

## CONTENTS

	Page No.
Suggested Course Programme	2
Islamic Knowledge Quiz	3
Brief Profile of Course Director	5
INTRODUCTION	6
Background of Muslims, Islam and Culture	6
BRIEF OVERVIEW OF ISLAM	8
Concept of Worship in Islam	8
FIVE PILLARS OF ISLAM	9
The Declaration of Faith, Prayer, Fasting, Welfare Due for the Needy Pilgrimage (Hajj)	
Women in Islam	9
Life After Death	10
Festivals in Islam	10
Idu-l-Fitr, Idu-l-Adha	
JIHAD	11
Islam and Terrorism	12
The Media	12
The Radicalisation of Muslim Youth in Europe	14
Honour Killings	14
WOMEN HEADSCARF/HIJAB	16
Should the veil be worn in Court?	18
PRACTICAL NEEDS APPERTAINING TO MUSLIM REQUIREMENTS	21
Daily worship and Prayer, The Direction of Qibla	
The Holy month of Ramadhan, Diet and Hygiene, Halal Meals	22
A Cleansing Vessel	
THE LEGAL FRAMEWORK	
The Race Relations (Amendment) Act 2000	23
Employment Equality (Religion or Belief) Regulations	25
EXAMPLES OF GOOD PRACTICE	28
Sample Policy Statement on Religious and Cultural Needs	29
Glossary of Terms	31
Case Studies	33
CONCLUSION	34
Glossary of Arabic Terms Used By Muslims	35
References and Further reading	39

# Introduction to Islam and the Muslim Culture Course for the Criminal Justice System

## Suggested Programme

### **9:30 Arrival, Registration, Tea/Coffee**

- Introduction & Welcome
- Setting the Scene/Expected Outcomes
- Ground Rules
- Islamic Knowledge Quiz
- Basic Beliefs & Practices
- Questions/Discussion

### **11:15 Break for Tea/Coffee**

- Women in Islam
- Islamic Perspective on Terrorism and the concept of Jihad
- Key issues relating to Muslims involved with the Criminal Justice System

### **12:30 Lunch**

- Workshops - in three groups
- Feedback
- Questions/Discussion

### **3:15 Break for Tea/Coffee**

- Review Islamic Knowledge Quiz
- Evaluation

### **4:00 Close**

<b>ISLAMIC KNOWLEDGE QUIZ</b>
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**Below are 32 Statements. Test your awareness by qualifying them as true or false. Please tick ( / ) the appropriate box.**

	<i>True</i>	<i>False</i>
1. Islam is an Asian religion, originated from the Indian Sub-continent.	( )	( )
2. Muslims pray three times a day.	( )	( )
3. The Quran has remained completely unaltered.	( )	( )
4. Allah is the Arabic word for God.	( )	( )
5. Islam means peace and submission.	( )	( )
6. Islam, Christianity and Judaism have the same origins	( )	( )
7. Muslims believe Prophet Muhammed (peace be upon Him) as the last Prophet and to whom the Quran was revealed through Angel Gabriel.	( )	( )
8. Muslims believe in re-incarnation.	( )	( )
9. Islam treats women subserviently	( )	( )
10. All Muslims are dark skinned.	( )	( )
11. In Islam, Muslims are not allowed to eat pork or drink alcohol.	( )	( )
12. Muslims can have four wives.	( )	( )
13. Muslim women must stay at home and look after children.	( )	( )
14. Muslims believe in life after death and the day of Judgement.	( )	( )
15. Muslims believe in Jesus, Moses and Abraham as their Prophets.	( )	( )
16. Muslims can drink water when they fast.	( )	( )
17. All Muslims want to kill Salman Rushdie.	( )	( )

### Islamic Knowledge Quiz cont.

	<b>True</b>	<b>False</b>
18. Pilgrimage is one of the five pillars of Islam.	( )	( )
19. <i>Wudhu</i> is a form of ritual washing (face, arms and feet)	( )	( )
20. There are a billion Muslims in the world.	( )	( )
21. Muslims believe Adam as the first Prophet of Islam	( )	( )
22. A Mosque is a place of worship.	( )	( )
23. In prayer Muslims prostrate to Prophet Muhammad.	( )	( )
24. Eid is a major festival in Islam.	( )	( )
25. Muslim marriages must be arranged and the consent of the boy and girl is not required.	( )	( )
26. Muslim women must be covered, apart from hands and face.	( )	( )
27. The birth of a girl is not welcomed.	( )	( )
28. Female circumcision is an Islamic practice.	( )	( )
29. Male circumcision is an Islamic practice.	( )	( )
30. Islam, Christianity and Judaism are known as the Abrahamic religions.	( )	( )
31. Muslim fast from dawn to dusk during the month of Ramadhan.	( )	( )
32. In Islam, equating God with a partner is a major sin and this is known as <i>shirk</i> .	( )	( )

## **EDUCATION ISLAM**

### **Brief Profile of Course Director Kaushar Tai**

Kaushar is a Management and Diversity Consultant. He is the founder member and Director of Aksaa Ltd - Education Islam Project.

Kaushar has held senior management positions in Health and Social Care fields and Regeneration programmes. He is a qualified Health and Social Care professional with experience in managing large and complex projects. Some of the Senior Management positions he has held include Programme Manager for SureStart; Chief Executive of Batley Community Development Ltd.; Health Promotion Manager for the Department of Public Health & Medicine, and Assistant Director of Equal Access at the Leeds Hospitals NHS Trust. He has served as a Non-Executive Director on the Primary Care Trust Board, Dewsbury College Board, and on the Police Authority Recruitment Panel. For seven years up till January 2007 he had been a Lay member on the Employment Tribunal Panel in Leeds and a Special Member hearing race and religious discrimination cases.

Kaushar has gained expertise in delivering race equality and diversity training including this Islamic Cultural Awareness Training to Private and Public Sector professionals working across various Local and National Government Departments and the NHS. He also delivers Management Training to Faith Leaders.

Kaushar is active in Muslim/Christian dialogue and champions inter-faith working. He is currently the Co-Chairman of North Kirklees Inter-faith Council; a membership of all faith communities and people with no-faith, working together to achieve common goals and striving to achieve strong community cohesion. He is also an Executive Committee member of Doctors Worldwide, which is a British registered charity undertaking medical relief and aid work to those in need in developing countries.

He holds an MSc in Social Sciences, a Professional Certificate in Management, a Social Work qualification and a diploma in Business and Management.

### **Acknowledgements**

Shakila Bhukari

## **INTRODUCTION**

This information booklet is designed specifically for non-Muslim professionals who work in the various capacities of the criminal justice system. It complements the course developed by the author entitled "Introduction to Islam and the Muslim Culture Course in the Criminal Justice System" to aid further understanding and application in their work environment.

The purpose of the course and this booklet is the following:

- Giving the delegates a better understanding of Islam and the Muslim Culture
- Enhance knowledge of specific needs in Muslim communities who use the Criminal Justice System
- To help with policy development incorporating the needs of Muslim communities and striving towards fulfilling the requirements of the Race Relations (Amendment) Act & Religion & Belief Regulations.
- The section on Practical needs appertaining to Muslim requirements would be useful in discussing about providing facilities for observant Muslims in public places such as courts, probation service and police custody.

### **Background of Muslims**

Muslims come from different racial and cultural backgrounds. They may originate from India, Pakistan, West Africa, Turkey, Somalia, Iraq, Morocco or Malaysia.

Muslims are united in their Islamic faith and perceive themselves as one ummah (one nation) despite their wide ethnic diversity.

Muslims will vary in the observance to their faith. Some will want to pray in their place of work or School; others will choose not to. There will be some that will observe their prayers when they return home from work. It is important that Employers and work colleagues are aware of their needs so that if they wish to adhere to their obligations, they are able to facilitate this need.

In respect of work environment; Muslims are able to achieve their full potential in employment, without jeopardising or compromising their faith. Relatively minor changes to regulations and practices by employers can make a significant difference to Muslim employees.

The information that follows will provide some important information in fulfilling the requirements of Muslims. However, it is urged that it is always better to ask the service user when developing services.

### **Islam and Culture**

One needs to differentiate between Islam as a religion and a way of life and cultural and traditional practices which come from peoples' own ethnic origin.

There are over a billion Muslims in the world representing 1/5<sup>th</sup> of the population. They live in every corner of the globe and thus have their own ethnic and cultural identity. This can be displayed in the form of clothes, the food they eat, the language they speak etc. etc. Such diversity is welcomed in Islam as long it does not compromise the teachings of Islam.

Islam is a complete way of life and the two main sources of guidance and teaching comes from the Quran and the Sunnah (the teaching or sayings of the Prophet Muhammad – pbuh).

## **BRIEF OVERVIEW OF ISLAM AND THE MUSLIM CULTURE**

Islam, the most misunderstood religion, is also the fastest growing in the World. The word Islam conjures up different images for different people, all depending upon their knowledge base of Islam and their contact with Muslim – practicing and non-practicing.

Islam is an Arabic word which means peace and submission. The religion of Islam is the complete acceptance of the teaching and guidance of God: that is to surrender to the will of God. A Muslim accepts freely and willingly the supreme power of God and strives to live his or her life according to the revealed teachings of God. Muslims also work towards the establishment of a just and equitable social order which truly reflects the guidance of God.

Islam is not a new religion. It is, in essence, the same message and guidance, which God revealed to all His Prophets.

“Say. We believe in God and that which was revealed to us and that which was revealed to Abraham and Ishmael and Isaac and Jacob and the tribes and that which was given to Moses and Jesus and to the Prophets from their Lord; we make no distinction between any of them, and to Him we submit.” (Quran 3:84)

Muslims believe Muhammad, (peace be upon him), was the seal of the Prophets and that the message revealed through him was final and authoritative.

Islam, Christianity and Judaism have the same origins. They go back to the Prophet and Patriarch Abraham (peace be upon him) and their three Prophets are directly descended from his sons – Muhammad from the eldest, Ishmail, and Moses and Jesus from Isaac (peace be upon them). Abraham (peace be upon him) established the settlement, which today is the city of *Makkah* in Saudi Arabia and built the ka'ba towards which all Muslims turn when they pray and visit when on Pilgrimage.

### **Concept of Worship in Islam**

The concept of worship in Islam is misunderstood by many people, including some Muslims. Worship is commonly taken to mean performing ritualistic acts such as prayers, fasting, charity etc. This limited understanding of worship is only one part of the meaning of worship. Worship in Islam is everything one says or does for the pleasure of God. This, of course, includes rituals as well as beliefs, social activities, and personal contributions to the welfare of fellow human beings.

Islam looks at the individual as a whole; required to submit completely to God. The Quran presents this concept in the following sublime manner:

“It is not righteousness that you turn your faces to the East or the West, but righteous is he who believes in God and the Last Day and the Angels and the Book and the Prophets; and gives wealth for the love to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and to set slaves free; and observes proper worship and pay the Zakat and those who keep their treaty when they make one, and are patient in tribulation and adversity and time of stress. Such are those who are sincere. Such are the God- fearing.” (Quran 2.177)

Therefore, every action which is done with the awareness that it fulfils the will of God is considered an act of worship in Islam. Nevertheless, there are specific acts of worship, commonly known as the five Pillars of Islam.

## **The Five Pillars of Islam**

### **The Declaration of Faith**

In Arabic it is known as Ash-Shahadah – Declaration of Faith. “I bear witness that there is none worthy of worship except God, and that Muhammad (pbuh) is His servant and Messenger.” The Prophethood of Muhammad (pbuh) obliges the Muslims to follow his exemplary life in every way.

### **Prayer**

Prayers are prescribed five times a day as a duty towards God. They strengthen and enlighten the belief in God and inspire individuals to a higher morality. They purify the heart and control temptation towards wrongdoing and evil. “O you who believe! Seek help with patient perseverance and prayers, for Allah is with those who patiently persevere.” (Quran 2.153)

### **Fasting**

Fasting is observed each year during the month of Ramadan. This means abstention from food, drink and sexual intercourse from dawn to sunset. Fasting teaches love, sincerity and devotion. It develops a sound social conscience, patience, unselfishness and willpower. Muslims believe when they fast, God remembers their suffering.

### **Welfare Due to the Needy**

This is known as Zakat payment. Annually 2.5% of the net saving is spent on the poor or needy, as a means of purifying their possessions. The word Zakat means purification and growth. Each Muslim is responsible for calculating and giving their own Zakat individually. Many Muslims also give as much as they can in Sadqa, (voluntary donation) and it is best to do so secretly.

### **Pilgrimage (Hajj)**

Pilgrimage to Makkah in Saudi Arabia once in a lifetime is obligatory, provided one has the means to do so. Hajj implies an individual’s temporary suspension of all worldly activities and realisation of oneself as a single soul in front of God alone. A close picture of the Kabah in Saudi Arabia is shown above.

### **Women in Islam**

Concerning the spiritual status of women, the Quran makes it clear that men and women who practice the principles of Islam will receive equal reward for their efforts.

“Surely for men who submit (to God) and for women who submit (to God), for believing men and believing women, for devout men and women, for truthful men and truthful women, for steadfast men and steadfast women, for humble men and humble women, for charitable men and charitable women, for men who fast and women who fast, for men who guard their chastity and women who guard their chastity, for men who remember God much and for women who remember God much, God has prepared for them forgiveness and a mighty reward “ (Quran 33.35)

Each of the five pillars of Islam – Belief, Prayer, Fasting, Zakat and Pilgrimage; is as important for women as for men and there is no variance in reward. As God states in the Quran:

“The noblest among you before God is the most heedful of you.” (Quran 49.13)

With regards to rights and obligations the Quran says:

“Men are maintainers of women with bounties which God has bestowed more abundantly on some of them than on others; and with what they may spend out of their possessions” (Quran 4.34)

The man therefore has full moral and legal responsibility for the maintenance of his family. Whatever the wife earns is her own to dispose of, either to use it herself or to contribute it to the family budget. The wife is responsible for the care of her home and the welfare of her family. She can express her views and make her suggestions concerning all matters whereas the husband has the responsibility for the running of the affairs of the family.

Concerning the woman’s position in Islam, the woman has the right to own and sell property, to inherit wealth, to seek knowledge and to engage in legitimate trade. Islam regards the woman as an independent, perfect member of society, and places no difference between her and the man as far as human virtues is concerned. Islam maintains that salvation will be attained only through piety, virtue, knowledge and good deeds and by the grace of Allah.

The family is the foundation of Islamic society. The peace and security offered by a stable family unit is greatly valued and seen as essential for the spiritual growth of its members. A harmonious social order is created by the existence of extended families. Children are treasured and rarely leave home until the time they marry.

Both men and women are expected to dress in a way which is modest and dignified.

### **Life After Death**

Belief in life after death and the Day of judgement is fundamental to Muslims. The world according to Islam is a place of trial and on the day of judgement each individual will be called to account for his or her conduct and rewarded or punished accordingly. According to Islam, the present life is transitory and the life in the Hereafter will be eternal. A vivid description of what will happen on the day of judgement and also of Heaven and Hell has been given in the Quran and other Islamic literature.

### **Festivals in Islam**

There are two major festivals in the Islamic year. The first is celebrated on the day immediately after the end of the Ramadan. Thus it is known as Idu-l-fitr, festival of breaking the fast.

The second major festival is idu-l-adha, which is celebrated to commemorate Prophet Abraham’s (pbuh) willingness to sacrifice his son Ishmael, (pbuh) in obedience to God’s command. This festival falls on the day after the day of Hajj. This festival takes place two months and ten days after the first festival.

### **Idu-l-Fitr**

Muslims put on their new or best clothes and attend the Mosques in the morning to pray in thanksgiving for the blessing they have received from God in the form of the Quran and the keeping of the Fast. They also pay the Sadaqah al-Fitr (welfare due) for the poor. This obligatory poor due is additional to the Zakat members of the household,

including a newborn baby, and given to the poorer members of society to enable them to participate in the festival. Currently, the rate is fixed as £1.50 per each individual.

Muslims offer their greetings of Eid Mubarak (Happy Eid) and Assalamo Allailukum (peace be upon you). Eid-ul-Fitr, is the Muslims community's assertion of unity and family solidarity. It is a community and family celebration where Muslims cook delicious food, visit and embrace each other. It is also a special occasion for the children, who receive presents, new clothes, money and greetings.

### **Idu-l-Adha**

This is the momentous event in the Islamic calendar and commemorates the time, 4000 years ago, when Prophet Abraham (pbuh) was at the command of his Lord, willing to sacrifice his own son Ishmael (pbuh) as an act of obedience, devotion and submission to the will of God. God accepted a lamb as a symbol of his devotion. Muslims throughout the world symbolize their willingness to sacrifice their life and property in the name of God and for the cause of Islam.

On this day also Muslims put on their best clothes and attend the congregational prayers in the morning. Also those who can afford to, sacrifice an animal and share the meat among family, friends and the poor.

### **JIHAD**

This word has been in frequent use in the Western press over the past several years, explained directly or subtly, to mean holy war. As a matter of fact the term "holy war" was coined in Europe during the Crusades, meaning the war against Muslims. It does not have a counterpart in Islamic glossary, and Jihad is certainly not its translation.

The Arabic word "jihad" means struggling or striving and applies to any effort exerted by anyone. In this sense, a student struggles and strives to get an education and pass course work; an employee strives to fulfil his/her job and maintain good relations with his/her employer; a surgeon strives to assist his/her patient as best as he can and so on.

Jihad can be done with speech, the pen, lobbying or picketing, or the Quran by inviting people to the message of Islam.

Since Islam is not confined to the boundaries of the individual but extends to the welfare of society and humanity in general, an individual cannot keep himself/herself in isolation from what happens in their community or in the world at large, hence the Quranic injunction to the Islamic nation to take as a duty "to enjoin good and forbid evil." (3:104).

Islam does not forbid the use of force as a last resort to bring about the greater good or peace. Every country believes in having an Army to keep the peace and offer protection and security to its people. The same is true in Islam. There are strict parameters laid down, however, in Divine Law should force be used.

*The Prophet Muhammad (pbuh) gave various guidelines: **Do not dishonour a treaty. Do not mutilate the dead. Do not kill women. Do not kill children. Do not kill the old. Do not kill those without weapons. Do not kill those engaged in worship (priests, rabbis etc.) Do not cut down trees. Do not burn crops. Do not poison wells of your enemies. Kill only those who come at you.***

Military action is a subgroup of Jihad and not its totality. That was what prophet Mohammad (pbuh) emphasized to his companions when returning from a military

campaign, he told them: *"This day we have returned from the minor jihad (war) to the major jihad (self-control and betterment)."*

Jihad is not a declaration of war against other religions and certainly not against Christians and Jews as some media and political circles want it to be perceived. Islam does not fight other religions. Christians and Jews are considered as fellow inheritors of The Abrahamic traditions by Muslims, worshipping the same God and following the tradition of Abraham (pbuh).

The Prophet (pbuh) said: "The best Jihad is saying a word of truth in the court of a tyrant ruler".

We have to acknowledge again, for the sake of honesty, that historically all traditions, Muslim, Christian, Jew as well as others, had their lapses in honestly following the valued ideals of their religions or philosophies. We all made mistakes, and we still do. Muslims are no exception, and time and again religion was exploited by ambitious tyrants or violated by ignorant mobs. This is no reflection on religion, but it shows how desperately humanity is in need of better education, more enduring concern for human dignity, rights and freedom, and vigilant pursuit of justice, even at the price of curbing political and economic greed.

## **Islam and Terrorism**

What does Islam say about Terrorism?

Islam is a religion of mercy and does not permit terrorism. God says in the Quran:

"God does not forbid you from showing kindness and dealing justly with those who have not fought you about religion and have not driven you out of your homes. God loves just dealers." Quran 60:8

"If anyone killed a person not in retaliation for murder or to spread mischief in the land, it would be as if he killed the whole of humanity. And likewise if anyone saved a life, it would be as if he saved the whole of humanity." Quran 5:32

These Islamic teachings make it clear that acts of inciting terror, the wholesale destruction of buildings and properties, the bombing and maiming of innocent men, women, and children are all forbidden and detestable acts according to Islam. When individual Muslims commit an act of terrorism, they would be guilty of violating the laws of Islam. With regard to suicide bombings; there is no concept of this in the teachings of Islam and is considered a major sin.

## **The Media**

Islamophobia is at its peak due to the negative portrayal of Islam in the media and what some bad Muslims have done in the name of Islam but have no basis in Islam. Fear and mistrust is rife and has come about due to misunderstandings and not knowing much about Islam and Muslims. The only source of information many people have is from the media.

Islamic Terrorism, Muslim fundamentalists, women being oppressed and forced to wear the veil, forced marriages, terror plot averted, are some of the terms associated with Islam and Muslims. This brings fear in the general population and creates a greater divide between Muslims and non-Muslims.

When the caricature of the Prophet Mohammad (pbuh) was published in a negative light in the Danish newspapers, it had touched every Muslim's nerve. The two main sources of knowledge Muslims follow is based on the Quran and the Sunnah, ie the Prophet's teachings, sayings and following his example way of life. When Non-Muslims express negativity of someone who is so highly regarded in their personal and public life, Muslims all over the world will be outraged.

Having said this, there is no excuse whatsoever for Muslims to counter this with equal negativity, threat of violence or terrorism. The Prophet Mohammad (pbuh) was very often persecuted and ill treated himself during his life time and at no point did he react in a negative way. This peaceful existence was one of the main reasons Islam spread so quickly.

The media need to draw a line between what is termed freedom of expression and inciting racial and religious hatred by the way they write, using insensitive language and misrepresenting Islam and Muslims. Unfortunately,

Some politicians have also begun to use terms which are not only insensitive but abusive. This shows a lack of knowledge of Islam on their part. These unchallenged comments create further division in society and help towards the young introducing political Islam to counter this.

Some words such as Islamic Terrorism, Muslim extremism, Islamic fundamentalism and Jihadists, need to be challenged. Since we are all currently living in the climate of fear, uncertainty and mistrust, it seems that anything goes.

My fear is that this sort of language is bringing greater division, mistrust and misunderstanding. Perhaps when the dust settles and more and academic and scientific research is done, then we could all work together to find solutions to the real causes of extremism and terrorism. Only then we could strive towards eradicating it and prevent it happening.

Britain has always held the highest position in striving towards equality, peace and justice and is seen to be respectful of other peoples' faith. This is the reason why we have Mosques, Gurdwaras, Temples and Synagogues and people are freely able to practice their faith. I for one have always held that view.

However, a summary report on Islamophobia in the EU after September 11, produced by the European Monitoring Centre, Vienna May 2002, shows that while the level and frequency of anti-Muslim acts or sentiments have differed, anti-Muslim sentiments have risen in nearly all EU member countries.

My involvement in Inter-faith work has led me to believe that all faiths and people of no faith have so much in common. We need to dwell more on these commonalities rather than the small differences that exists among communities.

## **The Radicalisation of Muslim Youth in Europe**

It is difficult to draw a general view of extremism in Europe and there is no obvious single explanation for the appearance of radicalisation among the Muslim Youth in Britain. There is lack of scientific data on this.

However, below is a list of possible explanation:

- The lack of integration and racism lead to some Muslims feeling excluded from society in which they live.
- Some lifestyles choices for instance dress code reinforce the rejection of the Muslim community by European society
- The economic and social crisis hit the Muslim communities the hardest. Unemployment among Muslims is higher than average and this reinforces the feeling of exclusion;
- Globalisation and improved and rapid means of communication, including the internet give people in Europe direct access to information. The young are now more aware than ever before of the events in Bosnia, Somalia, Chechnya, Kashmir, Afghanistan, Iraq and the Israeli-Palestinian where the Muslims have mainly been the victims.
- Feeling excluded in the country they are living in, they develop a kind of empathy with all the Muslim victims in the world and convince themselves that their own exclusion and the persecution of their brothers and sisters have the same roots: the rejection of Islam by the Western world
- There are many Muslim Scholars and Imams who come from overseas countries. They have no real knowledge of the societies in which their congregation live and, often they don't speak the local language. So they cannot take a role in easing tensions or helping integration.
- Undermining the dignity of Muslims by persistent negative portrayal, stereotypes and misconceptions which demonise the community as a whole and perpetuate the "Them and Us" dichotomy.
- Not engaging and involving young Muslims in decision making that affects their lives and giving them ownership of resources.
- Responding slowly or not at all to legitimate Muslim grievances and anti-Muslim discrimination incidents and hate crimes.

## **Honour Killings**

Honour killing is a complex but brutal reaction within a family against someone who is perceived to have brought "shame" upon relatives.

Honour killings are usually attributed to Islam and Muslims. Although the practice is seen to be widespread among Muslims communities, it is practiced by societies from different religious and cultural backgrounds.

Human Rights Watch defines "honour killings" as follows:

"Honour crimes are acts of violence, usually murder, committed by male family members against female family members, who are perceived to have brought dishonour upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce — even from an abusive husband — or (allegedly) committing adultery. The mere perception that a woman has behaved in a specific way to "dishonour" her family, is sufficient to trigger an attack."

The practice seems to be self-contradictory, since an honour killing is often justified by its perpetrators or supporters, as an attempt to uphold the morals of a religion or a code, which at the same time generally forbids killing as morally wrong.

There is no such thing as "honour killing" in Islam. Islam holds every soul in high esteem and does not allow any transgression upon it. It does not allow people to take the law in their own hands and administer justice.

The so-called "honour killing" is based on ignorance and disregard of morals and laws, and the perpetrators should be disciplinarily punished.

### **WOMEN HEADSCARF (HIJAB)**

"Why do Muslim women have to cover their heads?" This question is one which is asked by Muslim and non-Muslim alike. For many women it is the truest test of being a Muslim.

The answer to the question is very simple - Muslim women observe HIJAB (covering the head and the body) because Allah has told them to do so.

*"O Prophet, tell your wives and daughters and the believing women to draw their outer garments around them (when they go out or are among men). That is better in order that they may be known (to be Muslims) and not harassed..." (Qur'an 33:59)*

Other secondary reasons include the requirement for modesty in both men and women. Both will then be evaluated for intelligence and skills instead of looks and sexuality.

Many Muslim women who cover are filled with dignity and self esteem; they are pleased to be identified as a Muslim woman. As a chaste, modest, pure woman, she does not want her sexuality to enter into interactions with men in the smallest degree. A woman who covers herself is concealing her sexuality but allowing her femininity to be brought out.

The question of hijab for Muslim women has been a controversy for centuries and will probably continue for many more. Some scholars consider that covering the face is required, while the majority are of the opinion that it is not required. A middle line position is taken by some who claim that the instructions are vague and open to individual discretion depending on the situation. The wives of the Prophet (pbuh) were required to cover their faces so that men would not think of them in sexual terms since they were the "Mothers of the Believers," but this requirement was not extended to other women.

The word "hijab" comes from the Arabic word "hajaba" meaning to hide from view or conceal. In the present time, the context of hijab is the modest covering of a Muslim woman. The question now is what is the extent of the covering?

The Qur'an says: "Say to the believing men that they should lower their gaze and guard their modesty; that will make for greater purity for them; and Allah is well acquainted with all that they do.

"And say to the believing women that they should lower their gaze and guard their modesty; and that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands..." (Qur'an 24:30-31)

These verses from the Qur'an contain two main injunctions: (1) A woman should not show her beauty or adornments except what appears by uncontrolled factors such as the wind blowing her clothes, and (2) the head cover should be drawn so as to cover the hair, the neck and the bosom.

Islam has no fixed standard as to the style of dress or type of clothing that Muslims must wear. However, some requirements must be met. The first of these requirements is the parts of the body which must be covered.

Islam has two sources for guidance and rulings: first, the Qur'an, the revealed word of Allah and secondly, the Hadith or the traditions of the Prophet Muhammad (pbuh) who was chosen by Allah to be the role model for mankind. The following is a Tradition of the Prophet:

"Ayesha (R) reported that Asmaa the daughter of Abu Bakr (R) came to the Messenger of Allah (pbuh) while wearing thin clothing. He approached her and said: 'O Asmaa! When a girl reaches the menstrual age, it is not proper that anything should remain exposed except this and this. He pointed to the face and hands.'" (Abu Dawood)

The second requirement is looseness. The clothing must be loose enough so as not to describe the shape of the woman's body. One desirable way to hide the shape of the body is to wear a cloak over other clothes. However, if the clothing is loose enough, an outer garment is not necessary.

Thickness is the third requirement. The clothing must be thick enough so as not to show the colour of the skin it covers or the shape of the body.

Another requirement is an over-all dignified appearance. The clothing should not attract men's attention to the woman. It should not be shiny and flashy so that everyone notices the dress and the woman.

In addition there are other requirements:

- Women must not dress so as to appear as men.
- Women should not dress in a way similar to the unbelievers.
- The clothing should be modest, not excessively fancy and also not excessively ragged to gain others admiration or sympathy.

Often forgotten is the fact that modern Western dress is a new invention. Looking at the clothing of women as recently as seventy years ago, we see clothing similar to hijab. These active and hard-working women of the West were not inhibited by their clothing which consisted of long, full dresses and various types of head covering. Muslim women who wear hijab do not find it impractical or interfering with their activities in all levels and walks of life.

Hijab is not merely a covering dress but more importantly, it is behaviour, manners, speech and appearance in public. Dress is only one facet of the total being.

The basic requirement of the Muslim woman's dress apply to the Muslim man's clothing with the difference being mainly in degree. Modesty requires that the area between the

navel and the knee be covered in front of all people except the wife. The clothing of men should not be like the dress of women, nor should it be tight or provocative. A Muslim should dress to show his identity as a Muslim. Men are not allowed to wear gold or silk. However, both are allowed for women.

For both men and women, clothing requirements are not meant to be a restriction but rather a way in which society will function in a proper, Islamic manner.

This article on Hijab is written by Mary C. Ali – The Institute of Islamic Information and Education, North America.

### **Should the veil be worn in court?**

*The Lord Chief Justice is to issue guidance shortly on the wearing of the full-face veil in court - whether by lawyers, judges, witnesses, court staff or jurors. The guidance has been drawn up by the Judicial Studies Board after extensive consultation. It is likely to adopt a pragmatic approach: the consensus is that while it may be generally preferable for the veil not to be worn in court proceedings, this will be left to the individual. But judges will have discretion to ask that a veil be removed, for instance if a witness or client cannot hear.*

### **Some comments from people who work within the Criminal Justice System**

*Homa Wilson is an assistant solicitor specialising in employment and discrimination law at Webster Dixon Solicitors says:*

“I’m a practising Muslim and wear the hijab (headscarf) though not the niqab (full veil) for religious reasons.”

“I don’t see a problem with women wearing the veil in court, whether as a witness or an advocate. A jury, or other members of the court, may find a woman wearing a veil somewhat strange but that’s more down to social perceptions and cultural differences, and it’s important to educate and inform the public of such differences.

Some have sought to argue that the veil is a barrier to communication. But we are very experienced in non face-to-face communication; for example, when we speak over the phone or communicate via the internet we can’t rely on a person’s body language or facial expressions. Yet we don’t have a problem in understanding what is being communicated.

“In the case of witnesses wearing a veil, women court staff can verify her identity by asking to see her passport and asking her to remove the veil for identification. Muslim women don’t object to removing their face veils in the presence of other women.

“I’ve never come across any cases in courts or tribunals where an advocate or witness wearing a veil has caused a problem. Women in the legal profession or involved in legal proceedings should not feel bullied into having to remove their veils. There is the danger that such draconian measures may lead to resentment and result in such women being excluded from participating in the legal process.

“In any event, chambers or firms imposing dress codes that forbid the veil need to be aware that they could be open to claims of religious discrimination under the Employment Equality (Religion or Belief) Regulations 2003. If a woman is dismissed or suffers any other detriment short of dismissal because she wears the full veil it would be open for her to claim discrimination, on the ground of religion, against her employer.”

*Anonymous solicitor opposed to the wearing of the full veil in court*

"I am the principal of a private client practice and have dual inheritance. My mother is from a Muslim background and my father is a Christian. Though I am a Christian, I have personal experience of both cultures.

"I would always support a person's right to practice the religion of his or her choice. However, I wholeheartedly disagree with the wearing of a full veil in court or indeed in a school or similar environment.

"My main concern is access to justice, which I believe cannot be achieved unless all parties (be they a witness, advocate, defendant or judge) are clearly identifiable. If a woman wears a full veil in court, then I'm very concerned that negative implications will be subconsciously drawn and will work to the detriment of an advocate, a defendant or witness. There is also a higher likelihood of alienation.

"In addition, 97 per cent of communication is nonverbal. If a witness, wearing a full veil, is being cross-examined in a civil or criminal trial and the judge or jury cannot see her face, then I believe it may be very difficult for them to assess the credibility of her evidence. This may have far-reaching implications in relation to the fairness of the trial. There is also the issue of identification evidence. Although it is not the most reliable evidence, with full veils worn by any party to the proceedings it becomes impossible.

"The United Kingdom is a tolerant Christian society and devout Muslims should reciprocate the respect for Christianity in relation to our legal requirements. It is my belief that where there is a conflict between culture and practice, UK law must prevail in the interests of justice."

*Dawn Dixon is chairwoman of the Association of Women Solicitors and a partner in her own firm Dawn Dixon.*

"My view is that lawyers, including both solicitors and barristers, must be allowed to wear clothing that complies with their religious beliefs unless there is an impact on representing their client effectively. Muslim barristers and solicitors have worn veils in the past with no detrimental effect on clients and little comment has been made judges, press or the public. Moreover, it is only a small proportion of women who wear the full veil as opposed to the head scarf. I don't see a problem with women wearing the hijab in court because the face and mouth is fully visible.

"I suspect that some of these issues have been raised because of the public interest in the War on Terror. It is unfortunate that this has forced wider issues on practising Muslim barristers and solicitors in questioning their right to wear the veil. The issues raised send the wrong signal to the public because the Muslim community already feels marginalised.

"But I appreciate that there may be some practical issues in court cases if the veil is not lifted. This is particularly true with witnesses giving evidence in criminal cases. There have been cases where the wrong defendant has attended court to give evidence. So it may be necessary for criminal courts to operate a system where women who wish to wear the niqab must prove their identity to a female court official.

"An issue raised in the recent case of the immigration advocate Shabnam Mughal was that the immigration judge, George Glossop, said that he could not hear what she was saying and so asked her to remove her veil. In the circumstances where a judge, jury or

the client feels that they cannot hear the advocate then modifications can be made. It may be possible for the advocate or a witness to wear a microphone, if her words are not being clearly transmitted through her veil.”

*The 18,000-strong Association of Women Solicitors represents solicitors throughout England and Wales with members of all religious beliefs and backgrounds, including Muslims. It supports the Lord Chief Justice’s proposed guidelines on the wearing of the full veil in court which are based on religious tolerance and the view that generally wearing a veil will not prevent Muslim barristers and solicitors from carrying out their duties to the court or clients.*

## **PRACTICAL NEEDS APPERTAINING TO MUSLIM REQUIREMENTS**

**This section will assist in providing facilities for Muslim Service Users including in a Court Settings, Prison Service, Police Custody buildings etc.**

### **Daily worship and Prayer**

For Muslims, prayer, commonly known as *Salat* or *Namaz* is a regular and disciplined act of worship in which they humbly submit to God both mentally and physically. In prayer they praise and glorify God. They seek mercy, forgiveness and guidance from Him. The prayer takes the form of a series of rites which include standing, bowing, prostrating and sitting, and where memorised verses from the Quran are recited. Prayer is obligatory five times a day at stated periods; at dawn *Fajr*, at mid-day *Zuhr*, late afternoon *Asr*, after sunset *Maghrib*, and late evening before going to bed *Isha*. Muslims pray in the Mosque (*Masjid*) in congregation where they assemble and stand in rows behind the *Imam* who leads the prayer. Prayers can also be conducted at home or any place where it is convenient and clean. This can be in an office, court setting, prison, factory, school or hospital. All that is required is a quiet, clean room allocated to them for this purpose.

In a hospital setting, if a patient is not mobile he or she may wish to pray on the bed in a sitting position or pray near the bedside using a prayer mat or a clean sheet. The patient may wish to draw the curtains during the prayer for privacy.

### **Ablution Facility**

An ablution - *wudhu* is the term used for ritual washing and must be carried out before praying or reciting the Quran. It takes the form of washing the hands; gargling; rinsing the mouth and nostrils; washing the face and arms; passing wet hands over the hair; and lastly washing the feet up to the ankle. All Mosques have a special area where a person can carry out the Ablution. This is purpose built and takes into account the need to wash the feet, hence seating is usually lower. A normal wash hand basin is adequate for performing the ablution but a person may need help if they are frail, elderly or weak. Also, Muslims have to wash in running water for bathing purposes; i.e. they would prefer a shower to a bath. A bucket and jug would serve this purpose. Picture shows a Muslim performing ablutions in a Mosque.

### **The Direction of the Qibla**

For a Muslim to be able to pray, they must face the direction towards the *Qibla* in *Makkah*, Saudi Arabia. Hence, a compass is needed for this. It may be beneficial to put a sign up on the wall, say in a quiet room within the court setting etc. showing the direction of the *Qibla* permanently. This saves duplication and the need for a compass each time a new user or visitor want to pray.

### **Holy Book**

The Holy *Quran* is the most important book for Muslims. The *Quran* should be handled after ablution *wudhu*. There are also English versions of the *Quran* but Muslims will read the Quran in the Arabic text as part of their worship.

It is important for non-Muslims to handle the *Quran* with care and respect and preferably wrapped in a cloth, say in the Magistrates Court where an oath is required.

## **The month of Ramadhan**

Ramadhan: the 9<sup>th</sup> month of the Islamic calendar. Muslims fast for the whole month from dawn to sunset. Fasting means abstention from food and drink, smoking and sexual activity. Fasting is not obligatory for the sick, the very old, the very young, for pregnant or breastfeeding women. The sick should make up the days they have missed at some other time. During this month Muslims will spend many hours in prayer and reading the Quran.

If Ramadan falls in the winter months during Office hours, it may be that Muslim employees will want to have time for breaking the fast and will bring some food from home.

Some employees may wish to take time off from work during some days of the Holy month and will certainly need to take leave during the *Eid* Festivals which is celebrated on the day immediately after the end of the Ramadhan.

The second major festival is *Eid-ul-Adha*, which is celebrated to commemorate Prophet Abraham's (pbuh) willing to sacrifice his son Ishmael (pbuh), in obedience to God's command. This festival falls on the day after the day of *Hajj*.

## **Diet and Hygiene**

### **Halal meals**

Many hospitals, Schools, and other public sector organisations have known the importance of providing Halal meals for Muslims. However, it is important to carry out a needs assessment or survey as the take up of the meals may not be high and many in hospitals prefer relatives to bring food from home. This is because the home made food is not only halal but more culturally appropriate. For example; Pakistani Muslims eat more Chappatis with curry as their staple diet, whereas Bangladeshis will have rice as their main meal. The way it is cooked, the traditional herbs and spices used also make a difference.

However, it is important to bear in mind that many second and third generation Muslims, will like an English meal; i.e. vegetables, fish, rice etc. They will avoid pork and meat that is not Halal. This includes gelatine and other animal products used in the cooking process, say for cakes, puddings and ice-cream. Many food products in supermarkets now have vegetarian labels on them and this is ideal as long as there is no alcoholic content such as wine added in.

### **A cleansing vessel**

Most Muslims regard the use of toilet paper as insufficient in terms of personal hygiene and wash with water after using the toilet. Therefore running water and a cleansing vessel is used for this purpose. This could be in a form of a simple jug or ordinary watering can.

This vessel is used in the toilet for washing the private parts with water after urination and defecation.

Muslims will use their left hand for toileting and their right hand for eating purposes etc. This information is useful for medical staff when choosing the patients hand for intravenous drugs etc. Many Muslims would prefer the right hand to be used but it would be advisable to ask.

## THE LEGAL FRAMEWORK

### Race Relations (Amendment) Act 2000

#### What is unlawful discrimination?

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 (the Act) makes it unlawful to discriminate – directly or indirectly – against someone on racial grounds. Under the Act, ‘racial grounds’ means reasons of race, colour, nationality (including citizenship) or ethnic or national origins. Racial groups are defined accordingly. For example, African Caribbeans, Gypsies, Indians, Irish, Pakistanis, Bangladeshis, Irish Travellers, Jews and Sikhs are among the groups recognised as racial groups under the Act.

**Direct racial discrimination** means treating a person less favourably than another on racial grounds. An example of direct discrimination would be applying harsher discipline to prisoners from ethnic minorities because they are from ethnic minorities.

**Indirect racial discrimination** means that a requirement or condition which is applied equally to everyone:

- can only be met by a considerably smaller proportion of people from a particular racial group;
- is to their detriment; and
- cannot be justified on non-racial grounds.

All three parts must apply. An example of unlawful indirect discrimination might be where a hospital’s rules on uniform do not allow for a particular racial group’s customs and cannot be justified in terms of the hospital’s needs.

**Victimisation.** The Act also makes it unlawful to treat someone less favourably because they are known to have, or are suspected of having:

- made a complaint of racial discrimination;
- planned to make a complaint; or
- supported someone else who has made a complaint of racial discrimination, or to be planning to do so.

An example of victimisation is where an employee is refused leave because they backed up a colleague’s complaint of racial discrimination.

#### In what areas is racial discrimination unlawful?

The original Race Relations Act 1976 makes it unlawful for most public, private, and voluntary organisations to discriminate on racial grounds in the following areas:

- employment;
- education;
- housing; and
- providing goods, facilities, and services.

The Race Relations (Amendment) Act 2000 extended the scope of the original law to cover the way public authorities carry out all their functions. The Act defines a public authority widely, as a person or organisation carrying out functions of a public nature. This includes enforcement and regulation functions, such as policing and child protection. It also includes functions or services that are carried out by private or

voluntary organisations under a contract or a service-level agreement, such as charities providing local authorities with emergency housing.

### **What is positive action?**

In specific circumstances, the Act allows positive action as a way of overcoming racial inequality.

Positive action allows you to:

- provide facilities or services (in training, education or welfare) to meet the particular needs of people from different racial groups, (for example, English language classes – (see section 35 of the Act);
- target job training at those racial groups that are under-represented in a particular area of work (see sections 37 and 38); and
- encourages applications from racial groups that are under-represented in particular areas of work (see section 38)

Positive action plans are only meant to be a temporary solution and you may need to review them regularly. You should not use them if the under-representation, or the particular need, no longer exists.

### **General duty and specific duties**

Section 71(1) of the Act places a statutory general duty on most public authorities. Under the duty, when carrying out all their functions, authorities must have due regard to the need:

- to tackle unlawful racial discrimination; and
- to promote equality of opportunity, and good relations between persons of different racial groups.

Under section 71(2) and (3) of the Act, the Home secretary has the power to place specific duties on all or some of the public authorities bound by the general duty.

Under section 71(C) of the Act, the C.R.E. can issue codes of practice that will help public authorities to meet their general and specific duties. The statutory *Codes of Practice on the Duty to Promote Race Equality* came into effect on 31 May 2002, with approval from Parliament.

Under section 71(CD) of the Act, the C.R.E. has the power to enforce the specific duties. If the C.R.E. are satisfied that a person has failed to, or is failing to, meet a specific duty, we can issue a compliance notice ordering them to do so. The person concerned has to observe the terms of the notice and tell us, within 28 days, what they have done or will do to meet the duty.

Under section 71(E) of the Act, the C.R.E. has the power to apply to a designated county court (or sheriff court in Scotland) for an order, if the person concerned has not supplied the relevant information after being served with a compliance notice, or if we have reason to believe they will not do so.

## **Employment Equality (Religion or Belief) Regulations**

The regulations have been in force since 2 December 2003 and have been a welcome development for religious communities in Britain as it provides direct protection against religious discrimination in employment and vocational training.

### **Religion or belief**

Religion or Belief is not explicitly defined in the Regulations. Under the Regulations “religion or belief” means any religion, religious belief, or similar philosophical belief. No other definition is given and it will be for the courts and tribunals to define religion or belief where there is a dispute. The likely factors to be considered by courts include collective worship, a clear belief system, a profound belief affecting ones way of life or view of the world. Beliefs include philosophical belief systems similar to religions, but not political belief systems.

The Regulations, therefore, clearly extend beyond the more well known religions and faiths. It is important to note that the regulations also extend to those without religious or similar beliefs. Care should also be taken with regards to how different denominations or schools of thought within a religion are treated by other denominations or schools of a thought.

In most applications to a tribunal it will be clear what is or is not a religion or a similar belief. It will be for the tribunals and higher courts to decide where the issue is disputed. They may consider a number of factors when deciding what is a religion or similar belief. It is likely that they will consider things such as collective worship, a clear belief system, a profound belief affecting the way of life or view of the world. Employers should be aware that these Regulations extend beyond the more well known religions and faiths to include beliefs such as Paganism and Humanism. The Regulations also cover those without religious or similar beliefs.

### **Direct discrimination**

This means that workers or job applicants must not be treated less favourably than others because they follow, are perceived to follow, or do not follow a particular (or any) religion or belief.

For example it is unlawful to:

- decide not to employ someone
- dismiss them
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions

because they follow, or do not follow, a particular religion or belief.

Direct discrimination may only be justified in the very limited circumstances where a genuine occupational requirement can be shown to apply.

## **Indirect discrimination**

This means that an organisation must not have selection criteria, policies, employment rules or any other practices which although they are applied to all employees, have the effect of disadvantaging people of a particular religion or belief unless the practice can be justified. Indirect discrimination is unlawful whether it is intentional or not.

The example above is already well recognised. However, there are less well documented examples which are equally important to the followers of particular religions.

In contrast to direct discrimination, indirect discrimination will not be unlawful if it can be justified. To justify it, an employer must show that there is a legitimate aim, (i.e. a real business need) and that the practice is proportionate to that aim (i.e. necessary and there is no alternative means available).

## **Harassment**

Harassment occurs where, on grounds of religion or belief, a person is subjected to unwanted conduct, which has the purpose (intentionally) or effect (unintentionally) of:

- Violating that person's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

This includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.

Organisations may be held responsible for the actions of their staff as well as the staff being individually responsible for their own actions. If harassment takes place in the workplace or at a time and/or place associated with the workplace, for example a work related social gathering, the organisation may be liable and may be ordered to pay compensation unless it can show that it took reasonable steps to prevent harassment. Individuals who harass may also be ordered to pay compensation.

Employers should, where possible, also protect their workers from harassment by third parties such as service users and customers.

Employers investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the views of the person making the complaint; harassment is often subjective.

Having gathered all the evidence, employers should ask themselves "could what has taken place be reasonably considered to have caused offence?"

## **Victimisation**

This is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. They may become labelled "troublemaker", denied promotion or training, or

be “sent to Coventry” by their colleagues. If this happens or if organisations fail to take reasonable steps to prevent it from happening, they will be liable and may be ordered to pay compensation. Individuals who victimise may also be ordered to pay compensation.

Discrimination, harassment or victimisation following the end of a working relationship covers issues such as references either written or verbal.

### **A genuine occupational requirement (GOR)**

In very limited circumstances it will be lawful for an employer to treat people differently if it is a genuine occupational requirement that the job holder must be of a particular religion or belief. When deciding if this applies it is necessary to consider the nature of the work and the context in which it is carried out. Jobs may change over time and organisations should periodically consider whether the requirement continues to apply, particularly when recruiting. Further guidance is given in Appendix 1.

An occupational requirement on the grounds of religion or belief, as in the example above, must not be used as a basis for discrimination on other grounds such as race or disability.

Some organisations have an ethos based on a religion or belief, for instance a care home managed by a religious charity. Where organisations can show that they are founded on such an ethos they may be able to apply a genuine occupational requirement to jobs where in other circumstances such a requirement would not apply. In these cases the need for a particular religion or belief may not be a ‘decisive’ factor for the job but organisations must still be able to show that it is a requirement of the job in order to adhere to the ethos of the organisation and that it is proportionate to apply the requirement. Such an organisation should not assume that it is able to apply a ‘blanket’ GOR to all posts as they may be required to show that each GOR is reasonable when considering the nature of the job and the context within which it is carried out.

### **Positive Action**

Selection for recruitment or promotion must be on merit, irrespective of religion or belief. However, it is possible to take certain steps to redress the effects of previous inequality of opportunity. This is called positive action. Employers may give special encouragement to, or provide specific training Employment Equality Legislation 2003 for people from religions or beliefs who are in a minority in the workplace. Employers may wish to consider positive measures such as:

- training their existing employees for work which has historically been the preserve of individuals from a particular religion or belief:
- advertisements which encourage applications from a minority religion but making it clear that selection will be on merit without reference to religion or belief.

## **EXAMPLES OF GOOD PRACTICE**

Examples of Good Practice in tackling unlawful discrimination and harassment on grounds of religion and belief and to promote good relations between people of different religions and beliefs.

- Strive to create an environment which recognises and respects religion and belief and is free from unlawful discrimination or harassment.
- Develop employment practices and services in ways which recognise and respect religion and belief.
- Develop policies that encompass Religion and Belief.
- Always ask staff from various religious and cultural backgrounds about their specific requirements in the workplace. Do not always assume and stereotype. This way the employer will be creating an environment of understanding and respect. Staff will tend to be more loyal to their employers.
- Improve the understanding of religion and belief among staff so that they can sensitively address the needs of individuals and of different faith communities.
- Send staff on Cultural Awareness Training to enhance understanding of other peoples cultures some of whom are colleagues in the workplace.
- Work with other agencies and community organisations to promote understanding and good relations between people of different faith communities.
- Follow government guidance on applying the relevant UK legislation.

## **Sample Policy Statement on Religious and Cultural Needs**

All individuals have a duty to support and respect the religious beliefs of others. These guidelines will assist managers to respond appropriately to requests concerning religious or cultural needs.

### **Policy Statement**

This Organisation is committed to employing a workforce that reflects the diverse community that it serves and recognises that this will be accompanied by a wide variety of different faiths and beliefs. Therefore to ensure that discrimination in the workplace on the grounds of religion or belief does not occur, the following policy should be observed.

All officers/managers have a responsibility to respond reasonably and sensitively to any requests from an employee regarding their cultural or religious needs.

#### *Granting Requests for Leave*

This policy has been developed to help managers consider the granting of leave for religious festivals. Managers should give every consideration, and treat sympathetically, requests for leave from employees specifically wishing to participate in their religious festivals.

Managers should, wherever possible, enable staff to participate in their religious festivals. Managers should use the discretion available within the rules for granting annual leave, flexitime, time off in lieu, public holiday leave and unpaid leave to facilitate these requests. The priority is to create leave without adversely affecting operational efficiency.

If staff wish to work over the designated Christmas and Easter holidays to 'bank' holidays for their own religious festivals, they should approach their line manager with sufficient notice to lodge the request. Managers must consider whether it is feasible for staff to work on these occasions. Appropriate emphasis should be given to:

- The availability and accessibility of the work location
- The safety of staff and the security of the Authority building
- The ability to verify that work has been completed

If managers and staff do agree on satisfactory arrangements in relation to the above, then staff are able to 'bank' the time worked. The 'banked' time should be used for time off for religious festivals. In cases where there is no agreement, the employee has the right to take the matter to the Senior Management Board for a final decision.

Managers should as a matter of practice speak to their staff at the commencement of the leave year, or when an individual joins the department, to ascertain their religious/cultural leave needs, if any, for the coming year. When staff seek approval for absence for religious/cultural festival, the following must apply:

- Managers should give serious consideration to these requests
- Wherever possible, managers should ensure that employees are able to use annual leave in order to celebrate religious festivals, however, consideration should also be given to the use of other available time off facilities
- A further option is for individual employees to be granted unpaid leave at the manager's discretion

## **Religious Festivals**

Information about different religions in the region and a calendar of religious festivals should be available to Senior Manager. These may be obtained from the CRE or the Racial Equality Council.

## **Fasting**

The Organisation recognises the importance of fasting for individuals and managers should consider the following in order to support members of staff who are fasting:

- Flexibility in relation to working hours
- Discuss with staff any necessary changes to work load/responsibilities that would assist during the period of fasting

## **Cultural or Religious Dress**

Members of staff are allowed to wear religious items if wearing such attire while at work is part of the employee's religious practice or expression, so long as the wearing of such items does not contravene Health and Safety at Work Regulations.

## **Observance of Prayer Times**

The Organisation recognises that the requirement and need to pray is a matter of personal choice based on the nature and depth of personal belief. It is the responsibility of individual members of staff to advise their managers if they have any requirements for prayer.

The Organisation also recognises that the amounts of time people require for praying during the day is minimal and that prayer breaks can easily be absorbed into working hours therefore managers and staff should discuss the specific arrangements.

## **Offering Facilities for Prayers**

The Organisation is committed to ensuring that, wherever practicable, facilities for prayer are offered. Managers should discuss the detailed requirements of particular religions sympathetically and sensitively with those individual employees who request particular facilities. The Diversity Manager is available for advice and guidance in this area.

## Glossary of terms

Terms	Definitions
Prejudice	To pre-judge or hold views about an individual or group which is not based on knowledge or experience.
Racism	Power + prejudice = racism. A person is considered to have acted in a racist manner if they have abused their position of power or feelings of superiority to the detriment of another individual or group.
Equal Opportunities	Equal Opportunities is about trying to make sure that the barriers which individuals might face in getting employment, training or access to services because of their race, religion, gender, disability and sexual orientation are addressed.
Positive Action	Positive Action is allowed under the legislation to redress imbalances between underrepresented groups of employees. It allows employers to provide targeted training to underrepresented groups.
Stereotyping	Categorising people because of a particular trait
Institutional Discrimination	The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantaged minority ethnic people (Taken from the Stephen Lawrence enquiry)
Colour and cultural blindness	Treating everyone 'the same' in the mistaken belief that such an approach will eliminate prejudice and racism.

<b>Terms</b>	<b>Definitions</b>
Positive Duty	<p><i>The language of the legislation.</i>  This means that all public bodies <u>must</u> take account of race equality in everything that they do whether this is as an employer or a provider of services.</p>
Due Regard	<p><i>The language of the legislation.</i>  It means that all public bodies <u>must</u> show how they are responding to issues of racial equality. It is likely that public bodies will be required to provide evidence against the statutory codes of practice.</p>
CRE	Commission of Racial Equality
Employment Tribunal	It is a court where individuals can take complaints that have not been resolved using the employers grievance procedures.
Community Cohesion	A community which the diversity of peoples different backgrounds and circumstances is appreciated and positively valued.
Vicarious Liability	This is where the employer as well as the employee is liable for any act of discrimination. Where such complaints are made against a public sector organisation, it is the practice that the organisation will act for the named employee at any employment tribunal.

## Case Studies

### Case Study 1.

A woman of Pakistani origin wearing her hijab comes to court as a witness and has no one with her. She has a limited grasp of English and has reluctantly agreed to attend as a CPS witness. She is the only key witness in an offence of religiously aggravated common assault. She is of good character, with no previous convictions. She has two young daughters.

She has never attended court before either here or abroad. She is a practicing Muslim woman and is considered to be a righteous member of her community.

What are the issues and factors you need to take into account when she comes into court?

### Case study 2.

Shahid comes before the youth court. He is aged 16 years and has been charged with a S4 POA offence. He has one previous conviction for driving without insurance.

Shahid pleads not guilty at PTR. The crown's case is that Shahid attended and took part in a demonstration about the unlawful arrest of a local boy suspected of inciting religious hatred. The police say Shahid was part of a group of boys wearing balaclavas and bomber jackets and combat trousers, carrying placards saying "Holy Jihad against the police". The demonstration was initially peaceful but became out of control and abusive. Shahid maintains his innocence. He admits his presence at the scene but denies committing the offence.

Discuss the key issues and factors you need to take into account when Shahid comes before court.

### Case Study 3.

Mr B has pleaded guilty to murder of his daughter and is before the court for sentence.

In mitigation, you are told that Mr B killed his daughter within his rights defined under Sharia law, he calls it an "Honour killing". You hear how under Sharia law, a parent can exercise his duty to carry out this act because relations outside marriage are strictly forbidden in Islam. He feels he is justified and has been a good Muslim but feels remorse at losing his beloved daughter. The pre-sentence report does not indicate any mental health issues. There has recently been a similar case of an honour killing in the media.

Discuss the key issues and factors

### Case Study 4

A young Muslim woman who practices her faith and wears a veil is seen at a public demonstration by the police on crowd control duty.

The police believe she took part in another demonstration two weeks ago and believe she may have caused criminal damage to a shop window.

The police approach her with a view to arresting her for that offence. The Muslim woman complains that they have mistakenly identified her and refuses to remove her veil on religious grounds despite police's repeated requests.

Please discuss key issues and factors

#### Case Study 5

Dogs and search warrants in Muslim homes can create problems if not dealt with sensitively as there are issues that relate to Dogs and the Islamic faith. What does a Police Officer do in the event of searching a home for say stolen goods etc.

What do you think are the key concerns and how would you deal with the task sensitively?

#### Case Study 6

A woman is brought to the local Police station on suspicion of possession of heroine with intent to supply. The Police need to perform a strip search in compliance with the PACE codes.

There are no female officers on duty. What would you do?

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## CONCLUSION

Misunderstanding of Islam and Muslims occur often due to lack of awareness. The Media in Britain over the years have been instrumental in portraying Islam in a very negative light. Despite this, many people in the Europe & North America embrace Islam.

This booklet is only a brief overview of Islam. There are many books available from Islamic Bookshops. See References/Further reading on last page.

**If you are interested in finding out more about Islam and the Muslim Culture and the Islamic Cultural Awareness Course we run then please contact the office on 01924 466117 or mobile 0781 3811914 or email: [info@aksaa.co.uk](mailto:info@aksaa.co.uk) You can also visit our website: [www.aksaa.co.uk](http://www.aksaa.co.uk)**

## GLOSSARY OF ARABIC TERMS COMMONLY USED BY MUSLIMS

### Greetings

<i>Assalamo Allaikum</i>	Peace be on you.
<i>Wa' Alaikum As-Salam</i>	Peace be on you also.
<i>Khuda Hafiz</i>	Good-bye.
<i>Eid Mubarak</i>	Happy Eid.

### Invocations

<i>Bismillah-ir-Rahmah-nir-Rahim</i>	In the name of Allah, the Beneficent, the Merciful.
<i>Insha-Allah</i>	If Allah wills.
<i>Alhamdulillah</i>	Praise be to Allah.
<i>Allahu-Akbar</i>	Allah is the Greatest.
<i>Jazakallah Khairan</i>	May Allah reward you for your kindness.
<i>Shukran or Shukriya</i>	Thanks.

### The five daily prayers

<i>Fajr</i>	This is the first daily prayer said early in morning after dawn.
<i>Zuhr</i>	Midday prayer.
<i>Asr</i>	Mid-afternoon prayer.
<i>Maghrib</i>	Prayer just after sunset.
<i>Isha</i>	Evening prayer, recommended before midnight.

### Other Arabic terms

<i>Adhan</i>	Call to prayers. (the five daily prayers)
<i>Akhirah</i>	The Hereafter.
<i>Arkan</i>	Pillars (of Islam).
<i>Awrah</i>	The private parts of the body which a Muslim should not expose.

<i>Dunya</i>	World/Worldly life.
<i>Eid al-Adha</i>	Festival of sacrifice.
<i>Eid al-Fitr</i>	Festival of breaking the fast Celebrated at the end of Ramadan.
<i>Fard</i>	Obligatory. e.g. obligatory prayer.
<i>Fiqh</i>	Jurisprudence.
<i>Ghusl</i>	Complete bath after sexual intercourse or nocturnal emission.
<i>Hadith</i>	Reported traditions of the Prophet Muhammad (pbuh).
<i>Hajj</i>	Pilgrimage to Makka.
<i>Halal</i>	Permitted. eg. <i>Halal</i> food.
<i>Haram</i>	Prohibited. eg. Alcohol is <i>Haram</i> .
<i>Hifz</i>	To memorise the Quran.
<i>Ibadah</i>	Ritual worship; but all good actions are an act of worship.
<i>Iftar</i>	Breaking the fast after sunset.
<i>Imam</i>	The person who leads the prayer: a religious leader.
<i>Iman</i>	Faith; conviction.
<i>Islam</i>	Submission and peace.
<i>Jamaah</i>	Congregational prayer.
<i>Jihad</i>	To struggle and strive for Islam - it is both an internal and external struggle.
<i>Jumah</i>	Friday.
<i>Kabah</i>	The House of Allah - focal point in Makkah towards which all Muslims turn to prayer.

<i>Khalifah</i>	God's representative on earth (an Honour given to man by God); the Caliph or head of the Muslim government.
<i>Mahr</i>	Dowry paid to the wife by the husband. It is the compulsory part of the marriage contract and an exclusive property of the wife.
<i>Makruh</i>	Not forbidden, but strongly discouraged.
<i>Mubah</i>	Permitted through silence.
<i>Qari</i>	A reciter of the Quran; in a Melodious voice with proper rules of <i>Al-Tajwid</i> (the science of recitation of the Quran).
<i>Qiblah</i>	The direction towards which Muslims face in their prayers.
<i>Quran</i>	Literally means reading. The Last Divine Revelation of Allah to Prophet Muhammad through Angel Gabriel
<i>Ramadan</i>	The Muslims' sacred month of fasting; The ninth month of the Muslim lunar calendar.
<i>Rasul</i>	Messenger. <i>Rasulallah</i> means the Messenger of Allah.
<i>Risalah</i>	The Prophethood. Beginning with Adam and finalised by Muhammad.
<i>Sadaqah al-Fitr</i>	The money paid to the needy before <i>Eid al-Fitr</i> by those who can afford, to enable the poor to participate in the Eid festivities.
<i>Salah</i>	Ritual prayer.
<i>Salatul Jumah</i>	Friday congregational prayer.
<i>Sawm</i>	Fasting. Particularly in Ramadan, but also during other times as well.
<i>Shahadah</i>	Testimony. Declaration of belief in The Oneness of Allah ( <i>Tawhid</i> ).
<i>Shalwar</i>	Trousers usually worn by Pakistani/Indian women.

<i>Shariah</i>	Islamic law contained within the Quran and the <i>Sunnah</i> .
<i>Suhur</i>	Early morning meal taken before dawn with the intention of fasting.
<i>Sunnah</i> Prophet Mohammad (pbuh).	The sayings, actions and endorsements of
<i>Tarawih</i>	Special night prayers during the month of Ramadan.
<i>Tawhid</i>	Unity. The basic concept of Islamic teaching of the Oneness of Allah.
<i>Tayammum</i>	The symbolic purification before prayer when running water is not available.
<i>Umrah</i>	Lesser Pilgrimage which can be performed at any time other than the days of <i>Hajj</i> .
<i>Wajib</i>	Expressly imposed but not obligatory as <i>Fard</i> .
<i>Wudu</i>	Ritual washing (purification) before prayers, which entails washing the face, arms, and feet.
<i>Zakah</i>	Welfare due, given annually to the poor and distressed.

## References/Further reading

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- ❑ The Noble Quran, (English), Dr M. Al-Hilali, et.al., Maktaba Dar-us-Salam, 1994
- ❑ Mary C. Ali – The Institute of Islamic Information and Education, North America.
- ❑ Islam and Terrorism, Exploding the Myths – Islamic Society of Britain.
- ❑ Patients Charter Handbook, A guide for hospital staff – Kaushar Tai
- ❑ Useful websites: [www.islamonline.net](http://www.islamonline.net), [www.soundvision.com](http://www.soundvision.com), [www.islamicity.com](http://www.islamicity.com), [www.channel4.com/hajj](http://www.channel4.com/hajj).