

MUSLIM WOMEN'S NETWORK UK

**Response to Call for Evidence by the Equality and Human Rights Commission on
Religion or Belief in the Workplace**

31 October 2014

1. **Section 1: About your organisation**
2. **Which of the following best describes the sector that your organisation is in?**
 - a. Private sector
 - b. Public sector
3. **Charity/ voluntary sector** **X**
 - a. Other (please specify)
 - b. Prefer not to say
4. **Are you responding on behalf of your organisation or as an individual?**
5. **On behalf of my organisation** **MWNUK**
 - a. As an individual
6. **Do you work for an organisation which practices, advances or teaches a religion or belief?**
 - a. Yes
 - b. No
 - c. Not sure
 - d. Prefer not to saypage 2
7. **3a. If yes, please state which religion or belief and which particular religious denomination if relevant.**
8. **MWNUK promotes equality and diversity, social inclusion and public harmony for the benefit of the public by working with Muslim women in the community primarily.**
9. **3b. If no, please state if your organisation primarily represents another group protected in law. These groups are:**
 - a. Age
 - b. Disability
 - c. Gender reassignment
 - d. Marriage and civil partnership
 - e. Pregnancy and Maternity
 - f. Race
 - g. Sex
 - h. Sexual orientation
 - i. None of these
10. **Which countries does you organisation cover?**
 - a. Scotland
 - b. England
 - c. Wales
 - d. More than one country (please specify)
 - e. Other (please specify)

11. MWNUK is a national organisation with diverse membership in England, Scotland, and Wales.

Section 2: Your organisation's concerns about the protection of people with a religion or belief or without a religion or belief.

12. Discrimination due to racism and Islamophobia experienced by Muslims and especially Muslim women is under documented and under reported. For example, the Parliamentary Ombudsman recently contacted MWNUK to request help in finding out why Muslim women are under represented in complaints against public services and government bodies and departments. The Equality Advisory Support Service Discrimination Helpline has also recently contacted us to help promote their services due to extremely low numbers of Muslims contacting them.
13. The rising hostility against Muslims have also been fuelled by political rhetoric by the main political parties as well as the smaller parties such as UKIP, media misrepresentation and a rise in right wing movements such as the English Defence League. Secular individuals and even non- Muslim Black and Ethnic Minority Groups / Individuals are also coming together and regularly putting out statements and protesting on all sorts of issues from halal meat, child sexual exploitation, Shariah Councils to inheritance wills, which are used to demonise Muslim communities. Collectively this anti Muslim discourse will have an impact on the way Muslims in Britain are treated in all areas of life whether it is in education, socially, in employment, when accessing public services, in housing etc. It was therefore not surprising when a British Social Attitudes survey conducted by NatCen revealed that one third of Britons admit to be racially prejudiced. (<http://www.bbc.co.uk/news/uk-27599401>)
14. Increasing numbers of women contact MWNUK to request help on a range of issues including discrimination. The number of discrimination cases has been rising. We have responded by developing a discrimination fact sheet which has been downloaded more than 500 times and recently attended a training course on discrimination law run by the Discrimination and Law Association. We are now in the process of setting up a dedicated helpline to deal with enquiries on issues including discrimination.
15. Data collection by some organisations and community hubs focus only on verbal threats and physical attacks on people and property. However, Muslims also experience institutional discrimination, which is not being recorded or monitored. It is important to also log these to find out about the true extent and impact of Islamophobia. Enquiries we receive indicate that Muslims are facing unequal treatment when accessing: the criminal justice system;

public services; in employment; in housing; in education; and in their social life. The academic research investigating the extent of Islamophobia is reliant on their limited reach into communities and desktop research. A system is therefore needed run by an organisation that has good reach and networks that logs Islamophobia in all aspects of life and society not just limited to abuse.

16. Supporting actions to addressing Islamophobia and Discrimination is one of MWNUK's six current priority areas. Our aim is to gather and share information relevant to the lives of Muslim women and girls in order to influence policy and public attitudes, to raise the profile of issues of concern to Muslim women and to strengthen Muslim women's ability to bring about effective changes in their lives.

Section 2: From the list, which THREE issues is your organisation most interested in or concerned about?

- a. Time off work for religion or belief reasons
- b. Dress codes and wearing of religious symbols**
- c. Opting-out of work duties or conscientious objection
- d. Freedom of expression
- e. Restrictions on, or refusal of, a service**
- f. Offering of an inappropriate service
- g. Harassment on grounds of religion or belief
- h. Victimisation on grounds of religion or belief**
- i. A hostile or unwelcoming environment
- j. Definition of 'belief'
- k. Procurement or funding issues
- l. Exemptions from equality law

7. Please give more details about why your organisation is particularly interested or concerned about the issues you have highlighted in Q6.

17. As the only national Muslim women's organisation with a membership of over 600, MWNUK's membership is diverse in terms of gender, ethnicity, age, religious backgrounds, lifestyles, sexual orientation and geographic location. Members are also from a range of employment sectors including: higher and further education; voluntary sector and support services including services workers; health and legal professionals; the police and criminal

justice sectors; and local and central government. Therefore it has been difficult to narrow our main concerns as most issues listed are of concern in some way.

Dress codes and wearing of religious symbols

18. Muslim women continue to feature prominently in media and public discourses. And while the media cannot be held solely responsible for constructing negativity that contributes to Islamophobia and discrimination, the media has contributed to the process of stigmatisation, marginalisation and intolerance. Muslims appear frequently in the spotlight, whether in regards to 'shari'a law', halal food, 'Muslim' grooming gangs, anti-terror arrests, fighting abroad etc. And interestingly, the 'face-veil' is frequently covered, whether it be in the context of European legislative bans on face coverings, bans in schools in the UK, security concerns and often as the headlining photo to stories about British Muslims. This is despite the fact that the face veil is not worn by the vast majority of Muslim women in Britain. MWNUK receives a number of requests to comment in the media.
19. From the feedback we have received from MWNUK members, the impact of this media presence is negative. Even when more balanced and positive stories are highlighted, they are lost amongst the tide of negativity.
20. One member said:
 - a. *"I was worried when the European Court allowed France to continue its ban. I thought- is that going to happen here? There were texts going round saying sign petitions to stop it happening and I just thought that if my Government can't protect my rights- who will?"*
21. Another said:
 - a. *"I used to wear the niqab for many years. It was my choice- I felt it was important to my spirituality. In fact my husband discouraged me from wearing it- he was worried how I'd be treated when I went to work. However, as time has gone on it was my children who felt awkward. ...Something had happened in the news, I can't remember what- some terrorism related story. We went on holiday to a more 'white' area up North. The kids weren't comfortable as people stare...and some said things. I was used to it... they just wanted to blend in.... I had to take it off."*
22. On a day to day level, those who are identifiable as Muslim due to their dress are even more vulnerable to discrimination. They are also likely to face multiple discrimination because of the interaction of gender, race and religion.

23. In 2014, MWNUK received a referral from a London Mosque regarding a white female Muslim convert who told us she was being subjected to verbal abuse and intimidating behaviour from her neighbours. She recounted numerous examples of her car and home being vandalised, and specific verbal abuse; “people have called me ‘Uber bomber’ or ‘xxxxxx Raghead’”. Residing in Hampshire she went to her local council.
- a. *“I was called to a meeting ...and in the presence of a Police Officer the female member of staff at the Council as a way of resolving this issue of abuse towards me suggested that I remove my hijab. I was so angry at this suggestion and told her ... her suggestion was totally inappropriate. To substantiate her suggestion she said: “Well many Muslims who come to this country wear short skirts and the men do not wear Islamic clothing either””.*
24. This particular woman felt that her grievances were not taken seriously by the police or the council staff attending to her case.
25. Another member reported being called "you murderer" after 7/7. She felt unable to do anything or report the incident to anyone. She also related an incident where she had felt able to make a complaint:
- a. *“I had an incident after 911 and when Britain went to war against Afghanistan - whereby a work colleague made verbal comments about Muslims and killing them etc.. I listened to this in silence and after some soul searching I spoke to my boss regarding the issue stating I was uncomfortable about it and that it was targeted at me... and I was not at fault and I believe my boss did speak to my colleague and it was not mentioned again. I had two people in the towers that day and one arrived just as the plane crashed into the building and my cousin walked down 73 flights down to safety before it fell down, he was traumatised and the family was in turmoil that day including I.”*
26. Following the Woolwich Attack in 2013 many incidents of abuse were reported. One Muslim woman told us *“I was called a terrorist and told to get out of the country by another customer in a supermarket ... staff just looked by. They didn’t join in, and one did look apologetic but nothing was said.”*

Victimisation on grounds of religion or belief

27. Nationally, there has been greater awareness raising about Islamophobia presenting as threats of abuse and violence. Particularly, the experiences of Muslim women who wear the hijab or niqab are used as indicators of the increase of victimisation of Muslims. The long-

lasting effects for victims and potential victims, are rooted in fear- of travelling alone, of going into certain areas, of applying for certain jobs, of entering education. When we take into account the multiple vulnerabilities Muslim women already face, it is clear more needs to be done to develop a more effective approach to engage with female victims.

28. What is harder to gauge is indirect discrimination faced by Muslims, as a result of general increased hostility towards Muslims by those who associate all Muslims with terrorism and extremism. Especially when that discrimination is not overt- for example when accessing services.
29. Subsequently, we have noted a further intensification of anti-Muslim attitudes and more reports of Muslim women facing direct and indirect discrimination. And it is not just those women who wear niqab. As we know, discrimination is also compounded by other factors, such as socio-depravity, in which British Muslim women face the worst social and economic disadvantage. For example, a report by the EHRC itself in 2011a noted that the employment rate for people with disability was as low as 38 per cent in the 2000s. However, for Muslim men this rate was 47 per cent, and for Muslim women this rate was 24 per cent.
30. It is therefore saddening to hear experiences of professional Muslim women from a range of sectors being discriminated against in their place of work, from those who felt their Muslim sounding name alone was enough not to have got them a job, to less experienced white colleagues being promoted or given opportunities to train etc.
31. *"I was working for a well known charity. A position became available and three people (two female and one male) all enquired about it to apply. I was one of those people. The manager discouraged all of us to apply although we were all suitable. However, a White female team member who was less experienced was encouraged to apply for the job. She of course got the job!" (Charity Sector Worker)*
32. *"When I first graduated in Medicine my second placement was in the vascular surgery department at a hospital. My supervisor was a consultant who used to get me to do all sorts of menial tasks- even menial for a junior doctor. At the time I thought it was me not knowing enough ... my confidence was affected... or that he was just like that with everyone. You can never be sure in these situations. I remember in my final review meeting he said he felt I had been 'busy doing nothing' ... implying I hadn't really contributed. I was devastated....*

When it came to the end of my next rotation Eurology, my supervisor consultant told me he felt the previous supervisor had been 'more than a bit harsh', but not to worry. The guy who

did that post after me, was also Muslim, and he also had a hard time. However, the white female junior doctor working with him seemed to excel and get lots of positive reinforcement from that consultant. ... I don't like to think people are racist or would discriminate against you just coz you're Muslim. There's no way I could've complained against someone so senior- and what would I have said? But out of all training done – this was the only placement I received such a poor review. Which makes me question all those little incidents I just wrote off.” (Medical Profession)

33. *“I worked for a legal firm specialising in employment law. My colleague, a White male started at the firm much later than I did. He was much younger. Within months he was earning more than I was yet he lacked experience. In fact I was always helping him. I felt I couldn't complain as my employers would make it difficult for me to get a job elsewhere and my career as a lawyer would be over. I ended up leaving the organisation.” (Legal Profession)*

34. *“I was suspended as a governor for a local primary school for 6 months. I feel I was targeted for my beliefs ... and the head teacher has been bullying me... Even if I go back, my reputation has been tarnished. (Education)*

35. *“I worked at an inner city practice where all the partners were White. They would say things... not always overt, but things like ‘your clothes smell...a bit curry’ in reference to me being Asian. The head of the surgery was one of the top people in the Deanery. You wouldn't dare complain.” (Medical Profession)*

36. *“I'm from Northern Ireland and I've just moved to England... Because we're such a tiny minority and there is lack of diversity in Northern Ireland Muslims face a lot of abuse in public and on social media and in jobs, bullying in schools and when using services. Some families are now moving out of Northern Ireland and coming to England. ...people are also scared to put their faith down when filling in forms e.g. for services, recruitment etc due to fear of discrimination.”*

37. When speaking to Muslim women the fear of complaining was an underlying thread in their stories. When going through the experience they often dismissed many things which are

considered discrimination under the Equality Act 2010. However, due to fear of being labelled as a trouble maker or not getting a good reference for the next job, many felt they had to accept the treatment or leave the situation themselves. There is also a general sense that Muslim women expect to face some level of discrimination, having indirect implications. For example, following the Marks and Spencer story in December 2013 about Muslim staff handling alcohol and pork, a Muslim woman working in Asda quit her job. While her managers were always helpful and understanding she was worried things may change and so quit before something went wrong.

Impact of Austerity Measures

38. The impacts of the national austerity measures, together with long-term, ingrained inequality across the UK, mean that the prospects for all women, but more so for BAME women are now bleak and urgently need addressing. Below is a case from a MWNUK member who had worked for her Local Authority for 20 years. She is Pakistani Muslim and does not wear a headscarf:

- a. *“In the councils...you do feel discrimination and favouritism... the higher positions are given to ‘who you know’ and those who ‘fit’ the senior management look. When initial redundancies took place, we (staff) felt there was a disproportionate number of cuts of BME workers. But White line managers were quickly shifted around and many managed to retain their positions. The community we were serving was majority Pakistani/Muslim and the impact of these frontline staff cuts was that an immediate barrier to the community was created. There is still a huge gap in service provision.... I was a Consultation Officer doing community development work. I’d been doing the role for 4 years. My colleague was a White English guy earning two-thirds more than me ... despite us doing the same job. In fact, I genuinely feel I did more than him, going above and beyond what the job expected. Women have to fight harder! It was interesting that even after given notice of redundancy- he found a job in the same office immediately. Whereas I didn’t. ...
I put in a grievance through the union and it lasted over a year. We went through the internal tribunal process and it went to level 2, but ultimately it went in favour of the council. I think I knew it would- the council will always look after the council. Out of the 4 panels I faced, there was only one BME man in one of the meetings. ...
... in the end I was advised to take it further to an independent tribunal... but didn’t because I was just fed up- and tried to just find another job. I had to just carry on.”*

39. Another factor to consider is the changes to legal aid that came into force in April 2013 mean that women are being disproportionately disadvantaged by being denied access to justice. While we understand that it is possible to apply for Legal Aid in discrimination cases, for those who are not eligible to do so, are left with a hefty £1200 fee for discrimination claims. When compounded with fear, lack of knowledge/awareness of the process, time limits, time, potential language barriers etc, it is unlikely that women will be able to hold their employers to account. One Muslim woman said:

a. *“By the time I’d realised what had happened, got over the shock and plucked up the courage, figured out what I had to do, and raised most of the money over 3 months had passed. I just gave up.”*

Restrictions on, or refusal of, a service

Accessing Public Services

40. Another area of particular interest to MWNUK is the experiences of Muslim women when accessing public services, for example health services. Muslim women have particularly high rates of reported ill-health. Following a study into public awareness of the Parliamentary and Health Service Ombudsman (PHSO) which highlighted low awareness of the PHSO among women from minority ethnic groups, together with lower engagement with the PHSO than their proportion in the general population would suggest¹, MWNUK partnered with the PHSO to explore why women from minority groups complained disproportionately less. Many of the women attending the groups had negative experiences of complaining to public service providers, particularly in the healthcare sector.

41. Focus groups were held in Birmingham, Manchester and London (in June 2014). While the premise of the discussion was to identify barriers to complaining and ways of overcoming these barriers, a number of discriminatory experiences were shared.

42. Many were indirect, and it was difficult for the individual to be sure whether the bad services received were due to religious, race or gender discrimination. But there was the ‘feeling’ that stereotypes associated with BAME women meant that their complaints were

¹ A full summary of the evidence base identifying this lower engagement can be found in the following report: [Targeting BAME groups](#)

not taken seriously, and an assumption that a complaint would directly impact actual service delivery, this compounded the fear that complaining could have negative repercussions on service levels;

- a. *“I was in the hospital with stomach pain and I was talking to the nurse again and again to say this is getting bad, I would like to see a doctor, and I had to fight for this, but then when the doctor comes she just looks at the lady next to me [who is white] and then goes away. It is like being told “you are not important”... When you have that kind of attitude you don’t want to complain because you think well everyone is going to be like that aren’t they?”* Birmingham Group Participant

43. Another MWNUK member shared:

- a. *“I had just given birth and I felt I was treated unfairly by some of the nursing staff. There are specific examples, like being asked if I needed a translator- because I’m Asian- when I only speak English, to just the attitude and service I received. I was made to feel stupid ... I think my headscarf did contribute to my treatment. By day 4 in hospital I stopped wearing my headscarf in the wards and I feel I was taken more seriously. I did raise a complaint with the Manager about the lack of care I received, but not on discrimination grounds.”*

44. It is clear here that there is a lack of understanding about what constitutes ‘discrimination’ and the types of behaviours that people can challenge. Stereotypes associated with BAME women, such as poor language skills and a deferential attitude indirectly affected this woman even though she did not fit this stereotype.

45. From the PHSO focus groups, a number of the barriers to complaining were mentioned:

- a. A lack of information;
- b. A lack of confidence; and
- c. A perception that nothing will change.

46. While these responses are comparable to those found in the general population, for BAME women the barriers were often compounded by the specific difficulties faced by women from BAME groups such as language barriers, a greater acceptance of poor service, and a deferential attitude towards those in authority.

47. When women did complain, it was often only with the encouragement of others, such as women’s organisations. However, the uncertainty of what to expect when you do complain could still prevent complaining:

- a. *“We deal with so many calls from people who are unhappy with something but they will not think about complaining to an organisation. They come to us because they don’t know who to go to. But then if we tell them they need to complain to [the organisation] involved, they are worried. But you know it is confusing, the police, the Council, Prisons, doctors. For me it’s not confusing about where to go but about what to expect.”* Birmingham Group Participant

Section 3: Your views on the effectiveness of the law

8. What are the most effective features of the current legislative framework and why? (1,000 words maximum)

48. MWNUK have welcomed a single equality act that tackles discrimination and promotes equality for all, including faith groups like Muslims. It is heartening to have seen a shift from more 'formal equality' as found in previous Race Relations Acts to more transformative equality. We were hopeful that Muslim women who present a combination of religious, race and gender needs would be better protected. And that the impact this would have would be national improvement in their health, employment, education and general social inclusion, and ultimately mean that resources were being used more efficiently.
49. We believe that current legislation, including the Equality Act 2010, is theoretically fit for redressing discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, race and ethnicity, religion or belief, and sexual orientation. We are hopeful that by bringing these protected characteristics together the hierarchy between them is removed and each characteristic is given its full weight.
50. The definitions provided for the various types of discrimination is welcomed as it helps to clarify those acts which are unacceptable.
51. We have welcomed the positive duties on public authorities to implement equality in everything they do. Particularly, the duty to have due regard to socio-economic disadvantage is well intentioned. However, MWNUK is sceptical about how this will be implemented, particularly in relation to austerity measures and cuts to women's services.

9. What are the least effective features of the current legislative framework and why? (1,000 words maximum)

52. Generally speaking, MWNUK is concerned that there exists a difference between what the legislation says and the perceived meaning or reported experience of what religious discrimination is defined as. It remains clear that much work still needs to be done to raise awareness of current laws and how everyone can go about accessing their protection. Below are particular gaps relevant to the experiences of Muslim women:
53. While it is positive that the act allows for “multiple discrimination”, the limitation to two direct discrimination grounds is still limiting. From the case studies highlighted above, Muslim women in Britain are likely to face discrimination at least on gender, race, religion grounds. And then potentially in addition to other grounds, for e.g. pregnancy and disability.
54. The Act fails to include harassment related to religion or belief outside the workplace. Particularly in the current climate of increased hostility towards Muslims we believe that the act does not do enough to protect them. MWNUK has seen an increasing number of cases of harassment, and while we accept that freedom of religion must be balanced with freedom of speech, it is clear that there is a climate of Muslims feeling unprotected and more vulnerable. According to the 2011 census Muslims are the second largest religion in the UK. This alone would be reason to ensure Muslims felt protected by UK equality laws. However, when combined with a global political climate which fuels anti-Muslim sentiment, it is imperative that our British citizens feel protected here.
55. While we welcome the strengthened public sector equality duties, there still exists an uncertainty as to how to hold to account those who contravene their duties. Taking into consideration the aforementioned barriers to ‘simple’ complaining, it seems unlikely that Muslim women will pursue a lengthy, costly and complex process. Strategic encouragement to raise complaints of discrimination must happen. And the complainants must feel safe and protected in doing so. This is ever important for Muslim women, who already face multiple barriers when raising concerns.
56. MWNUK believe that these positive duties ought to also extend to the private sector, where the majority of the workforce is employed.
57. It is clear that more work needs to take place within religious groups and organisations. While supporting the protection of religion and belief itself, they too must protect other characteristics. MWNUK implore that more research is carried out to review how the protected characteristic of religion intersects with that of gender. For example, when considering public places like mosques, and whether a bar to women is discriminatory,

MWNUK would argue it is and do not support 'there is convincing justification for an exception'.

58. MWNUK support that the act recognises that mental impairment is considered a disability, and that the condition does not need to be clinically recognised. However, we believe the definition could have been more broad to take into account situations where women need better protection, for example those victims of domestic violence.
59. The Act covers England, Scotland, and Wales. It does not cover Northern Ireland. Those from Northern Ireland continue to be governed by an array of other legislation. It is our belief that by standardising legal requirements across Great Britain in Equalities laws would mean a fairer and more just British society, and mutually beneficial for all in the long run. There is much to be learned from a community so strongly divided historically.
60. A revision of time limits for bringing discrimination cases is needed. The current variances make it confusing and form part of the barrier to raising a claim.
61. An important issue needing much development is the area of immigration status. Refugees and asylum seekers (often from BAME communities) are particularly vulnerable to discrimination as they do not have the choice to leave the UK and go back to their countries of origin. Other categories of migrants too are particularly vulnerable to being discriminated against, often facing multiple barriers in a new country with different ways of working. They are often those in need of greatest assistance, and it is our fear that not enough is being done to protect them.

10. Please describe what you think could be done, if anything, to improve the effectiveness of current legislative framework? (1,000 words maximum)

62. At a grassroots level, there is lack of understanding of what the Equality Act covers, even generally. And therefore the Act's effectiveness is being undermined by this lack of understanding of its proper utilisation. So while the legal definitions of discrimination have certainly improved, providing real protection to victims and potential victims has not improved at the same rate. For example, it is lesser known that public sector organisations are legally bound to produce equality schemes and monitor specific aspects of employment under secondary legislation- the Equality Duty. And it is even rarer for organisations to communicate effectively how they are implementing the legislation, and how it may positively impact services or provision.

63. The sources of religious intolerance and discrimination in the workplace can be manifold and include prejudices existing among employers, employees or customers, restrictive interpretations of corporate identity or a general fear of religious diversity. While generally being aware that discrimination is illegal, Muslim women were themselves are not always aware of what constitutes discrimination under existing law, nor of the procedures for reporting it.

64. We need better understanding of provisions by all frontline service providers, including the police, and a unified multi-agency approach towards tackling discrimination and Islamophobia generally and within the BME and Muslim communities. In this regard it may assist to highlight within training how different protected categories often overlap; e.g. gender, race, religion.

65. MWNUK's Recommendations:

- Further public education and development of awareness also about the laws themselves, including among the law's intended beneficiaries.
- Publish data on the diverse forms of discrimination regularly, in user-friendly modes.
- Publish steps taken by various authorities and institutions should be promoted to raise awareness.
- Better training is required for frontline professionals on cultural and/or faith factors relative to BME and Muslim victims to ensure proper care and support is being provided. Without

this, victims of discrimination are unlikely to come forward, and the legislation will not actively guide social justice.

- For women particularly, the implementation of the Equality Duty 2010 to promote and protect women-only services is necessary.
- Track mainstreaming progress for public bodies and others. E.g. create an annual 'Non-Discrimination Awareness Day' where messages are reinforced, data is compared to previous years and strategic actions to tackle weaknesses are presented. Getting public buy-in is vital to ensuring equality is a part of everything we do.

66. As a national women's organisation committed to promoting equality and diversity, social inclusion and public harmony for the benefit of the public by working with Muslim women in the community, MWNUK would like to express its willingness to assist through training, support, information or advice or any other means in order to ensure that the Equality Act 2010 protects those it has set out to protect.

67. We would like to thank you for providing us with the opportunity to respond to your Call for Evidence and hope that our Response proves to be helpful in your considerations.

On behalf of Muslim Women's Network UK,

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