

DECLARATION ON RELIGIOUS ARBITRATION IN FAMILY LAW

Notwithstanding Ms Boyd's assurances to the contrary, we are shocked by the possibility of the erosion of equality rights as guaranteed in Sections 15 and 28, of the Canadian Charter of Rights and Freedoms. Our statement reflects a common position that the recommendations advanced in this report sanction the erosion of women's equality rights under the laws of Ontario. We believe that the Arbitration Act was never designed to accommodate family matters but was conceived of as a vehicle for commercial disputes. Stretched to this purpose, even with Ms Boyd's "safeguards", it would effectively put at risk decades of legal reform in keeping with an equality and equal framework.

Our diverse organizations share one purpose with respect to:

*Exclusive use of family law legislation for the resolution of family disputes regardless of faith, ethnicity and culture.

*No religious arbitration and/ or any principles, which would undermine the equality guarantees of the Charter in the resolution of family matters.

We are supported by an international coalition of groups watching closely the Ontario government's decision in relation to Boyd's report. Their concern for the potential erosion of women's rights within constitutional democracies based on religious justification is in keeping with the provisions of the Canadian Charter, and with international agreements [i.e. the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, and the Declaration of the Elimination of All Forms of Violence Against Women] to which Canada is a signatory. We demand that the Government of Ontario both understand the intent of these agreements and ensure that domestic laws and regulations are not in contravention of them."

Signed by a number of over 50 organizations, June /05.