city technology colleges and pupil referral units have a general duty to:
 - a. eliminate unlawful sex discrimination and harassment;
 - b. promote equality of opportunity between men and women.

9. There is also a specific duty to publish a gender equality scheme showing how the local authority intends to fulfil its duties and setting out its gender equality objectives. Guidance from the Equal Opportunities Commission (now the EHRC) points out that men and women are not starting from an equal footing and that identical treatment will not always be appropriate. It says that schools can help address the gender pay gap and job segregation that exists beyond the school itself by implementing initiatives to counter gender stereotyped attitudes to jobs and careers among pupils and parents.

Employment

10. Around 45% of the UK workforce are women and 70% of all women of working age are in paid work (though this figure varies according to ethnicity so that 71% of white women, 64% of African Caribbean women, 60% of Indian women and 20% of Bangladeshi women, are in paid work).
11. In 2013 a report by PricewaterhouseCoopers (PwC), the 'Women in Work Index' ranked the UK 18th of 27 OECD (Organisation for Economic Co-operation and Development) countries in five areas of 'female economic empowerment' such as pay equality, the female unemployment rate, and the proportion of women working full-time. The figures were from 2011, the latest year for which comparable data was available.
12. PwC compared the figures for 2011 with the same data for 2007 and 2000 and found UK women had slipped down the table – a result of rising female unemployment, above-average pay inequality, and fewer full-time employment opportunities, although the pay gap itself at 18.4% had narrowed a little.
13. Occupation segregation is one of the main causes of the gender pay gap. Women's employment is highly concentrated in certain occupations and those occupations which are female-dominated are often the lowest paid. In addition, women are still underrepresented in the high paid jobs within occupations. The Government Equalities Office is encouraging companies to implement the results of the *Women on Boards* review, published by Lord Davies in February 2011. The review recommended that UK listed companies in the FTSE 100 should have a minimum 25% female board member representation by 2015. It also recommended that FTSE 350 companies should set their own challenging targets.

Ethnic minority women

14. A study by the Equal Opportunities Commission (EOC) in 2007, *Moving on Up?*, found that:
 - a. The employment rate for the population overall is 73% compared to the ethnic minority employment rate of 61%. For female ethnic minorities the employment rate is 52.8%.
 - b. 35.5% of ethnic minority women work part-time compared to 41.5% of White women.
 - c. The unemployment rate for all groups is 5.7%; for ethnic minorities it was 10.7%. Two-thirds of Pakistani and Bangladeshi women are economically inactive.

- d. Ethnic minority women are more likely to work in the public sector (33.6%) compared to 16.7% for ethnic minority men.
- e. Once in employment minority ethnic women are as successful as White women in reaching a higher occupational level which indicates that their labour market disadvantage applies mainly to finding work.

Carers

15. Women are still the primary carers of children. However, some 73% of women with children work and 53% of women with children under five work. They nevertheless spend three times as much time as men on caring for children. This pattern and the stereotype of women as child carers, however, disadvantages men as well. Men in the UK are spending more time with their children now and want to have more time with them, but they also work the longest hours in the EU. Labour Market Statistics show that in the second quarter of 2011, 82 per cent of men with dependent children compared to 30 per cent of women with dependent children were working full time. Only 6 per cent of fathers with dependent children compared to 37 per cent of mothers were working part time.

Caring for elderly and disabled dependants

16. According to Carers UK (www.carersuk.org) one in eight adults (around 6 million people) in the UK provide unpaid care for partners, relatives or friends in need of help because they are ill, frail or disabled. Some 3.9 million carers are of working age.
17. 58% of carers are women and 42% are men.
18. 80% of carers are of working age.
19. 1.5 million carers combine full-time paid employment with unpaid care – 58% of these working carers are men.
20. 662,000 carers are employed part-time; of these 89% are women.
21. One in three carers is not able to return to work because the right alternative care is not available. One in five gives up work to care; this is often associated with loss of income, pension and long-term financial security. This is a loss both to employees and employers.
22. Carers working more than 20 hours per week are clustered in lower level jobs.
23. There are a number of employees who are caring for both children and adults in need of care, which makes the reconciliation of work and family life twice as difficult.
24. A high proportion of young Pakistani and Bangladeshi men and women combine paid work and unpaid care.

Recommendation

- Account may need to be taken of a person's caring responsibilities when listing cases. For example, it may not be easy to find an alternative carer to fit in with the court hearing and court hours and it may be necessary to adjust the court or tribunal hours to accommodate a carer's needs.

Pregnancy, maternity leave and breastfeeding

25. Despite the fact that any unfavourable treatment of a woman for a reason related to her pregnancy, pregnancy-related sickness absence or maternity leave is unlawful discrimination, this is still widespread and is a major factor in the gender pay gap.
26. *Greater expectations*, the EOC's investigation into pregnancy discrimination in 2005 has shown that:
 - a. A million pregnant women are likely to experience discrimination at work over the next five years, if current trends continue.
 - b. Each year almost half of the 440,000 pregnant women in Great Britain experience some form of disadvantage at work, simply for being pregnant or taking maternity leave.
27. Research published by IPPR in 2013 *Who's breadwinning? Working mothers and the new face of family support* has found that:
 - a. Whilst almost one in three mothers is now the primary breadwinner in the family (up 80% from 1998) there is a very clear persistence of gender discrepancies at home as they still shoulder the majority of household tasks;
 - b. Despite this an average mother earns 26 per cent less than an average father.

Recommendation: adjustments for pregnant women in courts and tribunals

- Consideration should always be given to accommodating pregnant women and new and breastfeeding mothers in any proceedings in whatever capacity they are taking part, whether as parties, witnesses or representatives. This may require sensitive listings and breaks during the proceedings, which may sometimes mean that a case goes part-heard.
- Where possible, the requirements of a woman who may be breastfeeding should be accommodated in any case management decisions.
- A woman who is heavily pregnant or has just given birth should not be expected to attend a court or tribunal unless she feels able to do so. Although every woman is different this would apply at least to the month before the birth and at least two months after the birth, though this period would be longer if there were complications at birth. Even a telephone hearing may be too difficult if the woman is looking after the baby on her own. This may mean that a hearing has to be adjourned.
- Breaks should be allowed for breastfeeding.
- It may be possible to conduct a hearing with a baby or child in the court provided the baby or child is not disrupting the hearing, by, for example, crying or making a noise. However, a hearing should not be conducted in the presence of a child unless the judge is satisfied that it is appropriate in all the circumstances for the child to see and hear the proceedings. For example, it may not be appropriate where there may be information that might cause the child distress, anxiety or other harm.

Sexual harassment and violence against women

27. Sexual harassment remains a problem for women both at and outside work. It is unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It covers any form of unwanted verbal, non-verbal or physical conduct of a sexual nature and any less favourable treatment on the ground that the victim had rejected or submitted to unwanted conduct. It sometimes leads to a woman suffering from anxiety or depression.
28. It is difficult to put a figure on the extent of sexual harassment inside the workplace or outside, because it often goes unreported. Many employees who suffer harassment are reluctant to complain because of the fear that they may lose their job as a result of complaining.

Domestic violence

29. The government defines domestic violence as: 'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.' It includes so called 'honour based violence', female genital mutilation (FGM) and forced marriage.
30. Statistics on domestic violence (see for example the websites of Women's Aid and gov.uk) reveals that:
 - a. In 2012 around 1.2 million women suffered domestic abuse, over 400,000 women were sexually assaulted, 70,000 women were raped and thousands more were stalked.
 - b. Fewer than 1 in 4 people who suffer abuse at the hands of their partner - and only around 1 in 10 women who experience serious sexual assault - report it to the police.
 - c. Of all violence, domestic violence has the highest rate of repeat victimisation, with nearly half of victims being victimised twice or more and almost one in four being victimised three or more times.
 - d. Domestic violence accounts for 16% of all reported violent crimes.
 - e. 44% of women killed were killed by a current or ex-partner. On average, two women in England and Wales are killed every week by a current or former male partner
 - f. There has been a **65% increase** in number of domestic violence **prosecutions** between 2005/6 and 2010/11 and a corresponding 99% increase in number of defendants convicted. Despite this, domestic violence **conviction rates** in the five years to 2011 stood at just **6.5% of incidents reported to police** – though a much higher proportion of around **70% of those charged**.
 - g. Over 75% of 11–12 year old boys thought it was acceptable that men hit women if they make them angry and more boys than girls, of all ages, believe that some

women deserve to be hit according to a report by F. Mignuolo in 2007 on the Gender Equality duty and schools (see www.schools-out.org.uk).

31. There are a number of significant reasons why women do not leave dangerous partners, including safety; for example survivors can be at a higher risk when they leave violent partners. There are other ties to homes including identity, family, money and status which operate as strong motivators for staying in a violent relationship. Women with uncertain immigration status have no recourse to public funds so are not eligible for the protection provided by refuges and may be forced to stay within an abusive relationship.
32. Religious, cultural and social factors may be relevant. For example:
 - a. In some communities a woman leaving her abusive husband may be at risk of reprisals or even being killed by her own or her husband's family for bringing 'shame' onto the family or community.
 - b. The loss of a support network for survivors with disabilities or special needs may mean particular hardship, isolation and the possibility that similar support may never be found in the area she moves to.

Recommendation - the judge's role

- The courts and judiciary have an important role to play in conveying to the public that domestic violence will not be tolerated and sending out a message that abuse and violence in an intimate relationship is a serious matter and is unacceptable. Children are also affected. Not only are many traumatised by what they witness, there is also a strong connection between domestic violence, sexual violence and child abuse. Whilst most victims of domestic violence are women, men and partners in same-sex relationships might also be victims of domestic violence and should be treated similarly. Insofar as possible, gender neutral language should be used to describe domestic violence without losing sight of the fact that the reality is that some of the most physically violent incidents are committed by men on female partners or ex-partners.
- The Sentencing Council has produced definitive guidelines in relation to cases involving domestic violence and breach of a protective order. (The guidelines are available on <http://www.sentencing-guidelines.gov.uk> or from

The Sentencing Council for England and Wales
 The Royal Courts of Justice
 East Block, Room EB16
 The Strand
 London WC2A 2LL

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Sexual offences

33. The Ministry of Justice Statistical Bulletin in January 2013 reported that an annual average of 404,000 woman and 72,000 men are the victims of sexual offences.

34. There are an estimated 85,000 female victims of rape or sexual assault by penetration every year in the UK (12,000 men). Since the age of 16 some 5% of women in the UK have been raped and 20% have experienced other sexual offences such as sexual threats, unwanted touching or indecent exposure.
35. Only 15% of serious sexual offences against people over 16 are reported to the police.
36. Overall just under two thirds of all cases prosecuted as sexual assault result in a conviction and those convicted of rape almost all received a custodial sentence.
37. A Home Office Survey in 2009 found that one in four respondents believe that a woman is partially responsible if she is raped or sexually assaulted when she is drunk or using drugs. Some 10% felt she should be partly held responsible if walking alone at night. Rape complainants may be reluctant to report crime because they fear that they will be blamed for the attack (because of what they were wearing or the amount they had drunk).

Myths

38. *A genuine victim will report rape at once.* The Court of Appeal has recently confirmed that juries can be told that delay can be down to trauma after the rape.
39. *False allegations of rape are common.* There is no reliable evidence that more false complaints are made in rape cases than in other serious crimes.
40. *Most rapes are committed by strangers.* In 90% of cases rapists are known to the victim: a partner or former partner, friend, colleague, acquaintance or professional.
41. Rape victims should put up a fight and show signs of struggle, and a victim will sustain genital injuries. Not all victims resist, many fearing the consequences. Many women freeze.
42. *Consent to sex can be assumed from dress, flirting, drink.* Juries could be told that if a man flashed his bulging wallet around in a pub and then had it stolen, no one would say that the person who stole it was not really a thief.
43. *Stranger rape is more traumatic than rape by a known person.* Sexual assault is a traumatic experience whoever the perpetrator and sometimes more traumatic if a breach of trust is involved.

Recommendation – the judge’s role

- A judge will not hear a serious sexual offence case unless he or she has attended specialist training. The materials are available to judges via the JSB training website.

Special measures

- Consideration should always be given to using the court's general and special powers to effect a fair hearing where the case involves allegations of sexual harassment or violence. These include the ‘special measures’ introduced by the *Youth Justice and Criminal Evidence Act 1999* (allowing evidence to be given by television link, by DVD, video recording or behind a screen; and allowing hearings in private in certain circumstances). As far as criminal proceedings are concerned, where an allegation of rape or of other specified sexual offences is made, no matter relating to the

complainant shall be included in any publication if it is likely to lead to their identification. The circumstances in which anonymity can be lifted are very limited (*Sexual Offences (Amendment) Act 1992*).

Evidence via video link, anonymity

- In the context of civil proceedings, the courts have power to permit evidence to be given by video link (r.32.3 Civil Procedure Rule (CPR) and Practice Direction 32, Annex 3). Rule 32.3 CPR provides a general discretion (without limits) to permit evidence to be given by video link (*Rowland v Brock* [2002] 4 AQL ER 370, Newman J). Though the usual rule is that hearings will be in public (r.39.2 CPR), except in certain classes of case, the civil courts also have power to hold hearings in private if it is considered necessary in the interests of justice (r.39.2(3)(g) CPR and see Practice Direction 39, paras 1.1–1.10). In addition, a court may order that the identity of any party or witness must not be disclosed if it considers it necessary in order to protect the interests of that party or witness (r.39.(2)4 CPR).
- The specific rule permitting video evidence in the Civil Procedure Rules (r.32.3 CPR) is itself based on the requirements of the ‘overriding objective’ under r1.1 CPR, namely to ensure that parties are placed on an equal footing. The relevant parts of the duty to deal with a case justly in accordance with the overriding objective as contained in the 2001 Regulations are framed in identical terms to those contained in r.1.1 CPR.

Women as offenders

44. Baroness Hale DBE said in her 2005 Longford Trust Lecture:

“It is now well recognised that a misplaced conception of equality has resulted in some very unequal treatment for the women and girls who appear before the criminal justice system. Simply put, a male-ordered world has applied to them its perceptions of the appropriate treatment for male offenders.... The criminal justice system could ... ask itself whether it is indeed unjust to women.”

Statistics from the Prison Reform Trust website

www.prisonreformtrust.org.uk/women:

45. Women represent about 5% of the overall prison population.
46. The number of women in prison in England and Wales stood at 4,141 in November 2012, and a total of 10,024 women were received into prison in the 12 months to September 2012.
47. From 2000–2010, the women’s prison population increased by 27%.
48. Most of the rise in the female prison population can be explained by a significant increase in the severity of sentences. In 1996, 10% of women convicted of an indictable offence were sent to prison, in 2010 14% were.
49. The proportion of women prisoners under sentence aged 40 and over has risen from 18% in 2002 to 28% in 2009.
50. Women are ten times more likely than men to self-harm in prison.
51. One in four women in prison has spent time in local authority care as a child.

52. Nearly 40% of women in prison left school before the age of 16 years, almost one in 10 were aged 13 or younger.
53. 30% of women were permanently excluded from school.
54. Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.
55. Nearly half of women prisoners surveyed for a Ministry of Justice study (48%) reported having committed offences to support someone else's drug use, compared to only just over one-fifth of male prisoners (22%).
56. 19% of women were not in permanent accommodation before entering custody and 10% of women were sleeping rough.
57. 8.4% of women released from prison sentences of less than 12 months had positive employment outcomes compared to 27.3 per cent of men

Recommendations

- The Sentencing Guidelines provide that:
Sentencers must be made aware of the differential impact sentencing decisions have on women and men including caring responsibilities for children or elders; the impact of imprisonment on mental and emotional well-being; and the disproportionate impact that incarceration has on offenders who have caring responsibilities if they are imprisoned a long distance from home.
- The Prison Service **Gender Specific Standards** (GSS) provide guidance on the various stages of custody and consider the needs of different women – such as young and older women, BME women, foreign national women, women with disabilities, women serving a life sentence and women with children.
- There is evidence that a significant proportion of foreign national women in prison may have been trafficked and coerced into offending but women are too terrified to disclose this for fear of retaliation.
- International standards for women offenders are set out in the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), adopted in July 2010.
- The public sector gender equality duty applies to prisons, probation services and court staff.

Accommodating different sitting hours and breaks

- Women should not be disadvantaged if they have recently given birth, are breastfeeding or caring for children. Women who are breastfeeding will need to have a suitable place to nurse and adequate breaks to do so. We should, in exercising our case management functions, have proper regard to this in deciding sitting hours and even, as appropriate, location. Similarly, women and men who have dependent children may have child care responsibilities which make conventional sitting hours difficult or impossible for them. Such responsibilities should be accommodated as far as possible. It is unlikely to help in the achievement of justice if a witness or party is

late or distracted by reason of concern over child care. With sensible listing and case management such responsibilities should be readily accommodated.

Language

- A woman's marital status will usually be quite irrelevant to the issues before us. However, courtesy is an important way of ensuring that participants in the justice process feel fairly treated and it is important therefore to check with any witness how they wish to be addressed. We should not assume that a married or unmarried woman would prefer to be called Mrs or Miss – many may prefer the neutral 'Ms'. Accordingly, it is best to ask a woman how she wishes to be addressed, i.e. rather than the more intrusive (and irrelevant) "Are you married?".
- In the use of language, we can unconsciously convey assumptions about gender roles which might be offensive or disconcerting to participants who do not match those roles (e.g. 'postman'; 'chairman' rather than 'postal worker' or 'chair'). Insofar as possible therefore we should take care to use gender neutral language: 'they' (rather than 'he' or 'she'); 'them' (rather than 'him' or 'her').

Protecting women

- As has been described above, there are tools available at common law, in statute, in the Civil Procedure Rules, tribunal rules and as enshrined in the European Convention of Human Rights to ensure women can feel safe in participating in the justice process and are protected against unjustified intrusive questioning. We should use these tools as appropriate, bearing in mind that Article 6 of the European Convention requires – as a component of the broader concept of a fair trial – that each party must be afforded a reasonable opportunity to present their case under conditions which do not place them at a substantial disadvantage vis-à-vis their opponent (see *De Haes and Gisjels v Belgium* 1998 25 EHHR 1, para. 53).

Marriage and divorce

58. It is unlawful under the *Equality Act* to discriminate against someone because they are married or in a civil partnership.
59. A civil marriage or partnership must take place at a register office or venue approved by the local authority. Whilst a religious marriage may take place in a church, mosque, temple or other place of worship, the relationship will not be legally recognised unless the place of worship is either Anglican or registered by the registrar general for marriage. Divorce is similarly only legally recognised if it complies with legislation.
 - a. There are of course many different views on the acceptability of divorce in different cultures.
 - b. The media regularly comments on the apparent inequality between men and women, with women finding it more difficult to divorce than men under both Sharia and Orthodox Jewish law, for example.
 - c. In some communities difficulties arise on divorce when the couple discovers that their religious ceremony was not legally recognized as their place of marriage was not registered.

60. Recently in the High Court, Mr. Justice Baker, adjourned a hearing and agreed to endorse the parties' proposal to refer their disputes to a process of arbitration before the New York *Beth Din* once he was satisfied about the principles and approach adopted by the rabbinical authorities. The process was successful but Baker J stressed that the outcome, although likely to carry considerable weight with the court, would not have been binding and would not preclude either party from pursuing applications to his court in respect of any of the matters in issue. He emphasized that the court gives respect to all religious practices and beliefs, '[b]ut that respect does not oblige the court to depart from the welfare principle because...the welfare principle is sufficiently broad and flexible to accommodate many cultural and religious practices.' (Re AI and MT [2013] EWHC 100 (Fam)).
61. The media reported the case widely as opening up a possibility that 'divorces settled by religious courts including Sharia are a step closer to being allowed under British law'.