

Case No C1/2016/4313

IN THE HIGH COURT OF JUSTICE (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT (JAY J) [2016] EWHC 2813 (Admin)
BETWEEN:

HM CHIEF INSPECTOR OF EDUCATION,
CHILDREN'S SERVICES AND SKILLS

Appellant

-and-

THE INTERIM EXECUTIVE BOARD OF X SCHOOL

Respondent

-and-

THE SECRETARY OF STATE FOR EDUCATION

First Intervener

-and-

THE EQUALITY AND HUMAN RIGHTS COMMISSION

Second Intervener

-and-

SOUTHALL BLACK SISTERS and INSPIRE

Third Interveners

Witness Statement of Pragna Patel

References [x/x] are to tab/page numbers in the Court of Appeal bundle

1. I, Pragna Patel, make this statement in my professional capacity as the founder of and Director of Southall Black Sisters (SBS). My professional address is 21 Avenue Road, Southall, Middlesex, UB1 3BL.
2. On 28 April 2017 SBS and our co-interveners, Inspire, were given permission to intervene in this appeal in order to provide specialist knowledge and expertise on the impact of gender segregation on girls and women within BME communities. Our application was made on the basis that both I, and Sara Khan, Director of Inspire, have extensive knowledge of, and experience in, addressing gender inequality in BME communities and we are uniquely placed to provide the Court with evidence on the impact of gender segregation. This statement was prepared with Sara Khan's input and she has read it and approved its contents.

Southall Black Sisters and Inspire

3. I am currently employed as the Director of Southall Black Sisters (SBS). SBS is one of the UK's leading organisations for black and minority women. It was set up in 1979 as an advice, advocacy, resource and campaigning centre for black and minority, ethnic (BME) women. The bulk of our work is directed at assisting vulnerable and marginalised women and children, who constitute the overwhelming victims of gender-related violence, to obtain effective protection and assert their fundamental human rights. Although based in West London, SBS has a national reach and is used by women of all religious backgrounds with Muslim women making up the largest category. SBS' advocacy, campaigning and community development work, by its very nature, addresses issues of multiple or intersectional discrimination, involving the simultaneous experience of race, gender and other forms of discrimination.¹
4. Inspire is a non-governmental counter-extremism and women's rights organisation. It was co-founded in 2008 by Sara Khan who continues to work as its Director. Inspire focuses on the influence of Islamist extremism in the UK and its impact on Muslim women and girls. Sara has spent over 25 years engaging directly with women and girls from Muslim communities across the country and has extensive experience of the negative and debilitating impact of cultural, ultra-conservative and fundamentalist religious practices and attitudes on their lives. Inspire has engaged directly with thousands of women and girls in Muslim communities, including many marginalised and hard to reach women. Inspire has also considerable experience of working in schools having delivered training to over 5000 teachers across the country as well as to public bodies.

¹ See for instance <<http://www.southallblacksisters.org.uk/>> and SBS publications such as SBS, *From Homebreakers to Jailbreakers*, R. Gupta (ed), (Zed Books: 2003), SBS, *Against the Grain*, (SBS: 1990).

Gender Norms in Minority Communities

5. Women hold less power than men within society as a whole. This is even more the reality for South Asian women in the UK. In her recent (December 2016) review of opportunity and integration in isolated and deprived communities in the UK, Dame Louise Casey notes that women in minority communities often live in conditions of “acute inequalities” and isolation and suffer disproportionately from abuse. General advances made towards gender equality were not reflected in those women’s lives:

“...Women in some communities are facing a double onslaught of gender inequality, combined with religious, cultural and social barriers preventing them from accessing even their basic rights as British residents. And violence against women remains all too prevalent – in domestic abuse but also in other criminal practices such as female genital mutilation, forced marriage and so-called ‘honour’ based crime.” (Para 1.57)

“Economic inactivity levels remain unusually high among women from Pakistani and ethnic groups – 57.2% are inactive in the labour market compared with 25.2% of White women and 38.5% of all ethnic minority women.” (Para 6.42)²

*“Throughout our review we have encountered countless examples of abuse and unequal treatment of women enacted in the name of cultural or religious values, or as a reaction to those values.”*³ (Para 7.17)

6. Dame Louise Casey records the “Understanding Society” survey’s findings found that 38% of Muslims, compared to 18% of Christians and 11% of non-religious people, think that “husbands should do work, wives should stay at home” (para 6.48).⁴ Further, a 2016 report of the House of Commons Women and Equalities Committee notes the isolation and inequality faced by Muslim women in particular, who:

“are the most economically disadvantaged group in British society. They are three times more likely to be unemployed jobseekers than women generally, and twice as likely to be economically inactive... Nearly half (44%) of economically inactive Muslim women are inactive because they are looking after the home this compares with a national average of 16% of women who are inactive for this reason.”

Contributing factors were said to include the “conventional cultural acknowledgement” among Muslims that “women are homemakers and men are breadwinners... which could have a negative impact on attitudes and women’s attempts to find work.”⁵

7. These findings and comments resonate with our experiences of the social realities of South Asian women. Our experience and evidence from around the world shows that there is a direct link between regressive gender norms that circumscribe minority women’s participation in public life

² “The Casey Review: A Review into Opportunity and Integration”, (DCLG: December 2016), p.91.

³The Casey Review, pp.14, p.107.

⁴ The Casey Review, p.93.

⁵ “Employment Opportunities for Muslims in the UK” (August 2016) House of Commons, Women and Equality Select Committee, HC 89, p.17.

and the incidence of violence against women.⁶ Such violence is not specific to any community; SBS' work for example shows that all women share similar experiences of financial, emotional, sexual and physical forms of violence/abuse. But BME women can also face additional and specific forms of harm arising from cultural and religious dynamics and values that reproduce patterns of gender control and inequality. Specific forms of abuse disproportionately experienced by BME women include forced marriage, honour-based violence, marital captivity, ritual abuse, domestic servitude/domestic slavery, dowry-related violence, polygamy, forced abortions, forced pregnancy, restriction of movement, transnational marriage abandonment, the denial of the right to education, freedom of expression and independence.

8. Patriarchal concepts such as “shame” and “honour” are embedded in the structures of the South Asian communities with which we work and complicate women’s responses to violence and abuse. In all such communities women are considered the main carriers and reproducers of their culture and religion and the main upholders of the honour of their family and kinship group. If they transgress their gender specific roles as dutiful wives, mothers and daughters, irrespective of their circumstances, they are deemed to have brought dishonour and shame upon not only their families but often their entire kinship group as well. The consequences can be rejection, vilification, discrimination, violence and even murder. SBS’ front line experience shows that cultural and religious taboos have resulted in South Asian - in particular Muslim - women and girls suffering disproportionately from abuse. Our casework reveals that they are often the most isolated because of the tight knit family and kinship structures in which they live and the increasing imposition of fundamentalists or illiberal and ultra-conservative religious norms in their lives.
9. In our experience, the internalisation of concepts such as “shame” and “honour” and their associated values also create immense barriers for women seeking help. Underreporting of abuse amongst BME women remains a serious problem rendering many South Asian women further isolated and marginalised.⁷
10. Our experience and published research suggests that the incidents of homicide and suicide related to gender - based violence are higher amongst South Asian women. Suicide rates for instance are up to 3 times the national average, especially amongst young girls and women aged

⁶ See for example Ait-Hamou, Louisa, “*Women’s Struggle against Muslim Fundamentalism in Algeria: Strategies or a Lesson for Survival?*”, *Warning Signs of Fundamentalisms*” (Women Living Under Muslim Laws: December 2004), <<http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/wsf/14.pdf>>, p.199-120.

⁷ SBS, *From Homebreakers to Jailbreakers* (2003), and SBS, *Against the Grain* (1990).

15-34.⁸ This is often directly linked to oppressive family and community practices and pressures to remain silent. Culturally, suicide is tolerated, especially among women.⁹ BME women's inequality and vulnerabilities are compounded by conservative and fundamentalist factors that exploit and reinforce their subordinate status, restrict their exit from abuse and suppress their hopes, dreams and aspirations.

11. As Dame Louise Casey observed in her report:

*“Concerns raised with us throughout our engagement suggest that these inequalities and divisions are persisting. And they appear to be worsening in some more isolated communities where segregation, deprivation and social exclusion are combining in a downward spiral with a growth in regressive religious and cultural ideologies.”*¹⁰

Religious Fundamentalism and Women

12. At the heart of all fundamentalist movements is support for the patriarchal family and the control of women. As referred to above, women are viewed as embodying the morals and traditional values of the family and the whole community.¹¹ Religious fundamentalists often promote violence against women as a means of maintaining control over women, and/or create a climate through the promotion of ultra-conservative attitudes about women that is conducive to violence against women.¹² In this respect, the existence of library books that endorsed violence against women, as well as other evidence of heightened gender stereotyping and prejudice in School X¹³, is consistent with what we know about the close links between regressive gender norms and violence against women (judgment of Jay J, paras 44-45).

13. In the latter half of the 20th century, ascendant political Islam and Islamist movements around the world sought to merge religion and politics by demanding the Islamisation of society at the political, cultural and legal levels. This resulted in a wholesale assault on women's rights. We

⁸ Siddiqui, Hannana and Patel, Meena, *“Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women”* (SBS 2010), <<http://www.southallblacksisters.org.uk/reports/safe-and-sane-report>>, p.9.

⁹ See for example: Bhugra, D *et al*, “Attempted suicide in West London, I. Rates across ethnic communities”, 29(5) (1999) *Psychological Medicine* 1125-1130, and Bhugra, D *et al*, “Attempted suicide in West London, II. Inter-group comparisons”, 29(5) (1999) *Psychological Medicine* 1131-1139. See also, Merrill J *et al*, “Asian suicides” 156 (1990) *British Journal of Psychology*, 748-749.

¹⁰ *Casey Review*, p.15 §1.61.

¹¹ *Safe and Sane* (above) p.12.

¹² Links between organised conservative groups gaining influence and increased violence against women in Algeria and Pakistan is made by Louisa Ait-Hamou in ‘Women's Struggle against Muslim Fundamentalism in Algeria: Strategies or a Lesson for Survival?’, *Warning Signs of Fundamentalisms*, (Women Living Under Muslim Laws: December 2004), <<http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/wsf/14.pdf>>, pp.199-120 and also in Gah. S, & UN *Talibanisation & poor governance: Undermining CEDAW in Pakistan, second shadow report* (2007), p. 12, available at <http://shirkatgah.org/shirkat/wp-content/uploads/2017/01/Talibanization-and-Poor-Governance-English.pdf>.

¹³ See the inspectors' notes: [E/74] where students had written (and approved by teacher) that men's role was to work, women's role was to care for children, cook, clean and provide love; [E/77]: “men should earn more as they have families to support”; and [E/78]: “women are emotionally weaker”

were alert to the warning signs of fundamentalism in our communities in the wake of the 1989 Rushdie Affair when regressive religious identities and new gender norms began to dominate South Asian community life. These new norms were manifested most clearly through the imposition of gender segregation, dress codes, and sharia laws to govern family matters, and the strict policing of women's sexuality. They have had a profoundly detrimental outcome for women and girls. Recently we have witnessed Sikh, Hindu and Muslim fundamentalist or religious right forces policing women's sexuality by disrupting inter-faith relationships and marriages, and protesting against plays and exhibitions that portray strong, independent women or subvert religious and traditional values.¹⁴ A key aim is to remove women from the public sphere and relegate them to the private sphere which is deemed to be their only legitimate space. It is important to be aware that women's rights are a key target for religious fundamentalists: "every step forward in the fight for women's rights is a piece of the struggle against fundamentalism."¹⁵

Gender Segregation for Religious Reasons

14. It is against this background that sex segregation within Muslim faith schools must be understood. The value systems from which demands for gender segregation spring are not neutral. The notion that both men/boys and women/girls can be treated as "separate but equal" is highly flawed in BME contexts where the wider political and social processes within institutions and organisations are strictly gendered and, as Dame Louise Casey points out, largely untouched by wider societal norms and progress on gender equality. We are aware that research supports the educational benefits of gender segregation in certain circumstances. But gender segregation for religious, rather than educational reasons, in our view reinforces fundamentalist or illiberal and ultra-conservative views that support gender inequality.

15. There appears to be no specific academic research on the effects of gender segregation of girls from minority communities (as opposed to generally) in schools. The evidence in respect of the wider society, however, shows that gender segregation can have a negative impact on girls and boys.¹⁶ This is especially true in the case of gender segregation within schools where inevitably gender segregated classrooms will convey to students that the single most important thing about them is their sex, focusing attention on stereotyped expectations as females and males. Further,

¹⁴ Patel, Pragna, "Faith in the state? Asian women's struggles for human rights in the UK", *Feminist Legal Studies*, 12(1), pp. 9-36, (2008), *passim* and Patel, Pragna and Dhaliwal, Sukhwant, *Religion and Caste in the UK: Reflections on Hindu and Sikh Fundamentalist Mobilisations. The Social Equality of Religion or Belief* Palgrave Macmillan (2016) p164.

¹⁵ Zeinabou Hadari, cited in Karima Bennoune, *Your Fatwa Does Not Apply Here: Untold Stories from the Fight against Muslim Fundamentalism*, (2013), p. 82.

¹⁶ Professor Leaper, Campbell, "Exploring the consequences of gender segregation on social relationships," (1994) 65 *New Directions for Child and Adolescent Development*, p. 79.

the practice will discriminate against all those children whose gender identity does not fit the female-male binary (ie children who do not identify as male/female).

16. Gender segregation within the context of BME, especially Muslim, populations is increasingly problematic. It allows the fundamentalists to exacerbate the conventional religious and cultural stereotypes which place women at home and either restrict or severely restrict, their engagement in the public sphere. This disempowers women and girls and increases inequality. In wider society those gender stereotypes were challenged over 50 years ago and there has been significant progress towards gender equality since. In BME communities, by contrast, discriminatory social norms and practices often go unchallenged and are increasingly being promoted on religious grounds, which in our view do not make them any less discriminatory. Past UN Special Rapporteurs on Cultural Rights have noted that cultural diversity cannot be a justification for practices that violate women's human rights: "Stated more explicitly: the principle of non-discrimination, which lies at the root of the principle of universality of human rights, must always be respected".¹⁷
17. Education is becoming a key battleground for the control of minority women and girls. Female education is hugely significant because of the inequality within many BME communities. One of the key pressures on women in our communities, not often borne by those in wider UK society, is their enforced role as the symbolic and actual representation of the "authenticity" or "morality" of collectivities, in particular religious collectivities,¹⁸ which impacts on their access to and the quality of education received. Many of the women we work with do not support fundamentalist views on the education of girls and women.
18. In the wake of the rise of Political Islam, gender segregation in public spaces has become an increasing social reality for Muslim women and girls, not only in the UK, but around the world.¹⁹ Academics, including the Algerian sociologist Mareime Lucas, have pointed out the close connection between gender segregation and the political project of Islamic fundamentalism which promote gender segregation as part and parcel of its regressive attitudes about women, their sexuality and gender roles.²⁰ Even women who do not have children are only encouraged to

¹⁷ *Cultural Rights of Women*, (UN General Assembly: August 2012), <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/459/30/PDF/N1245930.pdf?OpenElement>>, pg17, §60

¹⁸ Pourzand, Niloufar, "Education in Afghanistan: A gendered Ideological Terrain., *Warning Signs of Fundamentalism*", pp.23-32, (Women Living Under Muslim Laws, December 2004), p.23.

¹⁹ Dunya M, "Islamism and gender activism" (1999) 19(2) *Journal of Muslim Minority Affairs*, 269-283, 273.

²⁰ Lucas, M, "Against gender apartheid: Mixing is the future of humanity", *Unveiled*, (Fitnah - Time for Change: January 2014), <http://fitnah.org/fitnah_articles_english/interview_M_H_Lucas_gender%20apartheid.html>.

work if this does not facilitate or encourage exposure to other values systems or to the “free mixing” of the sexes which is discouraged at all costs.

*"In conjunction with the hijab, segregation of the sexes is also an important issue for Islamists in their endeavour to practice a pure Islam unadulterated by 'corrupt' Western customs. They argue that the mixing of unrelated men and women is religiously unlawful. The Hadith and the Qur'an in their conservative interpretation both teach that the Muslim woman is forbidden to mingle with strange men and that she may not work outside of her home. With reference to the West, [it has been] argued that 'The free intermingling of the sexes has brought in its wake an ever-growing tendency towards showing off nudeness and sex perversion'."*²¹

19. Whether gender segregation is required is widely disputed amongst Muslims, though it is recognised that Muslims who adhere to illiberal, ultra-conservative and fundamentalist (including but not limited to Wahhabi, Salafi, Deobandi, Bareilvi) interpretations of Islam are more likely to advocate it. Those who advocate segregation justify it on the grounds that women and men occupy different spheres. In contexts where patriarchy is pervasive and growing, however, separate is not equal. In the UK, we have witnessed gender segregation becoming normalised within minority communities in a number of ways - from a focus on the physical separation of men and women to the imposition of dress codes and veiling. The following are examples of the ways in which it is suggested that Muslim women's freedoms are to be restricted in the UK:

Croydon Mosque and Islamic Centre: *"Advice for the Husband and Wife;" "A woman should seek her husband's permission when leaving the house and should not do so without his knowledge..."*²²

Green Lane Mosque, Birmingham: *"women were not permitted to wear trousers, even in front of their husband, as they show off 'the details of her body'. 'The ones who wear trousers are men, and the Prophet . . . cursed women who imitate men."*²³

Blackburn Muslim Association: *"It is not permissible for a woman to travel a distance exceeding 48 miles without a Husband or a Mahram."*²⁴

Women and Equalities Committee: *"Cultural and religious demands placed on Muslim girls by parents who will push their daughters to attend the nearest university rather than the best one - due to expectations that girls must stay at home, driven by religious beliefs or cultural norms that discourage Muslim girls and women from living alone or exercising their agency."*²⁵

20. Muslim women are extremely under-represented in public life including within the power structures of mosques. Nearly 78% of the responses to one national consultation of mosques in 2012 reported that there were no women representatives at Mosque Management Committee or

²¹ Maumoon, M, *"Gender Activism and the Islamic Revival"*, (December 1995) LSE, p.121.

²² <http://www.croydonmosque.com/pdf/Advice_for_the_Husband_and_Wife.pdf>, p.3.

²³ Burgess, Kaya, *"Mosques ban trousers, travel and Facebook"*, *The Times*, (6.5.16).

²⁴ http://www.muftisays.com/blog/Muadh_Khan/3952_06-05-2016/-blackburn-muslim-association-women-travelling-without-mehram.html>.

²⁵ *"Employment Opportunities for Muslims in the UK"* (August 2016) House of Commons, Women and Equality Select Committee, HC 89, p.28.

trustee level. Many mosques were reported to lack women's facilities and decent prayer spaces. Not a single woman sits on the mosque committee at Glasgow Central Mosque²⁶ or is among the 39 trustees of Birmingham Central Mosque. The Islamic Centre in Soho does not even allow women to enter or use its facilities²⁷ and an audit commissioned by the Muslim Women's Council of prayer facilities in mosques in Bradford concluded that:

"the majority of mosques follow a patriarchal model with poor access for women, and women's representation on mosques' where governing structures were non-existent,"

*"Segregated spaces in mosques were dated and unwelcoming, and there were some accounts of women being turned away down to a lack of space. There were also accounts of women being ushered to basements and not being able to hear or see the imam during prayers."*²⁸

21. While many Muslim ideologues argue that the practice of gender segregation is applicable to both men/boys and women/girls, the overwhelming bulk of rules and restrictions affect women. Abundant evidence of this can be found in religious literature but also in the practice, policies and statements of a range of British mosques and Muslim organisations, as shown above. By way of a further example, the late prominent Salafi-Islamist preacher and 'judge' Haitham al-Haddad, who was based in the influential Leytonstone Sharia Council, supported gender segregation and actively promoted corresponding ultra-conservative and fundamentalist interpretations of gender roles. He emphasised the primary role of women, while lamenting women's independence and contribution to public life:

*"I have not witnessed the Qur'an praising any woman for her contribution outside of this framework. For example, we don't see the Qur'an praising a woman for her political involvement, da'wah activism, level of knowledge, social engagement or even leadership....I posit that the best role, the most honorable and worthy role for a woman is striving to be a fine wife, a good mother, or both... some of our Muslim sisters have bought into the career-oriented model of Muslim womanhood. They speak about empowering Muslim women to become successful businesswomen, company directors, financial advisors, police officers, members of Parliament and even actors, singers and dancers as if this is something Islam has endorsed...To add to their delusion, we find Muslim preachers or activists who promote such ideas without understanding the Qur'anic vision for women properly. We rarely hear them referring to the empowerment of Muslim women by means of being devoted wives and outstanding mothers."*²⁹

22. Extensive fundamentalist and conservative Islamic literature (widely available online and in UK Muslim bookshops) demonstrates the real rationale behind gender segregation:

"Islam firmly believes if the sexual instinct is let loose in this public sphere, it can taint and complicate these relationships. Therefore Islam promotes ideas such as honouring women which are upheld in society, but

²⁶ Leask, D, "SNP's Yousaf: no women on Glasgow Central Mosque committee is a 'disgrace'", *Herald Scotland*, 20.1.16.

²⁷ Kinsley, Olivia, "Sexism row as mosque turns away women worshippers", *ITV Report*, (February 2016), <<http://www.itv.com/news/london/2016-02-26/sexism-row-as-mosque-turns-away-women-worshippers/>>.

²⁸ Sanghani, Radhika, "The truth about 'patriarchal' mosques and their women problem", *The Telegraph* 11.8.15.

²⁹ Dr Haitham Al-Haddad, Shaikh, "Can you blame Muslims for wanting to segregate?", *Islam21C.com*, (February 2014), <<https://www.islam21c.com/politics/can-you-blame-muslims-for-wanting-to-segregate/>>.

alongside such ideas specific rules and laws are implemented to help maintain the atmosphere of healthy interaction between the sexes. These rules aim to minimise the presence of this instinct in public life. So minimising the mixing the interaction of the sexes in the public sphere unless necessary, the covering up of women and men through the Islamic dress code, the prohibition of exploiting the sexuality of women in any profession, modelling to pornography, are all laws to help maintain an atmosphere in public life.”³⁰

23. The website “The Ideal Muslimah”, which is based on a book popular in conservative and fundamentalist circles, notes the dangers of women speaking to a mixed audience:³¹

*“The female lecturer speaking softly, telling jokes and even laughing during her lectures;
The female lecturer wearing clothing that shows the contours of the body or while she gives the lecture bends into positions that are not synonymous with the concept of hayaa' (modesty) in Islam;
It is not permissible for a woman to travel far distances alone even to give Islamic lectures;
Delivering a lecture would require eye contact be maintained with the audience including members of the opposite sex, as a result “the effect it contains can very easily be translated into bad thoughts because the human self is weak, add to that the effects of today's society where sexuality is accentuated and licentiousness is rampant and you have a recipe for disaster.”³²*

Such extreme and fundamentalist reactions to female sexuality from puberty arise from the equation of female with “fitnah” (a source of enticement and social discord). Fitnah, applied to women, means “sexual enticement, a source of danger, civic and social discord, a sense of instability and impending evil.”³³ Women are not seen as independent or equal entities but as infantilised dependants of husbands, fathers or men who control the public space.³⁴

24. The ultimate aim behind gender segregation in many Muslim societies is to remove women from the male gaze. Clearly, in the eyes of fundamentalists and ultra-conservatives, public life is threatened by the presence of women, thus any kind of social and especially sexual interaction between both sexes is deemed unacceptable and necessitates the implementation of all precautionary measures including as much as possible, gender segregation. A consensus has now developed on the centrality of gender segregation to the assertion of a new sexual, moral and political order based on the preservation of the private/public distinction, patriarchal sexual mores and unequal gender relations:

“Therefore gender separation in Islam does not indicate an inferior outlook on the woman. Rather, it is part of a comprehensive set of social laws that regulate the relationship between men and women, which aim to direct and restrict the fulfilment of the sexual desires to marriage alone. These social rules also include the

³⁰ 5 Pillars, “Gender segregated seating: Why the uproar?”, *5pillarsuk.com*, (December 2013), <<http://5pillarsuk.com/2013/12/13/gender-segregated-seating-why-the-uproar/>>.

³¹ The Ideal Muslimah (Muslim Women), <<http://idealmuslimah.com/>>.

³² The Ideal Muslimah, “Women Speakers Addressing Mixed Gatherings”, *IdealMuslimah.com*, <<http://idealmuslimah.com/character/modesty/3434-women-speakers-addressing-mixed-gatherings.html>>.

³³ Abou El Fadl, K, *The Great Theft: Wrestling Islam from the Extremists*, (Harper One: January 2007), Chapter 12, p. 257.

³⁴ Galloway, S, *The Impact of Islam as a Religion and Muslim Women on Gender Equality: A Phenomenological Research Study*, (Nova South-eastern University: 2014), p.59.

Islamic dress code, and the prohibition of an unrelated man and woman being alone together, as well as the prohibition of the free-mixing of the sexes and intimate relationships outside marriage. These laws have a tangible, positive outcome upon society of protecting the family unit and the rights of children, as well as ensuring healthy interaction between men and women that is productive and not cheapened nor hindered by sexual distractions.”³⁵

25. The practice of segregation for religious reasons is ideologically linked to the control of female sexuality “fitnah”, and necessarily promotes an inferior and dehumanized notion of womanhood: *“What gender segregation essentially does is make women less human, sexualizing women even more than non-segregated spaces do. Unfortunately, in a world oiled by patriarchy, separate can never be equal.”³⁶* In our experience, it also lowers self - esteem and confidence amongst those affected, leading to further isolation and fear and distrust of the outside world. As noted above, and observed by many commentators, education is a key target for fundamentalists and conservatives. In the last two decades in particular, we have seen a growing practice of gender segregation in schools and educational establishments. The push towards segregation is led by fundamentalist and ultra conservative Muslim groups.

Gender Segregation in Education

26. The focus on education as a key battleground began in the UK following the Rushdie Affair in 1989 which opened up a space for the assertion of a particularly orthodox Islamic identity and demands revolving around women and girls in particular. The voices of Muslim women and girls were, and remain, largely silent as demands have grown for appropriate “Islamic” uniforms, the right to withdraw girls from dance, music and swimming and personal health and sex education lessons, and gender segregated sports activities, all of which are deemed to be necessary to fulfil the Islamic requirement for “female modesty”.³⁷ The call for separate schools for girls was led by Muslim “representative” organisations such as the Bradford Council of Mosques whose spokesperson claimed gender segregated schooling was necessary to *“community religious and cultural well being”*. His comments, however, also betrayed the real agenda - the control of girls:

“The struggle is between Islam and godlessness, which in schools takes the form of co-education, Darwin theory, female emancipation and ‘Muslim girls running away with Non-Muslim boys’. There is no such thing

³⁵ “Gender Segregation in Islam is NOT Discrimination! But Stigmatising Religious Communities for their Values Is!”, *The Khilafah*, (March 2016), <<http://www.khilafah.com/gender-segregation-in-islam-is-not-discrimination-but-stigmatising-religious-communities-for-their-values-is/>>, Ut-Tahrir, Huzb, *The Draft Constitution of the Khilafah State*, hiizb.org.uk, (2011). <<http://www.hizb.org.uk/wp-content/uploads/2011/02/Draft-Constitution.pdf>>.

³⁶ Khader, Rafia, “The Hypocrisy of Gender Segregation – Separate Can Never Be Equal”, *Muslim.com*, (2016), <<http://muslim.com/the-hypocrisy-of-gender-segregation-separate-can-never-be-equal/>>.

³⁷ The Muslim Council of Britain, “Towards Greater Understanding: Meeting the needs of Muslim pupils in state schools” (MCB, 2007), <<http://www.religionlaw.co.uk/MCBschoolsreport07.pdf>>.

as freedom in religion. You have to tame yourself to discipline. We want our children to be good Muslims, whereas this society wants children to be independent in their thinking.”³⁸

27. A journalist who spoke at the time to girls at the only Muslim girls’ school in Bradford commented that the majority had had little choice in the matter since they:

“would not be getting an education unless it was compulsory and have reconciled their personal ambitions with the realities of their situation. They say they are educating themselves because ‘they might need it one day...If I am lucky I might get married to a man who will let me use my education and get a good job’...”³⁹

28. On visiting a nearby comprehensive school attended by majority Muslim girls, the same journalist recounted similar concerns:

“...One thing they all agreed: none of them wishes to go to a ‘separate’ Muslim school. These girls see themselves as the ‘lucky ones’, for they have been brought up to regard education as a privilege, not a right. They resent the fact that their brothers are encouraged to get qualifications whereas they have to fight for them every step of the way...If we don’t get qualifications, then the only alternative is marriage”.⁴⁰

The journalist concluded that: *“The education of Muslim girls has less to do with schooling and more to the rise of control by Muslim men”⁴¹.*

29. In 2000, the Association of Muslim Social Scientists and others produced a “Muslim” position paper which set out the rationale for gender segregation:

“...some Muslim women find it preferable to be treated by female doctors, taught by female teachers and advised by female advisers on all manner of issues. The role of women within Muslim society is nevertheless quite distinct to that of men, and is something that Muslims wish to recognise within the provision of education. As such, even within the existing education system, the principle of segregation should not be seen as something out of the ordinary...”⁴²

30. These comments also find echoes in findings from a local study on gender and multiculturalism conducted by SBS in 2006. The study documented the growing influence of religious ultra conservative and fundamentalist ideology in local state schools and the resulting restrictions on the fundamental rights of BME girls:

“Perhaps the greatest danger arising from the over-accommodation of religion in state schools is the negative impact on the rights of girls from minority communities. All religions and cultures are built on patriarchal notions of womanhood and this can and does circumscribe the participation of women in civil society. Whilst many parents from Asian minority communities wish to educate their daughters to the highest levels, the same parents may also wish to control them and their sexuality in particular...too much knowledge is not regarded as a good thing as it encourages independence of mind... That is why single sex schools are extremely

³⁸ Khanum, Saeeda, “Education and the Muslim Girl’, Refusing Holy Orders: Women and Fundamentalism in Britain”, Sahgal, Gira and Yuval-Davis, Nira (eds), (Women Living Under Muslim Laws: 2000), p.141-142.

³⁹ *Ibid*, p.132.

⁴⁰ *Ibid*, p.133.

⁴¹ *Ibid*, p. 136.

⁴² The Association of Muslim Social Scientists, *Muslims on Education: A Position Paper*, (AMSS UK: 2004), p. 22.

popular...since it provides one less opportunity for their daughters to mix with boys. Religious single sex schools are considered even better...since these are places where access to knowledge can be contained.”⁴³

31. The SBS study found that even in local state schools, under the guise of multiculturalism, some girls were prevented from taking part in PE, dance, drama, PSHE lessons and mixed residential and educational trips: in our view a form of *de facto* segregation.

“In this particular study, almost all of the participants raised concerns about parents exercising their rights to withdraw children from the teaching of sex and relationship education...significantly, the majority of the interviewees talked about the removal of girls and not boys...one of the participating schools noted that the majority of withdrawals at their school were from Muslim parents.”⁴⁴

32. In 2007, the Muslim Council of Britain (MCB), an unrepresentative organisation with strong links to the fundamentalist Jamaat e Islami⁴⁵ movement, produced written policy guidance on Muslim pupils in state schools. The guidance discourages many mixed gender activities, music, art, drama, dance and sex education and seeks to normalise gender segregation as an essential aspect of Muslim identity. It is highly restrictive and in our view, entirely consistent with Muslim fundamentalist norms on gender roles. The absence of any reference to gender equality in the document is particularly significant given its claims to support the “Every Child Matters” agenda.⁴⁶

33. From time to time, SBS has also received anecdotal information from individual members of the public about the ways in which the rights of girls are being increasingly restricted. One woman told me directly in February 2014 that “*all girls from one BME community at our school were removed from last SRE [Sex and Relationships Education]. It was a lesson about periods. What a thing to miss*”.

34. University groups, particularly Islamic Societies in Britain, have been in the forefront of attempts to impose gender segregation in the public sphere. One report found that 180 segregated events had been held by university Islamic Societies on campuses between March 2012 and 2013.⁴⁷ In 2013, the Islamic Society at Queen Mary University of London held an event where women were obliged to walk through a “sisters” only entrance and were segregated from men by being seated at the back. Men were able to ask questions by raising their hands but women were banned from

⁴³ Dhaliwal, S and Patel, P, *Multiculturalism in Secondary Schools: Managing Conflicting Demands, Pilot Project Report*, (SBS: 2006), <<http://www.southallblacksisters.org.uk/downloads/mssr-copyright-sbs.pdf>>, p.68.

⁴⁴ *Ibid*, p.73, p.55.

⁴⁵ Bowen, I, *Medina in Birmingham, Najaf in Brent: Inside British Islam*, (C Hurst & Co Publishers Ltd: June 2014), p 83-99. See also, Awaaz - South Asia Watch, *The Islamic Right – key tendencies*, (June 2006), p.2-3.

⁴⁶ MCB, “Meeting the needs of Muslim pupils in state schools” (2007), <www.mcb.org.uk> available at <http://www.muslimparents.org.uk/downloads/>.

⁴⁷ Kassam, R and Sutton, R, “Unequal Opportunity: Gender Segregation on UK University Campuses”, (Student Rights: 2013), <<http://www.studentrights.org.uk/userfiles/files/Segregation-on-Campus-Briefing.pdf>>, p.3.

asking questions and instead had to write their questions down. One female student described how she found the experience degrading and humiliating:⁴⁸

“It’s not just about segregation but also about how they’re treating women,” said the first-year arts student, who requested anonymity for fear of being attacked for her views. She said men were also told to avoid making eye contact with the women. “It’s one thing to be segregated, but a whole other thing being told we are not allowed to speak and men being told not to look at the women. “It’s so degrading and embarrassing and you just want to shake them and say, ‘Why are you being so disrespectful?’”⁴⁹

35. In 2013, the Islamic Society at Leicester University, led by a fundamentalist group, publicised a public lecture encouraging males and females to sit separately.⁵⁰ In 2014, University College London caused an outcry when a scientist threatened to walk out of a debate on Islam and atheism because it was gender segregated.⁵¹ And in 2016 the Islamic Society at the LSE organised a social event that not only involved separate seating but also a 7ft high curtain in the middle of the room dividing the sexes. Whilst not all those who attended objected to the segregation, itself a comment on the normalisation of the practice, others found it highly uncomfortable and intimidating:

“It’s been going on for quite a while,” one LSE undergraduate said. ‘I don’t think it’s ever been brought to the university’s attention. ‘I have a friend who says she’s really intimidated because she doesn’t believe in gender segregation at all so she stopped going.’”⁵²

36. The accommodation of gender segregation hit the headlines in 2013/4 when the governing body of the Universities UK (the representative body for UK universities) issued guidance on gender segregation, a move which eventually prompted SBS and Inspire to challenge it on the grounds of gender equality and human rights.

37. Gender segregation in schools increasingly affects staff members as well as pupils:

“HMI who inspected the Rabia Girls’ and Boys’ School in Luton expressed their concern when, at the initial meeting with inspectors, the school insisted on segregating men and women through the use of a dividing screen across the middle of the room...Male staff sit in one room and the session is simultaneously broadcast to female staff in another part of the school.”⁵³

38. The Chair of Governors of the Mandani School in Leicester recently justified the gender segregation of pupils and staff as an essential component of the “Islamic ethos.”

⁴⁸ Kerbaj, R and Griffiths, S, “Women barred from speaking at university seminar”, *The Sunday Times* 15.12.13.

⁴⁹ Smith, J and Slater, R, “Female students banned from speaking at Islam seminar and forced to walk through separate ‘sisters only’ entrance at leading London university”, *Daily Mail* 16.12.13.

⁵⁰ Ibraheem, H, “Islamic society investigated over gender segregation”, *The Times Higher Education* 16.4.13.

⁵¹ CNN News, <<https://www.youtube.com/watch?v=X1nSFR3N0pE>>.

⁵² Gye, H, “EXCLUSIVE: London School of Economics Islamic Society holds segregated dinner with a curtain across the room to separate male and female students”, *Daily Mail* 15.3.16.

⁵³ Espinoza, J, “Luton Muslim school uses dividing screen across room to separate men and women”, *The Telegraph, Education* 28.4.16.

‘Although the students share some facilities, the school day is staggered so that they never meet, with the girls starting 15 minutes earlier. There’s even a separate timetable for the shared library, with girls and boys only being allowed access on separate days. We don’t believe it would be right for males to teach our female pupils, or for a woman to teach our young men. In our religion, men and women do not interact on a casual basis, there are dos and don’ts and rules of conduct,’ said Mr Suleman.”⁵⁴

39. Dame Louise Casey highlighted that the high levels of ethnic and faith segregation in some schools are a great cause for concern and a risk to children’s wellbeing when pupils in segregated schools do not have an opportunity to mix with children from other backgrounds⁵⁵. We are witness to a hard line agenda being imposed within community institutions and in schools and universities in the UK. Regressive Muslim forces have grown in confidence and have, in places like Tower Hamlets and Birmingham, tried to seize control of a number of schools with a view to imposing a fundamentalist agenda. A recent investigation revealed:

“... a sustained and coordinated agenda to impose upon children in a number of Birmingham schools the segregationist attitudes and practices of a hardline and politicised strand of Sunni Islam. Left unchecked, it would confine school children within an intolerant, inward-looking monoculture that would severely inhibit their participation in the life of modern Britain... This agenda ... appears to stem from an international movement to increase the role of Islam in education. It is supported by bodies such as the Association of Muslim Schools–UK (AMS-UK), the International Board of Educational Research and Resources (IBERR), the Muslim Council of Britain”.⁵⁶

Regressive forces use violence and intimidation to silence any criticism of their activities and to demand absolute conformity.⁵⁷

Conclusion

40. Given the historical, social, and political context, gender segregation on religious grounds applied in South Asian communities cannot be neutral, and in our view, rarely benign. By its very nature, gender segregation facilitates gender inequality rather than equality. A key reason for this is that the very notion of equality, like that of human rights, is perceived to be a “Western” idea that is antithetical to “Islamic” values:

“Gender equality is a modern ideal which has only recently, with the expansion of human rights and feminist discourses, become inherent to generally acceptable conceptions of justice. In Islam, as in other religious traditions, the idea of equality between men and women was neither relevant to notions of justice nor part of the juristic landscape... With the adoption of CEDAW⁵⁸, gender equality acquired a clear international

⁵⁴ Soni, D, “Divided by faith: inside the segregated Mandani schools”, *Channel 4 News*, (April 2014), <<https://www.channel4.com/news/madani-school-segregation-leicester-gender-faith-islam>>.

⁵⁵ The Casey Review, p 113. We have seen that students at School X reported not having friendships outside their gender group as well as outside their faith group – see inspectors notes at page E96 (no friends from other sex) and E98 (no friends from other sex or from other religions)

⁵⁶ Clarke, P. (2014) *Report into allegations concerning Birmingham schools arising from the ‘Trojan Horse’ letter*, p.48: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/340526/HC_576_accessible_-pdf

⁵⁷ *Refusing Holy Orders*: fn 39 above, pp.141-142.

⁵⁸ UN Convention on the Elimination of Discrimination Against Women.

*mandate. ...the encounter between two radically opposed value systems, one rooted in pre-modern conceptions of justice, gender and rights, as found in Islamic legal discourses that sanction discrimination on the basis of gender, the other shaped by the contemporary ideals of human rights, equality and personal autonomy, based on international human rights standards and documents.”*⁵⁹

41. Significantly, the human rights and equality implications of gender segregation in the context of the rise of regressive religious forces is finally receiving long overdue attention from the human rights community. The current UN Rapporteur on cultural rights, Karima Benounne, very recently published a new report on “Fundamentalism, Extremism and Cultural Rights” (2017) in which she states that:

*“Fundamentalists everywhere target education in different ways. In some places, they kill teachers or carry out acid attacks on students. Elsewhere they attempt to impose gender segregation in schools or to exclude women and girls altogether. In other places, they seek to change the content of education, removing sex education from the curriculum or censoring scientific theories with which they do not agree.”*⁶⁰

42. We also note the work of the previous UN Rapporteur on cultural rights, Farida Shaheed, whose 2012 report underlines the right of women to have access to, participate in and contribute to the cultural and public life of the communities in which they are located:

*“Women’s imperative to maintain belonging to a particular community (or communities) is intensified when they have little direct interaction with State institutions and are kept ignorant about their rights. Gendered systems of socialization and education may discourage women and girls from expressing their views and asserting their right to actively engage in interpreting cultural heritage and deciding which aspects are to be retained and which need to be altered or discarded altogether.”*⁶¹

43. Given the dominant gender norms within BME Muslim communities, it cannot be said that gender segregation has a neutral impact on boys and girls. The political incentives for single-sex classrooms must be examined contextually. The impact of segregation is detrimental to girls since its aim of gender segregation is not promote gender equity but to reinforce the different spaces – private and public – that men and women must occupy, and their respective stereotyped roles which accord them differential and unequal status.

STATEMENT OF TRUTH

I believe that the facts given in this statement are true.

⁵⁹ Larsen, L *et al*, *Gender and Equality in Muslim Family Law*, (I.B. Tauris & Co Ltd: April 2013), p.1.

⁶⁰ “Report of the Special Rapporteur in the field of cultural rights”, HRC, Agenda Item 3, (UN General Assembly: January 2017), <http://www.ohchr.org/Documents/Issues/CulturalRights/A_HRC_34_56_EN.docx>, p.19, §90.

⁶¹ *Cultural Rights of Women*, (UN General Assembly: August 2012), <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/459/30/PDF/N1245930.pdf?OpenElement>>, p.15, §51.

Signed ... 

Dated 6 June 2017.