

Imam Al-Khoei Foundation

**CONSULTATION ON 'A FRAMEWORK FOR
FAIRNESS' – SINGLE EQUALITY BILL**

Submission on the Public Sector Duty to Promote Equality

Imam Al-Khoei Foundation, Chevening Road, London NW6 6TN

Tel: 020 7372 4049 Fax: 020 7372 0694 Website: www.al-khoei.org

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Introduction

The Imam Al-Khoei Foundation welcomes and supports the proposal to extend the positive duty to promote equality in religion to cover Muslims and other underrepresented religious groups for the following main reasons:

- Represents an actual move to towards true religious and ethnic pluralism;
- To remove structural impediments to Muslim integration into, participation in and contribution towards British polity and wider society; and
- Signals to many Muslims the acquisition of substantive rather than formal citizenship.

We support the furtherance of mainstreaming equality and are keen to see that the positive duty to promote equality in religion makes progress as a key policy agenda.

Our comments

By way of avoiding duplication of work, we endorse previous arguments made in favour of the extension of the positive duty to promote equality in religion in the provision and delivery of public sector resources.

We would add that in terms of key policy considerations to date, we do not feel there has been paucity in the inclusion of Muslim considerations in many public sector policy formulations. Nevertheless, we do feel that any decision not to cover religion under a single public service duty, for whatever reason, will represent a hindrance to mainstreaming equality and equality provisions in the delivery of services.

As sections of the academic literature have pointed out, especially in the delivery of health services, the needs of Muslim communities (mostly in relation to smaller Muslim communities) are not only not being met, but the existence of these communities in policy terms is not acknowledged (Rashid 1992; Torkington 1991).

Further to this, considering the proportion of the annual GDP that the public sector represents (in other words, its sizeable role in the UK economy and role in reducing socio-economic inequality), a failure to realise religious equality will, we believe, serve as a structural impediment towards the progress that Muslim individuals and communities are able to make in our society. This can only be to the detriment of us all.

Additionally, we wish to see a shift away from emphasis upon 'the Muslim community' (with its singular connotations in terms of both needs and belief) towards a stress upon the recognition of the existence of Muslim ethnic-minority communities.

We believe that such a shift in emphasis is better placed to support the arguments for the inclusion of the duty to promote equality in religion under a single public sector duty. This is because we appreciate that the need to implement and evaluate the single sector

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duty with regards to religion has to be weighted against size, resource and service priority considerations. To ameliorate those concerns we would point out that:

“The demography of Muslim communities means that struggles for adequate welfare provision at the local level for social services, education and health will have a distinct Muslim *and* ethnic [and confessional – our insertion] component. The specific constitution of local communities, their needs, networks, and points of leverage with local and state agencies should guarantee this” (Ahmad and Husband 1993: 231).

The specific class, ethnic and confessional compositions of local Muslim ethnic-minority communities *should* naturally converge with those local resource and service priority considerations. The local confessional and ethnic demography of Muslim communities can lend support to the proposal to extend the public sector duty to promote equality in religion in that it points to the inherent flexibility in the local application of the proposed extended duty vis-à-vis local Muslim ethnic-minority communities.

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Gender discrimination: addressing the needs of Muslim women

A key concern is that the mainstreaming of equality may lead to the essentialisation of the needs of British Muslim communities and the subsequent marginalisation of key stakeholder groups such as Muslim women within those communities.

We believe that the promotion of equality in religion can be a key driver in achieving gender and social equality for Muslim women both within and outside the various British Muslim communities.

Based upon our consultative sessions with Muslim women groups, we believe that gender parity in terms of equal access to public resources should be one of the key issues at the centre of any approach to religious equality. We are keen to see Muslim women access, on equal terms with Muslim men and non-Muslim women, public resources without discrimination or inhibition.

Muslim women social and health needs: main themes

To preface the following, we refer to the gender equality duty which requires local authorities to eliminate gender based discrimination in the provision of public services. However, the gender equality duty often represents and reflects the needs of 'majority women', and it does not take into account the distinct needs of Muslim women. This has resulted in the marginalisation of Muslim women in accessing core public services in the areas of health, education and leisure and sport where their religious needs (both objective and subjective) are not being accommodated by the existing duty to promote gender equality. The harmonisation of the public sector duty across the religious strand will ensure that public authorities in areas that have significant numbers of Muslim women will consult and ensure that Muslim women's needs are accommodated in the provision of core public services. This will ensure the increased and continuing inclusion of Muslim women, and their identification with, mainstream public institutions.

Modesty and healthcare

Modesty for observant Muslim women as well as Muslim women migrants from rural backgrounds is a key concept in their lives. As such, these two groups of Muslim women express a preference for female health care providers (in particular, some Muslim women expressed a preference for a female doctor during child birth over a male doctor).

Mental health

Muslim women disproportionately suffer from mental health problems and are at high risk for mental disorders relative to the rest of the population. Findings indicate that Muslim women face numerous stressors that threaten their mental health including discrimination, acculturative stress, and trauma.

Dearth of gender-friendly sport facilities

Perhaps owing to culturally-derived religious injunctions (though we ourselves make no value-judgment either in favour or against such injunctions),

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mainstream leisure and sporting facilities (both local authority and private-sector provisioned) fail to provide many Muslim women with adequate or suitable single-sex environments in which to pursue recreational and exercise opportunities. Past studies have commented on the lack of adequate physical activity in the routines of many Muslim women.

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Mainstreaming the mosque: faith-based initiatives

We make the linkage between the extension of the duty to promote equality in religion and locally-based faith-based initiatives. Returning to the main themes that emerged from the 2002 'Faith in Local Government Conference' (funded by the Deputy Prime Minister's Department), leaders of London's local authorities gave a commitment to develop closer partnerships with London's main faith communities. However, from our experience, as well as that of our institutional counterparts in the wider Muslim communities, this has yet to substantially materialise.

We believe that mosques, as multi-faceted institutions, desire to play a 'more-connected' role in their local communities. As part of this, local authorities have an important role, if not a duty, in mainstreaming mosques into the fabric of local communities. Mosques are often an under-utilised if not neglected social asset that can benefit local communities.

One of the key conference commitments made by each of the Chief Executives of each Borough was to ensure that faith communities are able to play a full and diverse role in the local community (e.g. local social, cultural and environmental regeneration).

However, the following examples demonstrate that at a grass roots level, this particular commitment has not been followed through.

Young persons and drug rehabilitation

Drug use and abuse remains a problem in our local areas. We have found that within our local Muslim and non-Muslim communities, drug abuse still remains a taboo issue.

We argue that the isolation of the mosque and other religious centres away from such issues is not going to solve the problem (but, neither do we present the mosque as a panacea to this problem). Rather, we see the mosque as playing a potentially constructive role in this issue.

We would point to the success of the East London mosque (based in Whitechapel) in helping to resolve intra-Bengali gang conflict in the late 1990s in the London Borough of Tower Hamlets. We believe that such a case study, if given sufficient public sector resource input, can be replicated in other parts of London with regards to drug addiction and other social problems that affect all religious and ethnic communities.

Islamic counselling and marriage mediation

The Muslim Youth Helpline and the Muslim Women's Helpline are inspirational testimonies to efforts by community activists and laypersons in providing counselling and mediation services to both Muslims and non-Muslims. With limited resources they provide religiously and culturally 'appropriate' services to end-service users.

However, the above organisations have had to develop themselves outside the environs of traditional Muslim institutions. We believe that their efficacy and reach could be bolstered by providing more accessible formats through the form

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of drop-in centres within or attached to mosques, with readily available trained staff and volunteers. Again, local authority support and co-ordination is intrinsic to this process.

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End of Life Care

Health care providers need to have an understanding of and appreciation for the beliefs and religious preferences of their Muslim patients in order to provide optimal care for them. In particular, our consultation process suggests to us that

- In matters of terminal care, the attending physician should consult the patient, the family, the ethicist, and preferably, an Islamic scholar before making a final decision;
- Health care providers (including nurses, physicians and chaplains) should comfort the terminally ill patient, making sure he/she is pain-free, have his/her relatives and friends nearby;
- Have access to a Muslim Imam who can read the Qur'an and make special prayers;
- It is important that funeral and burial arrangements be made in advance in consultation with the family and according to the wishes of the dying or deceased patient if possible;
- With minimum delay, the body is to be removed to the funeral home because Muslims prefer an expeditious burial (as part of this, routine post-mortem care should be provided with the body gowned and shrouded); and
- For hospice care, the family may prepare for washing and shrouding of the body immediately after death, prior to removal.

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Bereavement Services and Gravesite Protection

From our understanding, various Muslim communities are particularly keen to have a dialogue with local authority bereavement services. Here, we urge the move towards good practice in the provision of burial services to the Muslim communities and other faith communities. In particular, we recommend:

- Greater security for Muslim cemeteries and Muslim burial areas in multi-faith cemeteries in light of the increase in racist and fascist desecrations specifically targeting Muslim graves;
- The provision of funerals at weekends and Bank Holidays in accordance with the Muslim belief in burial as soon as possible following a death;
- Agreement on the ritual washing of bodies at the relevant medical centres following death;
- The provision of Muslim prayer facilities in cemeteries; and
- Agreement on the arrangements for the disposal of unneeded or damaged copies of the Koran.

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Rehabilitation of prisoners from minority faiths

Importantly, the proposed public sector duty in relation to religion would define public authorities to include (a) prisons; and (b) cover welfare and rehabilitation functions of relevant agencies, such as probation.

We relate this to the rehabilitation of prisoners from minority faiths where there is a clear lack of provisions from both within the prison services and their respective faith communities. The lack of rehabilitation resources exposes current and former prisoners to potential recidivism and vulnerability to extremist interpretations of religion.

Radicalisation

In particular, we would point to the successful Muslim Community Chaplain Project at HMP Leeds, where the Muslim chaplain worked as a liaison officer between the prison and wider community in an effort to follow the lives of former Muslim prisoners during resettlement. Findings suggest the roles of Muslim chaplains are extremely important in preventing forms of extremism. However, the distrust that some Muslim chaplains face, both internally and externally, is jeopardising their important function. Such findings also claim that current efforts by the authorities to curb radicalism within UK prisons are having the opposite effect. Muslim prisoners are subjected to stricter security surveillance than other inmates. Security policies within prisons - including restricting praying in a communal space or reading the Qur'an during work breaks - are exacerbating, rather than suppressing the radicalisation process.

Homelessness

Needless to say the causal link between homelessness and recidivism is well appreciated and understood. Ex-offenders are two and half times more likely to reoffend if they are homeless when released from prison. Given the growing number of Muslim offenders, we urge greater steps to reduce re-offending rates by reducing homelessness, by working with Muslim men both in custody and in the community after their release.

We would point to St Mungo's work with HMP Pentonville on resettlement with Muslim inmates and Muslim communities in Tower Hamlets, Hackney and Newham (a two year project in its final stages, funded by the Department of Communities and Local Government's Ethnic Minority Innovation Fund). Feedback from the project is positive and arguably warrants nation-wide extension.

Conclusion to this area

The above discussion serves to highlight the fundamental importance of extending the positive duty to promote equality in religion under a single public duty: it covers a vast and comprehensive number of public service institutions and functions.

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Sexual abuse

Within the system of madrasas or religious schools in this country, many Muslim children are at the risk of sexual abuse. Though there is an absence of statistics to point to the level of sexual abuse within madrasas, the pioneering study in this area, *Child Protection in Faith Based Environments*, estimates 15 to 20 cases of sex abuse (however, even the Study admits that this may be an underestimation, as do we).

In line with the Study's own recommendations, we also urgently recommend the establishment of a national registration scheme for madrasas, coordinated centrally and monitored by local authorities, to meet legal obligations under the Children Act 1989.

We also note that the Study vocally criticises the failure of the vast majority of English and Welsh local authorities to insist that mosques and madrasas meet their obligations under the Children Act 1989. If anything, this failure supports the need to extend the positive duty to promote equality in religion under a single public duty. A failure to do this leaves thousands of Muslim children vulnerable to potential sexual abuse.

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Forced marriages

We are keen not to give credence to hegemonic policy and popular discourses that essentialise (and hence marginalise) visible minorities (and by extension, Muslims). However, we feel that what is termed 'forced marriage' warrants specific comment (though it is not the cultural issue *par excellence* as made out to be).

From the outset, it has to be clearly established that forced marriages are not peculiar to Muslims or any faith or ethnic group. Further, there is a lack of statistical evidence to determine its extent and effect as a claimed practice. At the same time, we acknowledge that there are individuals who do have experience of that which is termed forced marriage.

Whilst we have welcomed and embraced previous Home Office consultation initiatives on this topic, we are disappointed with the lack of statutory and policy measures that specifically address actions and behaviours that are tantamount to coercion into domestic or foreign marriages. We appreciate that the Government is keen not to be seen to target certain groups within British society (in addition, this essentialises minority groups). In part, we agree to this.

But, to argue that existing laws are sufficient enough to prosecute those involved in bringing about forced marriage and by extension that there is lack of knowledge of these laws, is to impute (perhaps inadvertently) that victims of forced marriage, and law enforcement and prosecution services are (partly) to blame on account of their assumed lack of knowledge about those existing laws.

We draw an analogy with our above concerns over the potential exposure of Muslim children to sexual abuse in madrasas. Without doubt, (another form of) abuse is committed towards Muslim and non-Muslim teenagers and young adult persons coerced into marriage. Their rights must be viewed as those of full British citizens rather than those of ancillary members of specific, deemed groups. We believe that a positive duty to promote equality in religion under a single public duty can only bolster efforts in this direction.

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Further education and Muslim women

Echoing our sentiments outlined in the introduction to the above discussion on forced marriages, we agree with the view that

“As several other studies are also highlighting, the presence of Muslim women in higher education and the diverse routes they follow in order to enter university, contradicts problematic discourses that suggest that Muslim women’s educational choices are limited due to cultural or religious reasons” (Ahmad and Tyrer 2006: 10).

Therefore, major impediments that both ethnic-minority and –majority Muslim women face in their access to and progress through higher education is, in the main, to be located at an institutional level. To remedy this problem, we argue that the inclusion of a positive duty to promote equality in religion under a single public duty would ensure that universities consult with Muslim women, both in the development and delivery of provisions likely to have disproportionate impact on them and in the development and delivery of specific Equal Opportunities related work.

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Authors

Yousif al-Khoei, Director, Al Khoei Foundation

Nadeem Kazmi, Head of International Development, Al-Khoei Foundation