



UNITED  
SIKHS

*Recognize the Human Race as One*

# First Global Sikh Civil Rights Report 2008

A Preliminary Civil Rights Report  
on the State of the Sikh Nation



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## Preface

“Injustice anywhere is a threat to justice everywhere.”

- Dr. Martin Luther King, Jr.

All men and women desire and deserve to live in dignity and liberty. The increasing demand for democratic governance reflects recognition that the best guarantor of human rights is a thriving democracy with representative, accountable institutions of government, equal rights under the rule of law, a robust civil society, political pluralism, and independent media.

Every country and individual has a duty to defend human rights and help spread democracy’s blessings. The United Nations helps countries develop democratic institutions that will ensure human rights are respected over the long term. UNITED SIKHS calls upon countries to honor their international obligations to protect human rights. UNITED SIKHS stands in solidarity with the courageous men and women across the globe who live in fear yet dream of freedom to enjoy their fundamental human and civil rights as established in the Universal Declaration of Human Rights.

In the aftermath of 9/11, Sikhs have been targets of mistaken identity. In fear of protecting the sovereignty of the countries in the west, we have seen an increase in the number of laws that are being passed interfering with religious identity and increased restrictions of the right to freely practice one’s faith. In many cases

these incidents have stemmed from a lack of knowledge of the existence of the Sikh community and the necessary requirements for Sikhs to practice their faith.

By defending and advancing human rights, civil rights and democratic principles, we keep faith with the world's most cherished values and lay the foundation for lasting peace. While working to uphold the principles of the Universal Declaration of Human Rights and working to build vibrant communities worldwide, we understand that it may take generations to achieve peace, but it is work of the utmost urgency that cannot be delayed.

This report was prepared primarily by legal professionals working with UNITED SIKHS who interviewed those individuals who themselves have faced civil rights abuses, or have advocated for or were conversant with the rights of the Sikh community in their respective countries. The focus was on Sikhs because a report like this one does not exist, and it is sorely needed to gauge the problems faced by a community without borders.

The intent of this report is to inform civil rights NGOs, governmental agencies, law-makers, and activists of the problems faced by the Sikh community, and of the impact post 9/11 restrictions have had for Sikhs. We hope that you will find this report as informative in reading as it has been in researching and analyzing for us.  
- Mejjindarpal Kaur, Director

## Sikhs and their Religion

Dr. I.J. Singh

### History and Beliefs

Compared to other major religions, Sikhism is relatively young. Its founder Guru Nanak was born in 1469 in Punjab. It was a time of great ferment and creative activity in the world - the voyage of Columbus and his discovery of the New World in 1492, the discoveries of Copernicus who was born in 1473, the printing of the Gutenberg Bible in 1462 were among the many remarkable achievements and events of those decades. To understand his teachings and his disciples, it is necessary to look at Nanak the man and his times.

During Guru Nanak's time in the fifteenth century the two great religious systems of the world - the Vedantic and the traditions of the Old Testament met in Punjab. Fifteenth century India was ruled by Muslims. Indian society of that time was steeped in idol worship, dogma and superstition, and was stratified into castes with rigidly defined duties and rights for each. Neither those of the low castes nor women were allowed to read the Holy Scriptures. Nanak rejected both the forced conversions by the rulers as well as the caste system, idolatry and the inferior place of women. He taught a message of love. He defined God as gender-free, not woman or man exclusively. He taught of a universal God, common

to all mankind - not a Sikh God, a Hindu God, a Moslem God, a Jewish or a Buddhist God, or one limited to any sect, nation, race, creed, color or gender. Guru Nanak was followed by nine successor-Gurus over two centuries. They further elaborated on his message of universal love and brotherhood - and sisterhood. They made significant contributions to the development of Sikh institutions. Sikhs believe that all ten Gurus represented the spirit of Nanak and spoke with his authority.

The Sikh religion is strictly monotheistic, believing in one supreme God, free of gender, absolute, all pervading, eternal Creator. This universal God of love is obtained through grace, sought by service to mankind. These were the first teachings of Guru Nanak. Sikhism views life not as a fall from grace but a unique opportunity to discover and develop the divinity in each of us. From the time of Guru Nanak five hundred years ago until today, Sikh places of worship (gurdwaras) all over the world usually run free community kitchens, which provide meals to the needy. These kitchens are manned and funded by volunteers. Since in the traditional Indian society people of high and low caste would not mix, nor would they break bread together, the community kitchen (langar) of the Sikhs serves to teach the concept of equality by shattering all barriers of caste and class.

Since human dignity and justice form a cornerstone of Sikh teaching, Sikh

history speaks of tremendous sacrifice in the cause of freedom and justice. Two Sikh Gurus - the fifth Guru Arjan and the ninth Guru Tegh Bahadur were martyrs to the cause of freedom of religion. The tenth Nanak - Guru Gobind Singh - fought several battles and saw his sons die in battle. In more modern times, Sikhs formed some of the most highly decorated soldiers of the British armed services during the Second World War. They had a significant role in the memorable battles of El Alamein, in the Burma-China front and also in the allied assault in Italy. In India's struggle for independence from the British, of all the Indians who were sentenced to life imprisonment or death, over two-thirds were Sikh. This in spite of the fact that Sikhs form less than two percent of India's population.

#### **1699 - Present: The Journey**

In 1699 the tenth and last of the Sikh Gurus - Gobind Singh - recognized the growing maturity of his followers in a most dramatic manner. On the day of Vaisakhi (which falls in early to mid-April) 1699, he summoned his followers to a small town (Anandpur) in Punjab. Over 80,000 came. History tells us that Guru Gobind Singh appeared before his people, flashed a naked sword and demanded a head. He repeated his call until five Sikhs volunteered. These five came from different parts of India and from different castes, three were from the so-called lower castes. To these five, and to many others, on that historic April 300 years ago, he

bestowed a new discipline, a creed.

The Guru initiated these five in the new order of the Khalsa and then, in a dramatic and historic gesture, they, in turn, initiated him. On that day he gave the Sikhs their modern form which includes five articles of faith:

- 1) unshorn hair as a gift of God and Guru and a mark of Sikh identity,
- 2) a small comb for the hair,
- 3) a steel bracelet which signifies a reality with no beginning and no end, and is also symbolic of a Sikh's commitment to the ideals of his faith, much as wedding ring might indicate fealty and identity,
- 4) a sword indicative of resolve and commitment to justice, and
- 5) knee-length breeches in keeping with the disciplined life-style of a Sikh.

In Indian society, an individual's name reveals his caste and thus his/her place in society. On Vaisakhi 1699, Guru Gobind Singh freed Sikhs from the caste system by ordaining that all Sikh males incorporate "Singh" meaning a lion and women use "Kaur" meaning a princess into their names, thus shedding their caste identity. Implied here would be the hope and prayer that a Sikh's life becomes a testament to courage and grace inherent in these names.

For the past 300 years, no matter what their street attire, male Sikhs have been easily recognized by their long unshorn hair covered with a turban. (It needs to be pointed out that in the traditional Indian society, only a man of high caste or the ruling class

wore a turban.) Sikh women adhere to the same basic life style, symbols, rules and conduct, except that few wear turbans. You might see Sikh boys, who are much too young to handle a turban, walking about in their schools or play grounds with a top-knot of long unshorn hair covered simply with a scarf.

Sikhs worldwide celebrated Vaisakhi 1999 as a milestone in Sikh history. It marked 300 years since Guru Gobind Singh decreed the formation of the Khalsa and fashioned the nation of Sikhs.

### **The Sikh Scripture**

Guru Gobind Singh also decreed an end to the line of personal Gurus in human form. The writings of the earlier Gurus were collated along with those of Hindu and Moslem saints whose teachings were consistent with Sikh philosophy. This collection - Guru Granth - is thus a uniquely ecumenical and eclectic collection of spiritual writing. For Sikhs Guru Granth is the repository of all spiritual knowledge and authority. In temporal matters all authority rests with the Sikh community worldwide acting democratically and in mindful prayer with an awareness of the spiritual heritage which is embodied in the Guru Granth.

Sikhs revere the ten Gurus - Guru Nanak to Guru Gobind Singh because they brought to us the divine word but they worship only the one, timeless (Akal) God. For Sikhs the word (shabd) is the eternal Guru. The word "Guru"

acquires, therefore, a very special meaning for Sikhs. It is reserved only for the ten Gurus who gave us the divine message and to the shabd contained in the Guru Granth.

### **The Gurdwara**

The Sikh place of worship (gurdwara) is more than that - a place of worship. It has historically served as a refuge for the homeless, the helpless and the destitute. Gurdwaras usually display and fly the "Nishan Sahib," a yellow (saffron) triangular flag bearing the Sikh symbol of "Khanda". Visitors, irrespective of their religion are offered shelter, comfort and food. The only conditions being that they remove the shoes and cover the head. In a gurdwara no special place or seat may be reserved or set aside for any dignitary.

The worship consists of singing of the liturgy as well as exposition of Sikh history, tradition and religion. Non-Sikhs are always welcome. Any layperson - man or woman - may perform any Sikh rites; none are restricted to the ordained clergy. The word "Sikh" derivatively means a student. In essence, therefore, a Sikh is and remains a student of the meaning of life.

### **World View**

Sikhism is a practical religion to be lived here on earth and Sikhs are a pragmatic people. The emphasis is on a leading a worldly, successful life as a householder and a contributing member of society but with the mind

attuned to an awareness of God, the eternal truth. Sikhism rejects all distinctions based on caste, creed, gender, color, race or national origin. God is not found on the mountaintop or by renouncing the world. He/She is found in the life of a householder and in a family.

The philosophic structure of Sikhism rests on three equally important legs: an honest living and an honest day's work, sharing with others what God and life have given us, and living life fully - not in half measures - with an awareness of the infinite within each of us.

Sikhism enunciates a philosophical concept termed Miri-Piri which means living a worldly life with an active, strong sense of commitment to the world and humanity, governed and directed by a strong foundation and underpinning of spiritual awareness. In a centered existence the internal and external lives are to be integrated. Moral and spiritual values need to form the cornerstone of the successful worldly life. One without the other is incomplete and insufficient.

In matters that affect the Sikh community, the Sikhs have throughout their history followed a simple but effective mechanism whereby individual voices are heard and decisions reflect the current state of knowledge, information and technology. In all such matters, and in honor of the first five Sikhs who heeded the call of Guru Gobind Singh in 1699, the voice of the community is channeled through five Sikhs

selected and authorized to resolve issues and speak as the voice of the community. Sikhs believe that God and Guru pervade the congregation when these five Sikhs act in mindful prayer. Decision making, thus, becomes a collective process. Sikhs do not have a priestly hierarchy with its associated ecclesiastical authority.

As a religion in which the Word (shabd) is Guru, Sikhism values education. Yet it recognizes that the ultimate reality is such that our senses cannot perceive it and our intellect cannot fathom it but our souls can commune with it.

#### **Place of Women**

Sikhism promises women an equal place. It could do no less when it defines God as gender neutral, and is perhaps one of the few major world religions to do so. Female infanticide, which was not uncommon in India and in much of the world 500 years ago, was strongly condemned by Guru Nanak and his successors. There is no activity in a gurdwara or within the community that is permitted to a man but not to a woman. There is no religious function from which women are barred at any time of their lives.

#### **How Sikhs View Other Religions**

Sikhism recognizes the universal truths that underlie all human endeavors, religions and belief systems, though people differ in how they institutionalize those beliefs into a code of conduct and a way of life. Much as Sikhs love their religion, Sikhism is equally respectful and

tolerant of another - a non-Sikh - who loves his or her own religion in his or her own way. Sikhism asks a non-Sikh to discover and live the essential message and meaning of his own religion so that a Christian can become a better Christian, Jew a better Jew, Hindu a better Hindu, while a Sikh becomes a better Sikh, and so on. Every major city in the United States and Canada has Sikh gurdwaras and they are open to all. You don't have to be Sikh to visit one. Drop in and see how your Sikh neighbors live and pray.

*Next time you see a Sikh at work or on the street greet him with "Sat Sri Akal." It means "Truth is Eternal." The sentiment in it, you will agree, is universal.*



## Broad Strokes: A Summary of Civil Rights Issues Facing Sikhs Globally

The events of September 11, 2001 significantly changed the state of civil rights globally. Many countries tightened their borders, there was a marked global increase of arbitrary and illegal detentions, use of torture was well documented, and there has been a general constriction and conservative interpretation of basic freedoms. Commonly heralded as countries that were at the forefront of human rights, the United States and United Kingdom are being accused of many human rights violations in conjunction with the Iraqi conflict, the Afghan conflict, and the war on terror.

Sikhs have a long history of defending civil and human rights. Guru Nanak, the founder of the Sikh faith, spoke out against the social and political injustices of the time. He fought state-sanctioned religious persecution and condemned discrimination against women. Guru Tegh Bahadur, the ninth Sikh Guru, sacrificed his life for another's right to choose his/her faith. The Sikh principle of *Sarbat da Bhala* (for the good of all) dictates that a Sikh must not only be prepared to empower and defend the Sikh community but all communities.

The general consensus among Sikh advocacy organizations is that there

is severe underreporting in the Sikh community, especially when it comes to bullying in schools, employment discrimination, mishandling by security officers at airports, mistreatment by police, and verbal harassment. As Sikhs are also part of a diasporic community, the underreporting stems from a variety of factors, some of which are a lack of trust of police, immigration status, language barriers, and general lack of understanding of the services and remedies available to address these problems.

Sikhs were significantly affected in the aftermath of 9/11, as reports collected from around the globe indicate that Sikhs face an increase of racism, discrimination, and xenophobia, primarily due to a lack of education of who Sikhs are and stemming from Sikhs' distinctive appearance. While it has been difficult for the Sikh community to deal with these trends, 9/11 also served as a wake-up call for the community that imminent action was required. It is a critical time for Sikhs as it is often for the first time that issues regarding Sikhs and Sikh practices are being legally challenged or protected, and it is a time where Sikhs are being required to legally defend Sikhism as a bona-fide religion as well as Sikh practices.

The point of recognition as an official religion is an interesting one being raised by parties to a case in Belgium dealing with a school-boy's right to wear his *dastaar* (Sikh turban) in school.<sup>1</sup> It is important to note that

<sup>1</sup> UNITED SIKHS, Sikhs Raise Religious Freedom Issues in the Belgian Media: <http://www.>

India, where the largest community of Sikhs lives, Sikhism is not officially recognized as a separate religion, but rather as a sect of Hinduism under the Constitution.<sup>2</sup> This is despite the fact that Sikhs have been in existence since the 15<sup>th</sup> century and established a completely separate identity that was well-documented from that time forward. Sikhs are identified as a distinct religion in historical documents of the time of the Mughal Empire, as well as during the British Empire. Also, common-sense dictates that it is blatantly discriminatory that Sikhs are not recognized as a separate religion in India. In 1984, Sikhs faced religious violence in Delhi and Panjab, India, where mobs singled out homes and shops of Sikhs to kill and otherwise destroy families, as well as singling out Sikhs on buses and trains, identifying Sikhs by their distinct appearance.<sup>3</sup>

The *dastaar* (Sikh turban) has been a particular point of contention in many countries and Sikhs often trace the discrimination against them to the *dastaar*. For example, despite the death of over 80,000 and injury to over 100,000 Sikhs in WWI and WWII while fighting in Europe for the Allied Forces wearing the *dastaar* instead of helmets, as is required by Sikh practice, in 2004, the French government passed laws banning ostensible religious symbols in schools and on photograph identification

[unitedsikhs.org/PressReleases/PRSRLS-22-11-2008-00.htm](http://unitedsikhs.org/PressReleases/PRSRLS-22-11-2008-00.htm)

2 US Department of State, 2008 Report on International Religious Freedom, India: <http://www.state.gov/g/drl/rls/irf/2008/108500.htm>

3 Carnage 84, Massacre of 4000 Sikhs in Dehli: <http://www.carnage84.com/>

documents. These laws thereby caused the expulsion of Sikh students from French public schools and Sikhs are unable to renew identification documentation containing photographs when wearing the *dastaar*. After having exhausted domestic remedies in France, UNITED SIKHS, with the support of the global Sikh community, is filing cases on these important issues before the United Nations Human Rights Committee on December 15<sup>th</sup>.<sup>4</sup>



As Sikh practice does not allow the removal or covering of the *dastaar* to wear a helmet, Sikhs often face discrimination within military and quasi-military service, jobs requiring hardhats, and the ability to ride motorcycles. Sikhs have successfully advocated for the right to serve in certain militaries around the world including the UN peacekeeping forces, India, Canada, Britain, Australia, Malaysia, Thailand, Sweden, and Iran, but other countries, such as the United States, forbade the enlistment of Sikhs wearing turbans. Questions regarding employment as a turbaned police

4 UNITED SIKHS, European Court Says No to Sikh Turban on Driving Licence in France: <http://www.unitedsikhs.org/PressReleases/PRSRLS-27-11-2008-00.htm>

officer have arisen in various places, including Canada, New Zealand, Britain, the United States, and Ireland. Of these countries, all have conveyed the right to become employed as police-personnel except Ireland.

There is widespread discriminatory treatment of Sikhs globally in airports, where the *dastar* is treated very suspiciously by airport security officials. In the west, the turban has been linked to terrorism by media portrayals of men in turbans as terrorists. Sikhs are often asked to remove their turbans while traveling, and incidents have been reported spanning the globe from Spain to Antigua to Australia and the United States. Sikh advocacy organizations and leaders have worked hard to address this issue at various airports globally, but reports continue as trainings are insufficient to completely stem the discriminatory conduct. In an incident in November 2008, three famous Sikh musicians were kicked off a USAirways flight in Sacramento,



California when a pilot refused to fly with the three on board.<sup>5</sup>

Sikhs regularly face religious discrimination in relation to their *kakaar* (five articles of faith carried at all times by initiated Sikhs), primarily in relation to the understanding and implementation of the right to wear the *kirpan* (a short steel or iron blade that is carried as one of five articles of faith). Many non-Sikh authorities view the *kirpan* solely as a weapon as opposed to an article of faith which has a strict code of conduct associated with it. Post-9/11, Sikhs are rarely if ever allowed to carry the *kirpan* on board an aircraft, and many Sikhs are harassed and even arrested for wearing the *kirpan* in a public place. Numerous incidences of harassment or arrest involving the *kirpan* have occurred world-wide, including in countries that have laws or court rulings protecting the right to wear the *kirpan*.

This year, for example: In the United States, Sachdev Singh was arrested and humiliated for entering a courthouse in Connecticut with his *kirpan*.<sup>6</sup> In Portugal, Gurmail Singh's *kirpan* was confiscated at a British Embassy and he faced the possibility of charges for carrying a weapon before police recognized the religious significance of the *kirpan* after UNITED SIKHS

<sup>5</sup> UNITED SIKHS, US Airways Pilot Refuses to Fly Plane Unless Three Sikhs Get Off: <http://www.unitedsikhs.org/PressReleases/PRSRLS-26-11-2008-00.htm>

<sup>6</sup> UNITED SIKHS, Prosecutor Drops Charges Against Sikh Arrested for Wearing a kirpan: <http://www.unitedsikhs.org/PressReleases/PRSRLS-07-07-2008-00.htm>

intervened.<sup>7</sup> In the United Kingdom, where the wearing of the *kirpan* is protected under enacted law, six Sikh youths were refused entry into Drayton Manor theme park while wearing the *kirpan*.<sup>8</sup> In Canada, a thirteen year old was suspended and arrested prior to any investigation of the allegations surrounding the incident.<sup>9</sup> Despite the complete recognition of religious freedom as a basic right by the UN, Sikhs wearing the *kirpan* were denied entry into the UNESCO headquarters in Paris, France, ironically when seeking admission into an event marking the 60th Anniversary of the Universal Declaration of Human Rights.<sup>10</sup>

Issues with other *kakaar* continue to arise as well. In July 2008, in Wales, a High Court ruled that the Aberdare Girl's School had broken the law in permanently excluding a 14-year-old Sikh girl for wearing a *kara* (a steel or iron bangle worn as one of five articles of faith), on the basis of the UK Race Relations Act 1976 and the Equality Act 2006.<sup>11</sup> Prisoners' rights cases can

constitute some of the most egregious of religious rights violations. In July 2008, Jagmohan Singh, an inmate in Duval County Jail in Jacksonville, Florida, USA had his previously unshorn hair forcibly cut by jailors.<sup>12</sup> It is against a Sikh's religious practice to cut his/her hair, as *kes*h (unshorn hair) covered by a *dastaar* (Sikh turban) is one of five articles of faith which a Sikh must keep at all times. Historically, *kes*h and the *dastaar* have been a central feature of the Sikh identity and Sikhs have faced severe persecution in relation to their unique identity in South Asia and elsewhere.



For example, in the 17th and 18th century in undivided India, Sikhs were facing forcible conversion by tyrannous rulers and one of the methods used for forcible conversion was the cutting of a Sikh's *kes*h (unshorn hair).

7 UNITED SIKHS, Portuguese Police Recognise Religious Significance of the Sikh *Kirpan*: <http://www.unitedsikhs.org/PressReleases/PRSRLS-28-10-2008-00.htm>

8 UNITED SIKHS, UK Sikhs Continue to Face Problems Wearing Articles of Faith While Court Rules in Favour of the Sikh *Kara* : <http://www.unitedsikhs.org/PressReleases/PRSRLS-01-08-2008-00.html>

9 UNITED SIKHS, Sikh Child Suspended Indefinitely by Montreal School Without Investigation: <http://www.unitedsikhs.org/PressReleases/PRSRLS-23-09-2008-00.htm>

10 UNITED SIKHS, Sikhs Faced Mixed Reception at the Annual UN Conference in Paris: <http://www.unitedsikhs.org/PressReleases/PRSRLS-24-09-2008-00.htm>

11 UNITED SIKHS, UK Sikhs Continue to Face Problems Wearing Articles of Faith While Court

Rules in Favour of the Sikh *Kara*: <http://www.unitedsikhs.org/PressReleases/PRSRLS-01-08-2008-00.html>

12 UNITED SIKHS, Florida Jail Refuses to Budge on Discriminatory Prison Policy: <http://www.unitedsikhs.org/PressReleases/PRSRLS-11-09-2008-00.html>, UNITED SIKHS, Sikh Activists Upset Over Inmate's Haircut: <http://abcnews.go.com/US/story?id=5966130&page=1>

As a result, the forcible cutting of the *kesh* is perceived as one of the most humiliating and hurtful physical injuries that can be inflicted upon a Sikh. Sikhs specifically remember those martyrs who willingly sacrificed their lives rather than giving up their *kesh*, within their daily prayers. Jagmohan Singh's need to keep his *kesh* intact, covered with a *dastaar* must be understood in this context. Despite the submission of a petition that garnered over 4,000 signatures and various suggested remedies, jail officials refuse to stop cutting his hair or transfer him to a facility that will allow him to keep his religious rights intact. In another prisoner's rights case, Navdeep Singh, an inmate in a New York, USA jail is not being allowed to have a *dastaar* or *kara*, and is only being given a very limited number of *kacchera* (traditional undershorts worn as one of five articles of faith). He has also reported that prison officials have shown a great deal of disrespect and lack of care while handling his religious texts.<sup>13</sup>

Incidents of discrimination and harassment against Sikhs are commonplace in many countries. Sikhs regularly report incidents of verbal harassment where they are called a variety of racial epithets. For example, a Sikh student in medical school in the Caribbean reported that when he traveled through non-school and non-tourist areas, he would be

<sup>13</sup> UNITED SIKHS, UNITED SIKHS Files Law Suit to End Sikh Religious Rights Violations in NY Prison: <http://www.unitedsikhs.org/PressReleases/PRSRLS-30-11-2005-00.htm>

called "Osama" or "Bin Laden" two to three times in a single trip.<sup>14</sup> Physical assaults related to discrimination against Sikhs are most commonly reported in the United States, and are often referred to as hate or bias crimes, as there are federal laws and laws in some states which provide harsher punishment for those crimes committed with discriminatory intent. Two of the more notable attacks this year, completely separate incidents, involved Sikh men over the age of 60, where the attackers were significantly younger and attacked the men completely unprovoked.<sup>15</sup>

Assaults and physical harassment are also often reported in school, by children who are being bullied due to their *dastaar* or *kesh*. While reports of this are also received in many countries, it is important to highlight two separate incidents earlier this year where two Sikh children were assaulted by having their hair forcibly cut by bullies.<sup>16</sup> The forcible cutting exhibits an understanding yet utter disregard of the religious importance

<sup>14</sup> Interview Tejinder Singh, American University of the Caribbean, St. Martin, Netherland Antilles

<sup>15</sup> UNITED SIKHS, Sikh Seriously Injured after Unprovoked Assault Outside NY Gurdwara; Neighbour arrested and charged by police: [http://www.unitedsikhs.org/US\\_News/US\\_News\\_1801200800\\_NY\\_assault.htm](http://www.unitedsikhs.org/US_News/US_News_1801200800_NY_assault.htm), SALDEF, Carteret police say two attacks being investigated as bias crimes: <http://www.saldef.org/content.aspx?a=3646&z=8&title=>

<sup>16</sup> SALDEF, Carteret police say two attacks being investigated as bias crimes: <http://www.saldef.org/content.aspx?a=3646&z=8&title=>, The Sikh Coalition, Sikh Girl's Hair Cut By Fellow Student in New York City School: <http://www.sikhcoalition.org/advisories/GurprithateAssault.htm>

of the *kes*, and the specific ill intent of the bully towards the Sikh faith. There is a problem with the issue of enforcement of hate crime statutes in the United States, where police and prosecutors are often unwilling to prosecute crimes as hate crimes.

As a minority community in every country, Sikhs have often not been afforded equal protection under the law. In India, it is generally difficult for minority communities to receive justice in the court system, where corruption often dictates outcomes or problems with enforceability. In June 2008, during peaceful protest in Mumbai, Sikhs faced police brutality as they were protesting the shooting of a Sikh by the bodyguards of a controversial sect leader.<sup>17</sup> In the United States, there were two incidents of police brutality that are of note. In the first, Nirvair Singh, a Sikh visiting from India, fell ill and went into a bank to ask for assistance. Due to the language barrier he was unable to effectively communicate with bank employees, and he sat down to take rest due to his illness. Bank employees, observing that he had a turban, beard, and luggage with him, assumed that he was dangerous and called police, after which police also assumed that the man was a threat and used severe tactics including attacking him with a police dog.<sup>18</sup>

<sup>17</sup> CNN-IBN News, available at: <http://www.youtube.com/watch?v=78nWucS54zo>

<sup>18</sup> Fox Reno, Deputies Use Taxi To Trick Man Who Wouldn't Leave Bank: <http://www.foxreno.com/news/14705539/detail.html>



In another incident in the United States, a Sikh family in Houston called the police when their house was robbed. Police proceeded to arrest all the family members, and began questioning them regarding the terrorist attacks this year in Mumbai, India.<sup>19</sup> In Belgium, a Sikh Gurdwara was raided as part of a city-wide immigration raid while services were in progress, and thirty individuals were arrested. Despite the protest of the Gurdwara management that a special 48-hour continuous reading of Sri Guru Granth Sahib Ji, known as an akhand paath, was taking place and that the granthi (person conducting the prayers) immediately displayed valid

<sup>19</sup> The Sikh Coalition, Family Reporting Burglarly is Handcuffed, References Made to Muslims and Mumbai Bombings: <http://www.sikhcoalition.org/advisories/houstonpdharasssikhfamily.htm>

immigration papers, police arrested him as well and stopped the prayers. All the individuals arrested there were released, and the Sikh community was particularly incensed that a Gurdwara was targeted in this manner when no other religious establishment was raided.<sup>20</sup>



Due to their distinctive appearance, employment discrimination has been a recurrent civil rights issue for Sikhs world-wide. Most cases of employment discrimination against Sikhs stem from the *dastaar* (Sikh turban) or *kirpan* (a short steel or iron blade that is carried as one of five articles of faith). In California, USA, Sarabjit Kaur, a security guard at a hospital was told that she could not wear her *dastaar* at work. After UNITED SIKHS intervened, she was able to wear her *dastaar*, but her employer then began to retaliate against her in other ways, including unfairly changing her schedule, delaying her pay-raise, and assigning her to standing posts while she was pregnant, unlike other employees. In another case involving a Sikh security guard in Texas, USA, a company

<sup>20</sup> UNITED SIKHS, Sikhs Protest against Belgian Police who Stopped their Prayers: <http://www.unitedsikhs.org/PressReleases/PRSRLS-19-10-2008-00.htm>

told Sukhdev Singh that he had to shave and cut his hair to fit a “quasi-military appearance.”<sup>21</sup> UNITED SIKHS has received reports of employment discrimination in Canada, Denmark, Russia and Spain amongst other countries. In all these incidents, Sikhs were told asked to choose between the *dastaar* and the job. Sikhs in India also report employment discrimination and university admission discrimination.

## General Global Recommendations

In order to consistent and effectively advocate to resolve these issues, there is a need for global monitoring and data collection with regard to incidents such as those described above. Government agencies and leaders should be especially careful about the speech they use connecting terrorism or other criminal acts to particular religions, races, or ethnicities. Furthermore, there is a need for more responsible media as well, as it is often the combination of sensational media and a lack of education that lead to discrimination against minorities.

In most places there is a lack of significance given to articles of faith and general lack of respect for religious practice. There is urgent need for educational programs to be instituted in schools, governmental offices, and in the private sector to educate students and staff on

<sup>21</sup> UNITED SIKHS, UNITED SIKHS Applauds EEOC For Taking Discrimination Against Sikhs in the Workplace Seriously: <http://www.unitedsikhs.org/PressReleases/PRSRLS-04-07-2008-00.htm>

diversity issues, critical thinking, and to inform students and staff about Sikhs and other minority communities. Discrimination should be aggressively prosecuted and the penalties imposed should be large enough to deter such practices in the future. Finally, in terms of security, government agencies should implement specific procedures that do not profile particular individuals and should base security policies on factual data rather than speculation.

The civil rights issues facing the Sikh community vary in severity from country to country, but the overall themes of discrimination are the same. These issues can be significantly affected through community empowerment, political participation, advocacy, education, and a continued commitment to the core concept of *Sarbat da Bhala* (for the good of all) and that most eloquent of Sikh maxims, to Recognize the Human Race as One.



## Afghanistan

*Head of state and government:*  
*Hamid Karzai*

*Population:* 32,738,376<sup>22</sup>

*Sikh population:* <1000<sup>23</sup>

### The Government and Civil Rights

Afghanistan is governed under a presidential system after the Constitution of Afghanistan was approved in 2004. The Constitution provides for a Bicameral National Assembly as the legislative branch and a powerful President in the Executive branch. Despite the many provisions for basic human rights provided in the Constitution, human rights remain virtually unguarded and the government and “international partners remain unable to maintain safety and stability.”<sup>24</sup>

### Sikhism and Civil Rights in Practice

Up to 1980, Sikhs in Kabul and various villages around Afghanistan were often business owners and traders, and experienced a decent level of prosperity. In 1969, Sikhs in Kabul

<sup>22</sup> July 2008 estimate: <https://www.cia.gov/library/publications/the-world-factbook/print/af.html>

<sup>23</sup> Interview with Paramjit Singh Bedi, General Secretary of the Afghan Sikh Association, Approximately 200 in Kabul and approximately 650-750 in various villages.

<sup>24</sup> Afghanistan Human Rights, available at: <http://www.amnestyusa.org/all-countries/afghanistan/page.do?id=1011101>



built a large Gurdwara and school facility with over 30 rooms for holding programs. After 1980, the situation in Afghanistan deteriorated very much for Sikhs and continues to do so. Currently, the 200 Sikhs still living in Kabul are all living within the confines of the 30 rooms and within the Gurdwara complex, as it is too dangerous to live outside in homes. Outside of Kabul there are still some groups of ten-fifteen Sikhs living in villages all over Afghanistan; these small groups are constantly in danger of their safety.

There is little interaction in terms of religion or religious freedom among the locals in Kabul. While Sikhs have maintained friendships with their neighbors, they avoid too much exposure and essentially try to keep their practices to themselves. Last year, there was an incident where Sikhs were not being allowed to cremate the body of a community elder, Lachman Singh, and they had to obtain the assistance of police personnel to complete the ceremony.<sup>25</sup>

*“We request that Sikhs in Afghanistan are given asylum. Life is not safe in Afghanistan anymore, and these people should not have to live in inhumane conditions.”*  
- Paramjit Singh Bedi

<sup>25</sup> Angry Sikhs in Afghan funeral demonstration, Jon Hemming (Reuters, September 18, 2007), available at: <http://www.wwrn.org/article.php?idd=26284&sec=67&cont=4>



## Australia

*Head of state: Queen of England*  
*Head of government: Kevin Rudd*  
*Population: 21,374,000<sup>26</sup>*  
*Sikh population: 26,429<sup>27</sup>*

### The Government and Civil Rights

Australia is a Federation of 6 States under a constitutional monarchy supported by a Westminster model of

<sup>26</sup> Estimate at 30 June 2008: Australian Demographic Statistics, Jun 2008, Australian Bureau of Statics, retrieved December 8, 2008 from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0?OpenDocument>

<sup>27</sup> Community News, Service and Opinion, retrieved on December 8, 2008 from NRI Internet.com website: [http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan\\_wearing\\_in\\_Schools/Asia/Australia/2\\_Sikh\\_Council\\_of\\_Australia.htm](http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan_wearing_in_Schools/Asia/Australia/2_Sikh_Council_of_Australia.htm)

parliamentary democracy. According to the 2006 census, 64 percent of citizens consider themselves to be Christian, including 26 percent Roman Catholic, 19 percent Anglican, and 19 percent other Christian. Buddhists constitute 2.1 percent of the population, Muslims 1.7 percent, Hindus 0.7 percent, Jews 0.4 percent, and all others professing a religion 0.5 percent<sup>28</sup>.

Australia does not have the provisions of a Bill of Rights in the national constitution in the form of civil or fundamental rights<sup>29</sup> Laws relating to human rights are scattered over various legislation and international treaties and the High Court (the highest court of law in Australia) has found implied human rights in the Australian Federal Constitution. Australia generally abides by the principles of the Universal Declaration of Human Rights.

<sup>28</sup> US Department of State, International Religious Freedom Report 2008, Released by the Bureau of Democracy, Human Rights, and Labor, retrieved on December 8, 2008 from US Department of State website: <http://www.state.gov/g/drl/rls/irf/2008/108400.htm>

<sup>29</sup> Concluding observations of the Human Rights Committee: Australia. 24/07/2000 , the Committee further comments on the periodic report of International Covenant on Civil and Political Rights that-  
„... in the absence of a constitutional Bill of Rights, or a constitutional provision giving effect to the Covenant, there remain lacunae in the protection of Covenant rights in the Australian legal system. There are still areas in which the domestic legal system does not provide an effective remedy to persons whose rights under the Covenant have been violated.“ Retrieved on December 8, 2008 from Office of the High Commissioner for Human Rights website: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.55.40,paras.498-528.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.55.40,paras.498-528.En?OpenDocument)

There is no legal provision to guarantee against any kind of racial discrimination in Australia. In its concluding observation the CERD Committee<sup>30</sup> noted concerns about the absence of any entrenched guarantee against racial discrimination that would override the law of the Commonwealth (Convention, art. 2). Fortunately, federally and for each State and Territory, there is the equivalent of a Human Rights or Equal Opportunity Commission plus access to the courts of law. A complaint can be lodged with each relevant Office of the Commissioner (meaning each relevant State where an offensive incident occurs). These are fairly effective and well investigated. A complaint should also be lodged with the Australian Human Rights Commission. Western Australian Commissioners and courts appear to be taking the issue of humans rights seriously. Furthermore, in Western Australia, the Parliament is currently debating a Human Rights Act.

## Sikhism and Civil Rights in Practice

### *Sikhs as a group*

There are 26,429 Sikhs in Australia with the largest number, 11,637, residing in New South Wales followed by 9,071 in Victoria, 2,636 in Queensland, 1,393 in Western Australia

<sup>30</sup> Committee on the Elimination of Racial Discrimination (CERD), Concluding observations of the Committee on the Elimination of Racial Discrimination CERD/C/AUS/CO/14 retrieved on December 8, 2008 from the Office of the High Commissioner for Human Rights website [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.AUS.CO.14.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CERD.C.AUS.CO.14.En?Opendocument)

and 1,226 in South Australia<sup>31</sup>. This number is larger than the tally in the 2001 census<sup>32</sup>.

Generally Sikhs are treated well in Australia, and there is no evidence of restrictions in practising the faith at the collective level. There are several Gurdwaras throughout Australia. Furthermore, every 2 years, the Sikhs in Malaysia, Singapore and Australia meet on a rotational basis for the “Sikh Games”. The last games were in Perth, Australia with no problems being reported.

There are common concerns about the absence of the fundamental rights in the Australian constitution and lack of specific legal provisions forbidding any kind of racial discrimination in legislation. In practice, there is no evidenced discrimination against Sikhs from the government. However, efforts should be made to ensure Sikhs are recognised and continue to be recognised as a separate minority group within Australian society.

### **Kakkars**

There is no law restricting the adorning of kakkars in public for Sikhs in Australia. However, wearing the *Kirpan* has been restricted by

31 Community News, Service and Opinion, retrieved on December 8, 2008 from NRI Internet.com website: [http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan\\_wearing\\_in\\_Schools/Asia/Australia/2\\_Sikh\\_Council\\_of\\_Australia.htm](http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan_wearing_in_Schools/Asia/Australia/2_Sikh_Council_of_Australia.htm)

32 A figure of 17,041 was quoted: The world population of Sikhs, retrieved on December 8, 2008 from Gurdwara Sahib, Sri Guru Singh Sabha Revesby website: [http://www.sydneyisikhs.com/pdf/WORLD\\_sikh\\_POPULATION.pdf](http://www.sydneyisikhs.com/pdf/WORLD_sikh_POPULATION.pdf)

certain school boards despite such a ban being recommended against by a state educational committee<sup>33</sup>. The Chairperson of the Education and Training Parliamentary Committee Geoff Howard said “We believe having a common school uniform is important in promoting school identity and integration. However, it is also important to recognise that there is no hindrance to the practice of various cultures and faiths. Students should be able to wear their significant religious symbols and articles of faith ... Christian crosses, hijab, yaramulka (Jewish caps), *kirpans*”<sup>34</sup>.

### **Attitudes Towards Sikhs**

Generally, Sikhs are treated well and Australians are aware of the difference between Muslims and Sikhs. However, there is concern about the continuing impact of 9/11 and related world events on the average Australian.

Sukhwant Singh, a lawyer in Western Australia commented, “*There is a feeling that there is a slight change in Australia, particularly following Bali (terrorist attacks) in 2002. These appear to have undone the recognition Sikhs had in Australia. This damage needs to be addressed urgently.*”

33 Retrieved on 8 December 8, 2008 from NRI internet.com website: [http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan\\_wearing\\_in\\_Schools/Asia/Australia/2\\_Sikh\\_Council\\_of\\_Australia.htm](http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan_wearing_in_Schools/Asia/Australia/2_Sikh_Council_of_Australia.htm)

34 Retrieved on 8 December 8, 2008 from NRI internet.com website: [http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan\\_wearing\\_in\\_Schools/Asia/Australia/2\\_Sikh\\_Council\\_of\\_Australia.htm](http://www.nriinternet.com/NRIsikhs/KIRPAN/Kirpan_wearing_in_Schools/Asia/Australia/2_Sikh_Council_of_Australia.htm)

## Belgium

*Head of state : King Albert II*

*Head of government : Yves*

*Leterme (Prime Minister)*

*Population: 10,666,866<sup>35</sup>*

*Sikh population: 10,000<sup>36</sup> (<1%)*

*Sikhism as a state recognized religion: No*

### The Government and Civil Rights

Belgium is a constitutional monarchy with a democracy based on the parliamentary system. The country is a federal state with several levels of government, including national, regional, community, provincial, and local. Prime Minister Yves Leterme currently heads a five-party coalition government. The government generally respects the human rights of its citizens, with the law and judicial system providing a relatively effective means of addressing individual instances of abuse<sup>37</sup>.

### Sikhism and Civil Rights in Practice

#### *Sikhs as a group*

The Belgian constitution provides for freedom of religion and the 2007 Anti-Discrimination Act outlaws

<sup>35</sup> Belgian federal government 2008 estimate.

<sup>36</sup> Estimate derived from God in Brussel: Sikh vieren Maghi, Brussel Nieuws: <http://www.brusselnieuws.be/artikels/stadsleven/god-in-brussel-sikh-vieren-maghi>

<sup>37</sup> U.S. Department of State Report on International Human Rights Practices 2008

discrimination on the grounds of religion or personal beliefs. However in practice these ideals have not been met. Belgium operates a system whereby organizational bodies from “recognized” status religious groups are according benefits unavailable to non-recognized religions such as Sikhism. These benefits include subsidies, and the payment of wages and pensions for ministers of those groups by the government and parliament. In 2008 it is estimated that the federal governments paid \$160 million to recognized religious groups. There are currently six recognized religions; Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Orthodox (Greek and Russian) Christianity<sup>38</sup>.

Government recognized status also brings with it a channel of communication between the religious community and the Belgian government. This channel of communication was sorely missing in October 2008 when the Belgian authorities committed a gross violation of Sikh tenets. Belgian police raided the Gurdwara Guru Nanak Sahib in Vilvoorde, stopping a special 48-hour akhand paath (marking the tercentenary of the installation of Sri Guru Granth Sahib Ji as the eternal Guru) and arresting 30 people as part of a city-wide immigration raid. All laws and norms regarding people’s right to prayer and worship in peace were violated in an insensitive manner. UNITED SIKHS is currently seeking legal

<sup>38</sup> U.S. Department of State International Religious Freedom Report 2008

recourse for this terrible incident<sup>39</sup>.

Not being a “recognized” religion causes Sikhs in Belgium other difficulties. In a Gurdwara, extracts of our Sacred Scriptures, Sri Guru Granth Sahib Ji must be read everyday, requiring the permanent presence of a “granthi” (a person who conducts prayers).

Visas for these “ministers of faith” are reserved for the ministers of “recognised” faiths, which is not in accordance with the Belgian Constitution and the ECHR.

### **Kakkars**

With respect to the right to adorn the Kakkars, to date the focus in Belgium has largely been on issues surrounding the right to *dastaar*/turban. There are no federal legislative restrictions on the wearing of the turban or other religious symbols in education or otherwise. However, individual schools and municipalities are free to make their own decision<sup>40</sup>, which like other countries is largely framed within the Muslim headscarf context.

In a positive note however, the recent case of *KTA Domein Speelhof school*, a ban on several Sikh boys wearing their patka or *dastaar* has been successfully overturned in The Hasselt Civil Court. The court said that the ban on the religious head covering was a violation of the Sikh students’ right to manifest

<sup>39</sup> See <http://www.unitedsikhs.org/PressReleases/PRSRLS-22-11-2008-00.htm> for further information.

<sup>40</sup> “National Laws Which Prohibit the Wearing of Religious Clothing or Symbols”: The Becket Fund for Religious Liberty

their religion under article 9 of the European Convention on Human Rights, of which Belgium is a signatory<sup>41</sup>. In essence, this provides a precedent for all future education related right to turban cases, and should ensure that Sikhs are able to exercise their right to education without fear from exclusion as a result of the turban.

*“The Court has sent a clear message that it is illegal for a school to deny education to a student because of his religious belief,” said Walter Van Steen Bruggen, the lawyer hired by UNITED SIKHS and the Guru Nanak Sikh Society of Belgium to represent five Belgian Sikh schoolboys.*

## **Canada**

*Head of state: Queen Elizabeth II, represented by Governor General Michaëlle Jean*

*Head of government: Stephen Harper, Prime Minister*

*Population: 33,212,696*

*Sikh population: < 400,000*

*Sikhism as a state recognised religion: Yes*

### **The Government and Civil Rights**

Canada is both a federal parliamentary democracy and a constitutional monarchy. A country composed of ten provinces and three territories,

<sup>41</sup> See <http://www.unitedsikhs.org/PressReleases/PRSRLS-01-07-2008-00.htm> for more details.

Canada's federal government is bilingual with both English and French as official languages.

Canadian human rights law closely reflects the Universal Declaration of Human Rights and is primarily embodied in the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, the Employment Equity Act, and various provincial human rights laws. The Canadian Human Rights Commission and provincial human rights commissions also exist to assist in the enforcement of human rights laws.

### Sikhism and Civil Rights in Practice

The Canadian government generally respects the free practice of religion and Sikhs are actively involved in the political sphere in Canada. Currently, there are a significant number of MPs, MPPs, and MLAs of Sikh origin serving in various levels of Canadian government.

Sikhs generally have the right to wear the *dastaar* (Sikh turban) and *kakaar* (five articles of faith) in everyday life. The right to wear the *dastaar* as a member of the Royal Canadian Mounted Police (RCMP) was established by a court decision. Manitoba exempted Sikhs from wearing helmets due to the *dastaar* and British Columbia did the same due to a decision by a British Columbia Human Rights Tribunal.

Ontario, despite having the second

largest Sikh population in Canada, has yet to allow the *dastaar* in place of the helmet on motorcycles, and Baljinder Singh Badesha is currently appealing an Ontario Superior Court decision against his riding a motorcycle having a *dastaar*. The Supreme Court of Canada ruled against the Sikhs' right to wear the turban instead of a hard-hat on the basis of it being an occupational requirement. Sikh truckers have also faced this issue at certain loading locations, and there are currently pending court cases deciding this monumental issue.

The *kirpan* (a steel or iron blade carried as one of five articles of faith) can generally be worn in most public places, and the right to wear the *kirpan* in public schools was established by a Supreme Court ruling. However, public opinion has been generally negative towards the *kirpan*. This was exhibited most recently in an



incident in a Montreal school where a Sikh boy was accused of taking his *kirpan* out and waving it at two boys. Despite eye-witnesses giving evidence to the contrary, the school suspended the boy indefinitely prior to investigating the incident or taking witness statements, and newspapers in Montreal were quick to assert facts that were not true, thereafter generating a significant amount of hostility and discussion against the *kirpan*. Common comments posted online to the news story on various sites reflect a general lack of understanding of Sikhism and the *kirpan*, though there are quite a few racist and discriminatory comments that exhibit an attitude of intolerance and disrespect.

Lastly, a major issue expressed by Canadian Sikhs is the issue of employment discrimination, and the unequal treatment received when applying for jobs. A prima facie example of this is in a governmental organization, the Regional Municipality of Peel, which covers the areas of Brampton, Caledon, and Mississauga. Brampton has a population of 25.84% persons of Indian origin,<sup>42</sup> predominantly Sikhs. The Regional Municipality of Peel as an organization only employs 2-5% of persons of Indian origin in their workforce, even though Brampton and Mississauga have such a prominent Indo-Canadian population. Equal employment laws and mechanisms exist to address these issues, but they are not addressing the issue effectively.

***“I would like employment***

<sup>42</sup> Census 2006, available at: <http://www.brampton.ca/census/bulletin7.pdf>

*discrimination against Sikhs in Canada to be more effectively addressed. Also, there are still pockets of xenophobia and racism that are causing issues for the Sikh community and need to be resolved.” -Baljit Singh*

## Denmark

*Head of state: Queen Margrethe II  
Head of government: Anders Fogh Rasmussen*

*Population: 5,447,084<sup>43</sup>*

*Sikh population: < 5,000<sup>44</sup> (<1%)*

*Sikhism as a state recognized religion: Yes<sup>45</sup>*

### The Government and Civil Rights

Denmark is a constitutional monarchy with a representative democracy based on the parliamentary system. Currently, the government consists of a minority centre-right coalition formed of the Liberal party and the Conservative People's party.

Danish human rights law is primarily derived from three sources; the Danish Constitution, the European Convention of Human Rights<sup>46</sup>, and the UN Conventions. The Danish Institute of Human Rights was established in 2002,

<sup>43</sup> 2007 official statistics: [www.statistikbanken.dk](http://www.statistikbanken.dk)

<sup>44</sup> Based on official statistics for people originating from India (5,578 in 2008): [www.statistikbanken.dk](http://www.statistikbanken.dk)

<sup>45</sup> Approved under the 1969 Marriage Act.

<sup>46</sup> Incorporated into Danish law by Act no. 285 of 29 April 1992.

and aims to base its work on human rights as recognized by the international community at any given time, as well as on the freedoms included in the Constitution<sup>47</sup>.

The Evangelical Lutheran Church is the official state religion under the Danish constitution and as a result it enjoys some privileges not available to other faiths, for example receiving state subsidies. Other faiths have asserted that the system is unfair, and that the government does not provide religious equality, despite providing religious freedom<sup>48</sup>.

The most notable recent story concerning attitudes to religion in Denmark was the Jyllands-Posten Muhammad cartoons furor in 2005. Unfortunately, this controversy has provided much of the context for right-wing attacks on religious practice, including Sikhism.

## Sikhism and Civil Rights in Practice

### *Sikhs as a group*

At the collective level, as an officially approved religion, Sikhism receives a number of special rights in Denmark, including the right to perform marriage ceremonies with legal effect, the right to residence permits for foreign preachers, the right to establish cemeteries, and certain tax reliefs.<sup>49</sup>

47 Danish Institute of Human Rights Status Report 2006

48 U.S. Department of State International Religious Freedom Report 2008

49 U.S. Department of State International Religious Freedom Report 2008

This is illustrated by the existence and practice of the Vanløse Gurdwara in Copenhagen.

### *Kakkars*

However at the individual level there are causes for concern. Most notably, in the 2006 case of Ripudaman Singh, it was held in the Eastern High Court that the *Kirpan* as a religious symbol was not a “credible purpose” under the Small Arms Act, therefore contravened it. Further, this interpretation of the Small Arms Act was found not to violate article 9 of the ECHR (freedom of thought, conscience and religion).<sup>50</sup> The result of this is that the wearing of the *Kirpan* is not permitted under Danish law, a huge setback for all Sikhs in the country, especially Amritdharis. With respect to the turban, there are no known legal restrictions on wearing a *dastar* in everyday life. However, recently there appears to be a move towards limiting the wearing of the turban when riding a motorcycle<sup>51</sup>. At present, Sikhs can wear their turbans in place of helmets when riding on a motorcycle or moped. The Conservative People’s party however, have initiated a debate on whether this should be the case, by arguing that this allows religious requirements precedence over the law. This stance appears to be mainly political in nature, as the unrelated Muhammad cartoon controversy was

50 Danish Institute of Human Rights Status Report 2006

51 TV2.dk, DF: Sikher skal af med turbanen: <http://nyhederne-dyn.tv2.dk/politik/article.php/id-11690110.html>, Politik.jp.dk, DF: Sikher skal smide turbanen: [http://jp.dk/indland/indland\\_politik/article1349507.ece](http://jp.dk/indland/indland_politik/article1349507.ece)



used by the Conservative People's party as an analogous example of religious extremism. Although, there are no known plans for legislative action following this up, this situation must be watched carefully. There is also anecdotal evidence that Sikhs have been refused jobs as a result of wearing the turban<sup>52</sup>.



### *Attitudes Towards Sikhs*

More generally, due to the very small number of visible Sikhs in the country, the larger Danish public on the whole does not distinguish between Sikhs and other minority groups, namely Muslims. Consequently, Sikhs are often mentioned in connection with honour killings, forced marriages, and other negative stereotypes associated with the various migrant communities.<sup>53</sup>

<sup>52</sup> Account of an electrician seeking an internship, who was told that his *dastaar* would be a problem: Based on survey response from Jarnail Singh Dhillon.

<sup>53</sup> Based on survey response from Jarnail Singh Dhillon.

Further, there is evidence that the perception of Sikhs as Muslims has resulted in hate crimes against Sikhs<sup>54</sup>.

*I believe it is just a matter of time, before Sikhs are targeted just as Muslims are today. Today, Muslim headscarves are an issue, tomorrow it will be Sikh turbans. Hence, there is a crucial need for the overall view [of] ethnic minorities to change and an immediate necessity to treat these groups as fellow citizens, rather than immigrants and a threat to Danish society. Denmark is our home, we contribute to the welfare of the country, we are an integral part of the society. Thus, we should be treated that way.*

- Jarnail Singh Dhillon

## France

*Head of State: President Nicolas Sarkozy*

*Head of Government: Prime Minister Francois Fillon*

*Population: 61,875,822<sup>55</sup>*

*Sikh population: 7,000<sup>56</sup>*

*State recognised religion: No<sup>57</sup>*

<sup>54</sup> Violent attack on turban wearing bus driver after London terrorist bombings in 2005: <http://www.berlingske.dk/article/20050709/kobenhavn/107090077/>

<sup>55</sup> Based on 1 January 2008 estimate, French National Institute of Statistics and Economic Studies (INSEE), [http://www.insee.fr/fr/themes/detail.asp?ref\\_id=bilan-demo&reg\\_id=99&page=donnees-detaillees/bilan-demo/pop\\_age2.htm](http://www.insee.fr/fr/themes/detail.asp?ref_id=bilan-demo&reg_id=99&page=donnees-detaillees/bilan-demo/pop_age2.htm)

<sup>56</sup> Based on personal estimates as the French Census does not monitor religion.

<sup>57</sup> France does not recognise any religion. See Article 1, Loi du 9 décembre 1905.

## The Government and Civil Rights

France is a presidential republic. Human rights are guaranteed by France's Constitution<sup>58</sup> and it was the one of the first countries to have a formal declaration of human rights<sup>59</sup>. It has ratified both the Universal Declaration of Human Rights and the European Convention on Human Rights and France is required to reflect this in its national laws.

One of the most contentious areas of human rights in France is religious freedom and in particular its relationship with laïcité or secularism. Laïcité is one of France's most fundamental principles and is enshrined in its constitution<sup>60</sup>. Although it is not defined in any law, one of its aims is to treat religions equally by not recognising them at all and remaining neutral. In 1905, a law was passed which formally separated the churches and the states.<sup>61</sup> Article 1 of this law states that the state shall not recognise or fund any religion. However, there are exceptions to this law, most notably in the region of Alsace-Moselle<sup>62</sup> where France officially recognises and funds the Catholic, Lutheran and Reform Churches and the Jewish religion<sup>63</sup>.

58 Constitution de 1958

59 Declaration of the Rights of Man and of the Citizen of August 26, 1789

60 Constitution de 1958, Article 1

61 Loi du 9 décembre 1905 concernant la séparation des Églises et de l'État

62 Comprises of three French administrative areas known as "departments": Bas-Rhin, Haut-Rhin and Moselle.

63 Concordat of 1801



By using a stricter, restrictive, and arguably misconstrued interpretation of the laïcité principle, in 2004, France passed a law banning ostensible religious symbols in schools<sup>64</sup>. Although the ban applies to Christian crucifixes, Jewish skullcaps and Sikh turbans, it is commonly acknowledged that the ban was mainly targeted at Islamic headscarves and it is Muslims and Sikhs who have largely been affected by this law. It is important to note that the Commission<sup>65</sup> which recommended the implementation of this law had failed to consult the Sikhs prior to its enactment.<sup>66</sup>

64 Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics

65 Stasi Commission. See the report: <http://www.ladocumentationfrancaise.fr/rapports-publics/034000725/index.shtml>

66 Kudrat Singh, former President of UNITED SIKHS, Right to Turban Video: <http://unitedsikhs.org/rtt/dvd/rttfilm.rm>.

## Sikhism and Civil Rights in Practice

Although France does not officially recognise any religion, it does recognise religious organisations and the Singh Sabha Gurdwara in Bobigny, France is registered as a religious association<sup>67</sup>. So at a collective level, Sikhs are allowed to establish Gurdwaras and worship there.

Since the law of 2004, Sikh school boys have been disciplined and excluded from school for wearing their turban. UNITED SIKH lawyers, representing three Sikh schoolboys, challenged the law all the way to the Conseil d'Etat, France's supreme administrative court. However, in December 2007, the Conseil d'Etat ruled that the permanent expulsion of a student who



<sup>67</sup> Association (loi du 1er juillet 1901) Dossier No. 2002-00233

does not conform to the legal ban on wearing of visible religious signs “does not lead to an excessive infringement upon the freedom of thought, conscience and religion guaranteed by Article 9”<sup>68</sup> UNITED SIKHS has instructed its lawyers to file appeals on behalf of all six Sikh schoolboys before the European Court of Human Rights and the UN Human Rights Committee.

Sikhs are also forbidden to wear their turbans in identity photographs for passports, residency cards and driving licences. Recently, the European Court of Human Rights declared an application challenging this “bare head” requirement inadmissible<sup>69</sup>. The claimant in the case, Shingara Singh sought a replacement driving licence as his previous one, which featured him turbaned in a photograph, was stolen. However, the French authorities refused to reissue a new driver's licence unless he removed his turban. The Conseil d'Etat initially ruled in favour of Shingara Singh, but this was purely on a point of law and on subsequent appeal finally ruled against him. Although the European Court of Human Rights accepted that such a “bare head” requirement was an interference with his right to manifest his religious belief under Article 9 of the ECHR, it was held to be proportionate as it satisfied a lawful aim, namely national security<sup>70</sup>.

<sup>68</sup> <http://www.unitedsikhs.org/PressReleases/PRSRSL-13-12-2007-01.htm>

<sup>69</sup> Mann Singh v France (no 24479/07)

<sup>70</sup> <http://cmiskp.echr.coe.int/tkp197/viewhbk.asp?sessionId=16616432&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=74628&highlight=>

Shingara Singh's lawyer, Stephen Groz of Bindmans LLP said: "identifying a Sikh who wears a turban at all times, with an ID photograph of the Sikh without the turban just



does not accord to common sense. The issue is serious enough to demand the French government to justify this restriction, which the Court did not."<sup>71</sup> UNITED SIKHS has instructed its lawyers to file before the UNHRC a case on behalf on Shingara Singh in respect of his passport refusal and on behalf of Ranjit Singh in respect of his refugee card refusal.

On 25 September 2007, Addressing the UN General Assembly in New York, President Sarkozy said: "Attachment to one's faith, to one's language and culture, and to one's way of life, thought and belief...all this is natural, legitimate and profoundly human... To deny that is to sow the seeds of humiliation... We will not avert the clash of civilisations by forcing everyone to think and believe alike; cultural and religious diversity must be accepted everywhere and by all."<sup>72</sup> It is difficult to reconcile this statement with France's current position on religious freedom.

<sup>71</sup> <http://www.unitedsikhs.org/PressReleases/PRSRLS-27-11-2008-00.htm>

<sup>72</sup> <http://www.un.org/webcast/ga/62/2007/pdfs/france-fr.pdf>

## India

*Head of state: Smt. Pratibha Devisingh Patil, President*  
*Head of government: Manmohan Singh, Prime Minister*  
*Population: 1,147,995,904 (July 2008 est.)*<sup>73</sup>  
*Sikh population: Estimated 18,000,000; 1.9% of population (2001 census)*<sup>74</sup>  
*Sikhism as a state recognized religion: No*<sup>75</sup>

### The Government and Civil Rights

India is a federal republic governed by a parliamentary system of democracy, modeled after the Westminster-style of government with a bicameral parliament. Currently, the government consists of a coalition of parties named the United Progressive Alliance, led by the largest party in India, the Indian National Congress.<sup>76</sup>

<sup>73</sup> The World Factbook, available at: <https://www.cia.gov/library/publications/the-world-factbook/print/in.html>

<sup>74</sup> The World Factbook, available at: <https://www.cia.gov/library/publications/the-world-factbook/print/in.html>

<sup>75</sup> Under Article 25 of the Constitution, Sikhs are considered a sect of Hinduism. However, under the National Commission for Minorities Act of 1992, Sikhs are considered a religious minority. International Religious Freedom Report 2008, available at: <http://www.state.gov/g/drl/rls/irf/2008/108500.htm>

<sup>76</sup> United Progressive Alliance: Partners in governance, Times of India, available at: <http://timesofindia.indiatimes.com/articleshow/1716941.cms>

Indian civil rights law is primarily derived from the Constitution of India, Part III, Fundamental Rights in India and various acts, including the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Protection of Human Rights Act, Right to Information Act, and the National Rural Employment Guarantee Act. A National Human Rights Commission was founded in 1993, and cases can be reported to national and state human rights commissions as well as filed before judicial courts. While central and state governments are involved in the implementation and enforcement of human rights policies, non-governmental organizations and special commissions are regularly involved in monitoring and implementation due to corruption, lack of successful prosecution, and difficulty in enforcement.

### **Sikhism and Civil Rights in Practice**

Sikhs constitute a majority population in Panjab, but are a minority population in other states. While Sikhs are considered a minority community under the National Commission for Minorities Act of 1992, the Indian Constitution states under Article 25 (2) that:

“Nothing in this article shall affect the operation of any existing law or prevent the State from making any law...(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus...Explanation II:

In sub-clause (b) of Clause (2) of the Indian Constitution, the reference to Hindus shall be construed as including a reference, to the persons professing the Sikh, Jaina or Buddhist religion and the reference to Hindu religious institutions shall be construed accordingly.”

Hence, under Article 25, a Sikh is not separately defined. Sikhism is not recognized as a separate religion, but rather as a sect of Hinduism.

This presents a variety of problems for Sikhs, especially in matters of marriage, divorce, adoption, and inheritance, where there are specific personal status laws for various religious communities. Currently, there exist separate personal status laws for Hindus, Christians, Zoroastrians, and Muslims, but none for Sikhs.<sup>77</sup> Thereby, Sikhs are required to marry under the Hindu Marriage Act, and a Sikh is required to claim personal rights under the personal status law for Hindus. This is in contradiction to the Anand Marriage Act of 1909, enacted by the British, which gave rights and recognition to the Sikhs' way of marriage. Sikhs in India have asked for the implementation of the 1909 Act and suggested inclusion of the following three clauses in the Sikhs law on marriage: 1) the provisions of the Act be expanded to incorporate clauses for the registration of marriages for Sikh residents in India as well as non-resident Sikhs; 2) the Sikhs should be governed exclusively under

<sup>77</sup> International Religious Freedom Report 2008 - India, U.S. Department of State, available at: <http://www.state.gov/g/drl/rls/irf/2008/108500.htm>



the Act only; and 3) a committee of experts should be immediately appointed by the Ministry of Law and Justice to formulate the expansion of the above Act.<sup>78</sup>

The issue of being recognized as a distinct religion has far reaching consequences, even in terms of management of gurdwaras (Sikh places of worship). The Akal Takhat is the highest temporal institution of the Sikhs which was founded by the sixth Sikh Guru Hargobind Sahib in 1606. Today, the Jathedar, or head, of the Akal Takhat, a premier

<sup>78</sup> Speech of Sardar Simranjit Singh Mann (Member of Parliament from Sangrur) in Parliament on 'Special Marriage Act, 1955 and Hindu Marriage Act, 1955, amendment Bill', available at: [http://www.sikhspectrum.com/022004/debate\\_2003.htm](http://www.sikhspectrum.com/022004/debate_2003.htm)

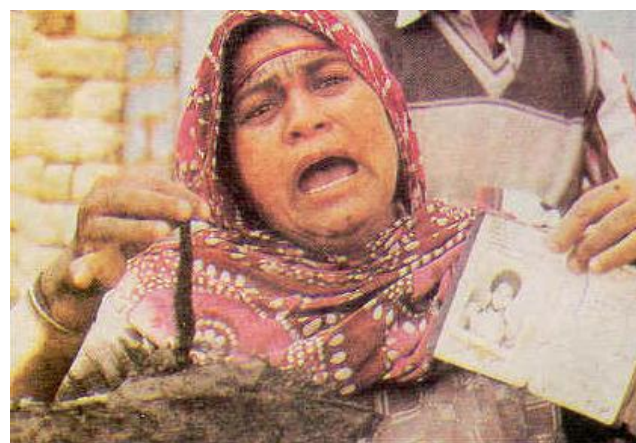
17th century Sikh institution, is appointed by the Shiromani Gurdwara Parbandhak Committee (SGPC), which is often involved in politics. Tradition dictates that the Jathedar should be appointed by the Sarbat Khalsa, the commonwealth of Sikhs. This tradition was reversed by the Gurdwara Act of 1920, which set up the SGPC. Two Takhats outside Panjab, Takhat Hazoor Sahib in Nanded (Maharashtra) and Takhat Patna Sahib in Bihar, are not under the direct control of Sikhs. These Takhats, which are responsible for maintaining proper Sikh practice, are governed by local State governments through appointees who include non-Sikhs. Sikhs have been asking for Takhats Patna Sahib and Hazoor Sahib to be brought under the control of Sikh religious bodies which

can apply a uniform implementation of Sikh practices. The reform of SGPC has also been called on by Sikh bodies globally, but this request has yet to be heeded by the Indian parliament.

Sikhs in India do not generally report the same kinds of civil rights abuses that are reported in other countries, such as issues pertaining to employment discrimination, *kakaar* (five articles of faith), or hate crimes, and the majority of specific abuses or civil rights concerns arise where there are incidences of inter-religious or politically driven violence. One example of an incident involving a *kakaar* was in Bangalore on February 5, 2008, where Perwinder Singh, a Sikh, was refused entry to an Indian Institute of Management conference in Bangalore because he was wearing a *kirpan* (steel or iron blade worn as one of five articles of faith). This is despite the fact that Sikhs in India are constitutionally allowed to wear a *kirpan*. The Institute did issue an apology, but placed the blame on Karnataka State security services.

A specific area of concern, which can lead to issues of communal tension and violence are certain individuals that are allowed free reign to commit various acts inciting violence or communal tension, but maintain autonomy. An example of this is the leader of the Dera Sacha Sauda sect, Gurmeet Ram Rahim, who is facing criminal charges including murder and rape, and is under investigation for other serious crimes. Sikhs have also been the victims of police brutality

while peacefully protesting against Gurmeet Ram Rahim's preachings, even after one of his bodyguards shot and killed a peacefully protesting Sikh in a shopping mall in Mumbai.<sup>79</sup> Ajit Singh Phoola, now deceased, serves well as an example of police corruption and association with an individual who had multiple criminal incident reports and charges filed against him, yet enjoyed police protection and relative autonomy from prosecution for years before his arrest.<sup>80</sup> There are also numerous examples of politicians facing criminal prosecution for crimes, including murder, against Sikhs and other minorities enjoying political appointments or elected positions in parliament.



Sikh widows of the Delhi pogroms and the disappearances cases in Panjab

<sup>79</sup> CNN-IBN News, available at: <http://www.youtube.com/watch?v=78nWucS54zo>

<sup>80</sup> Phoola got the taste of his own medicine: Dal Khalsa, Jagmohan Singh, available at: <http://www.punjabnewslines.com/content/view/11959/40/>

in 1984 and afterwards have yet to receive justice. There has been little to no compensation for the victims' families, and very few individuals have been successfully prosecuted for the pogroms, notwithstanding evidence and witnesses accusing political party leaders of the ruling Congress party. Despite the abduction, torture, and murder of Jaswant Singh Khalra, an activist recognized by Amnesty International as a "human rights defender"<sup>81</sup> who was investigating and exposing the disappearances and killings of thousands of Sikhs in Panjab, and conviction of six low level Panjab police officials in relation to his death, families of the disappeared in Panjab continue to face the ignominy of abandonment as the Human Rights Commission has said that it will not carry out any more investigations to cover the full extent of enforced disappearances. This state of affairs is perceived by Sikhs as a discriminatory attitude of law enforcement agencies that are charged with investigating the crimes linked to the pogroms and disappearances.

Additionally, hundreds of Sikhs have been incarcerated in jails all over India without trial since the 1980s. In violation of European Convention of Human Rights, Germany deported Professor Davinderpal Singh Bhullar, a political activist seeking asylum, to India where he was sentenced to death by hanging. Davinderpal Singh is

<sup>81</sup> "A mockery of justice" The "disappearance" of Jaswant Singh Khalra, Amnesty International, available at: <http://www.amnesty.org/en/library/asset/ASA20/008/1998/en/dom-ASA200081998en.html>

still on death row, despite a German court's ruling that Germany violated the Convention and allegations that his confession was obtained by torture under the now defunct Terrorism and Disruptive Prevention Act, which was widely criticized for discriminating against minorities and for fostering human rights abuses.<sup>82</sup> Two other political activists, Harpal Singh Cheema and Kulbir Singh Bharapind were deported from the United States after spending lengthy periods in immigration detention. Both men faced trial in India and were found innocent; however, after their acquittals, both have faced multiple death threats and one has gone into hiding as a result. Abuses of police power, enforced disappearances, torture, and arbitrary detentions have fostered much distrust and bitterness between the Sikh community and the police and judicial system.

In violation of international riparian law and the Indian Constitution, under the Panjab Reorganization Act of 1966, Panjab has been deprived of one of its primary natural resources, water, much of which is being diverted to neighboring states. Under the Act, approximately twelve million acre feet (MAF) of water are being diverted to the neighboring states of Haryana and Rajasthan out of the total 15.2MAF of water that is outputted

<sup>82</sup> Sikh deported from Germany faces death penalty, Arun Kundnani, available at: [http://www.irr.org.uk/europebulletin/germany/asylum\\_seekers\\_refugees/2003/ak000001.html](http://www.irr.org.uk/europebulletin/germany/asylum_seekers_refugees/2003/ak000001.html) and India launches anti-terror law, available at: <http://www.legalserviceindia.com/helpline/help7a.htm>



by the Sutlej, Ravi, and Beas rivers in Panjab.<sup>83</sup> As a result of this allotment, the water table in Panjab has quickly been reduced and Panjabi farmers have to dig much deeper to access water, raising the costs of farming. In addition, farmers in India do not control the price at which they sell their crops. The central government regulates the minimum support price of agricultural products, as well as being the primary supplier of pesticides and fertilizer. Due to the rising costs of farming, comprised of inadequately regulated minimum support prices coupled with high costs of fertilizer and pesticides, many farmers in Panjab have committed suicide when they are unable to get out of the cycle of debt and are in danger of losing their land.<sup>84</sup>

A pending issue that has been of concern for the Sikh community since Operation Blue Star in June of 1984 is the alleged burning of the materials in the Sikh Reference Library. Former Indian Defense Minister, George Fernandes, provided corroborating statements to those given by Ranjit Singh Nanda that the materials in the Sikh reference library were not burned during the operation.<sup>85</sup> Even though there have been numerous

83 Inter-State River Water Disputes: Lessons From Punjab, M.S. Ahluwalia, available at: [http://www.sikhspectrum.com/022005/syl\\_msa.htm](http://www.sikhspectrum.com/022005/syl_msa.htm)

84 Indian Farmer Suicides - A Lesson for Africa's Farmers, Bryan Newman, available at: <http://www.foodfirst.org/node/1626/print>

85 Fire of controversy in Sikh library still smoulders, Varinder Walia, available at: <http://www.tribuneindia.com/2003/20030607/windows/note.htm>

requests for investigation and the return of these materials which are invaluable to the Sikh community, they have yet to be returned. Currently, there is an indefinite hunger-strike (now five months old) that is being held in protest for the return of these materials.<sup>86</sup>



*“Sikhs as a minority in India still feel insecure and ill protected even after having a Sikh Prime Minister. The attacks on Sikhs in Delhi and Panjab in 1984, Muslims in Gujarat in 1992 and the current attacks on Christians in Orissa all give rise to the same concern that minorities are just not safe against mob-rule. The rise of Hindu nationalism is giving sleepless nights to the minority communities of India, and the sad fact is that the violence is based on generating votes for politicians.” - Balwinderpal Singh*

86 Hunger Strike by SAD (Panch Pardhani) began at Delhi, available at: <http://sikhnewsnetwork.blogspot.com/2008/07/hunger-strike-by-sad-panch-pardhani.html>

## Iran

*Head of state: Ali Hosseini-Khamenei*

*Head of government: Mahmud Ahmadi-Nejad*

*Population: 65,865,302*

*Sikh population: 500*

### The Government and Civil Rights

The 1979 Constitution defines the structure of power that governs the Islamic Republic of Iran, which combines both popular sovereignty (art. 6) and the rule of the Supreme Jurisconsulate (art. 15). Within this context, the highest State authority is vested in the Supreme Leader, who is elected by the Assembly of Experts.<sup>87</sup> The candidates for the Assembly are approved by the Council of Guardians. As the head of the State, the Supreme Leader dominates the division of power among the legislative, executive and judicial branches. His powers and responsibilities range from the delineation of the general policies of the Islamic Republic of Iran and supervision over their “proper execution” to appointing and dismissing members of the Guardian

<sup>87</sup> Paragraph 12, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Mission to the Islamic Republic of Iran, (29 January to 6 February 2005). The Assembly is composed of 86 clerics elected by universal suffrage every eight years. Retrieved on December 8, 2008 from Office of the High Commissioner for Human Rights website: <http://daccess-ods.un.org/TMP/9055104.html>

Council, exercising direct or indirect control over key institutions, including the armed forces, the Revolutionary Guard, the judiciary and confirming candidates for the presidency, among others.

The population of Iran was estimated at 65,865,302 in 2000.<sup>88</sup> Jafari Shiite of Islam has been the official religion of Iran since the 16th century. An estimated 93 percent of all Iranians follow Shia Islam, and nearly all are members of the Jafari group. The small remaining part of the population belongs to other Islamic denominations, primarily Sunni Islam. Iran also has small communities of Armenian and Assyrian Christians, Jews, and Zoroastrians.<sup>89</sup> According to ethnicity<sup>90</sup>, Persians Gilaki and Mazandarani are about 60 percent of the total population in Iran. The Kurds make up about 7 percent of the population, the Lurs account for 2 percent of the population. Turkic tribes, Azeris (a Turkic group), Azeris and other Turkic peoples together account for about 25 percent of Iran’s inhabitants. The remainder of the population comprises small communities of Arabs, Armenians, Assyrians, Baluchis, Georgians, Pashtuns, and others.

Iran is party to more than 24 international human rights instruments

<sup>88</sup> Interests Section of the Islamic Republic of Iran, Retrieved on December 8, 2008 from Embassy of Pakistan, Washington DC website: [http://www.daftar.org/Eng/aboutiran\\_eng.asp?lang=eng](http://www.daftar.org/Eng/aboutiran_eng.asp?lang=eng)

<sup>89</sup> Id.

<sup>90</sup> Id.

with some reservations<sup>91</sup>. The International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of Racial Discrimination (ICERD) were ratified before the Islamic revolution 1979 and enactment of the Islamic Constitution same year.<sup>92</sup> Though Iran has ratified ICERD, the UN Committee on the Elimination of Racial Discrimination has noted that the status of the Convention in Iran's domestic law is unclear, as is the question of whether the Guardian Council has endorsed the Convention. The Committee further notes that the Convention has never been invoked in domestic courts.<sup>93</sup> There is also an Iranian Islamic Human Rights Commission working on human rights protection and promotion.<sup>94</sup>

## Sikhism and Civil Rights in Practice

There are around 500 Sikhs living in the Islamic Republic of Iran.<sup>95</sup> The

91 Ratification of International Human Rights Treaties-Iran, Retrieved on December 8, 2008 from University of Minnesota, Human Rights Library website: <http://www1.umn.edu/humanrts/research/ratification-iran.html>

92 Ibid

93 See Paragraph 10, concluding observations of the Committee on the Elimination of Racial Discrimination: Iran (Islamic Republic of). 10/12/2003, retrieved on December 8, from Office of the High Commissioner for Human Rights website: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.63.CO.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.63.CO.6.En?OpenDocument)

94 <http://www.humanrightsir.com/EN/>

95 Iranian Sikhs see a light of hope, retrieved on December 8, 2008 from The Panthic Weekly September 4, 2005 website: <http://www.panthic.org/news/0/ARTICLE/1725/2005-09-04.html>

Tribune India (2001) writes that the Sikhs have been associated with Iran since the early 1900s, especially during the First World War. Most of the Sikhs arrived in search of greener pastures during the pre-partition era from areas surrounding Rawalpindi, notably from Dhudial village now in Pakistan. A large number of Sikhs streamed into Iran as members of the British Indian Army while the others made the trip by road via Quetta to Zahedon, a tiny hamlet bordering Pakistan. Now, the once large and prosperous Sikh Indian community in Iran has been shrinking with the second and third generation preferring to send their children abroad, especially the USA and Britain for higher education.<sup>96</sup>

Though Sikhs have been in Iran for a century, some of them still have civil rights concerns. They are struggling for the right to own property in Iran and obtain residency permits. The Iranian Sikh community voiced these concerns during the visit of the Indian External Affairs Minister K. Natwar Singh.<sup>97</sup> There have been reports of violence as well. The SikhSpectrum<sup>98</sup> reported

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[panthic.org/news/0/ARTICLE/1725/2005-09-04.html](http://www.panthic.org/news/0/ARTICLE/1725/2005-09-04.html)

96 I Bit of Punjab in Persia, retrieved on December 8, 2008 from The Tribune website: <http://www.tribuneindia.com/2001/20010422/spectrum/main1.htm>

97 Iranian Sikhs see a light of hope, retrieved on December 8, 2008 from The Panthic Weekly September 4, 2005 website: <http://www.panthic.org/news/0/ARTICLE/1725/2005-09-04.html>

98 Will Justice Be Served? Issue No.18, November 2004, Retrieved on December 8, 2008 from SikhSpectrum.com quarterly website: <http://www.sikhspectrum.com/112004/tehran.htm>

that S.Kultaran Singh, a Gursikh born in Iran was brutally killed on 7<sup>th</sup> August 2003. The killer, who made a public confession, was convicted and sentenced to ten years.<sup>99</sup> There was some question during the proceedings as to the proper application of the law based upon the differing religious affiliations of the victim and defendant. Sikhs in Iran believe that there should not be any difference between a Muslim and a non-Muslim citizen with respect to civil or criminal law as prescribed in Islam.<sup>100</sup>

Despite more than 50 years living in Iran, many Sikhs have not been recognized as Iranians and are still treated as foreigners. Even though some have proudly taken the local nationality and served in compulsory service in national Cadets for two years in Iran, they largely live as part of the Indian community under the protection of the Indian embassy in Iran. Sikhs in Iran are naturally desirous of the full recognition and citizenship of their birth country, Iran.

## Ireland

*Head of state: Mary McAleese*

*Head of government: Brian Cowen*

*Population: 4.2 million*<sup>101</sup>

*Sikh population: < 5,000 (<1%)*<sup>102</sup>

<sup>99</sup> Kultaran case: Iranian SC upholds jury verdict, Prabhjot Singh, Tribune News Service, available at: <http://www.tribuneindia.com/2005/20050518/punjab1.htm>

<sup>100</sup> Id.

<sup>101</sup> <sup>135</sup> Foreign and Commonwealth Office, Country Profile: Ireland, retrieved on December 6, 2008 from <http://www.fco.gov.uk/en/about-the-fco/country-profiles/europe/ireland>

<sup>102</sup> <sup>136</sup> Irish-America magazine- June/July

## The Government and Civil Rights:

The Republic of Ireland is recognised as a sovereign, independent, democratic state.<sup>103</sup> Politically Ireland is a multiparty, parliamentary democracy with an executive branch headed by a prime minister (Taoiseach), a bicameral parliament (Oireachtas), and a directly elected head of state, the president.<sup>104</sup>

According to the 2006 Census preliminary report the total population of Ireland is 4.2 million.<sup>105</sup> As per the UN Refugee Agency (UNHCR) report<sup>106</sup> the country is predominantly Roman Catholic. According to official government statistics based on the 2006 census, the religious affiliation of the population is 86.8 percent Catholic

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<sup>103</sup> '08 issue, retrieved on December 6, 2008 from irishabroad.com website:<http://www.irishabroad.com/irishworld/irishamericamag/junejuly08/features/irish-faith-junejuly08.asp>

<sup>103</sup> Article 5, CONSTITUTION OF IRELAND - BUNREACTH NA HÉIREANN, retrieved on December 5, 2008 from the Department of the Taoiseach website:

[http://www.taoiseach.gov.ie/attached\\_files/Pdf%20files/Constitution%20of%20IrelandNov2004.pdf](http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Constitution%20of%20IrelandNov2004.pdf)

<sup>104</sup> Country Reports on Human Rights Practices -2007, Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008 retrieved on December 5, 2008 from U.S. Department of State website: <http://www.state.gov/g/drl/rls/hrrpt/2007/100565.htm>

<sup>105</sup> See footnote 2 above.

<sup>106</sup> 2008 Report on International Religious Freedom-Ireland, retrieved on December 5, 2008 from the UN Refugee Agency Report UNHCR website:

<http://www.unhcr.org/refworld/category,COI,,,IRL,48d5cbdcc,0.html>

(3,681,446), 2.9 percent Church of Ireland (125,585), 0.76 percent Muslim (32,539), 0.68 percent unspecified Christian (29,206), 0.55 percent Presbyterian (23,546), 0.49 percent Orthodox (20,798), 0.28 percent Methodist (12,160), less than 0.1 percent Jewish (1,930), and 6 percent unaffiliated (25,640). Therefore, there is no official data about the Sikh population in the Republic of Ireland. However, according to informal reports there are around 3000 Sikhs living in Ireland.<sup>107</sup>

Human Rights are protected in Ireland by the Constitution as well as bodies such as the Irish Human Rights Commission and the Equality Authority. Historically, the Constitution of Ireland has guaranteed Irish citizenship to all those persons born in Ireland. However, the latest (27th) amendment of the Constitution has created some limitations on citizenship by birth for a child of non-citizen aliens. It provides that a child born within Ireland to parents, neither of whom is Irish, is not entitled to be an Irish citizen unless one of the parents has been lawfully resident in the island of Ireland for 3 of the 4 years immediately preceding the birth.<sup>108</sup> Furthermore, the Constitution has

<sup>107</sup> See Footnote 3 above.

<sup>108</sup> No. 38 of 2004 - Irish Nationality and Citizenship Act 2004, Following the referendum held in June 2004, this Act sets out the framework within which the entitlement to Irish citizenship of persons born in the island of Ireland to a non-national parent can be determined. Retrieved on December 6, 2008 from Department of the Taoiseach website: <http://www.taoiseach.gov.ie/index.asp?locID=546&docID=1947>

recognized all citizens, not all people, as equal before the law.<sup>109</sup> Taken together, these provisions create barriers for the successful integration of immigrants. The Constitution does ensure non-discrimination on the grounds of religious profession. Article 44 (2) (3) states:

*The State shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status.*

Ireland is party to nearly 61 international human rights instruments including 16 European regional human rights instruments.<sup>110</sup> The Irish Human Rights Commission (IHRC) operates under the Human Rights Commission Acts 2000 and 2001.<sup>111</sup> The IHRC is tasked with human rights awareness, legislation, policy review and case work. Therefore, any victim, including Sikh, of human rights violation can go to the IHRC and seek legal and other assistance. However, the IHRC is limited by a lack of independence and autonomy. The UN Human Rights Committee has shown its disappointment in this matter. In its concluding observations on states parties reports in July 2008, it said<sup>112</sup>:

<sup>109</sup> Fundamental Rights (Personal Rights), Article 40 (1) of the Constitution of Ireland.

<sup>110</sup> Ratification of International Human Rights Treaties - Ireland, University of Minnesota Human Rights Library, retrieved on December 6, 2008 from <http://www1.umn.edu/humanrts/research/ratification-ireland.html>

<sup>111</sup> Irish Human Rights Commission (IHRC), retrieved on December 6, 2008 from IHRC website: [http://www.ihrc.ie/powers\\_&\\_functions/default.asp](http://www.ihrc.ie/powers_&_functions/default.asp)

<sup>112</sup> Human Rights Committee, Ninety-third session, Geneva, 7 - 25 July 2008, Consideration

*the Committee regrets the limited resources of the Commission as well as its administrative link to a Government department. (art.2) The State party should strengthen the independence and the capacity of the Irish Human Rights Commission to fulfil its mandate effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134), by endowing it with adequate and sufficient resources and linking it to the Oireachtas (Parliament).*

The Human Rights Committee further notes the backlog of cases before the *Garda Síochána* (National Police) Ombudsman Commission and the ensuing reassignment of the investigation of a number of complaints involving the potentially criminal conduct of *Gardaí* to the *Garda* Commissioner. It is also concerned that access to counsel during interrogation at *Garda* stations is not prescribed by law and that the right of an accused person to remain silent is restricted under the Criminal Justice Act 2007. (arts. 7, 9, 10,14)<sup>113</sup>

The 2000 Equal Status Act gives protection against discrimination,

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of reports submitted by states parties under article 40 of the Covenant, Concluding observations of the Human Rights Committee, Paragraph 7, retrieved on December 7, 2008 from Office of the High Commissioner for Human Rights website: <http://daccess-ods.un.org/TMP/7060316.html>

<sup>113</sup> Ibid, paragraph 14. For detail please see the Human Rights Commission's concluding observation on Ireland.

including on the basis of race, ethnicity and belonging to the Traveller community, in non-workplace areas, complementing the 1998 Employment Equality Act in Ireland. Despite this, the UN Committee on the Elimination of Racial Discrimination<sup>114</sup> has noted its concern about reported instances of the exploitation of foreign workers by some employers and of violations of labour regulations prohibiting discrimination (art. 5). Similarly the Committee is concerned that the non-discrimination requirement stipulated in the 2000 Equal Status Act only covers Government functions falling within the definition of a "service" as defined by the Act itself (art. 5 (f)), which is a very limited scope of authority.<sup>115</sup>



## Sikhism and Civil Rights in Practice

Despite Constitutional protection of the right to equality and freedom

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<sup>114</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination: Ireland, paragraph 14, 14/04/2005 retrieved on December 6, 2008 from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.IRL.CO.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CERD.C.IRL.CO.2.En?Opendocument)

<sup>115</sup> Ibid, paragraph 19. For detail please see the Committee on the Elimination of Racial Discrimination concluding observation on Ireland.

of religion, the Sikh Community has been suffering in Ireland. Post-9/11 tensions have placed the community in a more vulnerable situation. The European Monitoring Centre on Racism and Xenophobia<sup>116</sup> states that there have been a number of verbal and physical assaults directed at people perceived to be of Middle Eastern or Asian origin, including asylum seekers, the relatively small Sikh community in Ireland and visitors to Ireland of perceived Asian origin. The following are examples of incidents reported by members of the community in Ireland: A doctor, a member of the Sikh community in Ireland has reported a significant increase in verbal abuse towards him in the wake of September 11<sup>th</sup>.

A teenager who is the member of the Sikh community in Ireland was assaulted outside the RDS in Dublin 4 area with a thrown bottle and with verbal abuse and blamed for September 11<sup>th</sup>.

In Ireland the Garda Síochána Act, 2005 provides for the establishment of a Garda Reserve. The Garda Reserve is a voluntary unpaid body drawn from the community to assist the existing police service at times when extra personnel are required.<sup>117</sup>

116 European Monitoring Centre on Racism and Xenophobia, Anti-Islamic reactions in the EU after the terrorist acts against the USA, A collection of country reports from RAXEN National Focal Points (NFPs) 12th September to 31st December 2001, Ireland, retrieved on December 7, 2008 from <http://www.pedz.uni-mannheim.de/daten/edz-b/ebr/05/Ireland.pdf>

117 The Garda Reserve, General Information, retrieved on December 7, 2008 from Ireland National Police Service website: <http://www.garda.ie/reserve.html>

In this service, a Sikh volunteer of the Garda Reserve who recently commissioned and passed his training, has been banned from wearing his turban which is a mandatory part of his religious code.<sup>118</sup> While demanding justice against discrimination on the ground of religious attire, the Integration Minister Conor Lenihan backed up the Garda Síochána ruling, saying “If we are to take integration seriously, people who come here must understand our way of doing things.”<sup>119</sup> After this incident the Sikh boy had to give up his service due to his religious attire. Two weeks later in August 28, Irish Police Commissioner Noel Conroy agreed to meet Sikh community leaders to discuss the ban on turbans



118 Sikh member of the Reserve is banned from wearing turban, retrieved on December 7, 2008 from the Irish Independent News website: <http://www.independent.ie/national-news/sikh-member-of-the-reserve-is-banned-from-wearing-turban-1057548.html>

119 Id.

imposed on officers.<sup>120</sup> The problem has not yet been resolved.

Despite Constitutional guarantees of the right to citizenship, non-discrimination in the work place and the right to religious freedom, these guarantees are not fully realized in Ireland. The lack of Sikhs' legal recognition as a minority group in Ireland and their ability to work without any discrimination are the predominant civil and human rights challenges at the moment.

## Japan

*Head of state: Akihito, Emperor*

*Head of government: Taro Aso, Prime Minister*

*Population: 127,288,416<sup>121</sup>*

*Sikh population: <1000<sup>122</sup>*

### The Government and Civil Rights in General

Japan is a constitutional monarchy with a parliamentary government. The Liberal Democratic Party has been in power since 1955 except for a short ten month period.<sup>123</sup> The Japanese  
<sup>120</sup> Irish police to review turban ban, retrieved on December 7, 2008 from BBC news/Europe website: <http://news.bbc.co.uk/2/hi/europe/6966535.stm>

<sup>121</sup> July 2008 estimate: <https://www.cia.gov/library/publications/the-world-factbook/print/ja.html>

<sup>122</sup> Interview with Bharpoor Singh, who states that the largest Sikh population is in Kobe, Japan where there are 40-50 families.

<sup>123</sup> Bloomberg, Aso's Public Support Tumbles

legal system is modeled after the German civil law system, but with an English-American influence, post-WWII.<sup>124</sup>

Human rights are protected in Japan through the national constitution, as well as laws such as the Equal Employment Law of 1986, and the Child Care Leave Law of 1991. The International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) both were incorporated as Japanese law in 1979 and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) entered into effect in 1996.

While there were only twenty-two complaints of discrimination based on religious affiliation, belief, or practice registered with the Ministry of Justice as of September 2008,<sup>125</sup> it is widely accepted that discrimination against minorities and women exists and is often unreported. Major discrimination issues exist for both minority-indigenous Japanese peoples such as the Ainu and the Burakumin, and for foreigners or people of foreign descent. For example,

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on Economic Policies: <http://www.bloomberg.com/apps/news?pid=20601101&sid=aJSTaFkZ8&refer=japan>

<sup>124</sup> CIA World Factbook, Japan: <https://www.cia.gov/library/publications/the-world-factbook/print/ja.html>

<sup>125</sup> United States Department of State, 2008 Report on International Religious Freedom - Japan, 19 September 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/48d5cbc6c.html> [accessed 8 December 2008]



descendants of Koreans, Chinese, and Taiwanese peoples who were forcibly brought to Japan to work during WWII are not granted voting rights and the Japanese government does not “provide ethnic education for them at ordinary Japanese schools, or to grant equal status or privilege of ordinary Japanese schools to ethnic schools.”<sup>126</sup> Also, the Japanese government refuses to grant Japanese nationality to those children who are born in Japan but do not have at least one Japanese parent.

A large population of unskilled foreign laborers has entered Japan from various Asian countries but the Japanese government refuses to document them. This leads to many civil rights abuses that go unreported, and does not offer these individuals access to basic rights, such as medical care and protection from employment abuse.<sup>127</sup> Other major civil rights concerns in Japan include issues around forced confessions and abuse in police custody, inhumane prison conditions, and issues with fairness of trials.<sup>128</sup>

## Sikhism and Civil Rights in Practice

### *Sikhs as a group*

Immigration laws in Japan are quite

<sup>126</sup> Asian Human Rights Commission, The Constitution of Japan and Human Rights, <http://material.ahrchk.net/charter/mainfile.php/east/3/>

<sup>127</sup> Id.

<sup>128</sup> US Department of State, 2007 Country Reports on Human Rights Practices, Japan: <http://www.state.gov/g/drl/rls/hrrpt/2007/100522.htm>

strict, and children born in Japan to non-Japanese parents are not automatically naturalized. If a person wishes to apply for naturalization, one is also required to change their name to a Japanese name. Many Sikh residents of Kobe, Japan, where there is the largest population of Sikhs (approximately 40-50 families), have refused to apply for naturalization because they do not want to give up their Sikh names.<sup>129</sup>

### *Kakkars*

While it is mandatory for most children in Japan to wear a uniform which includes short-cut hair, Sikh children have not reported any problems going to their schools with their *dastaars*. The wearing of the *kirpan*, as an article of faith, is also treated with respect once it is understood by officials. Bharpoor Singh, one of the Sikhs that has been very active in educating the general community, was being detained by immigration officials and refused to remove his *kirpan*. Once he explained what the *kirpan* was, the immigration officials spent quite a bit of time researching it, after which they accepted his wearing it without issue. At the World Assembly of Religions for Peace in Kyoto, Japan in 2006, Sikh representatives were allowed to wear *kirpans* to the opening ceremony where then Japanese Prime Minister Junichiro Koizumi was speaking.<sup>130</sup>

<sup>129</sup> Interview with Bharpoor Singh

<sup>130</sup> The Panthic Weekly, Sikh Delegation Participates in Kyoto World Assembly of Religions for Peace: <http://www.panthic.org/news/126/ARTICLE/2722/2006-09-06.html>

### *Attitudes Towards Sikhs*

The Japanese government generally respects the free practice of religion, and has exhibited good faith efforts to accommodate and understand Sikhs. The population of Sikhs in Japan is very small and most Japanese people do not know who Sikhs are. Therefore, when Sikhs apply to jobs, they are often asked to shave. However, upon explanation that the hair is an article of faith and is religious in nature, employers understand and do not force the issue. To further educate the Japanese community, recently, due to the efforts of certain community members, the Sikh Rehat Maryada has been translated into Japanese, television crews have interviewed and observed the small Gurdwara services in Tokyo, and there have been two researchers who have written about Sikhism in Japanese.<sup>131</sup>

*The critical issue for Sikhs in Japan is primarily the education of the general Japanese community. Japanese people are quite respectful of religion once they understand it, but currently, most people have no idea who Sikhs are.*

*-Bharpoor Singh*

## Malaysia

*Head of state (Yang di-Pertuan Agong): Sultan Mizan Zainal Abidin*  
*Head of government: Abdullah Bin Ahmad Badawi*

*Population: 27,500,000<sup>132</sup>*

<sup>131</sup> Interview with Bharpoor Singh

<sup>132</sup> Bureau of East Asian and Pacific Affairs,

*Sikh population: Approx 100,000-120,000<sup>133</sup>*

### The Government and Civil Rights

Malaysia is a federal constitutional elective monarchy that is modeled after the Westminster parliamentary system. Malaysia has a bi-cameral parliament and holds regular elections, though 40 senators of the upper house are selected by the monarch. Since Malaysia gained independence from Britain in 1957, it has been governed by a multi-party coalition known as the Barisan Nasional, with the Prime Minister always being selected from the largest party in the coalition, the United Malays National Organization. This has drawn much criticism as minority parties are rarely given any control.

There are two primary sources of human rights law in Malaysia, the Federal Constitution of Malaysia and the Human Rights Commission of Malaysia Act 1999, Act 597. The Human Rights Commission Act established the Human Rights Commission of Malaysia (SUHAKAM), and states that the Universal Declaration of Human Rights will be recognized to the extent it does not conflict with the Constitution. Despite the guarantee of the right to life, article 5 of the Malaysian Constitution, Malaysia

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U.S. State Department, available at: <http://www.state.gov/r/pa/ei/bgn/2777.htm>

<sup>133</sup> Based on estimates from respondent survey and Sikh Population, available at: <http://www.sikhism.us/essays-on-sikhism/636-sikh-population.html>.

continues to face criticism due to its use of the death penalty, even for drug trafficking. Lack of freedom of speech, guaranteed in article 10, is also heavily criticized. Recently Raja Petra Kamarudin, an activist was imprisoned (now freed) without trial.<sup>134</sup> The Constitution states that the official religion of the Federation and of ethnic Malays is Islam, though freedom of religion is guaranteed by Article 11. It is well documented that there are a variety of religious rights violations occurring in Malaysia as well.<sup>135</sup>

An interesting intersection between freedom of speech and freedom of religion exists in Malaysia where content of religious texts is often heavily controlled. This year, the government banned over 60 books with religious themes, controlling the type of Islamic texts that are distributed as well as other texts that can be distributed. All Malay-language bibles must have “Not for Muslims” printed on the cover.<sup>136</sup> Another issue recently came up in court when the Malaysian government banned the Catholic Herald for the use of the word “Allah” as opposed to the traditional Malay word “Tuhan.” The Catholic Herald is challenging this ban in court, and is pending judicial review by the high court.<sup>137</sup>

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134 Suhakam welcomes release of Raja Petra Kamarudin, available at: [http://www.suhakam.org.my/en/press\\_room/details.asp?id=181](http://www.suhakam.org.my/en/press_room/details.asp?id=181)

135 U.S. Department of State International Religious Freedom Report 2008 - Malaysia, available at: <http://www.state.gov/g/drl/rls/irf/2008/108413.htm>

136 Id.

137 Id.

The Internal Security Act 1960 (ISA) has drawn much criticism from the international community and from the Human Rights Commission of Malaysia. The ISA is an act that completely disregards due process; under the act the preventative detention of someone without the need for a trial is a constitutionally valid act. SUHAKAM reports that some individuals have been held under ISA for over six years, and encourages ISA to be repealed and replaced with a more specific anti-terrorism law.<sup>138</sup>

## Sikhism and Civil Rights in Practice

The Sikh population in Malaysia is large and quite well established. Sunil Shukvir Singh, a Sikh working in the financial sector of Kuala Lumpur, commented that Sikhs are treated generally quite well in Malaysia. This was established due to the activity and attitudes of the first Sikh immigrants to Malaysia during British rule. Many of these Sikhs held positions with the police, army, and in professional capacities. Henceforth, Sikhs have generally maintained a good reputation with the government and among common Malays as a well educated community. Through this recognition, there are very few incidents of reported discrimination or discriminatory conduct. In an isolated incident in the Malaysian Marines, a Sikh soldier who angered a commanding officer had his *kes*<sup>138</sup> Suhakam calls for the repeal of the ISA and the release of the detainees, available at: [http://www.suhakam.org.my/en/press\\_room/details.asp?id=150](http://www.suhakam.org.my/en/press_room/details.asp?id=150)

(unshorn hair kept as one of five articles of faith) cut by the officer. The officer faced significant repercussions from his actions, but the incident was not well-reported as media is generally controlled.

Sikhs rarely have any issues with their *kakaars* (articles of faith) and have met with the Deputy Prime Minister while wearing the *kirpan* (short steel or iron blade carried as one of five articles of faith), an act rarely allowed in most countries. Additionally, Sikhs have been granted the right to wear the *dastaar* (Sikh turban) on motorcycles as opposed to helmets.<sup>139</sup>

In relation to the Catholic Herald issue with usage of the word “Allah,” it is interesting to note that the Government claims three words under the sole jurisdiction of the Muslim community, “Allah” (God), “Baitullah” (House of God), and “Solat” (prayer).<sup>140</sup> While there are references to Allah in the Sri Guru Granth Sahib Ji (the eternal Guru of the Sikhs), when asked to comment on the issue, Sunil expressed that he does not think the government would be concerned with the usage, as it is in prayers as opposed to a newsletter.

*“The change I would like to see for the Sikh community is that we should be more active on human rights issues, stand up taller against*

<sup>139</sup> Sikhs and their Turban, Gurmit Singh Australia, <http://www.sikhmarg.com/english/sikh-turban.html>

<sup>140</sup> U.S. Department of State International Religious Freedom Report 2008 - Malaysia, available at: <http://www.state.gov/g/drl/rls/irf/2008/108413.htm>

*discrimination among all communities, and be champion of peace and equal protection under the law.” - Sunil Shukvir Singh*



## Nepal

*Head of state and government :*

*Ram Baran Yadav*

*Population: 29,519,114<sup>141</sup>*

*Sikh Population: 5,890<sup>142</sup> (<0.05%)*

<sup>141</sup> July 2008 CIA World Factbook estimate

<sup>142</sup> 2001 National Census [taken from Bhattachan, KB (2003), Indigenous Nationalities and minorities of Nepal, Minority Rights Group International]

## The Government and Civil Rights

Nepal is a small landlocked country in South Asia to the north of India. Politically, since May 28, 2008<sup>143</sup> it is a Federal Republic, having previously had monarchical rule for 239 years. Nepal is a constitutionally independent, secular, inclusive and fully democratic country. Currently the government is based on a parliamentary democratic system under the provisions of the Interim Constitution 2007<sup>144</sup>.



Nepal is party to more than 27 international human rights laws<sup>145</sup>.

143 Nepal becomes a federal democratic republic, retrieved on December 4, 2008 from <http://www.nepalnews.com/archive/2008/may/may28/news18.php>

144 Interim Constitution of Nepal, 2007 retrieved on December 4, 2008 from UNDP-Nepal website: [http://www.undp.org.np/constitutionbuilding/constitutionnepal/contitutionfile/Interim\\_Constitution\\_bilingual.pdf](http://www.undp.org.np/constitutionbuilding/constitutionnepal/contitutionfile/Interim_Constitution_bilingual.pdf)

145 Ratification of International Human Rights Treaties - Nepal, retrieved on December 3, 2008 from University of Minnesota, Human Rights Library website: <http://www1.umn.edu/>

Under the 1997 Human Rights Commission Act, the Nepalese National Human rights Commission (NHRC)<sup>146</sup> was created to protect and promote human rights, and will be recognized as a Constitutional Organ under the 2007 Interim Constitution. One of the major tasks of the NHRC is to deal with instances of human rights violation. The value of the NHRC recommendations are questionable however, as the Nepalese government has shown itself not to be obligated to follow the commission's decisions. This non-compliance remains a serious concern in Nepal.

Hindus make up approximately 81% of Nepal, despite this, there are no specific laws favoring the Hindu majority, nor does the interim government control the expression of Hinduism<sup>147</sup>. Further, the interim constitution provides for the freedom of religion which permits the religious practices of all groups - "every person shall have the right to profess, practice and preserve his or her own religion..."<sup>148</sup>. Proselytizing however, is specifically banned, as are certain practices of the Tibetan Buddhist community.

With respect to the recognition status of different religions, Nepal requires no specific registration. However, NGOs do require registration and thus there are claims by Muslim, Christian

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[humanrts/research/ratification-nepal.html](http://humanrts/research/ratification-nepal.html)

146 For more information please visit: [www.nhrcnepal.org](http://www.nhrcnepal.org)

147 U.S. Department of State International Religious Freedom Report 2008

148 Nepal National Interim Constitution

and Jewish religious organizations that they were prevented from owning land without this registration. This in turn removes the ability of the religious groups to build places of worship and have burial sites<sup>149</sup>.

It should be noted that actual practice in Nepal does not always correspond to the enacted legal provisions. For instance the national constitution prohibits caste based discrimination, however this system still strongly influence Nepalese society.

### Sikhism and Civil Rights in Practice

The Nepalese national census 2001 reveals that there are 5,890 Sikhs in Nepal<sup>150</sup>. Potentially worrying however is that this documents a significant decrease from the 1991 census figure which counted 9,292 Sikhs<sup>151</sup>. There are no clear reasons for this trend. There are many Gurdwaras in Nepal with the most important being the Kathmandu Gurdwara<sup>152</sup>. In general,

149 U.S. Department of State International Religious Freedom Report 2008

150 2001 National Census [taken from Bhattachan, KB (2003), Indigenous Nationalities and minorities of Nepal, Minority Rights Group International]

151 There is different data about Sikhs Population in Nepal. For example <http://www.worldmap.org/maps/other/profiles/nepal/Nepal%20Profile.pdf> website suggests that Sikh population in Nepal is 0.06%, the total number is 14, 358.00 and it is increasing by 6.2% annually.

152 The Gurdwara was founded in 1976 by the Sikh sangat of Kathmandu. There are in all five historical Gurdwaras in Nepal. The most famous being „Nanak Math“ situated on the bank of river Bishnumati. Address: Kupandole, Kathmandu (Nepal) retrieved on December

there is no discrimination towards the Sikhs. General people know Sikh as “sardar” and “Punjabi”. It is said that about 90 percent of Sikhs are involved in the transport business with others often selling automobile spare parts<sup>153</sup>.

There is no documented evidence of discrimination specifically towards Sikhs in Nepal. However, until April 2006, there were citizenship issues for Sikhs in Nepal. Despite being resident in Nepal for more than 40 years, they were not entitled to receive Nepali citizenship. Without citizenship, one can’t attain a driving license, which was the main problem for Sikh immigrants. This however has been resolved by the 2006 Citizenship Act<sup>154</sup>.

There are no documented incidents of hate crimes against Sikhs in Nepal. The wearing of the kakkars has not presented any recorded problems for

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3, from <http://www.siplweb.com/psp/asp/gurudwaraskenya.asp>

153 Limbu, R (2005), Nepali Sardars, retrieved December 5, 2008 from Sikhs Net website: <http://fateh.sikhnet.com/sikhnet/discussion.nsf/35323e0b7b32649a87256ca300640309/70050D3499B71EF787256FF800405F09!OpenDocument>

154 Nepal Citizenship Act, 2006, Clause 4(1) says that 1) A person who was born within the territory of Nepal before the end of Chaitra 2046 [15 April 1990 AD] and who is permanently residing in Nepal shall, on the basis of birth, be a citizen of Nepal. But to be a naturalized citizenship, s/he must have proven that s/he has made or may make an outstanding contribution in the field of science, philosophy, arts, literature, world peace, human well being or for the industrial, economic, or social development of Nepal, may acquire naturalized Nepalese citizenship in the manner as prescribed. For more information please visit: <http://www.undp.org.np/constitutionbuilding/elibrary/citizenship/Citizenship%20ActEnglish.pdf>

Sikhs working in the private or public sector, nor caused any problems for Sikhs when dealing with government agencies. There has also been a refreshing lack of post 9/11 hate crime against Sikhs in Nepal.

As Nepal moves towards a new, democratic future, very different from its monarchic past, the ruling government should empower the Sikh population and encourage them to take part in wider national activities.

## Netherlands

*Head of state : Queen Beatrix  
Head of government : Jan Peter Balkenende*

*Population: 16,405,399<sup>155</sup>*

*Sikh population: 10,000 - 12,000<sup>156</sup>  
(<0.05%)*

### The Government and Civil Rights

The Netherlands is a constitutional monarchy with a democratic government. Dutch politics and governance are characterised by an effort to achieve broad consensus on important issues, within both the political community and society as a whole. In 2007, The Economist ranked The Netherlands as the third most democratic country in the world.

The first chapter of the Dutch

Constitution sets out the rights of

<sup>155</sup> 2008 official statistics: Netherlands Central Bureau for Statistics ([www.cbs.nl](http://www.cbs.nl))

<sup>156</sup> Based on estimates

all residents. These include both negative and positive rights, as well as democratic rights. In particular, this includes a ban on discrimination (the first article of the Netherlands), the provision of the freedom of religion, freedom of speech, freedom of association and freedom of assembly and the right to privacy. Only on limited grounds does the Constitution permit the Government to place restrictions on the exercise of religious beliefs. These include health hazards, traffic safety, and risk of public disorder.

In practice, several government institutions are involved in the protection of classical human rights, which include the Supreme Court and the Equal Treatment Commission. The Commission is an independent organisation that aims to monitor discrimination, whose jurisdiction is based on a number of Equal Treatment Acts<sup>157</sup>, among which religion/belief are stated grounds of discrimination. The Netherlands is signatory to international human rights agreements such as European Convention on Human Rights, Rome Statute (for the International Criminal Court) and the Universal Declaration on Human Rights, and the European Social Charter. The only non-government institution of interest is the Netherlands Institute of Human Rights (University of Utrecht), which carries out research on human rights inside and outside the Netherlands.

Religious groups are not required to register with the government.

<sup>157</sup> See <http://www.cgb.nl/legislation.php> for a full list.

law does however recognise the existence of religious denominations and grants them certain rights and privileges, including tax exemptions. “Religious denomination” for these purposes is defined, however religious groups generally have not experienced any problems qualifying as religious denominations<sup>158</sup>.

While the Netherlands is often cited as an example of a liberal society, there has been a notable shift to the right with respect to attitudes towards religion, particularly on Islamic issues. In November 2008, it was announced that burqas and niqabs are to be banned from colleges and universities in addition to primary and secondary schools. A broader ban in certain public buildings and for government employees is expected in mid-2009.

## Sikhism and Civil Rights in Practice

### *Sikhs as a group*

At the governmental level, treatment of Sikhs appears to be reasonable. Sikhs (along with all other Dutch residents) are covered by the constitutional rights to freedom of religion (mentioned above), and are not legislatively discriminated against.

### *Kakkars*

With respect to the turban, there is evidence to suggest that although discrimination based upon religion is banned in the Netherlands, it does however occur in isolated incidents.

<sup>158</sup> U.S. Department of State International Religious Freedom Report 2008

These incidents generally have concerned wearing a *dastaar*/turban at school and when taking a passport photo<sup>159</sup> (despite Sikhs officially having the right to wear the turban in passport and driving license pictures). Each of these incidents was resolved reasonably swiftly however, which suggests much of the problems are related to lack of education on the Sikh faith, and the prejudices held against the larger Muslim community, with Sikhs are often confused.



A potential cause for concern is that there is a move towards implementing a strict ban on religious symbols for government officials, namely the police. The government rationale is that officials should display neutrality of background / religion at all times<sup>160</sup>. The newly-founded UNITED SIKHS

<sup>159</sup> Based on information provided by survey respondents.

<sup>160</sup> See article: [http://www.telegraaf.nl/binnenland/2463067/\\_\\_\\_Agent\\_mag\\_geen\\_hoofddoek\\_dragen\\_\\_.html?p=6,2](http://www.telegraaf.nl/binnenland/2463067/___Agent_mag_geen_hoofddoek_dragen__.html?p=6,2)



Netherlands chapter is working with UNITED SIKHS UK to address this issue.

With regards to the *Kirpan* there are positives. In the case of Golden Tulip Hotel, a Sikh man was suspended from his job in a hotel due to the wearing of a *Kirpan* and turban. At court the Sikh man eventually won his case. Following this the Amsterdam Municipal Police issued a statement stating that the *Kirpan* does not fall under the relevant Weapons Act. This in effect allows Sikhs to wear the *Kirpan* except in certain places as mentioned under article 2.5 of the Dutch “Algemene Plaatselijke Verordening”. In practice, Sikhs carrying the *Kirpan* are advised to carry a copy of this statement<sup>161</sup>.



### *Attitudes Towards Sikhs*

According to our survey results, attitudes towards Sikhs vary depending on which part of the Netherlands is under consideration. In larger cities such as The Hague, Rotterdam and Amsterdam, the population is more cosmopolitan, so racial incidents tend to be less severe on the street. However, there are accounts of hate

<sup>161</sup> Statement can be found here: <http://www.sikhs.nl/downloads/Nederlands/KirpanVergunning.pdf>

crimes. These are often 9/11 related, and concern situations where Sikhs are mistaken for fundamentalist Muslims<sup>162</sup>.

## Pakistan

*Head of state: Asif Ali Zardari, President*

*Head of government: Shaukat Aziz*

*Population: 164,741,924<sup>163</sup>*

*Sikh population: <20,000<sup>164</sup>*

*Sikhism as a state recognized religion: Yes<sup>165</sup>*

### The Government and Civil Rights

Pakistan is a presidential federal democratic republic with Islam as the state religion. Pakistan is comprised of four major provinces, a capital territory, and three lesser managed tribal or disputed regions. Pakistan's governing history is plagued with military coupes and military rule, followed by transitory democratically elected governments.

Human rights initiatives are often less lasting than elected governments in Pakistan, and most observers point to a

<sup>162</sup> Based on information provided by survey respondents.

<sup>163</sup> CIA - The World Factbook, July 2007 estimate, available at: <https://www.cia.gov/library/publications/the-world-factbook/print/pk.html>

<sup>164</sup> International Religious Freedom Report - 2008, U.S. Department of State, available at: <http://www.state.gov/g/drl/rls/irf/2008/108505.htm>

<sup>165</sup> Specific recognition in the Sikh Marriage Ordinance, 2008

poor record of human right violations. Torture, enforced disappearances, discrimination, and violence against women is commonplace. Additionally, while human rights mechanisms exist in the Pakistan Constitution and a vocal Human Rights Commission exists, 2007 saw some of the worst violations of human rights and the rule of law. During this time-period, by imposing “martial law” and suspending the Constitution, General Pervaiz Musharraf stopped the Supreme Court of Pakistan from ruling on 485 cases of enforced disappearances,<sup>166</sup> completely suspended the judiciary, and placed numerous judges, journalists, lawyers, and the entire Pakistan Human Rights Commission under arrest.<sup>167</sup>

It is important to note that Pakistan took a large positive step in recognizing the importance of human rights by signing the International Covenant on Civil and Political Rights in April 2008.<sup>168</sup>

## Sikhism and Civil Rights In Practice

Sikhs have reported that their situation has improved significantly in the past decade. Certain Sikhs have gained

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166 Amnesty USA, At Least 485 victims of Enforced Disappearances, available at: <http://www.amnestyusa.org/actioncenter/actions/uaa30407.pdf>

167 Human Rights First, Stop Attacks on Civil Society in Pakistan, available at: [http://action.humanrightsfirst.org/campaign/Asma?qp\\_source=ga%5fadv](http://action.humanrightsfirst.org/campaign/Asma?qp_source=ga%5fadv)

168 International Religious Freedom Report - 2008, U.S. Department of State, available at: <http://www.state.gov/g/drl/rls/irf/2008/108505.htm>

notoriety within the armed forces,<sup>169</sup> in professional fields,<sup>170</sup> and Sikhs have gained marriage ceremony rights in Pakistan.<sup>171</sup> Gaining marriage ceremony rights was a very large step for the small community, as it has been sought in both India and Pakistan since independence. Sikhs also gained control of the management of the historical Gurdwaras (Sikh places of worship), now under the management of the Pakistan Sikh Gurdwara Committee. Also of note, Nankana Sahib, the birthplace of Guru Nanak Dev Ji, the first Guru of the Sikhs, has been made a separate district and a Baba Nanak International University is being founded in Nankana Sahib. Bus services are also becoming increasingly more common for Sikhs who wish to visit Nankana Sahib from India. Sikhs have not reported incidents involving the *dastaar* (Sikh turban) or *kakaar* (articles of faith).

Any increase in tension between Pakistan and India is a negative development for Sikhs as it magnifies concerns regarding safety and well-being. Sikhs face increased hostility every time there is a incident that involves India and Pakistan, including any extremist attacks on either side. When the Babri Masjid in Gujarat was torn down by Hindu mobs in 1992,

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169 Pakistan army gets its first Sikh officer, The Times of India, available at: <http://timesofindia.indiatimes.com/articleshow/2497232.cms>

170 Sikh Doctor Tops Pakistan Exam, Panthic Weekly, available at: <http://www.panthic.org/news/125/ARTICLE/4118/2008-05-23.html>

171 Sikhs get a separate marriage law in Pakistan, Ruchika Talwar, available at: <http://www.indianexpress.com/news/sikhs-get-a-separate-marriage-law-in-pakistan/265312/>

Pakistanis reacted by throwing stones at the door of the local Gurdwara and Sikhs were concerned for their safety. Due to the November 2008 Mumbai attacks, Sikhs generally felt a rise in tension. Peace between India and Pakistan is perceived to be the best security. General safety is also a concern, especially in Peshawar where many Sikhs live and there has been a rise of religious fundamentalism combined with regional instability. Recently a Sikh trader/physician was kidnapped and killed in the semi-autonomous Khyber tribal region of Pakistan.<sup>172</sup>

## Singapore

*Government: Republic with a parliamentary system of government based on Westminster model*

*Head of state: President S.R. Nathan*

*Head of government: Prime Minister Lee Hsien Loong*

*Population: 4,590,000<sup>173</sup>*

*Sikh population: < 20,000 (<1%)*

*Sikhism as a State recognized religion: Yes<sup>174</sup>*

<sup>172</sup> Pakistani Sikh killed in Pak tribal area, available at: <http://www.apakistannews.com/pakistani-sikh-killed-in-pak-tribal-area-92322>

<sup>173</sup> Singapore Department of Statistics, available at: [http://www.sg/explore/profile\\_people.htm](http://www.sg/explore/profile_people.htm)

<sup>174</sup> During the New Colors Consecration and Officer Commissioning Ceremony religious leaders from the Buddhist, Muslim, Christian, Hindu, Sikh and Bahia Faith are invited to give their blessings

## The Government and Civil Rights

The Cabinet is led by the Prime Minister, Mr Lee Hsien Loong. The Singapore Parliament is modeled after the Westminster system of parliamentary democracy where Members of Parliament are voted in at regular General Elections. Singapore has a unicameral Parliament i.e. it sits in only one house, in contrast to England's House of Commons and House of Lords. The leader of the political party that secures the majority of seats in Parliament will be asked by the President to become the Prime Minister (PM). The PM will then select his Ministers from elected MPs to form the Cabinet. The "life" of each Parliament is 5 years from the date of its first sitting after a General Election. General Elections must be held within 3 months of the dissolution of Parliament.

The judiciary comprises the Supreme Court and the subordinate courts. The Judiciary administers the law independently of the Executive and this independence is safeguarded by the Constitution. The Court of Appeal became Singapore's final appellate court in 1994 after the Judicial Committee (Repeal) Act (Act 2 of 1994) abolished all appeals to the Privy Council in England, thereby making the Court of Appeal Singapore's court of last resort. Singapore also has a Sharia Court that administers and resolves marriage and divorce disputes between parties who are either Muslims or who

have married under the provisions of Muslim law.

Approximately 77 percent of the population is ethnic Chinese, 14 percent is ethnic Malay, and 8 percent is ethnic Indian. There are also small Sikh, Jewish, Zoroastrian, and Jain communities.

### ***Religious Freedom***

There is no state religion. The Constitution provides that every citizen or person in the country has a constitutional right to profess, practice, or propagate his or her religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality<sup>175</sup>. All religious groups are subject to government scrutiny and must be registered legally under the Societies Act.

In 1970, the Presidential Council for Minority Rights was established to scrutinize most of the Bills passed by the Parliament of Singapore, to ensure that the proposed law does not discriminate against any race, religion or community. If the Council feels any provision in the law is biased, it will report its findings to Parliament and the Bill will be referred back to Parliament for reconsideration. The council also reports to the Government on matters affecting any racial or religious community and investigates complaints<sup>176</sup>.

<sup>175</sup> US Department of State, Singapore: <http://www.state.gov/g/drl/rls/irf/2004/35427.htm>

<sup>176</sup> Singapore Yearbook 2008, Government & Politics: [http://www.sg/SG\\_Yrbook2008/Gov&Politics.html](http://www.sg/SG_Yrbook2008/Gov&Politics.html)

Since 1991 Singapore has a Maintenance of Religious Harmony Act, which allows the Government to restrain leaders and members of religious groups and institutions who involve themselves in aggressive and “insensitive” proselytizing and “the mixing of religion and politics.” Despite the obvious restrictions of freedom inherent in this law, many believe it is useful as it is believed to help maintain religious harmony and especially to safeguard the minority faiths from any form of domination by the larger faith groups.

While viewed with skepticism by certain quarters, in 1988 the government introduced the then novel concept of Group Representation Constituencies, where a 3-member team will need to have a member from the minority community to qualify to contest for Parliamentary elections. In 1972, the Government deregistered and banned the Singapore Congregation of Jehovah’s Witnesses on the grounds that its existence was prejudicial to public welfare and order because its members refuse to perform military service (obligatory for all male citizens), salute the flag, or swear oaths of allegiance to the State. This deregistration, while allowing members of Jehovah’s Witnesses to profess and practice their religious belief, makes their public meetings illegal.

In October 1999, the Government proposal for compulsory education for all children prompted concern from the Malay/Muslim community regarding the fate of madrassas (Islamic religious schools). In response the Government

exempted madrasa students from compulsory attendance in national schools when the legislation was enacted in October 2000. However, madrassas were given 8 years from the time the law went into effect to achieve minimum academic standards or they would no longer be allowed to teach core secular subjects such as Science, Mathematics, and English<sup>177</sup>. In early 2002, three female Muslim secondary school students were suspended from public schools for continuing to wear the tudung in violation of school uniform requirements. This issue has since been sensitively managed between the Government and the Muslim Community Leaders and many are confident that in due time the issue will be amicably and pragmatically resolved to the satisfaction of both parties.

More recently, Prime Minister Lee Hsien Loong reminded Singaporeans that the government takes multi-racial and multi-religious harmony very seriously, as it is the basis for Singapore to hold together as a nation<sup>178</sup>. Referring to Singaporeans jailed for racist remarks on blogs, Mr Lee said: 'So whether you do it on the internet, whether you do it in the newspapers or whether you said it in the public or even in the Speakers' Corner, it does not matter where you say it. This is the message - it is not acceptable.

It is against the law and the Sedition

<sup>177</sup> US Department of State, Singapore: <http://www.state.gov/g/drl/rls/irf/2004/35427.htm>

<sup>178</sup> Wong, May 2005, *PM Lee says racist remarks will not be tolerated in multi-racial Singapore*, Channel NewsAsia, <http://www.channelnewsasia.com/stories/singaporelocalnews/view/168789/1/.html>

Act specifically puts it down that you are creating distrust and animosity between the races, and we will act according to the law'.

There are official holiday for each major religion in the country: Hari Raya Haji/Hari Raya Puasa for Muslims, Christmas for Christians, Deepavali for Hindus, and Vesak Day for Buddhists. The Sikh Vesakhi New Year is not yet formally recognized as Public Holiday. However, informally some government agencies do exercise discretion in giving their Sikh employees a Public holiday on the Sikh New Year.

While there is no restriction on learning one's own mother-tongue as the required second language necessary for admission to University, only Chinese, Malay and Tamil are officially taught at the Public Schools.

## Sikhism and Civil Rights in Practice

At the collective level, as a recognized religion, Sikhism receives a number of special rights in Singapore, including the right to perform marriage ceremonies with legal effect, the right to residence permits for foreign preachers, and the right to wear the *dastaars* in everyday life, in the military and also on motorcycles, and the right to consecrate New Colors and blessing at the commissioning ceremony of officers. The Sikhs in the military are specially issued *dastaars* and the necessary pin-on type badges in place of the helmets. Special care is taken to respect the religious articles of faith. Fellow Sikhs officers

are regularly consulted to advice and ensure on the appropriate quality of the material used for the *dastaar*. Any issue on the *Kirpan* has been proactively, carefully and sensitively managed between the Government and the Sikh leaders.

Sikhs in Singapore have been generally successful and for a relatively small community were up to 2006 represented by two Members of Parliament. Presently we still have Mr. Inderjit Singh as a Member of Parliament.

More recently the Government has agreed to sponsor part of the cost of Punjabi education being carried out by the Sikh Community on a self-help basis. At the time of this report there are no known incidents of hate crimes against the Sikhs. This is mainly due to the strict Religious Harmony Act.

## South Africa

*Head of state and government :*  
*Thabo Mbeki*

*Population: 47,850,700<sup>179</sup>*

*Sikh population: Approx 100-200<sup>180</sup>*  
*(<0.1%)*

### The Government and Civil Rights

South Africa is a constitutional democracy with a three-tier system

<sup>179</sup> 2007 Mid-year estimate, source: Statistics South Africa

<sup>180</sup> Based on estimates from respondent surveys

of government and an independent judiciary. It is a stated intention in the Constitution that the country be run on a system of co-operative governance.



The South African Constitution and its Bill of Rights provides for freedom of religion. The government and institutions generally respect this right. To provide context, in a recent case the constitutional court ruled that the wearing of a nose stud by Hindu student was a form of religious expression, as such the student's school was ordered to review its code of conduct to accommodate diverse religious and cultural practices<sup>181</sup>.

In 2000 the government passed an Act that prohibits unfair discrimination on the grounds of religion<sup>182</sup>.

<sup>181</sup> U.S. Department of State International Religious Freedom Report 2008

<sup>182</sup> Promotion of Equality and Prevention of Unfair Discrimination Act (Equality Act)

## Sikhism and Civil Rights in Practice

Unlike other countries in East Africa (for example Kenya) the Sikh population in South Africa is very small and as a result has a very low-level of visibility, both with respect to government/legal and social recognition. Much like other countries all over the world, the Sikhs that are present in South Africa are often mistaken as Muslims, even by those communities with South Asian origins.

There have been isolated reports that a keshdhari Sikh boy was denied admission to two former white-only schools in Durban in early-2008. This problem was subsequently resolved, with the schools denying any discrimination<sup>183</sup>.

There is a Gurdwara in Johannesburg, and Durban is base to The Sikh Council of South Africa. Due to the small number of Sikhs in South Africa, not all issues of concern to the community in southern Africa have come to light. South Africa has a deliberately fair constitution that aims to protect the rights of all individuals. As the migration of Sikhs to South Africa increases, the hope is that Sikhs will benefit from these rights to practice Sikhism to their full extent.

<sup>183</sup> <http://ibnlive.in.com/news/durban-school-denies-admission-to-sikh-boy/58620-3.html>

## United Kingdom

*Head of State: Queen Elizabeth II*

*Head of Government: Prime Minister Gordon Brown MP*

*Population: 60,975,000<sup>184</sup>*

*Sikh population: 336,000<sup>185</sup>*

*Sikhism as a state recognised religion: Yes<sup>186</sup>*

### The Government and Civil Rights

The United Kingdom of Great Britain and Northern Ireland, commonly known as the UK, is a parliamentary constitutional monarchy. It is a unitary state comprising four countries: England, Northern Ireland, Scotland and Wales. The UK is governed from its capital in London, however, Northern Ireland, Scotland, and Wales each have their own devolved national administrations in their respective capitals: Belfast, Edinburgh, and Cardiff. The UK does not have single legal system and there are three distinct legal jurisdictions: England and Wales, Northern Ireland and Scotland.

Since the enactment of the Human Rights Act 1998, the UK has been bound the European Convention of Human Rights and must ensure that its laws and decisions are compatible

<sup>184</sup> Based on mid 2007 estimate, National Statistics Online: <http://www.statistics.gov.uk/cci/nugget.asp?id=6>

<sup>185</sup> Based on 2001 Census, National Statistics Online: <http://www.statistics.gov.uk/cci/nugget.asp?id=293>

<sup>186</sup> Specific reference to Sikhs in various statutes e.g. Equality Act 1989, s.11

with it. The UK is also a signatory of various UN human rights conventions such as the Universal Declaration of Human Rights. The UK also has a number of domestic laws whose aim is to eliminate discrimination and promote diversity. The Equality and Human Rights Commission, an independent statutory body, has the power to enforce these laws against organizations who do not respect them.<sup>187</sup>

## Sikhism and Civil Rights in Practice

The UK has long recognized the importance of Sikh identity ever since it first started recruiting them into its army and actually made it compulsory for a Sikh recruit to be initiated and to wear the five Ks. During the First and Second World Wars, Sikhs fighting under the British Crown, were permitted to wear their turbans instead of steel helmets.

Under English law, Sikhs are not only recognized as belonging to a religion but also a race for the purpose of the Race Relations Act 1976<sup>188</sup>. Sikhs have a number of specific rights and exemptions in relations to their articles of faith.

In respect of the turban, Sikhs are allowed to wear it in most professions such as the army<sup>189</sup> and police except

187 Equality and Human Rights Commission, What We Do: <http://www.equalityhumanrights.com/en/aboutus/whatwedo/pages/whatwedo.aspx>

188 Mandla v. Dowell-Lee [1983] 2 AC 548

189 Army Jobs, Tough Questions: <http://>



in combat situations. They are allowed to wear it in all public places such as schools, universities and courts. In UK airports, Sikhs are not randomly asked remove their turbans when undergoing security screening, in which case, a handheld scanner is used.<sup>190</sup> In places, such as construction sites, turbaned Sikhs are exempt<sup>191</sup> from requirements to wear a safety helmet and are specifically protected from racial discrimination in connection with such requirements. They are also exempt from wearing a helmet whilst riding a motorcycle<sup>192</sup>. However, UNITED SIKHS is currently dealing with a case where a Sikh police officer was discriminated against in respect of wearing his turban.

[www.armyjobs.mod.uk/toughquestions/pages/CanIwearmyturban.aspx](http://www.armyjobs.mod.uk/toughquestions/pages/CanIwearmyturban.aspx)

190 Press Release, UNITED SIKHS, No Change at UK Airports for Turban Screening: <http://www.unitedsikhs.org/PressReleases/PRSRLS-25-08-2007-00.htm>

191 Employment Act 1989, s.11(1)

192 Road Traffic Act 1988, s.16(2)



The right to wear the *kara* in a school was recently upheld by the High Court in the case of *Watkins-Singh, R (on the application of) v Aberdare Girls' High School & Anor.*<sup>193</sup> UNITED SIKHS and the human rights group Liberty, representing the Sikh school girl, successfully argued that the school had breached racial and religious discrimination laws by excluding her for wearing the *kara*.

Regarding the *kirpan*, Sikhs are allowed to wear it in most public places such as schools, courts and Parliament. Under the Criminal Justice Act 1988, the right to wear the *kirpan* is protected under s139 (5) and s139A(4) of the Criminal Justice Act 1988, which provide that it is a defence to carry a bladed article for religious reasons in public places including schools. However, there are a few places where Sikhs are currently not permitted to wear the *kirpan* such as UK passport offices and public entertainment venues<sup>194</sup>. UNITED SIKHS is currently in negotiations with an amusement park to allow all initiated Sikhs entry into the park with their *kirpan*. Overall, the rights of Sikhs are generally well respected by the UK.



193 [2008] EWHC 1865 (Admin)

194 UNITED SIKHS, UK Knife-Detection Measures: <http://www.unitedsikhs.org/reportknifed.php>

## United States of America

*Head of state: George W. Bush, President*

*Population: 305,825,043*<sup>195</sup>

*Sikh population: <500,000*<sup>196</sup>

*Sikhism as a state recognized religion: Yes*

### The Government and Civil Rights

The United States of America is a federal constitutional republic, with a presidential system of government composed of three branches, executive, judicial, and legislative. The United States is a federation of 50 states, and several territories. Civil Rights in the United States is deeply connected to its history of slavery, and while the Bill of Rights guaranteed many fundamental rights and freedoms, these rights were not equally afforded to all persons. It took the Civil War, further Amendments to the Constitution and multiple historical movements for both women and minorities to arrive at the current state.

As the judiciary in the United States is common law based, civil rights law comprises a very large body of case-

<sup>195</sup> United States Census Bureau, available at: <http://www.census.gov/population/www/popclockus.html>

<sup>196</sup> 2010 Religious Affiliation Survey will Include Sikh Population, World Sikh Council, Worldwide Faith News, Available at: <http://www.wfn.org/2005/10/msg00132.html>

law and statutory provisions, both at the federal and state level. Various protections have been enacted to enforce equality, with racism being an enormous issue for Americans. Other than the Bill of Rights, the 14<sup>th</sup> Amendment (guaranteeing due process and equal protection under the law), 19<sup>th</sup> Amendment (women's voting rights), and Civil Rights Act of 1964 (prohibiting discrimination in schools, public places, and employment) were the landmark enactments that guaranteed civil rights. When he assumes office in January of 2009, Barack Obama will be the first president of the United States of minority descent, and this has been heralded as a significant indication that Americans have turned a chapter in their civil rights history.

### **Sikhism and Civil Rights in Practice**

Americans tend to be very religious, and there is a general respect for people of differing faiths. Sikhs are able to practice their faith freely and have founded Gurdwaras all around America. On the individual level, while many Sikhs consider themselves and are, by definition of citizenship and the fact that America is a country of immigrants, American, they have faced various forms of discrimination and racism, and continue to today. These problems increased greatly following the events of September 11, 2001, due in significant part to the unique Sikh appearance. What came as a great surprise to the Sikh community, however, was not only the level of

general public reaction in terms of violence, but also the discriminatory reactions in the private sector and the reactions on part of local, state, and federal government.

It is the general consensus among Sikh advocacy organizations in the United States that there is severe underreporting in the Sikh community, especially when it comes to bullying in schools, employment discrimination, mishandling by security officers at airports, mistreatment by police, and verbal harassment. This is due to a variety of factors, some of which are a lack of trust of police, immigration status, language barriers, and general lack of understanding of the services and remedies available to address these problems.

#### ***I. Hate Crimes, Bias Attacks, and Xenophobia***

Sikhs, who keep kesh (unshorn hair) covered by a *dastaar* (Sikh turban) as one of five articles of faith, can generally attest to having experienced some kind of xenophobia while in America. Sikhs regularly report being called Osama, terrorist, rag-head, towel-head, Bin Laden, sand-nigger, and Taliban among a variety of discriminatory epithets. Many Sikhs also report being told to "go home" or "go back to your country." If one were to view internet message boards or comments linked to news stories regarding Sikhs, many messages are posted that state a variety of derogatory comments, but also most notably infer that one is supposed to conform to a particular norm (which is

of course indefinable) to be considered American. This conformity can never be the case for a Sikh who must adhere to the religious code of conduct by wearing a *dastaar* and keeping kesh. Furthermore, advocates for civil rights often see reactions in the general public that one must abide by the “law of the land,” and that changing the law, even if for better protection of civil rights, is somehow a harmful endeavor. Another factor that greatly influences the level of xenophobia in America is the constant portrayal in the media of men wearing turbans as terrorists, and a lack of caution on part of governmental officials in linking large groups of individuals with terrorism or violence based on religion or appearance.



Following the World Trade Center attacks on September 11, 2001, the

Sikh community faced a severe and violent backlash across the country. A Sikh man was shot and killed at a gas station in Arizona,<sup>197</sup> Sikhs were violently assaulted in various locations, Sikhs were run off the road in their cars, Gurdwaras (Sikh temples) were attacked, and reports of vandalism of private property and other crimes towards Sikhs skyrocketed. While there was an eventual decrease of attacks in the years following, certain areas, such as New York City, have had a recent resurgence of hate related crimes. Coupled with the gravity of the various hate/bias based crimes is a lack of proper police investigation and aggressive prosecution when it comes to such particular incidents. A few examples of recent cases include:

1. A Sikh high-school student's *dastaar* and *kesh* were set alight by another student during a fire drill at a school in New Jersey in May 2008. School officials made it clear in statements to the media that they do not believe the attacker should be charged with any hate or bias crime.<sup>198</sup>

2. A Sikh truck driver in Oregon had his *dastaar* torn-off by three men. A grand-jury failed to indict the attackers with any hate/bias related charges.<sup>199</sup>

<sup>197</sup> US 9/11 revenge killer convicted, BBC News, available at: <http://news.bbc.co.uk/2/hi/americas/3154170.stm>

<sup>198</sup> Sikh student's turban set ablaze during school fire drill, Jeff Diamant, The Star-Ledger, available at: [http://www.nj.com/news/index.ssf/2008/05/sikh\\_students\\_turban\\_set\\_on\\_fi.html](http://www.nj.com/news/index.ssf/2008/05/sikh_students_turban_set_on_fi.html)

<sup>199</sup> Three Ore. men accused of taking turban from Sikh truck driver, available at: <http://>

3. A Sikh man had his *dastaar* pulled off while at a restaurant in New Jersey. The woman who committed the crime commented that she did not like that he was wearing the turban and that he should take it off before physically assaulting the man. Prosecutors failed to indict the attacker with any hate or bias charges.<sup>200</sup>

4. A Sikh taxi-driver was assaulted and robbed in NYC as part of what eventually was connected to a serial robbery. The Sikh man was pulled from his taxi while parked in the lot of a *Gurdwara* (Sikh place of worship), and his *dastaar* pulled off before he was hit on the head with a metal rod. He was then robbed. When police filed the initial report, they completely misreported the facts by stating that he was walking before being attacked, leading to problems with his later claims for workers compensation. After UNITED SIKHS intervened, the police report was revised to include the actual events as they transpired. Though language services were available to the police at the scene, they did not offer those services to the recent immigrant who obviously faced a language barrier. Furthermore, because the man was robbed, there was no attempt to ascertain whether or not the crime was also hate or bias related, as the statute is limited solely to situations where the primary intent

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[www.kgw.com/sharedcontent/APStories/stories/D8VLL6M80.html](http://www.kgw.com/sharedcontent/APStories/stories/D8VLL6M80.html)

200 Woman charged with trying to rip turban off Sikh man's head, Amy Sara Clark, available at: [http://www.nj.com/hudson/index.ssf/2008/01/woman\\_charged\\_with\\_trying\\_to\\_r.html](http://www.nj.com/hudson/index.ssf/2008/01/woman_charged_with_trying_to_r.html)

for the crime is hate or bias related.<sup>201</sup>

5. It is of note to mention one recent case where prosecutors were successful in prosecuting a hate/bias crime -- A Sikh student's *kes* (unshorn hair) was forcibly cut in school by another student, who recognized the importance of unshorn hair to a Sikh. After continuous pressure and persuasion by UNITED SIKHS and the Sikh community, the Prosecutor's office charged the attacker with hate/bias offenses and successfully obtained a guilty verdict. This case was particularly unique because of the difficulty in convincing the jury (and initially the prosecutor's office) of the gravity of the offense of cutting the hair of a Sikh.<sup>202</sup>

## ***II. Employment Discrimination***

Sikhs regularly face discrimination when applying for employment, glass ceilings regarding promotions and pay raises, and specific discrimination regarding articles of faith, primarily the articles of *kes* covered by the *dastaar* and the *kirpan*, a steel or iron blade that is carried as one of five articles of faith. Common reports include others being hired or promoted to positions where a Sikh is a better qualified candidate or specific instances where Sikhs are told that their appearance is unacceptable,

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201 Sikh Man has Head Surgery after NY Attack on Xmas Eve, Mejjindarpal Kaur, available at: <http://www.unitedsikhs.org/PressReleases/PRSRSL-28-12-2007-00.htm>

202 Defendant Guilty of Hate Crime Where Sikh's Hair Was Forcibly Cut, Kuldip Singh, available at: <http://www.unitedsikhs.org/PressReleases/PRSRSL-07-03-2008-00.htm>

either due to their *dastaar*, *kesh*, or *kirpan*. The latter incidents happen often in employment where there are uniform requirements, but have also been reported regarding other employment as well. While the Equal Employment Opportunity Commission (EEOC) is the federal agency tasked with ending employment discrimination under Title VII of the Civil Rights Act of 1964, there are major delays in having cases handled or investigated, and the EEOC has been unable to stem the tide of wide-spread employment discrimination in the United States. The Sikh community has expressed deep concerns over employment discrimination and many have turned to privately owned business and other jobs where they do not face these problems.

A few examples of cases are as follows:

1. In two separate incidences involving Delta Airlines, two Sikh baggage handlers were told that it was against the uniform policy to wear the turban, even though the baggage handlers had been working for some time with no prior warning or mention of violating the uniform policy.

2. A Sikh nurse at a hospital in Detroit is not able to wear her *kirpan* to work due to “safety concerns,” even though the hospital has many other objects such as scalpels, needles, and drugs that are much more dangerous and readily accessible.

3. A Sikh employed as a security guard by a major security firm in California

has faced repeated instances of discrimination and retaliation for trying to assert her rights. Initially she was told she could not wear the *dastaar*, but the problems soon escalated to assigning her improper shifts while pregnant, denying her pay raises and promotions, generating false reports, and creating a hostile work environment.

4. A Sikh employed as a security guard was fired because the turban was not allowed as per the clearly discriminatory company uniform policy. There was no attempt at accommodation afforded to the Sikh.<sup>203</sup>

5. A Sikh employed by the Internal Revenue Service (IRS), the federal government tax agency, lost her job and was not provided any accommodation, religious or otherwise, due to her adherence to the Sikh practice of carrying a *kirpan*.<sup>204</sup>

6. Judges’ decision in landmark case establishing the right to wear the turban in the NYPD: “On June 19, 2002, a traffic enforcement agent employed by the NYPD was denied his job because of his religious faith; the ability to wear a turban while on duty in accordance with his religious beliefs. The failure of respondents to

<sup>203</sup> UNITED SIKHS Applauds EEOC For Taking Discrimination Against Sikhs in the Workplace Seriously, Baljit Kaur, available at: <http://www.unitedsikhs.org/PressReleases/PRSRLS-04-07-2008-00.htm>

<sup>204</sup> IRS Orders Sikh Women to Stop Wearing *Kirpan* at Work, available at: <http://fateh.sikhnet.com/sikhnet/news.nsf/NewsArchive/7EFD11020D646EAF87257137006C6270>

provide any evidence to establish an undue hardship necessitates that the commission order the respondents to immediately re-instate the petitioner to his title and permit him to wear turban while on duty.”<sup>205</sup>

### *III. TSA and Photo-Identification Issues*

Between July and August of 2006, the Transportation Security Administration released a series of new guidelines for standard operating procedures for security screening at airports around America. These new screening procedures singled out Sikh turbans as objects to be screened with higher scrutiny, even though no evidence existed that there was a direct or indirect threat of turbans being used to hide any harmful or dangerous items. These new procedures led to widespread profiling and abuse of Sikhs at airports where they were being required to remove their turbans, had their turbans roughly patted down by Transportation Security Officers (TSO), and faced other additional screening procedures after being conspicuously profiled, especially because much of the screening was completely discretionary. After continuous negotiations with three Sikh organizations to combat the unclear, inconsistent, and unfair application of TSA operating procedures, a new set of options was negotiated and issued by the TSA in October 2007 for screening Sikhs and their turbans.<sup>206</sup> After being

<sup>205</sup> Panthic Cause President and founder Pritam Singh Bhindra initiated, filed, conducted, and funded this legal cause.

<sup>206</sup> Bill of Rights for Sikh Air Travelers, available at: <http://www.unitedsikhs.org/>

selected for screening at the discretion of a TSO, a Sikh was to be provided three options for screening the turban:

1. A private area in which to screen the turban, or a puffer machine if available;
2. A self-patdown of the turban followed by swabbing of the fingers of the individual for chemical residue; or
3. A TSO patdown of the turban.

This policy was issued with varied and limited success. Sikhs reported wide-scale differences and inconsistencies between airports, that all three options are rarely given, and that the discretionary nature of screening procedures coupled with a lack of training has led to a failure to curtail abuses and profiling of Sikhs at airports.

Another disturbing recent trend is a change of policy in various States requiring individuals to remove their headdresses or scarves, even if worn daily for religious purposes, to obtain photograph identification. The internationally accepted biometric identification requirements for photographs on identification are clear that as long as scarves or headdresses do not obscure facial features or generate shadows, they are not problematic for biometric identification. Therefore, these State policies do not accomplish any goal except to inconvenience and discriminate against those who are required to wear such religious garb.

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turbanscreening/TSA-KYR.doc



#### *IV. Other Pressing Concerns - Treatment in Hospitals and Prisons*

UNITED SIKHS is currently advocating for hospitals to institute policies that protect and recognize the religious practice of patients in their care. Last year, a devout elderly Sikh gentleman who was experiencing some senility and was in the care of a nursing home had his beard shaved by a new member of the staff against his protest. The family of the gentlemen was greatly appalled by this incident and the elderly gentlemen received a blow to his mental health as he was not able to cope with the incident after having never shaved or cut any hair on his person. The elderly gentleman passed away some weeks later and therefore some portions of his claim against the hospital were rendered moot. However, UNITED SIKHS is pursuing a settlement on behalf of the family, as well as actively attempting to get hospitals around the country to adopt procedures so that an incident like this one does not occur again.

There are a variety of examples of

prisoner abuse based on religious practice happening at various locations around the country. Sikhs face three primary concerns in prison: keeping one's articles of faith, proper treatment of religious texts, and for some, dietary restrictions. Prisoners who report to UNITED SIKHS have commonly held misgivings about prison officials who do not treat their religious texts with respect and throw the texts on the floor, and in some cases, have torn pages from the texts. Uninitiated Sikhs regularly keep two articles of faith, *kesh*, unshorn hair covered with a *dastaar* (Sikh turban), and the *kara* (an iron or steel bracelet), as part of a commitment to their faith and spiritual practice. It is important for Sikhs to be allowed, at minimum, to keep these articles of faith in prison, and according to expert witnesses that UNITED SIKHS has consulted with on these issues, there should be no concern by prisons regarding *kesh* or *kara* (so long as both the turban and *kara* are smaller versions). In Duval County Jail in Florida, Jagmohan Singh has had his *kesh* forcibly cut on many occasions, and is required to have daily shavings. This is a complete violation of his religious tenets and his religious rights. UNITED SIKHS is pursuing a state-wide change of prison policy in Florida so that Sikh inmates can serve their sentences with their faith intact.<sup>207</sup> Furthermore, those Sikhs who are vegetarian are either not given vegetarian meals, or are given vegan

<sup>207</sup> Florida Jail Refuses to Budge on Discriminatory Prison Policy, Jaspreet Singh, available at: <http://www.unitedsikhs.org/PressReleases/PRSRLS-11-09-2008-00.html>

meals, and are not allowed milk.

## Country Snapshots

The following profiles give a brief snapshot of the situation for Sikhs in that country. These are countries for which verifiable data was not obtained within the reporting period. These snapshots highlight the need for data collection and more detailed analysis for future editions of the Global Sikh Civil Rights Report.

### Liberia

The Constitution of Liberia provides for freedom of religion, and the government generally upholds that right.<sup>208</sup> Sikhs are generally able to move freely in society and wear the *dastaar* (Sikh turban) and kirpan (steel or iron blade worn as one of five articles of faith) in public. However, Sikhs face employment discrimination due to the *dastaar* and kesh (unshorn hair worn as one of five articles of faith). The primary needs for the Sikh community are educational materials for others since an interfaith organization overseas policies dealing with religion.

### Myanmar

<sup>208</sup> U.S. State Department, International Religious Freedom Report 2008 - Liberia, available at: <http://www.state.gov/g/drl/rls/irf/2008/108376.htm>



Earlier this year when the Nargis Cyclone hit Myanmar, UNITED SIKHS

Sikh Aid Team initiated relief efforts, primarily in the form of meals to survivors through a dedicated group of Sikh residents of Myanmar. Suchmeet Singh, one of the heroes of the relief efforts, described the situation of Sikhs in Myanmar. Despite the fact that Myanmar is under a strict military dictatorship and people are very poor, Suchmeet commented that overall, the situation for Sikhs is not that bad except for poverty. Primarily because many Sikhs who first moved to the region were doctors during British rule, the Burmese continue to have generally good relationships with Sikhs. Interestingly, Sikhs in Myanmar were granted permission to ride



motorcycles without helmets with full *dastaars* (Sikh turbans) on, but are required to wear a helmet if wearing a *patka* (smaller turban worn by children). The *patka* is most common for Sikh students in school and larger *dastaars* in school are frowned upon.



## New Zealand

Concentrated mainly in the cities of Auckland and Wellington, Sikhs in New Zealand make up less than 0.5% of the country's population. New Zealand constitutional law provides for freedom of religion and its Human Rights Commission "aims to guarantee equal treatment of all faiths before the state, the right to safety for religious individuals and communities, freedom of religious expression, the right to recognition and reasonable accommodation for religious groups, and the promotion of understanding in education"<sup>209</sup>. Very recent successes of this attitude of inclusion and interfaith approach to policy relevant

209 U.S. State Department International Religious Freedom Report 2008 - New Zealand, available at: <http://www.state.gov/g/drl/rls/irf/2008/110018.htm>

to the Sikhs community include the first turbaned police officer in New Zealand<sup>210</sup>, and New Zealand's first Sikh Member of Parliament<sup>211</sup>.

## Russia

It is estimated that there are approximately two thousand Sikhs in Russia<sup>212</sup>. They are primarily made up of Indian students and business people from Afghanistan. Russia has three officially recognized religions (Orthodox Christianity, Islam and Buddhism). As a result Gurdwaras have to be registered as "cultural centers" as opposed to places of worship. Reactions towards Sikhs from the larger Russian public are largely negative and generally relate to themes such as the Taliban, terrorists etc. In addition, there have been accounts where the wearing of the Kirpan has aroused police questioning, and employers have warned keshdhari Sikhs to lose the Sikh identity or risk losing their jobs<sup>213</sup>.

## Spain

Most Sikhs in Spain are concentrated in the Valencia region, altogether making up less than 0.2% of the larger Spanish population<sup>214</sup>. While there are Gurdwaras both in Barcelona and

210 Sikh Centre, First Turbaned Police Officer of New Zealand: <http://sikhcentre.wordpress.com/2008/09/15/first-turbaned-police-officer-of-new-zealand>

211 DNA India, New Zealand parliament gets first Sikh MP: <http://www.dnaindia.com/report.asp?newsid=1205165>

212 Based upon survey respondent estimate.

213 Survey response from Sukhmani Kaur

214 Based upon survey respondent estimate.

Valencia, they have not been without problems. Before moving into new Gurdwara premises, the Valencia Gurdwara was threatened with a cutting off of the water supply had they not cleaned the sewage system of the building<sup>215</sup>. There is also anecdotal evidence to suggest that the Barcelona Gurdwara had problems with local authorities when it came to raising the Nishaan Sahib (Sikh Flag). With respect to the right to turban, there are isolated reports that a UK resident was forced to remove his turban during an airport security check when returning after holiday<sup>216</sup>.

## Portugal

Portugal is a parliamentary democratic republic. Human rights are guaranteed by its Constitution. Sikhs are a relatively new community in Portugal, with the mast majority living in the Guarda area near Lisbon, so the general public know little about them. Sikhs are free to wear their turbans in public and are permitted to wear them for when receiving driving licences, passports and residency cards.<sup>217</sup> In

respect of the kirpan, a Sikh is allowed to wear one in public places provide that the blade length is less than 10cm long, otherwise it will be classed as

215 Spanish Sikhs Need Urgent Help: Police Issue Warning to Cut Gurdwara Water Supply: <http://www.unitedsikhs.org/PressReleases/COMVCE-14-10-2006-00.htm>

216 Pluralism Project, Spanish Police Apologises to Sikh for Removing Turban (Spain): <http://www.pluralism.org/news/article.php?id=20432>

217 Gurmail Singh, an Indian National who held a Portuguese Residency recently became a Portuguese Citizen and was allowed to wear his turban for the passport photograph.

a weapon and may render the Sikh liable to prosecution<sup>218</sup>. In February 2007, a Sikh was arrested at the British Embassy, in Lisbon for wearing his kirpan contrary to a weapon related ordinance. After UNITED SIKHS's intervention, Portuguese police did not charge the Sikh and has recognised the religious significance of the kirpan.<sup>219</sup>



**UNITED SIKHS hopes that you have found this First Global Sikh Civil Rights Report an informative tool to construct a Global Sikh Civil Rights Agenda.**

218 <http://www.unitedsikhs.org/PressReleases/PRSRLS-28-10-2008-00.htm>

219 Id.

UNITED SIKHS is UN-affiliated, international, non-profit, non-governmental, humanitarian relief, human development and advocacy organisation, aimed at empowering those in need, especially disadvantaged and minority communities across the world. UNITED SIKHS is registered: as a non-profit tax exempt organization under Section 501(c)(3) of the Internal Revenue Code in the USA; as a Registered Charity in England and Wales under the Charities Act 1993 (Charity Number 1112055); as a non-profit organization in Canada; under the Societies Registration Act 1860 in Punjab; under the French Association Law 1901 and is an NGO pending registration in the Republic of Ireland and Malaysia.

#### OUR MISSION

To transform underprivileged and minority communities and individuals into informed and vibrant members of society through civic, educational and personal development programmes, by fostering active participation in social and economic activity.

Our projects are based on the Sikh tenet of “Sarbat da Bhalla” (for the good of all). UNITED SIKHS uses education as a tool to transform minority communities into informed individuals. We also engage in social and economic activity to uplift communities. Our civil and human rights advocacy projects help protect the integrity of minorities and the underprivileged.

#### HELP US CONTINUE TO SERVE VOLUNTEER OR DONATE



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