

AN-NISA SOCIETY

Briefing Paper:

The Equality Bill 2009/10 & Implications for Muslims

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About An-Nisa Society

An-Nisa Society, established in 1985, is a women-led organisation working to promote the welfare of Muslim families. An-Nisa believes that the family is the nucleus of a community and needs to be nurtured and supported.

The organisation aims to create a greater understanding of the multi-ethnic heterogeneous Muslim community and its needs. We work to influence policy and planning; to empower the Muslim voluntary sector; to promote the development of faith-sensitive services; and to pioneer faith based initiatives, such as in health and social care.

Some of the issues we tackle include Islamophobia, equality, family and parenting, forced marriage, sexual health and fatherhood. Projects we have established include Muslim mental health projects including the UK's first accredited Islamic counselling courses and young people's British Muslim identity projects.

Trustees serve or have served on various bodies that include, the Commission for British Muslims and Islamophobia (CBMI), Forum Against Islamophobia and Racism (FAIR), Christian-Muslim Forum and Muslim Women Talk Campaign and various government working groups such as the PVE Task Force and Community Cohesion and Forced Marriage Working Parties.

Currently, we are working on promoting awareness of the government's counter terrorism strategies and have published an influential report entitled, 'Preventing Violent Extremism (PVE) and Prevent – A Muslim Response' (February 2009).

1. Introduction

An-Nisa Society has been campaigning for legislation to address religious/faith discrimination since its establishment in 1985.

This is because we realised from the onset that Muslims were falling through the net in the provision of public services as the Race Relations Act 1976 only recognised race as a factor for identity and discrimination. Race became the prism through which society was perceived in all areas of life. It was the way needs were understood and met. This did not work for Muslims.

We became alarmed that Muslim families, of diverse ethnic origins, were increasingly sinking into social exclusion, alienation and marginalisation. Already in the mid 80's we were seeing the extent of the damage being done to Muslim families by our statistical invisibility and institutional anti-Muslim discrimination. We began to see spiralling family breakdown, disproportionate numbers of young Muslim males in prison, single-parent families, absentee fathers, soaring physical and mental health problems and youth disaffection.

Strategies that addressed discrimination and inequality based on race bypassed the

Muslims, as did mainstream service delivery. This was not a deliberate or ill-intentioned process but rather an inadvertent systemic failure.

This neglect exacerbated the pressures on Muslim families. The co-founders of An-Nisa have experience of working in the public sector in race, gender, housing, youth and social work. We could see the impact of this in people we were dealing with. In any other community displaying such a high level of socio-economic deprivation, we would expect to see it being targeted for resources and support. But this did not happen.

We found a general lack of awareness and understanding about what was happening. The crisis in Muslim families motivated our on-going campaign to promote awareness of how anti-Muslim discrimination, or Islamophobia as it has come to be known, operates and to lobby for legislation on religious discrimination.

We were disappointed that, although religious discrimination was finally included in the Equality Act, it did not go far enough in making religion and belief a public equality duty. Therefore, we welcome the Equality Bill 2009/10, which has rectified this omission.

We believe if this duty is robust, it has the potential to be instrumental in lifting the Muslim community from social exclusion. We are concerned, however, that fears that the duty will facilitate the promotion of religion will result in it being deleted or weakened, for example, by removing clause 148 from applying to religion and faith. If this happens, it will be regressive, unjust and discriminatory. The consequences for British Muslims will be disastrous and they will become even more of an underclass.

We must emphasise that we also support measures to address race. Racism and Islamophobia can often inter-connect and overlap but Islamophobia has its own history and expression and requires distinct solutions, which cannot be subsumed under race. We will not be addressing the race strand of the Bill in this paper, as there are many well-established and eminent organizations that are already doing so.

As our focus is on the Muslim community we wish to highlight the implications for Muslims in this paper. We aim to highlight the areas we particularly welcome and concerns that we believe need to be addressed to make the Bill more effective. In response to concerns that the religion and belief duty will promote religion, we will also endeavour to highlight how Islamophobia works and affects the Muslim community and the critical need for the faith duty.

The process of bringing in legislation is complex. The numerous changes and amendments are difficult to keep abreast of, especially for an organisation like ours with limited resources and capacity. We will not be able to prepare briefings for each and every amendment relating to religion and belief. So we intend to generally highlight the importance of the religion and belief public equality duty for Muslims.

"The Equality Bill is a once-in-a-generation opportunity to transform equality legislation. Now is the time to be ambitious."

EHRC Parliamentary Briefing

2. Recommendations

- The Religion and Belief public duty must be equal to and as robust as the other 'protected characteristics.'
- The equality duty must be retained for religion and belief.
- Clause 148 must remain for religion and belief.
- We support the amendment by the EHRC to strengthen Clause 148 on the Single Equality Duty by inserting '**take steps**' to meet the three equality duty objectives.
- Specific Duties – All reporting must include religion and belief including employment data.
- Harassment on the basis of religion and belief must be extended to all areas due to the serious levels of anti-Muslim feelings in the country.
- Diversity Monitoring should be made compulsory, to include religion and belief.
- The Equality and Human Rights Commission (EHRC) should make extra efforts to ensure that statutory guidance on religion and belief is clear and robust.

3. The Equality Bill 2009/10

We welcome this groundbreaking legislation, which has been a long time in coming. We are hopeful that it has the potential to make a real difference in making Britain a fairer place for all.

We agree with the government's thinking that: Equality is not just right in principle it is necessary for:

- **Individuals:** everyone has the right to be treated fairly and given the opportunity to fulfill their potential. To achieve this we must tackle inequality and root out discrimination.
- **The economy:** a competitive economy draws on all talents and ability – it is not blinkered by prejudice
- **Society:** a more equal society is more cohesive and at ease with itself

We welcome the harmonisation of a myriad of complex and piecemeal laws,

the extension of the public sector duty to include a wider range protected characteristics, the more proactive approach to promoting equality, the equalising of all factors of discrimination and the focus on the 'importance of organisational culture as a driver of change.'

We also support the inclusion of:

- Positive Action
- Multiple Discrimination
- The amendment by the EHRC to strengthen the Clause 148 on the Single Equality Duty. This amendment would change the wording of the duty. At present public authorities have to show 'due regard' to eliminate discrimination, promote good relations, foster equality of opportunity. Under the amendment the public authorities would also be duty bound to '**take steps**' to meet those three objectives. The EHRC believes that the duty should be strengthened to ensure that public authorities, where possible, are motivated to act to address the inequalities.

4. The Faith & Belief Public Equality Duty

We welcome the inclusion of Religion & Belief as a protected characteristic in the equality duties. We have been campaigning for this for 25 years. The Equality duties on public bodies for the protected characteristics are:

A due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other prohibited conduct
- Advance equality of opportunity
- Foster good relations

Advancing equality of opportunity includes

- Addressing disadvantage
- Meeting different needs
- Encouraging participation

Single-sex provision

It was a great concern to us that single sex provision would be made illegal. However, we understand there have been reassurances that this will not be the case.

Faith Based Ethos – Single Issue Provision

We also understand that faith based organisations, such as voluntary sector organisations delivering faith-based services, can retain their ethos. This does not foster segregation but rather the opposite.

"Involvement in own-ethnic/religion organisations appears to correlate with greater levels of trust in the city councils."

Muslims in Europe, Open Society, 2009

5. Concerns

i) Removal or dilution of the religion and belief equality duty and the removal of clause 148 for religion and belief.

This is our main concern. We outline in sections 6, 7 & 8 of this paper why we believe it is critical to include religion and belief in the duty and why clause 148 must remain.

ii) Harassment on the basis on religion and belief

The Bill as it stands does not prohibit harassment on grounds of religion or belief outside employment and vocational training. We support the EHRC's recommendations for amendments that would result in an express prohibition on harassment on grounds of faith and belief in the provision of goods, facilities and services, management and disposal of premises, the exercise of public functions, education in schools or in respect of associations 'in line with its desire to secure legislation that harmonises and strengthens protection for each equality strand and human rights.'

This is of particular concern as anti-Muslim sentiment is high and there is a significant incidence of harassment of Muslims. However, much of it is unreported so it is underestimated.

iii) Specific Duties – Reporting on Religion & Belief

The **specific** duties, which will be set out in secondary legislation following Royal Assent, are designed to help public bodies meet their obligations under the general duty and a means to better performance of the general duty. They are intended to set out a clear, specific framework that, if followed properly, will assist a public body to meet the requirements of the general duty.

The reporting will not, however, be required on all protected characteristics. The proposals are for public authorities with 150 or more staff to publish their gender pay gap, Black, Minority and Ethnic and disabled employment rates.

However, we strongly recommend that religion and belief is included in all reporting as otherwise the faith dimension gets lost. We believe that this is a very serious oversight. Muslims have the highest unemployment rates in the country and meeting targets for an ethnic or gender balanced workforce does not mean that any employees will be Muslim.

The author of this report was employed by a local council where she was the only Muslim in a workforce of over 5,000 in an area with a significant Muslim population. The employment figures for ethnic minorities were good but she was still the only Muslim. The lack of faith monitoring disguised the lack of Muslims and no one could tell other than the author.

"We are heartened to learn that you believe that as the MPS is part of the community it's composition should reflect the community it serves...Deputy Commissioner. Sir Paul Stephenson has stated, " The MPS now has three times as many black and ethnic minority officers as 10 years ago and approximately 20 percent of new recruits come from (an ethnic) background." However, that does not mean that many of them will necessarily be Muslims and it does not tell us at what grade they are employed. The MPS needs to produce faith statistics in addition to ethnic statistics so that the progress of Muslim police officers can be charted."

An-Nisa Society letter to Mayor Boris Johnson on Race & Faith Review of Metropolitan Police Service, 15 October 2008

If the government wishes to promote positive action to enable employers to select a candidate from an unrepresented group there will be a disincentive to select someone from an underrepresented faith group if there is no reporting duty. Furthermore, employers may not even bother to include faith in monitoring processes, which will be unhelpful in addressing faith discrimination in employment.

With Muslims mainly employed in unskilled and semi-skilled jobs and the least likely group to be in professional and managerial jobs, it will also be helpful to know at what levels Muslims are employed and their promotion path.

For Muslims the lack of faith monitoring has allowed Islamophobia to flourish unchecked.

iv) Monitoring & Accountability – The need for inclusive Diversity Monitoring

'Inequality cannot be tackled if it is hidden. Transparency is essential to eradicate discrimination.'

GEO Press Release on Equality Bill, 3 December 2008

We believe that monitoring is an essential tool to deliver more targeted approaches and helps to:

- Identify discrimination
- Identify barriers
- Fine-Tune services – making them more sensitive and cost effective
- Plan in a more focused way
- Assess if strategies are working
- Make the public and private sector accountable and transparent

However, its success depends on using accurate identity markers and categories. The Equality Bill will, we assume, require monitoring for all the protected characteristics in order to facilitate transparency and accountability and analyse progress on equality. We strongly support this as An-Nisa has long campaigned for what we have called 'diversity' monitoring as opposed to race/ethnic monitoring so that a wide range of groups can be assisted rather than just race or gender. As it will be inclusive of everybody it will be more acceptable and, therefore, more effective.

We recommend the introduction of compulsory Diversity Monitoring to include religion and belief faith and the other protected characteristics as well as any other information that will help public bodies address discrimination, remove barriers and provide more sensitive and appropriate services. This may include a question, for example, on the level of English spoken in order to determine the need for interpreters and translations.

v) The role of the EHRC – The Important of Guidance

The Equalities and Human Rights Commission (EHRC) will have a key role once the legislation is enacted to help implement the Act by producing practical guidance, including statutory codes of practice, to help employers, providers of services, goods and facilities, public bodies, legal and other advisers and individuals

Therefore the guidance from the EHRC will be crucial for the effective delivery of action on religion and belief. However, religion and belief is a new area and there is a lack of understanding and experience amongst all sectors. Unlike race, which is rich in material and has now become mainstreamed into public services.

It is worrying that case studies we have seen about religion and belief, for example even the Equality Bill government documents, do not really address the reality of how faith discrimination, particularly Islamophobia, occurs.

There are very capable advocates for race and gender, such as Race on the Agenda

and the Fawcett Society who can draw on their expertise and long track record to advise on the guidance. This is not the case for Muslims as the Muslim third sector is embryonic and lacks capacity and experience.

We are concerned that the lack of experienced Muslim interlocutors, who can help in providing guidance, provide information and take a critical overview, will mean that guidance on religion and belief may be weak which will lead to faith issues not being addressed appropriately. This is demonstrated, for example, with the consultation on the Equality Bill where there were 4,000 responses but out of those posted on the Government Equalities Office website, only seven could be identified as Muslim, most of which did not address critical issues. This means that EHRC has to make extra efforts to ensure that guidance on religion and belief is clear and strong.

The Muslim third sector should, in theory, also have a critical role to play in influencing the implementation of the religion and belief aspects of the Bill in the grassroots. Their task is ensuring that public bodies treat faith issues on an equal basis with the other protected characteristics. However, there is already very little participation of Muslims in local civic processes and forums, for example Local Strategic Partnerships. This means that there is a danger that the public sector will do very little on faith equality if not pressed to do so by an informed and strong grassroots voluntary sector.

This is a good example of the need for clause 148 on religion and belief to be retained so that action can be taken to uplift and capacity build the Muslim third sector in order to increase participation and enable them to act effectively in their own interests.

5. Fears about the Duty on Religion and Belief

We recognise that there is a fear in some quarters that the inclusion of faith as a public equality sector duty will encourage the promotion of religion. This has resulted in calls for the duty to be removed entirely or to be diluted. We do not believe promotion of religion is the intention of the religion duty.

The Commission for Equality & Human Right Commission confirms this in their following statement:

The Commission recognises that there are concerns about extending the Duty to include religion and belief, mainly due to fears that this will lead to the active promotion of religion and belief in Britain. The Duty is designed to protect people from discrimination on the grounds of religion and belief and to promote equality of treatment for people of different religions or beliefs. There is no requirement on public sector organisations to promote particular religions or belief systems and in fact doing so may run counter to the Duty.

Equality Bill Parliamentary Briefing – House of Commons May 2009 EHRC

The promotion of faith is not the role of government but meeting the needs of faith communities and addressing any inequality and disadvantage they suffer certainly is. We are concerned that during its progress through Parliament that the duty on religion may be diluted or even removed.

The Bill recognises that many faith groups, in particular those from the ethnic minority communities, see their faith identity as important and relevant and that is how they identify and organise themselves, it influences what decisions they make in lifestyle choices and how they want their needs met. We, the citizens of this country, contribute through our taxes for a range of services to be provided. People of faith are also taxpayers. It is only just and sensible that these services are appropriate and sensitive and do not discriminate against any sector of our diverse population, including people of faith.

6. The Need for a Religion and Belief Duty

It is often erroneously believed that the duty on race is sufficient to cover the needs and issues of Muslims. However, whilst there has been some progress on race, a faith-blind approach to equality and anti-racism over many decades has not delivered social justice for Muslims. Indeed, the plight of Muslims has worsened. Muslims have been rendered invisible and, in the main, bypassed in strategies to address race. The consequences have been extreme social exclusion, marginalisation, alienation and lack of engagement of Muslims in society. (See Appendix 1 and 2)

Yet, there is insufficient understanding of the process that has marginalised Muslims, how Islamophobia, particularly Institutional Islamophobia, excludes and discriminates against Muslim and how it seriously impacts on the lives of the Muslim community. It has even been suggested that Islamophobia does not exist.

The equality duty for religion and belief will ensure a targeted and systematic way of dealing with faith discrimination.

..research suggests 'that Muslims face multiple or intersectional discrimination.'

At Home in Europe, Muslims in Europe 2009, Overview Report, Open Society Institute

Institutional Islamophobia

There is a lack of understanding as to what Institutional Islamophobia is. Therefore, to demonstrate how it operates An-Nisa Society has developed the device of transposing some definitions of Institutional Racism with Institutional Islamophobia, which, hopefully, helps to clarify the problem.

Institutional Islamophobia

Institutional Islamophobia is "The collective failure of an organisation to provide an appropriate and professional service to people because of their religion.

*It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and anti-Muslim stereotyping which disadvantage Muslim people." **Adapted from the Stephen Lawrence Inquiry report***

"Institutional Islamophobia is that which, covertly or overtly, resides in the policies, procedures, operations and culture of public or private institutions - reinforcing individual prejudices and being reinforced by them in turn."

Adapted from A. Sivanandan, Director, Institute of Race Relations

"If Islamophobic consequences accrue to institutional laws, customs or practices, that institution is Islamophobic whether or not the individuals maintaining those practices have anti-Muslim intentions."

Adapted from The Commission for Racial Equality

It is apropos that whilst the Bill has been making its progress through the House of Lords, the annual **British Social Attitudes Survey** has highlighted that anti-Muslim attitudes in this country have hardened even further with 52% who fear Islam and Muslims with only 1 in 4 people feeling positively about Islam.

In a recent BBC Panorama documentary, entitled '**Hate on the Doorstep**' two young Muslim journalists who lived on a Bristol estate for two months, did encounter racism, but what was truly shocking was the blatant and serious Islamophobia they experienced. For Muslims, this was not news as most Muslims encounter Islamophobia regularly.

Islamophobia is not restricted to white working class communities, where there has been a sharp rise in far right extremism especially against Islam and Muslims; it is prevalent across all sectors of society.

"Recently, the BNP's leaked membership database revealed that many BNP members are working in public services as civil servants, teachers, doctors, former police officers and prison officers as well as soldiers and estate agents. BNP members, and others who may not be paid up members but who are inclined to their views, are likely to be in positions where they may be working with and delivering services to Muslims. This will affect how they deal with Muslims as their clients and potentially they may be responsible for making decisions on identifying Muslims as 'potential terrorists.'"

PVE and Prevent – A Muslim Response, An-Nisa Society. Feb 2009

It can even occur amongst multi-ethnic communities. For example:

A Human Resources Manager in a local authority told us that she arranged a training session on Muslims for her department. None of the multi-ethnic staff were Muslim, it itself problematic as the borough has a significant Muslim population which was not reflected in their staff make up. What is shocking was the 'vomit' (her words) that the staff came out with regards to Muslims. They would not have been so explicit and overt in their feelings if it had been about black communities, Jews or homosexuals. Moreover, these people are responsible for human resources and if they hold such views about Muslims how are they reflecting this in their work?

Interview, An-Nisa Society

While it can no longer be denied that spiralling Islamophobia often results in physical and violent attacks (which are usually not reported or properly monitored) it is not understood how institutional Islamophobia operates and how it has led to the extreme social exclusion of Muslims. Moreover, little is understood about Muslim needs beyond halal food and hijab.

A recent report on Muslims in Europe conducted by the *Open Society Institute* reveals:

- Religious discrimination against Muslims remains a critical barrier to full and equal participation in society.
- Levels of religious discrimination are wide spread and have increased over the past five years
- The persistence of discrimination and prejudice erodes a sense of national belonging.
- Discrimination on the grounds of religion, particularly for women who wear the veil, is an important contributor to any disadvantage.

Contrary to popular belief that Muslims and their beliefs and lifestyles are incompatible with British or European values; that Muslims actively do not have or want a sense of national belonging; and that Muslims choose to be segregated, the research indicates that:

- 64% of Muslims have respect for the law as compared to 54% non-Muslims
- 52% of Muslims have respect for all faiths as compared to 29% non-Muslims
- A majority of both Muslim (61.3 per cent) and non-Muslim (73 per cent) respondents shared a "very" or "fairly" strong sense of national belonging.

- Most Muslims want to live in *mixed neighbourhoods*, the geographical concentration of Muslims does not reflect a desire to live among their own kind. Discrimination in access to housing restricts choices.
- Improved educational achievement and full time employment correlate with greater cultural identification.
- Neither visible religious identity nor active religious practice makes any significant statistical impact on respondents' cultural identification
- In education - De facto ethnic segregation - is a concern for Muslim parents

The report recommends:

- The EU should encourage the adoption of principles of equal treatment to cover discrimination on the grounds of religion and belief in education, housing, transport, and the provision of goods and services. It is important that measures to tackle prejudice and stereotypes ensure and engage public support.
- EU statistical agencies and projects should collect accurate data on minorities to support evidence-based policies to facilitate integration and fight discrimination.

At Home in Europe, Muslims in Europe 2009, Overview Report Open Society Institute

7. The importance of the public equality duty for religion and belief

The Equality Act 2006 included faith in the equalities agenda for the first time. However, the legislation did not go far enough as there was **no public sector duty on public bodies to consider religion faith/religion** issues when designing their policies, responsibilities and the delivery of services. The lack of a statutory duty on the public sector has meant that there has been no incentive for the public sector to address Muslim social exclusion institutionally and strategically.

Consequently the Equality Act 2006 has made little, if any, impact on the public sector in addressing institutional anti-Muslim discrimination (institutional Islamophobia) and in the provision of faith-sensitive services. Without a public equality duty it is unlikely that it will.

Public bodies generally have a lack of understanding and experience of faith discrimination and how faith influences needs. In addition, it is worrying that a study conducted in 2003 found that a significant number of Muslims felt that some councils are actively hostile to Muslims. (*M Anwar and Q Baksh (2003). British Muslims and State Politics, Centre for Research in Ethnic Relations, University of Warwick*).

It has taken decades for race to be mainstreamed into the public sector and it is

difficult for them to reorganize their thinking and processes to accommodate faith. They usually relegate faith to interfaith work and obvious issues such as halal or kosher food. They have not addressed the 'nitty gritty' work of addressing their own institutionalised discrimination and analyzing how services may not be sensitive or appropriate for faith communities, thereby resulting in unequal access. For example, the Single Equality Schemes that we have seen have been very weak on faith.

Without an equality duty the current initiatives are not working. An equality duty for religion and belief, backed up with specific duties that ensure accountability and reporting back is the only way that things will change. Unless Muslims are specifically targeted for action the new equality legislation will remain inconsequential to them.

We therefore, concur with the CEHR in the following statement:

The Commission believes that to exclude religion and belief from the Public Sector Equality Duty would create a two-tier system of protections which will lead to unfairness, not just between different religions or belief groups, or between religious and non-religious groups, but also between religion and belief and other protected grounds.

Not extending the duty to religion or belief will also amount to a missed opportunity to improve relations and cohesion between different groups and to tackle disadvantage and discrimination based on religion or belief which has hitherto been lost in the focus on discrimination on the grounds of race.

Equality Bill Parliamentary Briefing – House of Commons May 2009 EHRC

Preventing Violent Extremism (PVE) and Prevent

Post 9/11 and 7/7 the government has developed a counter-terrorism approach, which targets the whole Muslim community as potential terrorists. Although foreign policy has been a contributory factor we believe that social exclusion and marginalisation has also made a tiny minority vulnerable to extremist views.

The government wishes to address the 'grievances' of the Muslim community, such as their socio-economic disadvantage and social exclusion, through the Prevent Strategy. It is regrettable that much of what has been done on faith identity and faith-based issues and needs since 7/7 has been motivated by the desire to address extremism and terrorism. We believe that it is more appropriate that Muslim inequality should be dealt with through the provisions of this Bill rather than by stigmatising an already vilified community through PVE and Prevent. Our report on PVE and Prevent goes into this in detail (see references).

The religion and belief duty is critical, as it will make it a statutory duty to address anti-Muslim discrimination and disadvantage and remove barriers to opportunities. It will give Muslims a greater sense of national belonging and promote their social inclusion.

8. Amendment to remove clause 148 – “To advance equality of opportunity – for faith and belief”

An amendment has been tabled to remove clause 148. It is proposed that the following requirements of the duty to ‘advance equality of opportunity’ should not apply to religion and belief. These are:

- Addressing disadvantage
- Meeting different needs
- Encouraging participation

This clause is a crucial plank in the duty. Deleting clause 148 will be disastrous for Muslims because Muslims suffer disadvantage, have differing needs based on faith and are marginalised and there has been a historic lack of engagement and participation.

Statistics show that Muslims suffer from multiple disadvantage, called social exclusion, which leads to social ills, family dysfunction, paralysis in the affected community, an inability to address and articulate its own concerns and the tendency to withdraw into itself.

Muslim community development lags far behind, the Muslim voluntary sector is embryonic, lacks capacity and is inexperienced, Muslim unemployment rates are the highest, Muslims report the worst health, Muslims have the worst housing (see Appendix 1 & 2)).

Without this clause, which would make public bodies address these issues, where faith monitoring will highlight what is being done and what progress is being made, with accountability and reporting back to government with transparency and accountability, the situation of Muslims is unlikely to change, indeed, it will deteriorate. Leaving out clause 148 will mean that Muslims will not be specifically targeted to address their disadvantages and will continue to be socially excluded.

If we want a fair and just society for all it cannot be right that a section of the community is allowed to be second-class citizens.

References

PVE and Prevent – A Muslim Response, An-Nisa Society, February 2009

Muslims in Europe, Open Society Institute Report, December 2009

British Muslim & State Politics, Centre for Research in Ethnic Relations, University of Warwick

Appendix 1

Historical Muslim Experience

'Inequality cannot be tackled if it is hidden. Transparency is essential to eradicate discrimination.'
GEO Press Release on Equality Bill, 3 December 2008

The following are from our archives and demonstrate the consequences of the historic confusion of delivering services only by race and ethnicity. We acknowledge and support the importance of tackling racism but we contend that viewing everything through the prism of race, particularly identity and needs, has been detrimental to the Muslim community.

Islamophobia in Schools

A 13-year-old Bangladeshi Muslim, Ahmed Iqbal Ullah, was murdered in the playground on 17 November 1986 at Burnage High School in Manchester. The McDonald Inquiry into the murder found serious anti-Muslim attitudes among the staff.

"The wearing of pig badges by a large group of staff, many of whom were members of middle management, after the Deputy Head Peter Moors had suggested that pork was less suitable than turkey for the school's Christmas dinner, since it prevented Muslim boys from taking part. Pork scratchings were pinned to his notice board and he was and is still referred to as 'Porky.'

...the Muslim boys wanted to leave early to go straight to Friday prayers, and in fact the Muslim boys were kept behind and the white boys allowed to leave. Comments were made (by the teacher) such as: 'you are like a cartload of monkeys; you are not fit to pray; in my country and my culture people respect women.

...Some women staff didn't see why they should 'pander to that religion' by covering their heads at Ahmed's funeral."

Macdonald Inquiry: Murder in the Playground, 1986

Despite the massive evidence of religious prejudice the issue could not be addressed because race was pre-conceived to be the only factor for the murder of Ahmed Iqbal Ullah."

Second Review of the Race Relations Act 1976 – A Response, An-Nisa Society, 1990

Using generic racial categories disguises Muslim exclusion

"Youth work within the school environment is increasingly taking on the need to redress the imbalances of provision. But, as in other services, the issue of Muslim take-up has often been avoided. There had been Asian girls group at Stoke Park School, but this had been attended mainly by Sikh girls...The community education team has now realised that in concentrating on addressing the balance between black and white, and in looking to provide a service for Asian girls they had not addressed the fact that they are not attracting Muslim girls."

Muslims in Coventry: A feasibility study for meeting community needs, University of Warwick, 1990

“This need for fine distinctions in terms of identifying clients is particularly important in terms of meeting targets. Performance Review...will include in-depth review on progress in implementing a policy of racial equality. Account must be taken of, and means found to discover, possible imbalances within communities. Success in meeting a target that 3% of clients receiving day care, home care and mobile meals are to be black, the target for 1989/1990, may hide the fact that nothing changes for Muslims...

There is often a reluctance to identify service users and clients in terms of religion... ‘We think Asian,’ one project worker explained. The fear appears to be one of sectarianism. There are echoes here of the colour-blind approach which argued that any monitoring for ethnicity was itself racist. An alternative view...is that...such attention is ‘fine tuning.’ But that fine tuning, or absence of it, can have considerable impact on individual communities.’

Muslims in Coventry: A feasibility study for meeting community needs, University of Warwick, 1990

Faith-to-Faith rather than Race-to-Race

Most Muslims want Muslim children to be placed for fostering and adoption in Muslim families, even if it means the ethnicity does not always match.

British Agencies for Adoption & Fostering’s (BAAF) policy published in 1987 argues that ‘the placement of choice for a black child is always a black family...’ The net effect of race-to-race policies (of fostering and adoption) is detrimental to Muslim children as it denies them their faith and identity. For instance, Turkish-Cypriot Muslim children are known to have been placed with Caribbean Christians on the basis that they are (politically) black. Similarly, Nigerian and Eritrean Muslim children have been placed with Caribbean Christians because they are perceived to be Africans. One...zealous implementation of the race-to-race policy occurred when a white English Muslim woman was refused the right to adopt a Muslim Somali baby...Under such a policy, it is customary to place Muslims Pakistani or Bangladeshi children in Hindu and Sikh homes.

Second Review of the Race Relations Act 1976 – A Response, An-Nisa Society, 1990

How Muslim statistics are distorted

The table below is a demonstration of how, without faith monitoring, the figures for Muslims are underestimated. In this table Ethnic Monitoring identifies 3.1% Muslims in Harrow schools as Pakistanis and Bangladeshis are the only groups that can be identified as Muslims. However, by using faith as a category Muslims constitute 8% of the pupils in Harrow – which is almost treble the ethnic figure. Apply this to all areas of service provision and it becomes apparent how Muslims are rendered invisible.

Ethnic Origin	No of Pupils	%
Bangladeshi	124	0.5
Black African	696	2.6
Black Caribbean	650	2.4
Black Other	605	2.3
Chinese	249	0.9
Indian	5,920	22
Pakistani	709	2.6
White	12,552	46.7
Other	2,252	8.4
Unclassified	3,124	11.6
Total	26,881	100

Religion	No of Pupils	%
Christian	12,217	45.3
Hindu	5,372	19.9
Jain	471	1.7
Jewish	772	2.9
Muslim	2,162	8
Sikh	304	1.1
Other	545	2
No religion	1,643	6.1
Unclassified	3,517	13
Total	26,989	100%

LONDON BOROUGH OF HARROW - SCHOOL PUPILS MID 1990's

What is happening now? – The need to join up the dots

The failure of the Race Relations Act 1976 to recognise faith identity, anti-Muslim discrimination and the impact of faith on needs has greatly contributed to Muslim social exclusion. This is the reason why we are seeing the increase of dysfunctional families and spiralling figures of young Muslim men in prison, disproportionate numbers of Muslim children in care, increasing physical and mental ill health, increase in radicalisation in a tiny minority of young Muslims to name a few. Until we can identify the root causes and the factors that are contributing to such figures and address them strategically through strong legislation, which recognises that Institutional Islamophobia is a reality and enforces public bodies to address them, we will continue to see Muslims become even more disadvantaged, alienated and marginalised.

Below we highlight a few areas to demonstrate that what is happening is largely not visible, not understood and not addressed. The dots are simply not being joined up.

Muslims in Prisons

Muslim prisoners constitute an increasing proportion of the prison population. Since 1993, the number of Muslim prisoners has risen threefold, from 2,106 in March 1993 to 6,136 in June 2003 (Offender Management Caseload Statistics, 2003). There are over 7,000 Muslims in British jails. This is a disproportionate figure as Muslims are 3% of population but constitute 10% of the prison population - two-thirds of whom are young men aged 18-30. (Prison Service statistics 2004)

In 2001, 28% of 16-24-year-old Muslims were unemployed. This compares with only 11% of Christians of the same age.

Islamophobia in Prisons

In 2006 at the Feltham Young Offenders Institute, two prison officers were under investigation over claims they strapped copies of the Qur'an to their feet to use as skis in games dubbed "Muslim Olympics". The officers were also accused of using the Qu'ran in "discus" events. Whilst Zahid's murder and this recent incident continue to be seen as being motivated by racism alone, nothing will be done to address the Islamophobic attitudes of prison inmates and officers and the institutional Islamophobia within the prison system.

The **Zahid Mubarek Inquiry** report recognised that its terms of reference did not: 'permit it to investigate generally how Muslim prisoners are treated in prison...the perception that Islamophobia is on the rise highlights the fact that that the definition of institutional racism adopted by the Stephen Lawrence Inquiry focused on discrimination and prejudice because of a person's colour, culture or ethnic origin. It did not refer to the person's religion. There is no reason why institutional prejudice should be limited to race, and thought should be given by the Home Office to recognising the concept of institutional religious intolerance.' **Zahid Mubarek Inquiry Report – released only three weeks after the discus incident.**

An-Nisa Society Presentation on Muslims in Prison, Praxis conference 2008

Children In Care

An-Nisa has been concerned about the high levels of Muslim children in care since it was established and was part of a working group on Muslim children in care that used to meet at that time at the Islamic Cultural Centre at Regents Park Mosque in London. As only ethnic statistics were available we

could never prove that the numbers were disproportionately high. Even now it is difficult to get figures by faith. We were also disturbed that race-to-race policies of placing children for fostering and adoption meant that most Muslim children were not being placed in Muslim families.

In 2003 An-Nisa ran a project to send gifts on the festival of Eid for Muslim children in care in the London Borough of Brent. We were informed that out of approximately 300 looked after children 100 were Muslim. From other such anecdotal evidence we strongly suspect that these high figures are duplicated across London. Only faith monitoring can reveal what is going on because statistics on ethnicity distributes the Muslim children into various ethnic categories.

Ethnic Origins of Children in Care, England 2008

Ethnic Origin	Numbers	Percentage
White		
White British	43900	74
White Irish	420	1
Any other white background	1600	3
Mixed		
White & Black Caribbean	1900	3
White & Black African	460	1
White & Asian	740	1
Any other mixed background	1900	3
Asian or Asian British		
Indian	320	1
Pakistani	670	1
Bangladeshi	310	1
Any other Asian Background	1500	2
Black or Black British		
Caribbean	1600	3
African	2100	4
Any other Black background	800	1
Other Ethnic groups		
Chinese	140	0
Any other ethnic group	1200	2

Source: Children Looked after in England (including adoption and care leavers) year ending 31 March 2008. DCSF Statistical First Release, SFR23/2008:

<http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000810/index.shtml>

Muslim Children in Care, England, 2008

Most likely to be Muslim	Numbers	Percentage
Pakistani	670	1
Bangladeshi	310	1
Sub-Total	980	2
Add all other Muslim ethnic groups	???	???
Total	???	???

Add the other ethnic groups, including white, which Muslims belong to and the figure for Muslims collectively will be considerably higher than is indicated by the ethnic statistics.

Muslim Mental Health

There are seriously high levels of mental ill health in the Muslim community. Between 1995-2002 we worked in partnership with the Brent, Kensington, Chelsea & Westminster Mental Health Trust (now called Central and North West London NHS Foundation Trust) on this issue. We persuaded them to

undertake faith monitoring. As a result of our request they produced some figures on patient admissions to mental health secondary care – treatment that is beyond talking therapies. The difference between the ethnic and faith statistics was shocking. The ethnic figures showed low levels of Muslim groups being admitted for secondary level mental health treatment but the faith figures showed alarmingly high figures.

There has been rightly been concern for some time at the levels of African-Caribbean mental health patients but faith monitoring showed that the levels for Muslims were at similarly high levels but had received no attention and strategy or analysis as to why this was happening because ethnic statistics disguised what was happening.

What is a faith-sensitive service? How does faith affect Need?

It is not generally understood how needs can be different because of faith. Other than the Jewish community, who have an excellent faith-appropriate health and social care system, other minorities have to accept mainstream services, which were originally designed for a Christian population.

Example: Muslim-Specific Service - Islamic Counselling

Because of our concerns about the mental health of Muslims we became concerned that mainstream mental health interventions were either bypassing Muslims or Muslims did not take them up because they were insensitive and inappropriate. What was extremely serious was the incidence of interventions that were damaging patients, through, for example, incorrect assessments.

We found that Euro-centric models of therapy were being used, which did not have any understanding of Muslim values and belief systems. Attempts to deliver culturally appropriate therapies were simply Euro-centric models but provided in different languages. At a time (mid 1990s) and environment where to talk about faith was absolutely unacceptable – we were told Islamic counselling was ‘mumbo jumbo’ - we extensively lobbied the Brent & Harrow Health Authority about the need for Islamic Counselling. This is based on Islamic models of health and psychotherapy, called *Tibb* and *Nafsiyat* adapted to the situation of Muslims in a modern western context. Finally, they funded us to undertake a needs analysis on Islamic Counselling. With the support of visionary and courageous individuals in the Authority and funding from the Kings Fund we went onto develop the UK’s first accredited Islamic Counselling course in partnership with Brent Adult College and Brent, Kensington & Chelsea & Westminster Mental Health Trust. It was the individuals in these agencies that supported the initiative in defiance of their institutions’ race-based approach.

We also set up the Institute of Islamic Counselling & Psychotherapy, bringing together the few Islamic Psychotherapy practitioners and scholars. Our campaign and project gave recognition to Islamic Counselling as an accepted form of therapy across the country and our qualified Islamic counsellors have gone on to work in the NHS and voluntary sector projects. However, lack of funding to support such faith-based initiatives has meant that we could not continue the courses, despite the huge demand, or further develop the Muslim Counselling and Advice Service we wanted to establish as a model of good practice that could be emulated across the country.

Example: Housing Needs

Muslim families tend to be larger than other groups. They require properties ranging from four bedroom upwards. A shortage of larger council properties means that many Muslim families, even those with serious medical conditions, have to wait considerably longer than other groups to get

housed. There have been many instances where, in desperation to get re-housed, Muslim families have been forced to split up their families into separate units.

We found that as larger properties tended to be on council estates, bigger Muslim families were being disproportionately allocated estate properties and Muslims are less likely to get allocated off estate properties. This often altered the profile of an estate. For example, Stonebridge Estate in north-west London became a predominantly Muslim estate. However, this was not realised because ethnic classifications once again disguised what was going on.

There are many housing policy implications, for example, one of them is that the Housing Corporation should commission housing associations to build more larger size properties.

Participation

There is generally a lack of Muslim involvement in local consultative fora such as tenants associations, local strategic partnerships, police forums and on boards of the NHS and PCT.

With regards to political participation, for example, without statistics on faith we will not know what the situation is with regards to Muslims. Muslim women are most likely to be under-represented.

There are now 126 women MPs, there are 15 ethnic minority MPs, two of whom are women. There are currently around 168 ethnic minority women councillors. Asian women are particularly under-represented in the council chamber – only 14.6% of Asian councillors are women.

Source: *Ethnic Minority Women in the UK – GEO Factsheet*

But how many of them are Muslim? Without clause 148 there will be no action to improve the figures for Muslims in political participation.

APPENDIX 2

These statistics relate to Muslims of all ethnic backgrounds

- A third of Muslims are under 16 years of age
- 38% of Muslims live in London
- 74% of Muslims are Asian (all Asia)
- One in ten Muslims are white
- 4% are white British – 7% other white
- 6% Black African

Health

- Muslims report the worst health
- Muslims have the highest rates of disability
- 24% of Muslim females had a disability
- 21% Muslim males had a disability

Housing

- Muslims have the largest households
- Muslim households contained the largest number of children
- Muslims are most likely to be living in social rented accommodation
- Muslim households are most likely to experience overcrowding
- One third of Muslims live in overcrowded accommodation
- Muslim households most likely to lack central heating
- Muslims (and Buddhists) are most likely to lack sole access to bathroom

Qualifications and Unemployment

- One in three Muslims have no qualifications
- Muslim unemployment rate is the highest – 14%
- 68% of Muslim women are economically inactive
- Muslims aged 16-24 had the highest unemployment rates of all faith groups
- 40% of Muslim men work in distribution, hotel and restaurant industry
- Muslims (and Sikhs) were most likely to be transport and communication industry
- Muslim (and Sikh) least likely to be working in managerial or professional occupations and most likely to be working in low skilled jobs
- Muslim men are six times more likely than Christians and no religion to be working as taxi drivers

CENSUS 2001

Labour Force Surveys (2003-4) ONS