



WRITTEN EVIDENCE TO DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT RELATING TO CONSULTATION ON UPDATING DISQUALIFICATION CRITERIA FOR LOCAL AUTHORITY MEMBERS

December 2017

Introduction

1. Muslim Women's Network UK (MWNUK) is a national Muslim women's organisation in Britain (www.mwnuk.co.uk). We are a small national charity (no. 1155092) that works to improve the social justice and equality for Muslim women and girls. Our membership also includes women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline (www.mwnhelpline.co.uk) that provides advice and support on a range of issues some of which include: domestic abuse, forced marriage, honour based violence, sexual abuse, female genital mutilation, divorce, discrimination and mental health etc.
3. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.
4. We agree with para.1 of the Consultation where it states that in addition to making strategic decisions in terms of managing finances and resources, local authority members (including councillors and mayors) have a leading role to play in building and preserving a society where the rights and freedoms of all individuals are respected. For a truly equal and inclusive society it is important for all cross-sections of said society to be committed to the aims of achieving equality and diversity. This includes political and civic institutions (and individuals). We believe elected

representatives have a duty to actively work towards promoting equality, diversity, socio-economic and political inclusion, as well as in removing barriers to integration and upholding human rights.

5. We feel that if the DCLG want to ensure that local authority members are community champions and evoke trust and confidence in the community, then it is necessary to consider the lived realities of all individuals who will be represented by them. To this effect we believe our knowledge and experiences, and more importantly that of our members and service users, are of relevance to the DCLG in its aims of updating the disqualification criteria for local authority members.
6. Although we work predominantly with Muslim women and where relevant will therefore focus on the experiences of Muslim women within our Evidence, the points we raise may also be relevant to non-Muslim women, and men generally.
7. We respond to the questions of the Consultation as follows:

Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

8. We agree with this proposal. We believe it is vital that a clear message is sent to all cross-sections of society that any and all forms of sexual abuse will not be tolerated and that perpetrators of such offences will face harsh penalties. Disqualifying any individuals who are subject to the notification requirements as per the Sexual Offences Act 2003 will go towards implementing such a zero tolerance approach. It will of course also go towards ensuring the safety of constituents.
9. We would like to raise the point however that it is not always the case that perpetrators of sexual abuse, or indeed of any forms of abuse, will have been brought to justice through the criminal justice system. The DCLG will undoubtedly be aware of the barriers faced by victims from all walks of life, not only when trapped in an environment of abuse but also when accessing or attempting to access the criminal justice system. Through our work we are aware of a range of hurdles when for example, perpetrators of violence are spouses or relatives. Muslim and BME women in particular may be in fear of stigma, isolation, ostracisation, homelessness, financial difficulties, and may even be at risk of honour based violence should their plight become known. We are aware of a number of women who managed to escape from the clutches of their perpetrators but who never reported the abuse to the police, because for them being free and safe was their priority and they just wanted their ordeal to end as quickly as possible. Others state that they did not feel able to go through the court process; it can be particularly traumatic for an individual where sexual abuse is involved for example and mental health matters are also an important factor in this regard. As such, there are a number of perpetrators of sexual/physical abuse and harassment who are walking freely in society and who will not have any criminal records in this regard.

10. Whilst we fully appreciate the difficulties in attempting to disqualify perpetrators without a conviction available as hard evidence of their actions and offences, we would ask that the DCLG consider expanding its disqualification criteria and including additional processes and measures which can be utilised to allow a consideration of any such information and evidence which may be available in respect of potential and existing local authority members. It may be that whilst a victim may not have felt able to go through the court process (whether then or now), they may feel able to provide evidence and information to the DCLG or associated governmental bodies of their experiences. We ask that mechanisms be put in place so that information which would be deemed of concern, such as allegations of sexual abuse, can be considered in a fair and transparent manner and where there is believed to be clear merit to the allegations, it can result in disqualification. Legislation which states that such matters will be taken seriously and may lead to disqualification would again send a strong message that sexual/physical abuse will not be tolerated.

Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

11. We disagree with this proposal.

12. Whilst we appreciate that an individual subject to a Sexual Risk Order has not been convicted or cautioned of an offence as per the Sexual Offences Act 2003, fact remains that the reason the police can apply for an individual to be subject to such an Order is because it is thought that the individual poses a risk of harm to the public in the UK and/or children or vulnerable adults abroad. The ability to apply for such an order was introduced for a reason and if there are concerns as to how an individual becomes subject to a Sexual Risk Order (i.e. if there are concerns over fairness of procedure, scrutiny of evidence involved etc), then those specific issues themselves should be addressed so as to ensure the Sexual Risk Order is only applied for (and a person is subjected to such an Order) fairly and appropriately. However, to ignore that an individual standing for election as a councillor or mayor is subject to a Sexual Risk Order would both undermine the application and weight of the Orders themselves, and the zero tolerance approach towards all forms of abuse that we seek.

13. We believe acting as a mayor or councillor places those fulfilling that role in a position of special power, and with power there must come responsibility. Whilst we appreciate that such an approach towards individuals subject to a Sexual Risk Order would not be feasible in all circumstances particularly in terms of employment in the private sector, we feel that those wishing to take on the role of councillor and mayor should be subject to additional scrutiny due to the nature and duties of their post. How would it look for example, if on the one hand the government claims it is committed to tackling violence against women and girls but on the other hand they have allowed someone regarded as a potential risk to children abroad to become mayor?

14. We would ask at the very least that the legislative criteria is amended so that those subject to a Sexual Risk Order *may* be disqualified, subject to further representations and investigations. We would ask further that the starting point should be to view such individuals as disqualified, unless further information or evidence is made

available from which it is deemed that the individual should not be disqualified. A discretionary approach to disqualification in these circumstances may achieve the balance between ensuring unfairness is not caused, and ensuring perpetrators of abuse are held to account.

Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-Social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

15. We agree with this suggestion. Anti-social behaviour can have serious consequences on the lives of victims and wider society. We are especially concerned by cases in which individuals have felt disempowered to the point of feeling too frightened to leave their homes, developing physical and mental health issues, and suffering financial loss. Naturally, there can also be an impact on social inclusion and integration due to such anti-social behaviour. As such, it is important that anti-social behaviour is treated seriously.
16. We are aware however that sometimes unfavourable circumstances can negatively impact on an individual's behaviour. Some young people for example, may have committed or participated in such anti-social behaviour due to issues at home (including experiencing abuse) or other environmental factors. We note that the period of time for which an individual subject to an anti-social behaviour related Injunction or Criminal Behaviour Order would be barred, would be for as long as they are subject to the Injunction or Order, and we also agree with this approach. It may be that an individual was subject to an Injunction or Order previously but has since made changes to their lives and their involvement as a councillor or mayor may in fact assist in making positive changes for the betterment of society and help tackle anti-social behaviour.
17. We believe however that it is necessary to establish the individual circumstances of each case and questions should be asked in terms of past anti-social behaviour. Whilst we do not feel people should be penalised for past anti-social behaviour (and perhaps in some instances, past criminal behaviour where time has been spent in terms of convictions), and that all individuals should be provided with an opportunity to progress in life and make a positive contribution to society, we believe it is imperative that we ensure that those in the positions of mayors and councillors are truly reformed and committed to making positive changes to the community as local authority members.

Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

18. We neither agree nor disagree with this proposal. We understand the reasons for which the DCLG have proposed that Civil Injunctions and Criminal Behaviour Orders be the only anti-social behaviour related reasons why an individual is prohibited from standing for election or holding office. However we feel that, as with cases of sexual abuse and other forms of violence, this matter is not as straightforward as it may appear. For example, not everyone who has participated in anti-social behaviour will have a criminal or civil record. Moreover, the use of other Anti-Social Behaviour powers may highlight patterns or further matters of concern which should not be dismissed.
19. Further to our comments at para.10 and para.17 above, we feel it may be useful to introduce a discretionary element to the mandatory legislative criteria whereby any additional information or evidence relating to the individual, whether in terms of criminal behaviour or anti-equality and anti-diversity attitudes and behaviour (sexism and misogyny, racism, Islamophobia etc) may be considered on a case by case basis. This may assist in ensuring that only those committed to the promotion of an equal and inclusive society, and making a positive contribution to communities are given the opportunity to act as councillors and mayors.

Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

20. We cannot see any concerns in this respect.

Do you have any further views about the proposals set out in this consultation paper?

21. In terms of the current disqualification criteria, we are of the understanding that where the reason for disqualification is due to a conviction of any offence where they received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine (as stated at para.7 of the Consultation), this refers to those offences where fines are not an option within the related sentencing criteria? If this is the case, our concern is that a number of offences which we regard as serious and conviction of which should lead to disqualification, will be overlooked. For example, section 76 of the Serious Crime Act 2015 relates to offences of controlling and coercive behaviour in intimate and/or family relationships. This offence carries a maximum of 5 years imprisonment and/or a fine. Does the current wording of Section 80(1)(d) of the Local Government Act 1972 mean that as a fine is available as a sentencing option for such an offence, that a person convicted of the same will not be automatically disqualified? If this is the case, then it is very concerning that someone convicted of a serious offence of domestic abuse could still be deemed capable of becoming a councillor or mayor. Alternatively, if this is not the case and section 80(1)(d) is to be interpreted as referring to convictions where a judge decided not to impose a fine, we still find this problematic as we feel monetary payment does not change the fact that such an offence was committed. If we use the example of section 76 of the Serious Crime Act 2015 again, a judge may decide to sentence the individual to a fine for whatever reason, but does that mean this individual is suitable to act as mayor or councillor? How will victims of domestic abuse, control and coercion feel when they see a perpetrator of abuse in such a position? (We appreciate that this can also be a relevant concern in respect of

individuals with spent convictions, and not just in respect of the interpretation of section 80(1)(d) alone; this only goes towards highlighting further the need to consider the effects generally and take the concerns of victims into account). Greater clarity will be appreciated and whatever the correct interpretation, we feel there needs to be a change to the current criteria.

22. Without detracting from their importance, we must question why the focus of the Consultation has been placed only on sexual offences and anti-social behaviour. We are disappointed that in considering criminal and civil orders than an individual may be subject to, consideration has not been given to those who may be subject to for example, forced marriage protection orders, female genital mutilation protection orders, non-molestation orders, prohibited steps orders and harassment injunctions under the Protection from Harassment Act 1997. We urge the DCLG to expand the current criteria to take into account further orders which an individual may be subject to and pursue a zero tolerance approach to all forms of violence against women and children.
23. We also feel it is necessary to update the criteria to require the likes of mayors and councillors to have genuine commitment to the promotion of equality, diversity, socio-economic inclusion and human rights freedoms. We are sadly aware of a number of instances where the likes of councillors and MPs, whilst publicly condemning issues relating to violence against women and girls, have secretly condoned or even played a part in abuse being inflicted on victims. This can also be said for issues including racism, sectarianism, disabilities (including mental health) and LGBT matters.
24. One Muslim woman for example informs us that despite stating they are pro-LGBT rights, a relative of theirs who acts as a councillor has refused to acknowledge that a family member identifies themselves as LGBT and to add insult to injury, refers to said family member as “mentally ill”. This is problematic on various levels, and we ask how we can progress as an equal and inclusive society if our representatives are able to behave in such a manner?
25. In January 2016 we wrote a public letter of complaint to Birmingham Central Mosque due to the misogynistic attitudes displayed by their Chair and Trustee, which included being dismissive on the issues of forced marriage and domestic violence. A copy of this letter can be found here: [http://www.mwnuk.co.uk//go_files/resources/749863-Muhammad%20Afzal%20Complaint%20letter%20\(Birmingham%20Central%20Mosque\)%20.pdf](http://www.mwnuk.co.uk//go_files/resources/749863-Muhammad%20Afzal%20Complaint%20letter%20(Birmingham%20Central%20Mosque)%20.pdf) What is noteworthy for the purposes of this Consultation is that the Chair in question is a Councillor and at the time was also the Lord Mayor elect for Birmingham. Whilst we are pleased that he withdrew from running as Mayor of Birmingham, please note that the said individual is still a Councillor.
26. We believe in turn that the disqualification criteria needs to be updated so that it is clear that attitudes and behaviour which act to the detriment of an equal and inclusive society will not be accepted. Further, we ask again that a zero-tolerance approach is implemented towards issues of violence against women and girls.
27. We also wish to highlight that in February 2016 we wrote to the Leader of the Labour party Jeremy Corbyn MP to complain of the systematic misogyny displayed by some

Muslim male Labour Councillors, who have been marginalising and silencing the voices of Muslim women. A copy of our letter can be found here: http://www.mwnuk.co.uk/go_files/resources/422693-Labour%20Party%20Complaint%20Letter.pdf

We are sure the DCLG will share our concerns in finding that some councillors have been actively placing barriers in front of Muslim women and it is imperative that such misogyny is robustly challenged. It is disappointing that no action has been taken in this respect, and hope the DCLG will now look into the matter and take the necessary steps to ensure these practices do not continue.

28. We must stress that Muslim Women's Network UK does not have any political affiliations and does not support any political party. The examples we have provided are merely those that have been made known to us which, in the interests of promoting equality and social inclusion of Muslim women, and women generally, we felt it was necessary to raise. We also raised this with the then Prime Minister David Cameron by way of a public letter (please see as follows:

[http://www.mwnuk.co.uk/go_files/resources/169296-PM%20Letter%20\(Muslim%20Women%20Empowerment\).pdf](http://www.mwnuk.co.uk/go_files/resources/169296-PM%20Letter%20(Muslim%20Women%20Empowerment).pdf)

and requested a cross party review of the circumstances complained of. We are disappointed that it is almost two years on but not much has changed.

29. It worries us that these are merely examples known to us and that there may be many more such instances within the Muslim community which are going unchallenged, and Muslim women (and wider society) are being adversely affected as a result. We therefore urge the DCLG to take these matters into account when updating the disqualification criteria. We appreciate that codes of conduct exist for councillors and mayors which are specific to individual local authorities, but the information available to us highlights that this is not sufficient. Stronger measures need to be taken to ensure there are no barriers to women's empowerment in the UK and that only those truly committed to the promotion of equality, diversity and inclusion are able to act as councillors and mayors.

Final Comments

30. As a point of clarification, we must explain that our comments and examples have been limited to Muslim women due to the nature of our organisation and its work. As a national Muslim women's charity our work predominantly deals with Muslim and BME women albeit we also work with individuals of other faiths and are therefore also aware of issues of relevance to other faith and non-faith communities. We are also aware that some of the issues experienced by Muslim women can also be experienced by non-Muslim women, and men. In turn we wish to clarify that where we make any recommendations, we do so on behalf of all those within wider society who may be affected and who may benefit from such recommendations.
31. We are open and inclusive and seek to promote equality and diversity for all individuals irrespective of their gender, race, ethnicity, faith, sexuality, age, disability etc., and hope that all sectors can develop an environment that is healthy, safe and harmonious for all.

32. Our case studies are anonymised for the safety and protection of those involved. Some cases however may have come to us anonymously and remained as such throughout our involvement.
33. MWNUK would like to express its willingness to assist through research, training, support, information or advice or any other means which would assist in removing barriers to achieving an equal and inclusive society and which will allow all individuals (including Muslim women) to exercise their rights and choices, and participate socially and economically into British society.
34. We would like to thank DCLG for holding a Consultation on the disqualification criteria for local authority members. We also thank you for providing us with the opportunity to give Evidence and hope that it proves to be helpful in your considerations.

**On behalf of Muslim Women's Network UK,
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Vice-Chair
8 December 2017**

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