

**ATTACHMENT [JEM 2]**

This is the attachment marked "[**JEM 2**]" referred to in the witness statement of Joumanah El Matrah dated 10 August 2015.

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## Save Southall Black Sisters campaign (2008)

### Southall Black Sisters' Victory against Ealing Council

"An equal society protects and promotes equality real freedom and substantive opportunity to live in the ways people value and would choose so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be." **Lord Justice Moses quoting** the chairman of the Equalities Review in the final report Fairness and Freedom, published in 2007 (Kaur and Shah v London Borough of Ealing [2008] EWHC 2062 (Admin))

On 18th July 2008 at the High Court, SBS won an important legal challenge affirming our right to exist and continue our work. At stake was a decision by Ealing Council to withdraw our funding as the only specialist provider of domestic violence services to black and minority women in Ealing, under the guise of developing a single generic service for domestic violence for all women in the borough. The Council sought to justify its decision on the grounds of 'equality', 'cohesion' and 'diversity'. It argued that the very existence of groups like SBS – the name and constitution – was unlawful under the Race Relations Act because it excluded women in the majority community and was therefore discriminatory and divisive! Ealing Council's decision was based on the view that there was no need for specialist services for black and minority women. This view failed to take account of the unequal social, economic and cultural context which makes it difficult, if not impossible, for black and minority women to access outside help or seek information about their rights. In effect the council proposed to take away essential life saving services provided by SBS

Apart from concern for our own survival, we were concerned that the future of a number of voluntary sector organisations working for the human rights of black and minority ethnic people was in jeopardy, mainly because of the government policy on so called 'cohesion' Rather than funding service provision according to the needs of different groups that address issues of structural gender and racial inequality, the government's 'one size fits all' approach was based on a misguided notion of 'community cohesion' which regards activities carried out by a single ethnic groups as separatist. Although, paradoxically, at the same time, the government promoted (and still does) the funding of single faith groups even though they are exclusive by nature. We argued that the ending of funding to single groups harms black and minority groups that have struggled over years to bring communities together irrespective of religion, caste and ethnicity by addressing gender and other forms of inequality and racism.

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The legal challenge succeeded in revealing that the Council had deliberately misconstrued and failed to have proper regard to its duties under the equalities legislation, in particular, the Race Relations Act, in reaching its decision. In his written judgment, Lord Justice Moses stated that Ealing Council had made fundamental errors when deciding to cut funding to SBS in favour of one generic service on domestic violence for the borough. He stated that the Council had acted unlawfully in a number of critical ways: It failed to carry out a full racial equality impact assessment before fixing on the policy of a generic service on domestic violence; It failed to consider measures to avoid the adverse impact that its policy would have on black and minority women as pointed out by SBS; It failed to appreciate that there is serious under-reporting of domestic violence amongst black and minority women; It misconstrued the Race Relations Act – in particular the need for positive action and the right to retain a name which announces the specialist nature of the organisation and it misconstrued the principle of cohesion by assuming that funding specialist projects will undercut cohesion.

In the judgment, Lord Justice Moses highlighted some important principles about equality. His comments had wide ramifications for all those struggling to maintain funding for specialist services and for the struggle for equality generally.

When we began the process of challenging Ealing Council in 2007, we were not sure where our journey would lead us. We received tremendous support from our users and many individuals and organisations along the way. We would not have succeeded without such encouragement. But above, all the support that we received reminded us of our responsibility in building a civil society based on the principles of justice, equality and humanity.

*‘This victory is important for all grassroots specialist organisations that are faced with or likely to face cuts in their funding on the spurious grounds of ‘cohesion’ and ‘equality’. Ealing Council has tried to portray us an organisation opposed to the need for all women in the borough to have a domestic violence service. This is far from the reality. We will continue to struggle for the right of all women to have effective protection from domestic violence but this also means struggling for the rights of the most vulnerable women in our society who due to cultural and religious pressures and racism need their own organisations to ensure that their voices are heard ‘ (SBS Press release July 2008)*

Download the [full judgment by Lord Justice Moses](#). We hope the judgment will help other organisations to fight any funding cuts that they may be facing. If you use the judgment then [please let SBS know](#).

For further information please see [Campaign Status](#) page [archived]

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[The Forced Marriage campaign](#)  
[Save Southall Black Sisters campaign \(2008\)](#)  
[Zoora Shah \(1996-2000\)](#)  
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 Protest against sexual violence in India  
 Vigil for Savita  
 Cohesion, Faith and Gender Report Launch  
 Safe and Sane Report Launch  
 SBS and EAW Domestic Violence Strategy Seminars

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