

From 2003-2005, the Canadian Council of Muslim Women, along with a coalition of several organizations advocated against the use of religious laws in Ontario for private legally binding arbitration in family law. In 2005, the government made the decision that no religious family laws could be applied in Ontario. However, during the three years, a number of issues were identified which required further work.

One issue which became apparent was that Muslim women thought they knew Muslim family laws, but in fact their knowledge was incomplete and often incorrect. It became clear that they want the equality rights and the protection of Canadian family laws, while at the same time, being religious, Muslim women wanted their faith incorporated into their marriages.

To address the significant gap in accurate information, CCMW commissioned a book by an Islamic scholar and an Ontario family lawyer, *MUSLIM AND CANADIAN FAMILY LAWS: A COMPARATIVE PRIMER*. The book was then developed into a series of easy to read booklets for Muslim women and service providers. Many information sessions across the country have been held to inform women of their rights in both systems of law, with the emphasis on the protections provided under Canadian family laws.

Under Ontario family law, marriage contracts are viewed as domestic contracts, which in turn are considered to be private contracts and allow a great deal of freedom for individuals to set their own conditions. The danger of such agreements is that it allows parties to sign away their legal rights.

CCMW found itself in the difficult position of trying to encourage Muslim women to use Ontario family law, and yet realizing that under this law, Muslims could contract out of many rights by using a religiously sanctioned agreement.

This led to the development of the Muslim Marriage Contract Kit, a document which incorporates Islamic jurisprudence of family law, and at the same time is consistent with Canadian law.

The Muslim Marriage Contract Kit, published by CCMW is the result of 6 years of research and deliberation and suggests ways to increase equality between husband and wife. For example, in traditional Muslim law, women do not have much power to begin a divorce. However, the sample contract in the kit includes a number of clauses - rooted in Muslim laws - which give the wife the power to divorce her husband.

The kit has been researched and developed by Islamic Law scholar, Professor Lynda Clarke.