

Islam, sex, health and the law. Teachers notes			
Statements	Legal perspective	Health perspective	Religious perspective
<p>All young people will receive confidential sexual health advice and treatment</p>	<p>According to the Sexual Offences Act 2003 young people can get confidential advice and treatment.</p> <p>However under Nottingham Safeguarding guidelines all under 13's must be referred to Social Care or to a Child Protection Lead.</p> <p>If the Child Protection Lead decides that a referral does not need to be made then a record outlining the decision not to refer must be kept.</p>	<p>If young people are not allowed to access sexual health advice or treatment then this may lead to both physiological and psychological problems for the young person.</p> <p>For example if a young person is being pressured into having sex and has no 'safe' place to discuss their options, this could lead to feelings of isolation and a lack of clear understanding of the affects that having sex may have on them.</p>	<p><b>As Aisha (ra), the wife of the Prophet (pbuh) testified, "Blessed are the women of the Ansar. Shyness did not stand in their way of seeking knowledge about their religion." (Agreed upon).</b></p> <p>What is demonstrated in the above hadith is the freedom of the women of Islam to ask questions and gather the information necessary to be able to fulfill their religious obligations, one of which is to be active in both their sexual pleasure and health.</p>

Question	Legal perspective	Health perspective	Religious perspective
<p>All young people will receive confidential sexual health advice and treatment</p>	<p>In Nottingham someone under 13 will be referred to Social Care or to a Child Protection lead as a safeguarding measure for the safety of the child</p>	<p>If a young person is having sex and contracts an STI which is left untreated then this could lead to a range of health problems including genital discomfort and more long term health problems such as infertility.</p>	<p><b>"Allah is beautiful and loves beauty, and loves to see the signs of being well-off on His servants."</b></p> <p><b>"Your body has the right upon you to take care of it."</b></p> <p><b>"Purity is half of iman (faith)."</b></p> <p>The above quotes clarify the responsibility that Muslims have to keep their body clean and healthily, this will include keeping bodies free of maladies including STIs.</p> <p><b>"A believer is never satiated with gainful knowledge. He goes on acquiring it till his death and entry into Paradise". (Tirmidhi)</b></p> <p>This hadith supports the practice of Muslims acquiring knowledge throughout their life.</p>

Question	Legal perspective	Health perspective	Religious perspective
<p>What is the age of consent in England for sexual intercourse</p>	<p>The age of consent for sex in the UK is 16. If someone has sex with someone under 16 then they could be prosecuted and placed on the sexual offences register.</p> <p>The age of consent has been put in place to protect young people from vulnerable situations. The law is not intended to be used in situations where young people are not being pressured or abused.</p> <p>An example of this could be a 15 and 16 year old having sex which has been discussed and approached with the necessary precautions. The law is to be used to protect young people who may be vulnerable.</p>	<p>If the age of consent did not exist then young people may become both emotionally and physically vulnerable to unwanted and pressured sex.</p> <p>The age of consent acts to protect those who are vulnerable.</p>	<p><b><i>"And of His signs is that He created for you from yourselves, wives that you may repose in them, and caused between you love and compassion:..." Holy Qur'an (30:21)</i></b></p> <p><b><i>"...and consort with them (women) in a fair manner..." Holy Qur'an (4:19)</i></b></p> <p><b><i>"...and they (women) have rights similar to those (of men) upon them in a fair manner..." Holy Qur'an (2:228)</i></b></p> <p><b><i>"Give spouses to your single ones, because Allah makes their morality better (improves it) (under the shadow of marriage) and expands their sustenance and increases their generosity (human values)"(Hadith)</i></b></p> <p><b><i>"Never is a structure built in Islam more pleasing to Allah, the Exalted than marriage." "Whoever marries safeguards half of his religion. Let him take care of his duty to other half." (hadith)</i></b></p>

Question	Legal perspective	Health perspective	Religious perspective
<p>What is the age of consent in England for sexual intercourse</p>			<p><i>“Whoever marries a woman for her glory, Allah will not increase his, but will bring him humiliation; whoever marries her for her wealth, Allah will not increase his, but place him in poverty; whoever marries her for ancestral claims, Allah will not increase his, but in meanness; whoever marries a woman for nothing but to cast down his eyes, guard his private parts, and to establish a relationship, Allah will bless him through her and vice versa”.</i>  <i>(Al-Tarhib wa al-Tarhib)</i></p> <p><i>Someone asked 'Aisha * what the Prophet (pbuh) used to do at home. She said, "He used to remain occupied working for his family, then would go out when he heard the call to prayer"</i></p>

Question	Legal perspective	Health perspective	Religious perspective
<p>What are the perspectives relating to rape?</p>	<p>Rape is illegal in the UK. Rape can occur within a marriage. Rape can only be committed by a man as it has to involve the ‘penile penetration, Rape includes vaginal, oral and anal penile penetration of another individual. Women can be charged with assisting rape if they encourage or participate the raping of another person.</p> <p>Under the Sexual Offences Act 2003 women can also be charged with ‘Sexual Assault by Penetration’ where external objects have been used to penetrate another individual.</p>	<p>Rape can result in both emotional and physical feelings of powerlessness, vulnerability and isolation.</p> <p>Physiological effects can include damage to the sexual/reproductive organs and the transmission of STI (Sexually Transmitted Infections)</p> <p>Adolescent girls are particularly susceptible to HIV infection through forced sex, and even through unforced sex, because their vaginal mucous membranes have not yet acquired cellular density sufficient to provide an effective barrier that develops in the later teenage years.</p>	<p><b><i>”Your wives are your tilth; go then unto your tilth as you may desire, but first provide something for your souls*, and remain conscious of God, and know that you are destined to meet Him...”</i></b>  <b><i>Sûrah al Baqarah 2.223</i></b></p> <p>This verse demonstrates how sex between a man and woman should be caring and loving. Women are called tilth (land) and men may go to their women as they desire. In this verse the holy Qur’an refers to a man caring for his wife when paying amorous court and ensuring that the act of penetration is preceded with foreplay and that the woman is willing. There is also a responsibility for man to care for their land (women) and ensure that the land is fertile and healthy.  <i>”... They are as a garment for you, and you are as a garment for them.” Sûrah al Baqarah 2.187</i></p>

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<p>What are the perspectives relating to rape?</p>		<p>Emotional effect can include feelings of shame, isolation, anger and resentment as well as loss of control over ones sexuality. These feelings, if not managed in a safe space can overspill into subsequent relationships or even cause serious psychological harm.</p>	<p><b>"... They are as a garment for you, and you are as a garment for them." Sûrah al Baqarah 2.187</b></p> <p>This quote from the Qur'an highlights the equality between men and women and the responsibility for both sexes to ensure each others happiness</p> <p><b>"O you who believe! It is not lawful for you that you should take women as heritage against (their) will, Qur'an 4.19</b></p> <p>This quote demonstrates that it is haraam (unlawful) for men to take women against their will therefore making the act of rape impermissible for Muslim men</p> <p>Everyone's God-given human dignity must be respected, regardless of his or her faith, race, ethnic origin, gender, or social status</p>

Question	Legal perspective	Health perspective	Religious perspective
<p>Is it against the law to have sex with someone if you have not informed them that you have an STI?</p>	<p>It is an offence to infect another person with an STI if this is done 'deliberately' or 'recklessly'. For example to have sex knowingly with an STI but not inform your partner or take sufficient precautions to protect their partner from becoming infected</p>	<p>Becoming infected with an STI can lead to both long term and irreversible damage, e.g. If untreated, Chlamydia can lead to infertility in both men and women.</p>	<p><b><i>For Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean(Sûrah al Baqarah 2:222)</i></b></p> <p><b><i>"You see the believers as regards their being merciful among themselves and showing love among themselves and being kind, resembling one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it." (Bukhari)</i></b></p> <p><b><i>"Anybody who believes in Allah and the Last Day should not harm his neighbour, and anybody who believes in Allah and the Last Day should entertain his guest generously and anybody who believes in Allah and the Last Day should talk what is good or keep quiet. (I.e. abstain from all kinds of evil and dirty talk). (Bukhari)</i></b></p>

Question	Legal perspective	Health perspective	Religious perspective
<p>Is it ok to create or watch images of a sexual nature such as pictures distributed via mobile phones or via the internet</p>	<p>To record images are not illegal, however the distribution of an image if the participant in the image were under 18 would be illegal as the images would be considered 'Indecent photographs of children'</p>	<p>For those who images are being distributed feelings of shame and embarrassment and the violation of their private life may result in emotional distress, usually there is negative stigma, often directed towards the female that may lead to feelings of isolation and or bullying. Also any subsequent partners may pressure them into unwanted sexual behaviour.</p>	<p><b><i>"Tell 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 tell the believing women that they should lower their gaze and guard their modesty..." (Qur'an 24:30-31).</i></b></p> <p>This verse directs Muslims to practice modesty in their actions to protect their sexuality and sexual organs. Thus to not create images of a sexual nature and secondly not to view images of a sexual nature. Inherent within Islamic practice is to treat others with the kindness and respect that you would want to be offered to yourself; in particular modesty and respect.</p>

Question	Legal perspective	Health perspective	Religious perspective
<p>How far into a pregnancy can a woman have an abortion?</p>	<p>According to the 1967 Abortion Act in the UK, the limit for abortions currently stands at 24 weeks. However in Nottingham terminations are not carried out after 13 weeks, thereafter a woman is referred to Birmingham for the procedure.</p> <p>A woman has to have the agreement of two doctors that</p> <p>(a) The pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family;</p> <p>(b) That the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman;</p>	<p>Abortion can minimise the distress that a woman may feel as the result of an unwanted pregnancy, for example when a pregnancy is unplanned or the result of a violent sexual act.</p> <p>If a pregnancy is unplanned or unwanted then the pressures placed on the mother may influence the level of care and compassion that a child may receive thus compromise the child's value of life.</p> <p>For women who have many children already an additional pregnancy may place significant additional pressure on the mother and the provision of care available to the existing children.</p>	<p><i>Narrated Abdullah: Allah's Apostle, said, "(as regards your creation), every one of you is collected in the womb of his mother for the first forty days, and then he becomes a clot for another forty days, and then a piece of flesh for another forty days. Then Allah sends an angel to write four words: He writes his deeds, time of his death, means of his livelihood, and whether he will be wretched or blessed (in religion). Then the soul is breathed into his body..."</i></p> <p><i>(Sahih Bukhari, Volume 4, Book 55, Number 549)</i></p> <p><b><i>Al-ahamm wa 'l-muhimm (the more important and the less important). The Prophet (pbuh) said, "When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater."</i></b></p>

<p>How far into a pregnancy can a woman have an abortion?</p>	<p>(c) That the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or (d) That there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.</p>		<p>Although there is no direct mention of abortion in the holy Qur'an Islamic guidance suggests that an foetus is not recognised as 'life' until the 120<sup>th</sup> day of gestation at which point an angel is sent to breathe life (soul) into the foetus. It is at this point that the foetus inherits the rights of humankind.</p> <p>It is also worth noting that Islam put the right of a mother before her unborn child. Therefore if a pregnancy would put a mother's life at risk it is lawful to terminate the pregnancy.</p>
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## Islam, sex, health and the law pupil notes

### **All young people will receive confidential sexual health advice and treatment**

#### **Legal**

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However under Nottingham Safeguarding guidelines all under 13's must be referred to Social Care or to a Child Protection Lead.

If the Child Protection Lead decides that a referral does not need to be made then a record outlining the decision not to refer must be kept.

#### **Faith**

**As Aisha (ra), the wife of the Prophet (pbuh) testified, "Blessed are the women of the Ansar. Shyness did not stand in their way of seeking knowledge about their religion." (Agreed upon).**

**"Allah is beautiful and loves beauty, and loves to see the signs of being well-off on His servants."**

**"Your body has the right upon you to take care of it."**

**"Purity is half of iman (faith)."**

**"A believer is never satiated with gainful knowledge. He goes on acquiring it till his death and entry into Paradise". (Tirmidhi)**

## Islam, sex, health and the law pupil notes

### What is the age of consent in England for sexual intercourse

#### Legal

The age of consent for sex in the UK is 16. If someone has sex with someone under 16 then they could be prosecuted and placed on the sexual offences register.

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#### Faith

*"And of His signs is that He created for you from yourselves, wives that you may repose in them, and caused between you love and compassion:..." Holy Qur'an (30:21)*

*"...and consort with them (women) in a fair manner..." Holy Qur'an (4:19)*

*"...and they (women) have rights similar to those (of men) upon them in a fair manner..." Holy Qur'an (2:228)*

*"Give spouses to your single ones, because Allah makes their morality better (improves it) (under the shadow of marriage) and expands their sustenance and increases their generosity (human values)"(Hadith)*

*"Never is a structure built in Islam more pleasing to Allah, the Exalted than marriage." "Whoever marries safeguards half of his religion. Let him take care of his duty to other half." (hadith)*

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*"Your wives are your tilth; go then unto your tilth as you may desire, but first provide something for your souls\*, and remain conscious of God, and know that you are destined to meet Him..."*

*Sûrah al Baqarah 2.223*

*"... They are as a garment for you, and you are as a garment for them." Sûrah al Baqarah 2.187*

*"O you who believe! It is not lawful for you that you should take women as heritage against (their) will, Qur'an 4.19*

*Everyone's God-given human dignity must be respected, regardless of his or her faith, race, ethnic origin, gender, or social status (Qur'an 17:70).*

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**Is it against the law to have sex with someone if you have not informed them that you have an STI?**

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***"You see the believers as regards their being merciful among themselves and showing love among themselves and being kind, resembling one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it." (Bukhari)***

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*Allah is well acquainted with all that they do. And tell the believing women that they should lower their gaze and guard their modesty..." (Qur'an 24:30-31).*

## Islam, sex, health and the law pupil notes

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#### Legal

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A woman has to have the agreement of two doctors that:

- (a) The pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family; or
- (b) That the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman; or
- (c) That the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or
- (d) That there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

#### Faith

*Abdullah ibn Mas'ud) reported that Allah's Messenger (pbuh) said: "Verily your creation is on this wise. The constituents of one of you are collected for forty days in his mother's womb in the form of blood [sperm?], after which it becomes a clot of blood in another period of forty days. Then it becomes a lump of flesh and forty days later Allah sends his angel to it ..."*

*Al-ahamm wa 'l-muhimm* (the more important and the less important). The Prophet (pbuh) said, "When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater

**Flipchart Example**

<b>Topic (e.g. Accessing Sexual Health Services)</b>		
<b>Legal</b>	<b>Faith</b>	<b>Health</b>