

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

INVESTIGATION INTO CHILD PROTECTION IN RELIGIOUS ORGANISATIONS AND SETTINGS

Written submission on behalf of Pragna Patel (Southall Black Sisters) & Sadia Hameed (Gloucestershire Sisters)

1. This written submission follows the hearings in which the panel heard evidence relating to South Asian communities from our clients and others. The issues have been extensively canvassed in witness statements and in oral evidence; we do not repeat detail already set out, but simply highlight key points, and our submission as to the inquiry's recommendations.

2. The evidence in these hearings highlighted the following issues in South Asian religious settings:
 - Repeated silence, denial and minimisation of the problem of child sex abuse, at the same time as the normalisation of it through patriarchal cultural and religious norms;
 - Extreme power disparities between adults and children, and between men and women;
 - A belief that the absence of reporting or disclosure means the absence of the problem itself;
 - Persistent failures to establish and maintain any meaningful safeguarding infrastructure in religious institutions;
 - The failure to establish and make transparent clear lines of accountability within religious institutions;
 - A reluctance amongst some organisations to engage with state authorities including unwillingness to accept offers of training from state authorities even when offered free or at low cost, whilst simultaneously complaining about the cost of safeguarding compliance;

- A refusal to engage with victim's and woman's advocates who challenge community and religious norms and an active hostility to their work;
 - A refusal to acknowledge the prevalence of concepts of honour and shame both in religious settings and the wider community and the implications of such concepts for the safeguarding of children;
 - The use of religious rituals as a pretext for sexual abuse;
 - The extensive reach of religious authority figures into a multitude of informal community settings, and role of Sharia courts and religious figures of authority in adjudicating disputes in which allegations or suspicions of abuse may feature.
3. These issues were set out extensively by Pragna Patel, Sadia Hameed, Natasha Rattu and Nazmin Aktar. They each work for different organisations and in different settings but their evidence was strikingly similar and highlighted the same themes and experiences. Their evidence should be accepted in full as representing the reality for victims and survivors in South Asian settings in the UK.
 4. The evidence of these witnesses was also borne out, albeit perhaps unintentionally, by the witnesses you heard from the relevant religious settings. The issues were highlighted in their starkest form in evidence from the MINAB representative, who (inter alia) refused to acknowledge the prevalence of CSA, maintained that CSA had never featured in discussion with member bodies of MINAB, and rejected training on the basis that the issues were already well understood. But the same issues were apparent from the evidence of the Sikh Gurdwaras and the Shree Hindu Temple in Leicester. In those institutions too, witnesses were reluctant to accept the extent of CSA; to varying degrees were largely ignorant of, or disinterested in, the changes required; were reluctant to engage with women and children experts; and were unwilling to acknowledge the existence, let alone the pervasiveness, of concepts of honour and shame, and other cultural and religious constraints and their implications for victims.
 5. As noted by CTI Ms Scolding QC many religious settings are less regulated than donkey sanctuaries. If children (and indeed adult victims of sexual violence) are to receive the protection they need, the current situation is untenable and requires drastic reform. Self-regulation – to the extent it has been tried at all – has largely failed. No existing state body has the resources, skills and most importantly legal powers to effectively regulate religious settings.

6. The inquiry's response to the evidence and its recommendations should be based on the following principles:

- The paramountcy principle as embodied in the Children Act 1989: the rights of the child are paramount
- That being so, where those rights and needs conflict with the interests of religious organisations, the rights of the child must always prevail.
- Accordingly, whilst religious freedom is an important value in a free society, where religious activities conflict with the protection of children there can be no debate as to whose rights are accorded first priority; child protection must always take precedence. As expressed by Nazim Akhtar of the Muslim Women's Network: "*child protection is universal & above any religious scripture*".

7. Accordingly, Southall Black Sisters and Gloucestershire Sisters join with other core participants represented by Slater & Gordon in urging you to recommend:

- A new register of religious organisations and settings and those within them undertaking activities involving children
- An expanded definition of regulated activities to capture the full range of activities involving children being carried out in religious organisations and settings both formal and informal;
- Mandatory reporting of knowledge and reasonable suspicion of abuse on the model advocated by Mandate Now
- A new set of common safeguarding standards and procedures to be implemented across religious organisations and settings
- A new independent body with legal powers to audit compliance with those standards, and to enforce compliance.

8. In relation to an independent oversight body, we highlight the real danger of regulatory capture. An independent body must understand the organisations and settings being regulated and their need to comply with the protection principle; it cannot, and must not, be staffed and led by those being regulated or be swayed by the need to show 'religious sensitivity that undermines the protection principle. As Pragna Patel explained in her statement (para 28) "*the promotion of a faith based approach to social policy has only served to further entrench the power of the most reactionary, patriarchal and conservative – if not fundamentalist – so-called religious leaders. These forces use*

religion to pursue their own regressive political goals and to monopolise and control local resources and constituencies, especially women and other powerless sub-groups". Therefore, any new regulatory body must be fully independent of the interests being regulated, as otherwise regulatory capture will effectively neutralise the reforms now required, create further risks for vulnerable children and destroy their confidence and trust in the ability of the state to protect them.

Slater & Gordon

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