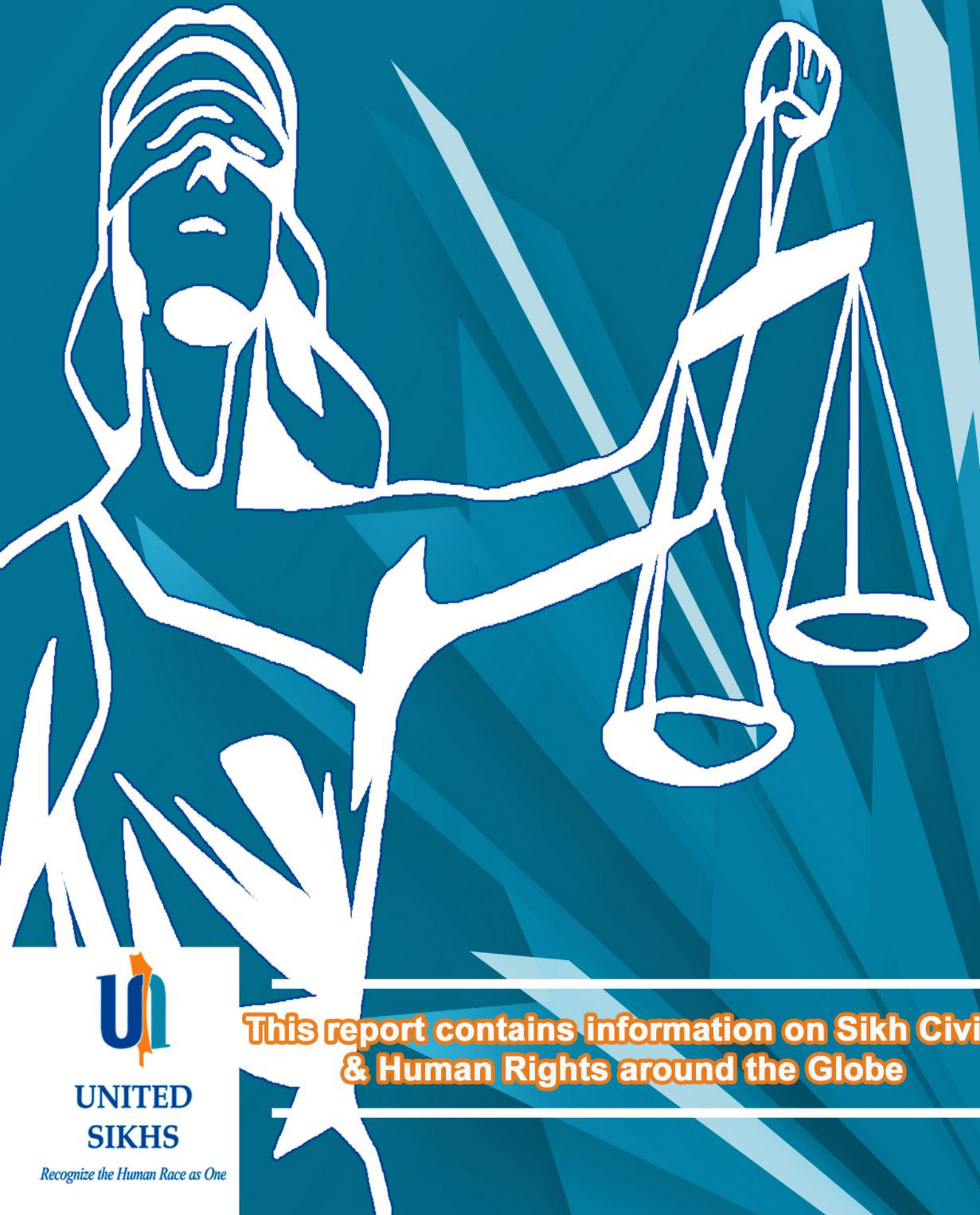


GLOBAL SIKH CIVIL & HUMAN RIGHTS REPORT 2012 - 2013



UNITED
SIKHS

Recognize the Human Race as One

This report contains information on Sikh Civil & Human Rights around the Globe

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FOREWORD

A Year of Gratuitous Violence Against Sikhs and Protests Against Injustice

Barely a few months after UNITED SIKHS released its Fourth Global Sikh Civil and Human Rights Report in 2012, which highlighted the ban on the turban in France and Belgium as an attack on the Sikh identity, the Sikh congregation at the Sikh Gurdwara in Oak Creek Wisconsin was brutally attacked. The attack was confirmed as an act of hate carried out by a white supremacist and it saw six Sikhs dead and four, including police officers, seriously injured. Over the last 12 months, Sikhs have seen violence against a Sikh cab driver in Queensland, Australia; hate crime graffiti on the Riverside Gurdwara in California; a brutal hate-crime attack on an 82 year old Sikh while he was walking home from a Gurdwara in California; and multiple shots fired on a Sikh while he was driving home from work in Florida, which is being investigated as a hate crime. In November 2012, Mahinder Singh was kidnapped and in January 2013 he was brutally beheaded by militants in the Landikotal areas of the Khyber Agency in Pakistan. In August 2013 we were shocked by news of the return of mob violence against Sikhs of Tilak Vihar, a poor suburb in Delhi, whose residents are the Sikh families whose male members were killed in the thousands during the anti-Sikh programs 29 years ago. In all these acts of violence, a Sikh was targeted because of his religious identity, as recognized by unshorn hair covered by a turban. In January 2014, we read about a Sikh killed by militants in the Khyber Pakhtunkhwa and in March 2014 a Sikh shopkeeper and his employee was shot dead in the city of Charsadda, both in Pakistan.

In November 2013, when all other means had failed, 45 year-old Bhai Gurbakash Singh Khalsa of Haryana, started a hunger strike to secure the release of six Sikh prisoners who had served more than 18 years of their life terms, even though the Indian sentencing policy supports the release of lifers after 14 years. After more than 40 days of the hunger strike that had widespread support of Sikhs in India and globally, three of the prisoners were released on parole for a month. The advocacy for the early release of all six Sikh prisoners continues.

In January 2014, the Sikh community was shocked to learn, from UK government documents revealed under the 30 year secrecy rule, that the UK government may have been complicit in the storming of the Golden Temple by the Indian Army in June 1984. Following an uproar from the Sikh community, the UK Prime Minister ordered his Cabinet Secretary to hold an inquiry into the role that the UK government played. A Report was tabled in the UK Parliament on the 3rd of February 2014 that Sikhs have deemed to be unacceptable and Sikh organizations continue their advocacy for a public inquiry to ensure that the inquiry is full and wide.

At the heart of all the violence and injustice is the need to protect the Sikh identity.

But is the Sikh identity standing in the way of a Sikh's peaceful existence or is it the way to peaceful existence?

The 10th Sikh Master, Sri Guru Gobind Singh Ji said the following about the Sikh identity in the Sarb Loh Granth, as translated from Persian:

“Sikhi is recognised by the five kakaar (articles of faith), which begin with the letter ‘k’. None of the five can ever be dispensed with. Four of them are kara (iron or steel bangle), kirpan (sword), kecchaera (specially sewn underpants) and kanga (wooden comb). However, without the Kes (unshorn hair), all the other four are meaningless.”

From the above injunction it is clear that Sikhs must accept that their identity, as signified by unshorn hair, is a double-edged sword that defines and protects a Sikh.

The Fifth Global Report highlights the high and low points of Sikh civil and human rights. The law was amended in Queensland, Australia, to exempt turbaned Sikh bike riders from wearing helmets; forty Sikh students in a Catholic school in Baramullah, Kashmir successfully defended their right to wear a turban to school. It will also highlight the slippery slopes Sikhs are travelling on in countries like Belgium and France. In thousands of Belgian Flemish GO schools, the Sikh turban (and patka) will be banned from September 2013 and France has announced the possibility of extending the turban ban to universities.

Whilst a Sikh fights a battle within him/herself to understand and implement his/her Guru's definition of the Sikh identity, Sikh civil and human rights organizations are facing an increasing demand to advocate for religious freedom of Sikhs. UNITED SIKHS has launched the International Sikh Advocacy and Awareness Fund (INSAAF). We hope that a Sikh who is required to share at least a tenth of his earnings with the needy will see the need to donate it to Sikh civil and human rights organizations to run advocacy programmes.

Mejindarpal Kaur, Barrister-at-Law, International Legal Director, UNITED SIKHS



Our Choice: Tolerance or Understanding; Extinction or Human Brotherhood

By Sir Mota Singh Ji

Ours is a bewildered, tormented generation. It would not be an overstatement to say that mankind is, today, in the midst of one of the greatest crises in history. It seems that the whole world is suffering from skepticism in faith, anarchy in morals; and we do not know which way to turn. Our generation has the responsibility for deciding whether we are to prosper or decline, whether our conduct will lead to a beginning or to an end. We merely observe the trappings of religion, the gestures of faith and the conventions of piety; our actions do not match our words. We conceal from ourselves and from others the nature of what we do by euphemism. We must strip away all pretense and be honest with ourselves; that is the only way to regain faith in decency.

Though we know the world is one, whether we like it or not, and that in spite of political, national and racial divisions, the fortunes of everyone of us are linked to those of others – even though we know that – we do not feel it in our bones. The world has, perhaps, been brought together rather too suddenly and this enforced intimacy has intensified the differences and increased the possibilities of friction.

The greatest danger facing humanity, after the collapse of secular ideologies, is religious-fuelled nationalism, the cloak of sanctity over the politics of hate. All monotheistic religions believe that man is made in the image of God. But we have great difficulty in recognizing the integrity of those who are not in our image, whose faith and traditions and culture and language are not like ours. If we are to co-exist in a world of rising religious intolerance, “we shall have to find an inter-faith imperative that speaks not only with a small voice but also out of the heart of the whirlwind.”

Guru Gobind Singh Jee said “Recognize the Human Race as One.” There is hardly a prayer in our liturgy that does not end with a plea for peace and the welfare of all humanity. I believe that the Sikh religion is uniquely placed to bring about that communion, that brotherhood of man, to build a bridge between different religions in the interest of world peace.

Sikh spiritual tradition is not content with mere toleration. There can be no goodwill if we only tolerate each other. Many thinkers rebuke the habit of condescending toleration. We must appreciate all faiths, recognize that they offer rich spiritual experiences and encourage sacrificial living and inspire their followers to a nobler way of life. The Sikh Gurus had this noble quality of appreciation of whatever was valuable in other religious traditions. The more we understand one another, the more we find we are like one another.

The Sikh religion possesses the key to the happiness and peaceful coexistence of the entire human race. It is a religion with a message of hope and optimism. Adherence to its principles and teachings can, I believe, prevent a clash of civilizations. The brief history of Sikhi is a story of an inexorable fight in the cause of righteousness. It has demonstrated an extraordinary



penchant for surviving in the most hostile environment. Everyone knows how Guru Gobind Singh Jee created a mighty force of self-respecting, dauntless, brave and disciplined Sikhs – the Khalsa – a powerful body (ordained by God) which, in loyalty and courage, was to struggle against overwhelming odds, survive the cruelest of persecutions and ultimately rise to supremacy. It was a body with a resolve of steel but a saintly temperament, dedicated to the defense of righteousness, devout and committed to the good of humanity. How the Guru shookout of their lassitude, people long reconciled to their fallen state, their will to action completely atrophied, is one of the miracles of history.

May I address a few words to my own community?

We face today the challenge of destiny. We are living in a period of disintegration of faith and growing disillusionment about the traditional values which have come down to us. Many pernicious practices against which our Gurus revolted have crept into Sikh society. Worldly considerations are corrupting the great ideals. The barriers which the Gurus laboured to cast down have been recreated. We pay lip-service to these ideals. If we strip away all pretense and are honest with ourselves, we will know that we are fast losing faith in decency. We can meet the challenge and bring some order if, and only if, we follow implicitly the principles and teachings of our Gurus. It does not need much perspicacity to appreciate that the consequences of a failure to rise to that challenge are too serious to contemplate. We shall ignore them at our peril.

The need of the hour is for enlightened men and women with a clear vision, disciplined and steeped in the Maryada, men with a spiritual depth, not uncaring bigots; above all, men of moral courage who will stand like a rock, who will speak to our deep instinct that there is more to life than self-indulgence, personal power or position that modern culture seems not only to expect and condone but encourage, men who understand the community's problems, anxieties and needs, men who are alive to the challenges to the community and have the ability and determination to articulate its concerns and its aspirations and men who will set their faces like flint against any divisive tendencies on the part of those with their own agenda, men with the ability to identify and define the goal for the community and give imaginative, decisive leadership and not dither or quarrel among themselves.

The Sikh religion is a religion of continuity. It depends for its very existence on the willingness of successive generations to hand on their faith and way of life to their children, and on the loyalty of children to the heritage of their past.

May I adopt, and conclude with, the words of a former Chief Rabbi who said “the duty we owe our ancestors who died because of their faith is to build a world in which people no longer die because of their faith. We honour the past not by repeating it but by learning from it, by refusing to add pain to pain, grief to grief. That is why we must answer hatred with love, violence with peace, resentment with generosity of spirit and conflict with reconciliation. In short, either we live together in peace as God's children, children of one Father, or we perish together. The choice is either extinction or human brotherhood. It cannot be left to the vagaries of chance.”

HIS HONOUR SIR MOTA SINGH QC

His Honour, the recipient of a number of lifetime achievement awards, was born in Kenya and educated in Kenya and England. He was called to the Bar by The Honourable Society Lincoln's Inn in 1956 and practised in Kenya as an Advocate of the Supreme Court. He occupied a prominent position in the community. Elected as an Alderman of the City of Nairobi at the age of 31, he was also a Member of the Kenya Parliament. And he played cricket for Kenya.

He returned to England in 1965 and, after a period as Assistant Legal Advisor to a group of British companies, he went into Chambers to practise at the Bar. Within just 11 years, Mota Singh was appointed a Deputy Judge, Queen's Counsel, a Recorder of the Crown Courts and then a Circuit Judge. This appointment, being the first from a minority ethnic group, was received with great acclamation. His retirement, 24 years later, was marked by the attendance, among others, of the Lord Chief Justice of England who acknowledged his "unique services to the administration of law in our country."

Sir Mota Singh is the holder of positions as Chairman, Patron, Trustee and Member of a large number of institutions and he is very much in demand as a speaker. He has lectured at a number of international and national conferences and seminars; the most recent seminar was one organized by the Canada-UK Colloquium where he was asked to speak on "Competing Sources of Authority in a Pluralist Society." He also attended, at the invitation of the Duke of Edinburgh, a group discussion on Multiculturalism.

His appointment by the Privy Council as Chairman of the Disciplinary Committee of the Royal Pharmaceutical Society of Great Britain was warmly welcomed. He also served as a judicial member of the Parole Board.

In the New Year honours list 2010 His Honour was knighted for his services to the administration of justice, community relations and the voluntary sector. He is the first Sikh to have been so honoured.



The Logical Fallacy of the Turban Ban in Schools

Komilla Kaur, UNITED SIKHS Legal Intern

The French 2004 amendment to the French Code of Education which left the Sikh community in turmoil, distress and anguish has been followed by the territories of Belgium. From September 2013, a new rule made it a violation for Sikh boys to wear a turban within the Flemish GO! school network, affecting more than 9,000 local Sikhs.

The scale of the problem is not something to be dismissed lightly. An analogy can be drawn to The Holocaust; Hitler targeted those that did not fit in with the Aryan Race e.g. Jews, disabled persons and many more groups. Similarly, this ban targets turbans, kippas and headscarves i.e. those who do not conform to the so-called standard secular image. The rationale behind the rule can be explained through two distinct arguments; neutrality and security.

GO! CEO Raymonda Verdyck stated; “*We facilitate pluralism and openness in our schools. That is why we have introduced the ban.*” Herein lies the first argument for the ban, the need to secularize and neutralize public spaces in order to promote equality, openness and interaction between different sects of society. This is a largely theoretical argument based upon the assumption that by removing religious artifacts, individuals will perceive themselves differently, mingle more with others and thus create an integrated society. This leads us to the second argument. The 9/11 bombings left countries frightened and keen to increase security. At the discovery of the religious involvement in the attack, religion and religious symbology became a target. So by requiring turbans not to be worn in public places; (a) countries can purportedly be more secure by ensuring no bomb is hidden within the turban and (b) discourage religious belief which could potentially lead to similar events.

However, both these arguments are incoherent. With regards to the first argument, as mentioned before, it is theoretical. Therefore, the first weakness lies in the assumption that removal of religious clothing would bring oneness among society. Even if we accept this assumption, there are further difficulties.

Law is often misunderstood in the Western world as something which is distinct from moral and social factors. When in reality it is not simply a religious, cultural or international construct, but rather a combination. Therefore, a better way to deal with the segregations between societies would be to allow individuals to uphold their personal and cultural laws e.g. by allowing articles of faith to be worn. This way, the state can regulate the religious sphere while still treating the different ethnic minorities equally. By accepting cultural differences on a state level, people will be more likely to accept and respect other cultures. If the state sends out a message that individuals with a religious identity are a threat, then it seems unlikely that natives would be encouraged to mingle.

The second argument regarding security is also one which can be refuted. In the words of the Australian parliamentarian Victor Perton “*We are at war with terror not young girls wearing*

scarves or (people wearing) crucifixes or skull caps.” The 9/11 attacks were not caused or even motivated by the inclusion of articles of faith at schools, in fact not a single hijacker was an American or European national. This is of utmost importance because it shows that the 9/11 attacks cannot in anyway be used to justify unfairness towards ethnic minorities.

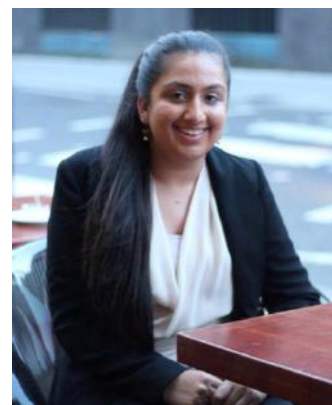
Furthermore, Sikh religious belief has never endorsed attacks of terror. Hence, it is illogical, irrational and uninformed to attack the turban, a sacred piece of religious attire, on the grounds of security. In addition, schools are places of education, a prime opportunity to be educating children on tolerance and other religions. Education is more likely to lead to openness, oneness and tolerance within society more so than such a ban. This becomes evident when you compare the UK to the USA. In the UK, Sikhism is part of the national curriculum and is taught every year till the child leaves school. As a result, individuals in the UK have a better understanding and tolerance of the turban than in the USA.

There is also the ubiquitous argument that Sikhs are immigrants within the Western world, they originated in Punjab and thus have no right to infringe on the rules of Western countries This argument is largely ignorant for several reasons. For example, wearing an article of faith is not imposing a foreign law as it is in no way suggesting that non-Sikh persons should do so. Neither has it thus far infringed on any existing law, bar the 2004 French amendment and now the 2013 GO! rule.

Another matter of concern is that the level of public controversy in the Belgium issue is less than that of France. This could be because the rule in Belgium affects a smaller area than France, or simply that we are becoming comfortable with such “neutrality” and so called “equality-enhancing” rules. This is worrying, as it seems the problem is spreading, for example the recent fiasco involving a Sikh bus driver Gill Sukdarsharan Singh who has been banned from wearing a turban to work in Finland. And it is at this time, we need public support the most.

In conclusion, the need for restrictions grew out of an irrational and uninformed response to the devastating 9/11 attacks. This is clearly seen in the poor justifications put forward for the ban. Thus, these new policies need to be reassessed and rectified.

Ms Komilla Chadha is an undergraduate at SOAS, studying to qualify with a double degree of Law and Economics. Komilla Chadha is the youngest person to sit on the steering committee of the international women’s micro-finance network, WAM. She has spent the last 5 years teaching on her blogs, reaching over 300,000 views on her video tutorials and students all around the world including Algeria and Borneo. She has always had a heart for social issues and this is what has driven her to places such as Ghana and Cambodia.



Commonwealth of Australia

Introductory Observations

Australia is a comparatively new nation with a significant immigrant population from diverse parts of the globe. Australians are generally well-travelled enjoying particularly the hospitality of their nearest South-East Asian neighbours. Australians commonly enjoy sports, ethnic food, beverages, culture and music and are well known for their convivial and relaxed attitude and tranquil lifestyle. Everyone is considered a “mate”.

However, it behooves the Sikhs to enlighten and educate the Australian public about Sikhs, the Sikh faith and the Sikh ‘mate’ amidst them. The experience of UNITED SIKHS is that such a stratagem will aid settlement of many of the issues Sikhs might face in Australia.

‘Blank Canvass’ Project

UNITED SIKHS’ Australian National Director, Harjit Singh, mooted the model of an Australia-wide ‘Blank Canvass’ project. His mission, shared by the National Committee, hinges on the openness of Australians and the welcoming nature of the Australian social environment. Issues seemingly “racial” are due to unfamiliarity of all that is Sikhism and could be substantially, if not entirely, resolved by education of the Australian public about the Sikh faith. The venture is timely, valiant and colossal - and necessary.

The social, political, economic and legal structures and attitudes in Australia are at ease with such a project. In addition there is a broad, encouraging motivation towards empathy and acceptance of ethnic cultures and religions.

The initiative is being advanced by exploring key strategic partnerships within various government and non-government organizations via a ‘top down’ approach.

Sikh Issues in Australia

Sikh Unity

The success of the ‘Blank Canvass’ project will be considerably enhanced if there is national cohesion amongst Sikhs. UNITED SIKHS Australia is working towards this objective. Successfully secured, unity will give sustained impetus to the Black Canvass Project.

National solidarity offers the following obvious advantages:

1. centralizing, consolidating and providing access to intellectual property and literature about Sikhs and the Sikh religion as a central and authoritative source of information;
2. the moderating voice of rationality, consistency and influence at all levels of Australian society;



3. economies of scale in effort, resource allocation and funding;
4. boosted sense of pride amongst Sikhs, in particular the next generation of Sikhs, in being observant Sikhs in an informed Australia.

Impact of Lack of Knowledge

In almost all of the issues handled by UNITED SIKHS in Australia, the conclusion from internal debriefs was that the issue either would not have arisen or would have settled without persistence if there was greater understanding of the Sikh religion, its belief systems, that it is one of the mainstream religions of the world separate and distinct from other religions and the significance of the five articles of faith.

In many instances, an unruffled and simplified account of “what is a Sikh” diffused tensions; brought nodding acceptance of the education proffered and enabled resolution of the issues.

Legislation & Law Enforcement

Criminal Identification Bill

The most striking instance of how Australians at the highest State political levels respond positively to Sikh concerns occurred with respect to the *Criminal Investigation (Identifying People) Act 2013 (Western Australia)*. In late 2013, a Bill was introduced in the Western Australian Parliament to assist police officers in identification of a person, motivated by an incident in New South Wales in which a person refused to remove a face veil.

The Bill, passed in the Lower House, inadvertently included the expression “head dress”. As the legislation permitted a police officer to require a person to remove the “head dress”, the provisions of the Bill were of particular concern to the Sikh community.

When the concern of the Sikhs was brought to the attention of the Western Australian Attorney General and the Minister for Police and the Opposition, they reacted swiftly, meeting with representatives of UNITED SIKHS and other religious groups. The Bill, without impediment, was smartly withdrawn from the Upper House, amended and ultimately passed by both Houses of Parliament with the expression “face covering” substituted for “head dress”. The Western Australian Police cooperated enthusiastically and with understanding and were proactive in the amendments to the Bill and in preparing, with consultation and input from UNITED SIKHS, a ‘*Frequently Asked Questions*’ leaflet about the provisions of this Act for distribution in multiple languages.

Cultural Diversity Education

In 2008, Harjit Singh of UNITED SIKHS was invited by the Western Australian Police to regularly present seminars to Western Australian Police recruits as a Sikh Cultural Diversity Presenter at the Police Academy. Harjit Singh and members of the Committee have since then

regularly presented workshops and seminars to thousands of police recruits. Undoubtedly, that education has materially improved the rapport and interaction between the Sikh community and the Western Australian Police.

Harjit Singh is instrumental in creating the “Sikh Kirpan Card” with encouragement by and assistance from the Indigenous & Community Diversity Unit of the WA Police. This card, which carries the WA Police logo, is intended to be carried by every initiated Sikh so that if an enquiry arises about the legal status of wearing the kirpan, the Kirpan Card can be produced which explains not only the five articles of faith but the significance of the kirpan as well. This card is accompanied by a Police policy document which provides further information regarding the kirpan as well as the full policy underpinning the card. Both the card and policy document are jointly authorized by the Western Australian Police and UNITED SIKHS as official documents of their respective organization. Plans are afoot for the Kirpan Card to be available throughout Australia.

Human Rights and Equal Opportunity

At the Federal level, the Human Rights & Equal Opportunity Act 1986 (which applies throughout Australia, with equivalent legislation on all States and Territories) established the Human Rights & Equal Opportunity Commission. As the Commission explains in its website, the “*rights to freedom of religion and belief and to freedom from discrimination of religion are highly valued in Australia and have been protected constitutionally and legislatively*” including by the following federally enacted illustrations:

1. *Section 116 of the Commonwealth of Australia Constitution;*
2. *the Workplace Relations Act 1996;*
3. *the Human Rights & Equal Opportunity Commission Act 1986;*
4. *the Racial Discrimination Act 1975.*

In addition, Australia has signed the following international agreements:

- (a) *the International Convention on Civil & Political Rights (1996);*
- (b) *the Declaration on the Elimination of All Forms of Intolerance & of Discrimination Based on Religion or Belief (1981).*

Membership of Armed Services

The Australian Defense Force (ADF) has been working on policy changes with consultations with various Sikh organizations. The ADF seems especially alert to Sikh issues and its policy is that it would not make changes to policy and uniform requirements without such consultations.

The approach of the ADF is most commendable. There remains a need to improve ADF policies to reflect Sikh issues. The Sikh community looks forward to working in collaboration with the ADF to develop a practical and working policy that takes into account matters relevant to observant Sikhs.

Hate Crimes

In October 2012, a Sikh taxi driver was assaulted in Darwin, Northern Territory with his turban wrenched from his head during the attack. The incident received wide and sympathetic publicity. The Darwin Police and prosecution liaised with UNITED SIKHS to understand and take into account the significance of the turban in the prosecution. In sentencing the offenders, Justice Steven Southwood (Northern Territory Supreme Court) called the attack “unprovoked” and “malicious” and noted that:

“the turban is the crowning glory of the Sikhs. For Sikhs, the head and the turban are sacred – they must not be touched or insulted in any way”.

The comments of the Honourable Justice Southwood at the Supreme Court level displays informed knowledge about Sikhs at the highest level of the Australian judiciary. The judgment is rightly to be relied on as a legal precedent to be used and circulated widely as an educational tool in connection with the Sikh faith.

Employment & Industrial Relations

UNITED SIKHS, through its website’s reporting facility, is aware of some particular industries within Australia which currently appear to be having more Sikh issues than others. The industries underscored are the transport and construction industry with the turban mentioned regularly.

In most cases, both employee and employer have been able to evaluate and determine an individually tailored solution to the issue. Anecdotally, some Sikhs have resigned themselves to the situation and moved out of the industries. There is, therefore, much persuasive exertion to be gently applied with the representative industry bodies as well as government to continue making these industries a viable employment option for Sikhs.

Discrimination & Equal Opportunity

Victim Support

There are several layers of Equal Opportunity and Anti-Discrimination legislation in Australia. These provide for adequate (if not ideal) remedies when discrimination occurs. However, these usually require the victim to lodge a formal complaint to activate the processes and remedies. We have found that there are usually very few cases of direct discrimination reported to the various Commissions at a State or Federal level. There is a need to develop a system of support for such victims.

Schools' Dress Policy

UNITED SIKHS is assisting a Sikh student who was refused enrolment in a school due to the turban not being compliant with the school's dress policy. UNITED SIKHS has become aware that many of these incidents have previously occurred in independent/private schools (i.e. discrimination in enrolment of Sikh students, harassment by school staff in relation to enrolled Sikh students, disregard of legislation protecting Sikhs rights within the education systems).

UNITED SIKHS has commenced a program to explain the Sikh faith with mainstream religious school bodies (i.e. Catholic Education etc.) and independent schools with a view to encouraging them to amend their enrolment and dress policies. It is inferred, however, that legal action may be required in this sector going forward to establish binding precedents with which schools must comply.

Sikhs and the Media

In January 2013, a large media company in Australia published what it considered a light-hearted article about, and a photograph of a Nihang Sikh in its pornographic magazine. Upon being notified by a Sikh from Queensland, UNITED SIKHS lodged a complaint with the Australian Human Rights Commission ("AHRC"). The media company responded appropriately and formally expressed regret for any offence felt by the Sikh community.

Conciliation handled by the AHRC resulted in a settlement registered with the AHRC and consequently, available as a legal precedent.

Australians, by and large, enjoy jokes, pranks and light banter. The media company was advised that while UNITED SIKHS stimulates education on Sikhs and Sikhism and advocates the right of all Australians to free speech, that right is tempered with responsibilities to fellow ethnic and culturally diverse Australians, a subject close to the heart of the 'Black Canvas' project.



Sukhwant Singh (pictured left) is the Director-National Legal Affairs (Australia) of UNITED SIKHS Inc. He holds a LL.B (Hons, Lond), LL.M (University College London), Advocate & Solicitor (Singapore) and Barrister & Solicitor (Western Australia).

Harjit Singh (pictured right) is the Director – National for UNITED SIKHS Inc. He holds a Bachelor of Laws and a Bachelor of Commerce (Murdoch University). He is currently also a Senior Analyst at Deloitte working in Corporate & International Tax.



Fighting for Equality and Justice in Mississippi – The ACLU/Sikh Partnership Continues

By Aleksandr Sverdlik, ACLU Program on Freedom of Religion and Belief

For nearly a century, the American Civil Liberties Union (ACLU) has been at the forefront of virtually every major battle for civil liberties and equal justice in the United States. A nationwide, nonprofit, nonpartisan organization, the ACLU employs an integrated strategy of litigation, public education, and advocacy.

In our work defending religious freedom, we have secured numerous victories on behalf of Sikh clients, helping to advance understanding and acceptance of the Sikh faith in states and communities across the nation. For example, the ACLU and its affiliates have successfully represented a doctor in Georgia who was denied work at the Public Health Commissioned Corporation of the Centers for Disease Control and Prevention unless he removed his turban, an inmate in California who was punished for refusing to trim his beard, and an individual charged with “carrying a concealed weapon” – his ceremonial kirpan – at a Rhode Island train station. Despite these efforts, pockets of intolerance regrettably persist in regions where officials and community members remain unfamiliar with Sikhism.

A recent episode in Mississippi demonstrates the ongoing partnership between the ACLU and the Sikh community. On January 16, 2013, Jagjeet Singh, a commercial truck driver and practicing Sikh, was pulled over for a flat tire by a Mississippi Department of Transportation officer. What should have been a routine traffic stop was instead a gross violation of our Constitution’s guarantees of religious freedom and equal protection under the law.

After stopping Mr. Singh, the MDOT officer informed him that he had a flat tire on his truck and directed him to report to a nearby weigh station. After arriving at the station, as he was instructed, Mr. Singh was subjected to a series of degrading remarks and events because of his faith and ethnicity. Contending, wrongly, that his kirpan was illegal, the officer demanded that Mr. Singh turn it over. When he tried to explain that he was a Sikh and that the kirpan was a sacred religious article, he was met with laughter and told that all Sikhs are depraved and “terrorists.” The officer then forced Mr. Singh to circle his truck with his hands on his turban while other officers searched his vehicle and continued to taunt him. Finally, another DOT officer was called to arrest Mr. Singh, claiming that he had refused to obey a lawful command.

Unfortunately, Mr. Singh’s bout with intolerance did not end there. When he returned to Mississippi in March for his court date at the Pike County Justice Court, he once again suffered humiliation and harassment. While waiting for his attorney in the back of the courtroom, he was approached by four Highway Patrol officers and ordered to leave the courtroom. They stated that Judge Aubrey Rimes had ordered his ejection because he did not like Mr. Singh’s turban and that Judge Rimes would punish him if he failed to remove it. When Mr. Singh’s attorney went to inquire about the matter, Judge Rimes readily confirmed that he had expelled Mr. Singh because



of his turban. He further stated that Mr. Singh would not be allowed to re-enter the courtroom unless he removed “that rag” from his head and threatened to call Mr. Singh last on the docket if he continued to wear it. Indeed, after Mr. Singh respectfully declined to remove his turban, he and his attorney were forced to wait for several hours until every other litigant had been heard before being allowed into the courtroom.

In response to this ordeal, the ACLU and UNITED SIKHS banded together to send a letter to the MDOT, calling on state officials to investigate the harassment that Mr. Singh endured, and submitted a public records request to gather documents necessary to determine whether additional action was required. The ACLU also publically condemned Judge Rimes’s conduct. Already, the Pike County Board of Supervisors, in response to an investigation by the U.S. Department of Justice, has revised the County’s harassment and non-discrimination policy to explain that religious discrimination includes “requiring an individual to remove a head covering or denying that individual access to a County office, building, program or activity because they are wearing a head covering, if that head covering is worn for religious reasons.”

While much work is left to be done, the ACLU ardently continues to defend and advance religious liberty in courts, legislatures, and communities across the country and is proud to have UNITED SIKHS as its partner.

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Religious Freedom and the Ability to Serve

Heather L. Weaver, Senior Staff Attorney, ACLU Program on Freedom of Religion and Belief

In the military, uniformity is an important value, but it should not be used as an excuse to exclude people of minority faiths who want to serve their country. Unfortunately, the U.S. military's refusal to accommodate the religious practices of Sikhs means that devout Sikhs cannot enlist in the military unless they compromise their religious beliefs and forgo their articles of faith. When an entire religious group is effectively excluded from the armed services to preserve uniformity for the sake of uniformity alone, a more important value – religious freedom – is undermined.

Sikhs have a long tradition of military service around the world. According to leading Sikh groups, Sikhs served in the U.S. Army and wore their articles of faith for decades without incident. Nevertheless, those groups report, in 1981, the army banned “conspicuous” religious items. Sikhs enlisted at the time were grandfathered in and continued to carry out their duties while wearing turbans, unshorn hair, and other articles of faith.

Only a few years later, in *Goldman v. Weinberger*, the Supreme Court ruled that the Free Exercise Clause of the First Amendment to the U.S. Constitution did not guarantee an Orthodox Jewish Air Force reservist the right to wear a yarmulke in uniform. The Court reasoned that the Constitution “does not require the military to accommodate such practices in the face of its view that they would detract from the uniformity sought by the dress regulations.”

Recognizing that the Supreme Court's decision and the newly minted military policies were inconsistent with our national commitment to religious diversity and religious liberty, Congress enacted a new law providing that “a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.” But that law, which took effect in 1988, was limited. It did not cover grooming, and it vested military officials with broad discretion, allowing them to prohibit any religious item that they perceived as “not neat and conservative” or believed would interfere with the performance of the member's duties. As a result, it provided inadequate protection for the Sikh articles of faith and, indeed, Sikhs military members have generally been denied requested accommodations.

These developments made it very difficult for devout Sikhs to enlist, and not surprisingly, few have done so in the intervening decades. That may change, though, thanks to some progress made in the past few years by several Sikhs who refused to give up the fight to serve their country.

In 2009, Major Kamaljeet Singh Kalsi, a physician, received an accommodation for his turban and unshorn hair. After being granted the exception to the uniform and grooming rules, Major Kalsi was deployed to Afghanistan where he served with distinction, winning a Bronze Star. The same year, Captain Tejdeep Singh Rattan was also allowed to keep his turban and unshorn



hair. He completed basic training while wearing his articles of faith and has since served as a dentist at a U.S. Army base and in Afghanistan. A third Sikh, Specialist Simran Preet Singh Lamba, received a religious accommodation in 2010. Specialist Lamba speaks Hindi and Punjabi and enlisted in the Army through the Military Accessions Vital to the National Interest program.

Despite the success of these three men, there is still much work to be done to ensure that all Sikhs are able to serve in the military without compromising their faith. A number of Sikhs have been denied similar accommodations, with officials claiming that previous exceptions were granted only because of the special skills possessed by the particular applicants. Although these officials contend that the Sikh articles of faith would disrupt unit uniformity and cohesion and endanger the safety of Sikh soldiers by preventing them from properly using military-issued equipment, their arguments are belied by the experiences of Major Kalsi, Captain Rattan, Specialist Lamba, and those Sikhs who served before the religious-article ban was imposed in 1981.

If the military continues to cling to these weak excuses, it will likely force Sikhs into court to defend their rights. There, the military will have to contend with the Religious Freedom Restoration Act, a federal law passed in 2000 that requires the federal government to show that there is a compelling interest in denying requested religious accommodations and that the uniform and grooming rules are the least restrictive means of achieving that interest. The military is unlikely to meet this high standard: History and the more recent examples above show that Sikhs are perfectly capable of serving with honor and without incident while wearing their articles of faith.

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Lessons on Terrorism and “Mistaken Identity” from Oak Creek

Dawinder S. Sidhu^{al}, Copyright © 2013 Columbia Law Review; Dawinder S. Sidhu

INTRODUCTION

On Sunday, August 5, 2012, Wade Michael Page opened fire on worshippers at a Sikh temple¹ in Oak Creek, Wisconsin, killing six people and ending his own life after exchanging gunshots with responding police officers.² Incidents of this sort naturally activate various individuals and entities, including the law and the media. This tragedy was no different, as it compelled legal officials to determine what laws would fit the facts, and the media to examine for public consumption why this incident occurred. With the passage of time and the dispassionate attitudes that a removed vantage point undoubtedly affords, we may now consider the sufficiency of these reactions to the tragedy. This Essay identifies two problems with these responses, regarding both the legal definition of terrorism and the media’s characterizations of the incident, and suggests ways in which they may be mitigated. Without such an analysis, Oak Creek--and worse, future domestic antisocial catastrophes--will not be properly diagnosed, conceptualized, or deterred, to our own peril.

I. OAK CREEK AND THE CURRENT DEFINITION OF TERRORISM

A discussion around whether the incident at Oak Creek constituted an act of terrorism emerged in the wake of the shooting:³ In fact, when speaking at a memorial service for the victims, Attorney General Eric Holder appeared to answer in the affirmative, stating that “what happened” was “an act of terrorism.”⁴ However, despite Mr. Holder’s comments, the Oak Creek shooting reveals the shortcomings of the prevailing legal definitions of terrorism.

Though some commentators may want the Attorney General’s assessment to be correct because of the terrible character of the shooting, it cannot be said with certainty that the incident qualifies as “terrorism” under the extant definitions of the term. While a static definition of “terrorism” is difficult to pin down,⁵ and a number of definitions for this term are found in federal law,⁶ federal terrorism statutes generally require that the act of violence be politically or ideologically motivated. For example, one federal statute provides that “the term ‘terrorism’ means premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents,”⁷ another that “the term ‘Federal crime of terrorism’ means an [unlawful] offense that ... is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct,”⁸ and still another federal statute defines “international terrorism” as violent or dangerous criminal activities that “appear to be intended ... (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping[.]”⁹ Accordingly, taking these legal definitions into account, the most basic interpretation of “terrorism,” as a federal government agency pointed out in a post-9/11 memorandum, is “criminal acts by individuals or groups ... motivated by political or social agendas.”¹⁰

It is true that Page, the shooter, was an avowed white supremacist and had invited likeminded individuals to “get involved and become active.”¹¹ There may be a reflexive or intuitive sense, from this information, that Page went on a shooting rampage in an effort to advance his supremacist platform. While Page’s involvement with the organized white supremacy movement may provide some measure of circumstantial evidence of the requisite motive,¹² it does not automatically convert his behavior, however violent, into actionable bias or ideologically motivated conduct.¹³ As to Page’s formal connection to white supremacy, Justice Robert H. Jackson’s words are instructive: “[I]f any fundamental assumption underlies our system, it is that guilt is personal,” rather than associational.¹⁴ As to the white supremacist viewpoints themselves, they are--however odious, fractious, or threatening to racial and social harmony--constitutionally protected speech.¹⁵ Consequently, more than a reference to Page’s white supremacist background is needed to reliably hold that Page committed this particular act specifically because of an interest in furthering an ideological agenda.

Uncertainty hinders, if not precludes, that final determination from being made. There are many possible reasons why Page did what he did. For instance, Page may have sought to kill people whom he thought were Muslims; shot the Sikh because they were a non-white “other” or because they were Sikhs; or sought simply to kill someone--anyone--regardless of their background or characteristics.¹⁶ Page could have even been mentally unstable to the extent that he did not appreciate what he was doing. As a result, it cannot be definitively stated which of these possibilities--or perhaps which combination of them--accounts for why Page selected the victims.¹⁷ In other words, Page’s motive is unknown; this prevents any firm conclusion that the incident was motivated by a political or social purpose, a necessary element of “terrorism” under existing federal law.¹⁸ As the Oak Creek police chief admitted, “I don’t know that we’ll ever know, because when he died [from a self-inflicted gunshot wound], ... what his motive was or what he was thinking [died with him].”¹⁹

The Department of Defense Antiterrorism Training validates, if not expands, the space between the federal understanding of terrorism and what occurred at Oak Creek. According to that training, terrorists generally engage in a “planning cycle,” which includes “broad target selection” (in which “terrorists collect information on numerous [potential] targets”), “intelligence and surveillance” (in which terrorists gather information and scout possible targets),²⁰ “pre-attack surveillance and planning” (in which terrorists “conduct additional surveillance to confirm previous information and gain additional details” following the selection of a single target),²¹ and, finally, rehearsing the attack itself.²² For example, each of these phases, as the Department of Defense explains, is found in Timothy McVeigh’s bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.²³ In particular, as to broad target selection, “McVeigh wanted to attack a symbol of the federal government”; as to intelligence and surveillance, “McVeigh performed initial surveillance of the Murrah Federal Building”;²⁴ as to pre-attack surveillance and planning, “McVeigh ... prepared for the Oklahoma City attack over a six-month period”;²⁵ and as to rehearsing, “McVeigh practiced making and detonating bombs in isolated locations” and “responses to law enforcement officers if they were encountered.”²⁶ By contrast, there is no evidence that Page engaged in *any* of these phases that are recognized and

enumerated by the Department of Defense as part of the “terrorist planning cycle.” This supports the notion that Oak Creek was not a terrorist event under existing law.

Federal determinations as to the contents of “terrorism” tend to emphasize not only political or social intent but also an interest in intimidating or coercing a civilian population. The White House’s National Security Strategy notes that “[t]he goal of those who perpetrate terrorist attacks is in part to sow fear.”²⁷ Similarly, speaking on the sentencing of a man for terrorism violations, the federal prosecutor announced that an act that “creates panic, chaos, and fear ... is the definition of terrorism.”²⁸ As Page’s motivation is unclear, the shooting cannot be characterized as “terrorism” even under an analysis that would focus, to any degree, on the psychological or “fear-based” purposes of a particular act of violence. In view of the weight of these considerations, Mr. Holder’s assessment may not, ultimately, be codified into an actual legal conclusion.²⁹

II. OAK CREEK AND THE FUTURE DEFINITION OF TERRORISM

That the Oak Creek shooting cannot, because of the uncertainty surrounding the intent of the shooter, be deemed “terrorism,” despite the random killing of innocent civilians, speaks to the limitations of the existing definitions of terrorism. Certainly, it cuts in favor of the suggestion that objective conduct should be the touchstone of the definition of terrorism and that subjective ideology or motivation should not be a necessary element for the terrorism designation to apply. As I wrote after the July 2012 shooting in Aurora, Colorado, “[t]he ‘why’ may explain and offer context, but the ‘how’ is enough for [an] incident to fall into the category of terrorism.”³⁰ If there is any incident that deserves both the significant legal consequences and the marginalizing social stigma that attaches to the label of terrorism, it is Oak Creek.³¹ The prevailing definitions of terrorism, however, would spare someone like Page from those legal ramifications and the damning social sentence that should attend his actions.³² The events at Oak Creek should, therefore, produce a re-evaluation and modification of the definition of terrorism, with the term defined as “the premeditated, random murder of innocent people that causes physical and psychological harm to a community, without regard to whether the perpetrator attempted to further a possible message.”³³ Such a definition would ensure that future similar incidents will be properly brought within the ambit of this powerful legal and social term.

Further demonstrating the propriety of a revised terrorism definition is the application of this proposed framework to two recent incidents that occurred subsequent to the shooting at Oak Creek: the December 14, 2012, shooting at the Sandy Hook Elementary School in Newtown, Connecticut, in which twenty-seven individuals, including twenty children under seven years of age, were killed,³⁴ and the December 24, 2012, shooting of four firefighters responding to a call in Webster, New York, which left three people dead.³⁵ In both of these incidents, there was no evidence of motive.³⁶ In both incidents, the shooters randomly killed only innocent civilians. In both incidents, the shooters appeared to have killed with premeditation,³⁷ particularly in the Webster case, as the shooter ambushed the firefighters by setting property ablaze to lure them to his home.³⁸ Again, both incidents arguably warrant legal designation as “terrorism” and the

strong social disapproval that the label necessarily provokes. However, the absence of a discernible motive blocks these legal and social consequences in both cases, a result that heightens the call for a definition of terrorism that focuses on objective conduct, rather than subjective intent.³⁹

III. OAK CREEK AND THE MEDIA

In the case of Oak Creek, some commentators have, due to political and cultural sensitivities, effectively limited the range of reasons discussed by the media as to why Page killed the Sikh worshippers, specifically asking the media to remove from public consumption the possibility that Page targeted his victims because he thought they were Muslim. This artificial restriction is unwarranted. To support this point, providing an analogy to a seemingly unrelated civil rights context can not only help cut through these sensitivities to demonstrate the propriety, and political and cultural innocuousness, of discussing the challenged reason, but also can and should be broadly utilized to assist in conceptualizing and grasping seemingly discrete catastrophes that on the face-of- it appear to involve race, religion, or difference.

Following Oak Creek, prominent members of the media indicated that Wade may have selected his victims because he mistakenly believed that they were Muslim.⁴⁰ In articulating this possibility, some members of the media stated that, as Sikhs have been confused for Muslims after 9/11 because of superficial similarities in physical appearance; Wade may have “mistaken” his Sikh victims for Muslims.⁴¹ This explanation has been heavily criticized. In particular, some have urged a “retir[ing]” of the “mistaken identity”⁴² explanation on the grounds that, “to say that Page made a ‘mistake’ in targeting Sikhs ... or that Sikhs are ‘unfairly’ targeted as Muslims ... is to imply that it would be ‘correct’ to attack Muslims.”⁴³

This argument, grounded in undue sensitivities, impedes a full accounting for why the shooting occurred.⁴⁴ In the aftermath of 9/11, observant Sikh males--who wear turbans and beards, and typically have brown skin--have been the target of violence and discrimination due to their appearance and the perception that they may be Muslim.⁴⁵ This is fact. To separate the Oak Creek incident from that context would be to ignore the reality of post-9/11 discrimination and elevate niceties over the established post-9/11 circumstances in which Muslims and those perceived to be Muslim have been targeted.

In addition, a look at a seemingly unrelated civil rights law demonstrates how the criticism of the “mistaken identity” explanation is without merit. Federal law prohibits discrimination against an individual (1) because he or she is disabled, (2) because he or she has a record of being disabled, or (3) because he or she is regarded as disabled.⁴⁶ It is the third category that is most relevant here: It “express[es] Congress’s understanding that unfounded concerns, mistaken beliefs, fears, myths, or prejudice about disabilities are often just as disabling as actual impairments,” and accordingly, Congress’s “desire to prohibit discrimination founded on such perceptions.”⁴⁷ And so it is with the mistreatment of Sikhs wrongfully perceived to be Muslim: The misperception may be based on fear, prejudice, and/or stereotypes premised on appearance, and the adverse

consequences of the mistreatment are no less real even if the perpetrator intended to harm a Muslim. Accordingly, there are parallels between federal disability law and the mistreatment of Sikhs that warrant the former's use to help understand the latter.

Restated in a deconstructed manner, it is impermissible to mistreat an individual because he or she *is* "x," has a *record* of "x," or is *regarded* as "x." To point out that a person has been subject to mistreatment because he or she is perceived as "x" is to explain the factual basis for the mistreatment: Since this explanation exists within the confines of the third category, it does not indicate or imply by any means that the object of the first category-- mistreatment because someone *actually* is "x"--denotes acceptable behavior. Indeed, in triggering the third category, the first remains wholly untouched and continues to signify a categorical wrong. Moreover, the Supreme Court itself has defined the third prong as occurring when an individual is "mistakenly" believed to be an individual with a disability,⁴⁸ and in doing so does not thereby suggest that mistreatment of an actual individual with a disability is somehow green-lit. In other words, there is nothing inherently untoward about either the "wrongfully perceived as" factual explanation, or about using "mistake" to describe that explanation.

An example may help illustrate how this disability paradigm is valuable in explaining, with specificity, legal wrongs committed against a particular group, and furthermore, why racial or religious communities might even find this paradigm preferable to current explanatory frameworks. Racial and religious profiling generally occurs when government officials, especially police, target with greater suspicion or interest individuals possessing certain physically identifiable traits.⁴⁹ This practice is symptomatic of guilt, or the presumption of guilt, by proxy. In the context of immigration enforcement in Arizona, the disability discrimination categories indicate that there are independent harms in the profiling of an individual simply because he is Latino,⁵⁰ has a record of being Latino,⁵¹ or is perceived to be Latino.⁵² Similarly, to profile, in the post-9/11 climate, an individual solely because he is Muslim,⁵³ has a record of being a Muslim,⁵⁴ or is perceived to be Muslim,⁵⁵ is to identify separate wrongs. Accordingly, in invoking these categories, to state that Sikhs have been targeted after 9/11--and perhaps at Oak Creek--because they were perceived to be Muslim does not, on its own, include an implication that the first category is negated, and thus such a statement should be acknowledged as fact and not challenged as divisive, harmful, or worse. To be sure, activating the third category still preserves the ability for commentators, and the public at large to immediately and roundly condemn any actual suggestion that it would be tolerable or understandable if Page had killed Muslims.

In short, the explanation of "mistaken identity," while an admittedly clunky phrase, need not be removed from the post-Oak Creek lexicon. The explanation is useful and remains viable because it signals the truth of the matter: Sikhs have been targeted specifically due to the perception that they may be Muslim. The disability-rights context further supports the notion that the phenomenon is not the product of animus or hostility toward a group, but instead exists as a more detailed, factual explanation for certain conduct. An apparently unrelated, antidiscrimination context thus holds the potential to dislodge sensitivities from preventing a full range of

explanations from being discussed by the media or considered by the greater population. Oak Creek stands as proof that cross-civil rights conversations should occur in order to avert tunnel vision and to ensure that our understanding of given issues and incidents is properly informed.

CONCLUSION

The tragic events in Oak Creek, Wisconsin, thrust upon an obscure religious community, and more broadly upon our laws and society, provide us with an opportunity to assess the efficacy of the law and conceptual explanations, not only as they apply to this incident, but also to those that may occur in the future. As discussed here, Oak Creek indicates why the definition of “terrorism” should be amended to not rely on the subjective motivation underlying the random killing of innocents, and how the disability-rights context may facilitate understanding and undermine criticisms of the media that are premised on notions of offensiveness or political value judgments. Oak Creek offers at least these lessons.

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AFGHANISTAN



Head of State: Hamid Karzai (Since November 19, 2009)¹

Population: 31,108,077 (July 2013 estimate)²

Sikh Population: ~ 2,000³

Sikhism Recognized by State as a Distinctive Religion: **No**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **Yes (USCIRF Watch list)**

Government Structure: Afghanistan is an Islamic republic with three branches of government, divided into thirty-four provinces.⁴ The executive branch is made up of a President (who functions as both the chief of state and head of government), two Vice Presidents, and a Cabinet. The President and the two Vice Presidents are elected by a direct vote for five-year terms. The Cabinet is made up of twenty-five Ministers; the members are appointed by the President and approved by the National Assembly. The bicameral National Assembly is Afghanistan's legislative branch and consists of the *Meshrano Jirga* and the *Wolsei Jirga*. Members of the *Meshrano Jirga* are nominated, while Members of the *Wolsei Jirga* are directly-elected. The judicial system is comprised of a Supreme Court, High Courts, and Appeals Courts. Afghanistan's legal system is based on a combination of civil, customary, and Sharia law.

Religious Demography: It is estimated that Afghanistan is comprised of 80% Sunni Muslims, 19% Shi'a Muslims, and 1% other religious groups. However, an official nationwide census has not been conducted in decades, making religious demography data unreliable. Local religious communities estimate that there are approximately 2,000 Sikhs, more than 400 Baha'is, and approximately 100 Hindus in Afghanistan. There is also a small Christian community.⁵

A small population of native Hindus and Sikhs remained in Afghanistan. Recently, with the fall of the Taliban, some religious minority members have returned. Others have left the country due to economic hardship and discrimination. Hindu and Sikh religious leaders have estimated that their population has shrunk more over the past year than it did in the previous year.

General Civil and Human Rights: The Human Rights Watch, in its 2013 World Report, voiced serious concerns that Afghanistan continues to face civil rights abuses. These human right violations by the government include repression of free speech, an outdated legal code,

military attacks causing civilian casualties and family displacement, violence and discrimination against women and girls, and abuse of prisoners and detainees.⁶

As the 2014 deadline for withdrawing international combat forces and the 2014 presidential election approach, there have been increased efforts by the current regime to stifle freedom of expression and association. In March 2012, the Afghan government supported an initiative for banning and prosecuting a political party that called for the prosecution of suspected war criminals. Some of those suspected of war crimes are current government officials. In April 2012, a reporter who criticized the mayor of Kabul was detained without charges.⁷ The NAI, an Afghan media watchdog, reported 69 attacks on journalists by security forces, armed groups, and private individuals.⁸ Since Taliban displacement in 2001, the NAI has recorded over 450 instances of attacks on journalists in Afghanistan.⁹

The years 2012 and 2013 were particularly violent in Afghanistan. The U.S. Commission on International Religious Freedom reports that the Afghan government remains unable to protect its citizens from violence and intimidation from Taliban forces and other armed rebel groups.¹⁰ Conflict-related violence continues and the Taliban has made it clear that they will continue to violate international humanitarian law by targeting civilians. In August 2012, a 6 year old girl and 12 year old boy were beheaded in a Taliban controlled area.

There has been evidence of Taliban members infiltrating Afghan forces and human rights abusers joining the local police.¹¹ Human Rights Watch reports that the Afghan government currently allows known war-lords and human rights abusers to operate with impunity.¹²



Afghan National Army (ANA) soldiers and Taliban jointly patrol areas in the Sangin district of southern Helmand province. SOURCE Mirror News

The Taliban is not the only group that has perpetrated attacks on civilians. Pro-government groups have also engaged in abuses against civilians. In September 2012, concerns were brought to media attention about the US-backed ALP, Afghan Local Police, which prompted a temporary suspension of training of new recruits while all 16,300 members of the program were re-vetted. Anti-Taliban groups staged a number of “uprisings” in May 2012. Talks of the U.S. arming such groups raises the potential for another rebel force operating without accountability and with sheer impunity.¹³

The newly appointed Afghani government has engaged in violations of individual human rights. In November 2013, an assembly drafting a new penal code for the Justice Ministry wrote legislation requiring the punishment for adultery to be stoning.¹⁴ Stoning was a popular punishment by the Taliban regime that controlled Afghanistan from 1990 to 2001.

Because of the tenuous security situation, religious freedom and human rights continue to be curtailed. Afghans cannot voice dissent or any opinion regarding the role of law and religion in society without fearing retribution or being charged with religious crimes. President Karzai does not maintain full control, even with the help of the U.S. and International Security Assistance Forces. In some areas of Afghanistan, the Taliban are in total control and imposes its own strict Islamic laws. Additionally, Afghanistan remains under scrutiny by the International Criminal Court for alleged international criminal violations including torture and the recruitment of child soldiers.¹⁵

Violence and discrimination against women and girls continues to be a major problem in Afghanistan. Laws supporting women’s rights are not enforced and women have continued to be detained for “moral crimes.”¹⁶ Further, women charged with morality crimes are typically take by authorities for a vaginal exam, without any right of the woman to protest. The Human Rights Watch reports that there are frequent mix-ups in these charges, which leads to some women being examined multiple times. The examination, carried out by government doctors, results in a report on whether or not the woman or girl is a virgin.¹⁷



Woman prisoner in cell at Badam Bagh SOURCE: AP 2013

In February 2012, an adolescent girl was murdered, leading to protests. In July 2012, a woman was publicly executed following allegations of adultery. The execution was videotaped. Shortly after this incident, the head of the government's Department of Women's Affairs in Laghman province was assassinated. In the spring and summer, a series of poisonings at girls' schools in several provinces, alleged by the Afghan government to have been perpetrated by opponents of girls' education, escalated fear for schoolgirls and their families.

Sikh Civil and Human Rights: The situation of Sikhs and other minorities in Afghanistan is deteriorating. Christian, Hindu, Sikh, and other religious minority groups are targets of discrimination and persecution. The Sikh community in particular has dwindled to an all-time low, with many people choosing to leave the country than withstand abuse.

According to the U.S. Commission on International Religious Freedom, "conditions for religious freedoms are exceedingly poor for dissenting members of the majority faith and for minority religious communities." As a result, Afghanistan remains on the commission's watch list for violating international standards. The Afghan constitution does not provide for freedom of religion. In fact, the constitution supports Sharia Law and includes a provision stating that no law can be contrary to the tenets of Islam. Government action is often taken against those who partake in "un-Islamic" activities.¹⁸

As a result of the war in Afghanistan, Afghan Sikhs have embarked in an en masse migration. According to Stars and Stripes, Sikhs who remain in Afghanistan face endless hardships and curtailments of their religious freedom including taunts, attacks, desecration of cremation sites, marginalization, and poverty.¹⁹ Even in the government-controlled area of Kabul, Sikhs face discrimination. Locals often deface Gurdwaras. At Kabul's Dharamsal Gurdwara, netting is used to cover the second story windows because they were continually smashed with bricks and rocks. While prayers are in session, passers-by yell derogatory statements.²⁰

In the summer of 2012, Baljit Singh, a 23-year-old Sikh in Afghanistan who was jailed for "falsely claiming" to be Afghan was flown back to the United Kingdom. Mr. Singh was denied entry into the UK and was deported back to Afghanistan because authorities were convinced he was Afghan. Upon his arrival in Afghanistan, Mr. Singh was detained and put in prison for 18 months, during which he was never apprised of the charges against him. Prosecutors informally suggested that his crime was falsely claiming to be Afghan. Mr. Singh was verbally and physically abused in prison. He was also forced to sleep in the corner of an outdoor courtyard, near a toilet. Mr. Singh also states that the abuse he faced was a way of forcing him to convert to Islam.²¹



Moreover, Sikhs in Afghanistan have been prevented from openly practicing their religion. In particular, Sikhs in Kabul and Pashtunistan Ward have reported that Afghan authorities prevent them from cremating their relatives' bodies. Sikhs claimed they were physically abused and told that they would never be allowed to follow their traditions, due to the practices conflicting with local religious and social customs.²²

Sikhs protesting recent restrictions on cremation
SOURCE: RAWA NEWS

Community leaders estimate that there are approximately 300 Sikh families remaining in Afghanistan after many have fled the country. Most of the Sikhs who remain in Afghanistan are weary of religious discrimination and the absence of economic opportunities. They are hoping to leave their country as anxieties grow about their prospects after American troops withdraw from Afghanistan at the end of 2014. In September, President Hamid Karzai had to issue a legislative decree to reserve a single seat for Sikh and Hindu Afghan nationals in the lower house of Parliament after lawmakers refused to provide the position.

Fearing harassment, the majority of Hindu and Sikh families do not send their children, especially young girls, to schools in Afghanistan. They have demanded exclusive schools to be set up for the safety of their children. Anarkali Kaur Honaryar, the only Sikh female in the Afghan Parliament, explained that although such primary schools have been running in Kabul and Jalalabad for the past two years, it is not possible to set up exclusive schools in provinces where only two or three families live.²³

Despite the bleak prospects that face Sikhs and Hindus in Afghanistan, a handful of these minorities that have endured three decades of conflict have decided to stay in their home country, having forged relationships with Muslims that eclipsed religious persecution. One Sikh family lives quietly in a fortress-like home with high mud walls on the outskirts of Kabul. Guarding the family home is a Muslim family headed by Haji Faizal Rehman, who has served as chief custodian of their property and 24 hectares of farmlands for 17 years.

¹ *The World Factbook*, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html> (last visited February 22, 2013)

² *Id.*

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- ³ U.S. State Department, Bureau of Democracy, Human Rights, and Labor. (2011). July-December, 2010 international religious freedom report. Retrieved from website: <http://www.state.gov/j/drl/rls/irf>
- ⁴ *The World Factbook*, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html> (last visited February 22, 2013)
- ⁵ *Id.*
- ⁶ Human Rights Watch (n.d.). *2013 world report: Afghanistan*. Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/afghanistan> {hereinafter HRW 2013 World Report}
- ⁷ *Id.*
- ⁸ "Violence Against Journalists in Afghanistan." Internews. Nai. Web. 06 Jan 2014. <<http://data.nai.org.af/>>.
- ⁹ *Id.*
- ¹⁰ United States Commission on International Religious Freedom, (2013). *2013 global report: Afghanistan*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3988
- ¹¹ "International community silent in the face of recent human rights abuses." Fidh, 18 Sep 2012. Web. 08 Jan 2014. <<http://www.fidh.org/en/asia/Afghanistan,567/International-community-silent-in-12190>>.
- ¹² HRW 2013 World Report
- ¹³ *Id.*
- ¹⁴ Adams, Brad. "Afghanistan: Reject Proposal to Restore Stoning." Human Rights Watch. (2013): n. page. Web. 14 Jan. 2014. <<http://www.hrw.org/news/2013/11/25/afghanistan-reject-proposal-restore-stoning>>.
- ¹⁵ "International community silent in the face of recent human rights abuses." . Fidh, 18 Sep 2012. Web. 08 Jan 2014. <<http://www.fidh.org/en/asia/Afghanistan,567/International-community-silent-in-12190>>.
- ¹⁶ Barr, Heather. "In Afghanistan, Women Betrayed." Human Rights Watch. (2013): n. page. Web. 14 Jan. 2014. <<http://www.hrw.org/news/2013/12/11/afghanistan-women-betrayed>>.
- ¹⁷ *Id.*
- ¹⁸ USCIRF, ANNUAL REPORT 2012 11 (2012).
- ¹⁹ Druzin, Heath. "Citing Taliban strife, Afghan Sikhs and Hindus ask UN for asylum." Stars and Stripes. 08 Aug 2012: n. page. Web. 14 Jan. 2014. <<http://www.stripes.com/news/middle-east/afghanistan/citing-taliban-strife-afghan-sikhs-and-hindus-ask-un-for-asylum-1.185187>>.
- ²⁰ *Id.*
- ²¹ Graham-Harrison, Emma. "Sikh man deported to Afghanistan returned to UK." Guardian [Kabul] 03 Jul 2012, n. pag. Web. 14 Jan. 2014. <<http://www.theguardian.com/world/2012/jul/03/sikh-man-deported-afghanistan-returned-uk>>.
- ²² Zaheer, Abasin. "Afghan Sikhs protest over cremation." Rawa News. 16 Nov 2012: n. page. Web. 14 Jan. 2014. <<http://www.rawa.org/temp/runews/2012/11/16/afghan-sikhs-protest-over-cremation.html>>.
- ²³ Mitra, Devirupa. "Sikh-Afghan Member of Parliament: Dr Anarkali Kaur Honaryar." Sikhchic.com. N.p., 16 Feb 2013. Web. 07 Jan 2014. <http://www.sikhchic.com/people/sikhafghan_member_of_parliament_dr_anarkali_kaur_honaryar>.

AUSTRALIA

Head of State: Queen Elizabeth II (since February 6, 1952); represented by Governor General Her Excellency Quentin Bryce (since September 5, 2008)¹

Head of Government: Anthony John “Tony” Abbot (since September 18, 2013)

Population: 22,262,501 (July 2013 estimate)²

Sikh Population: 22,000³

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Australia is a federal parliamentary democracy and a commonwealth realm. Australia’s constitution was passed by the British Parliament on July 9, 1900 and has been in effect since January 1, 1901. There are six states and 10 federal territories that make up the country. Parliament holds a 76 member Senate and 150 member House of Representatives. Citizens periodically choose their representatives in free and fair multiparty elections; the Senators serve six-year terms and House Members serve three-year terms.

Religious Demography: The religious demography of Australia according to the 2006 Census is approximately 27.4% Protestant, 25.8% Catholic, 7.9% other Christian, 2.7% Eastern Orthodox, 2.1% Buddhist, 1.7% Muslim, 2.4% other, 11.3% unspecified, and 18.7% no religion.

General Civil and Human Rights: Australian laws are generally supportive of religious freedoms and human rights. Australians are currently, in this election year (due September 7, 2013) grappling with issues of Aboriginal rights, asylum seekers and refugees, improving indigenous communities and the health system (in particular mental health). The government and human rights organizations responded proactively to complaints of lengthy detention of asylum seekers (especially women and children).⁴

Sikh Civil and Human Rights: Many Sikhs immigrate to Australia in order to take part in the exemplary educational system, which ensures that students of high academic achievement are encouraged to seek higher education. Within the past decade, however, Sikh students residing in Australia that are pursuing a higher education have encountered many ups and downs. Over the



past year there have been reports of Sikh students being bullied, harassed, intimidated, and seriously injured. The Australian government and police reacted positively, albeit slowly. The Indian government advocated for the Sikh students studying in Australian universities, threatening to restrict the in-flow of Indian students to Australia.

The result of the reaction of the State and Federal governments' interventions was positive. In 2011, the independent Australian Institute of Criminology reported that international students were subject to lower assault rates than the average Australian.⁵

BIKE HELMETS LAWS

Bike helmets took center stage for Australian Sikhs in 2013 after a 23 year old turbaned Sikh named Jasdeep Singh Atwal was charged for not wearing a bike helmet.⁶ The government of the State of Queensland stood by its mandatory law that all bike riders must wear a helmet even though Jasdeep explained that Sikhs are mandated by their faith to wear a turban (making it impossible to wear a helmet as well),.

On March 27, 2013 the Queensland court Magistrate, Stuart Shearer, absolved Jasdeep of all charges.⁷ The Magistrate seemed to agree that the law indirectly discriminated against Sikhs when he questioned how bikers are supposed to place a helmet over their turban. The only exception to the mandatory helmet rule in Queensland at the time was if riders had a medical certificate. After the publicity of this case, many individuals, including the cycling lobby, Bicycle Queensland, publicly supported an amendment to the rules in order to accommodate Sikh cyclists.⁸ The campaign was fruitful and the Queensland government introduced an amendment to allow Sikhs to ride bicycles without a helmet where it is impractical to do so due to the wearing of the turban. This brings Queensland legislation in line with many other Australian states which have this exemption already available.

THE “TURBAN LEGEND”

UNITED SIKHS was made aware of an article in an Australian pornographic magazine that made a mockery of the Sikh religion. “The Picture” contained an article in its January 30, 2013 issue titled “Turban Legend.” The article was accompanied by a photograph of a Nihang Sikh, with hands clasped in prayer, in front of an unclear background of the Golden Temple. On the same and adjoining pages appeared images of nude females. The tone of the article ridiculed the *damalla* (turban) and Nihang Sikhs.⁹

UNITED SIKHS reacted firmly including notifying all Sikh Gurdwaras and organizations of the publication, encouraging boycotts of the publisher Bauer Media Group, activating its legal team to issue formal legal notices to the publishers, printers and distributors and issuing statements to all State and Federal Premiers and Members of Parliament.¹⁰

UNITED SIKHS' Australian legal team lodged a formal complaint with the Australian Human Rights Commission. This resulted in the Bauer Media Group accepting its error, making a formal apology with undertakings not to re-publish the article or similar articles. The action was resolved by a conciliation order in May 2013

SIKHS IN UNIFORMED SERVICES

All states in Australia allow practicing Sikhs to serve as law enforcement officers with their articles of faith intact. The state of Victoria even had the first *Amritdhari* Sikh female to graduate the Victorian Police Academy and join the police force this year.



SA Police graduate Jag Singh Malhi with Commissioner Mal Hyde. Picture: Brenton Edwards SOURCE: The Advertiser

Turbaned Sikhs are also accepted in to the Australian Defense Force (army, navy and air force), however, there are restrictions on where and when the turban may be worn. For example, the turban may be worn on parade while a patka covered by a helmet must be worn while carrying out operational training. There is currently zero tolerance by the Australian Defense Force for Sikhs to serve where they do not wish to remove their turban in any of their work duties.

¹ Central Intelligence Agency, World Fact Book: Australia 2013(May 15, 2013),

<https://www.cia.gov/library/publications/the-world-factbook/geos/as.html> {Hereinafter, CIA World Fact Book}

² *Id.*

³ Sidhu, GS. National Sikh Council of Australia. Australian Sikhs. 2010. Web.

<<http://www.sikhcouncil.org.au/sikhism/australian-sikhs>>.

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- ⁴ United States. Bureau of Democracy, Human Rights and Labor. Country Reports on Human Rights Practices for 2012. 2012. Print. <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm>>
- ⁵ "Bollywood union boycotts Australia over attacks." AFP [Mumbai] 04 Jun 2009, n. pag. Web. 20 Dec. 2013. <<http://www.google.com/hostednews/afp/article/ALeqM5hMMNoM2AFHzZfMmqqlWlSYm2DYng>>.
- ⁶ East, Rick. "Cyclists: turban or helmet." 4BC Drive. N.p., 21 Feb 2013. Web. 20 Dec. 2013. <<http://www.4bc.com.au/blogs/2013-4bc-drive-audio-blog/cyclists-turban-or-helmet/20130221-2esls.html>>
- ⁷ "Australian court absolves Sikh man of traffic violation charges." Business Line [Melbourne] 28 Mar 2013, n. pag. Web. 18 Dec. 2013. <<http://www.thehindubusinessline.com/news/international/australian-court-absolves-sikh-man-of-traffic-violation-charges/article4558087.ece>>.
- ⁸ Calligeros, Marissa. "Cycling lobby backs helmet rule changes to account for religious beliefs ." Brisbane Times [Queensland] 28 Mar 2013, n. pag. Web. 20 Dec. 2013. <<http://www.brisbanetimes.com.au/queensland/cycling-lobby-backs-helmet-rule-changes-to-account-for-religious-beliefs-20130328-2gw3w.html>>.
- ⁹ Kahol, Vikas. "Picture of a Sikh in sleaze magazine angers community in Australia, India." Indiatoday [Chandigarh] 30 Jan 2013, n. pag. Web. 20 Dec. 2013. <<http://indiatoday.intoday.in/story/picture-of-a-sikh-in-sleaze-magazine-angers-community-in-australia-india/1/248106.html>>.
- ¹⁰ Singh, Harjit. "UNITED SIKHS Takes Action Against Publication of a Photo of a Nihang Sikh in an Aussie Porn Magazine." . UNITED SIKHS, 09 Jan 2013. Web. 18 Dec 2013. <<http://unitedsikhs.org/PressReleases/PRSRLS-28-01-2013-00.html>>.

BELGIUM

Chief of State: King Philippe (since August 21, 2013)¹

Head of Government: Prime Minister Elio Di Rupo (December 6, 2011)

Population: 10,444,268 (July 2013 estimate)²

Sikh Population: ~ 10,000³

Sikhism recognized by the state as a distinctive religion: **No**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**



Government Structure: The Kingdom of Belgium is a parliamentary democracy with a constitutional monarch, who is mostly symbolic in nature. Belgium is a federal state with several levels of government: national, regional, provincial, and local. The country maintains a council of ministers, which represent a typical cabinet, led by the prime minister. The prime minister may maintain office as long as he or she retains the confidence of the lower house, known as the Chamber of Representatives, of the bicameral parliament. Federal parliamentary elections held during the year were considered free and fair. Security forces report to civilian authorities.⁴

Religious Demography: The religious make-up of Belgium is predominantly Roman Catholic (about 75% of the population), while the remaining quarter of individuals are classified as other (including Protestant) according to the CIA.⁵

General Civil and Human Rights: Individual human rights in Belgium are protected by the Universal Declaration of Human Rights, as Belgium is a member of the EU and a signatory nation to the declaration. The Belgium government has worked toward protecting general human rights and strove for the abolition of the death penalty, the protection of the rights of women, children and defenders of human rights, the fight against all forms of discrimination, including discrimination based on sexual orientation, and the fight against impunity.⁶

Most human rights problems existing in Belgium revolve around the country's prison conditions and criminal judicial system. Some of these problems included overcrowded prisons, lengthy pre-trial detention, and poor detention conditions prior to deportation of adults and children whose asylum applications were refused. According to Amnesty International, Belgium's

prisons have an overcrowding rate that exceeds 50 percent.⁷ Further, the European Court of Human Rights previously chastised Belgium for its insufficient and inadequate detention system. The Court claimed that the prison system failed to provide “mentally ill offenders with proper care and for subjecting detainees to degrading treatment.”⁸

Amnesty International reported issues of discrimination in Belgium, violations of individual’s housing rights, and lack of legal and societal protections for refugees, asylum seekers, and migrants. Migrant workers lacked access to protection against domestic violence.⁹ Domestic human rights problems include violence against women, child abuse, trafficking of people, and racial and ethnic discrimination encountered in the job market.¹⁰

Between October 2009 and January 2011, more than 12,000 asylum seekers were refused access to the official reception system in Belgium to obtain asylum. Many individuals seeking asylum were also forcibly removed from Belgium without an appeal right if they were from a “safe country of origin.”¹¹

Sikh Civil and Human Rights: Most of the human rights problems encountered by Sikhs mirror the general human rights issues faced throughout the country by the general Belgium population. Sikhs generally have unabridged freedom to practice their faith, and there are five Gurdwaras located in Belgium where Sikhs can worship. Sikhs, however, also face issues of discrimination in Belgium due to their articles of faith. Laws that regulate wearing religious headwear have impacted Sikh school children and the community.¹²

In September 2013, the GO! Schools of the Flemish region of Belgium imposed a ban on all religious signs that included the turban /patka. Following this ban, UNITED SIKHS lawyers have filed cases before the Belgian Conseil d’Etat on behalf of Sukhjot Singh, nine years, and Sharanjit Singh, eleven years, who were asked to remove their patka on the first day of their new academic year on 2nd Sept 2013. According to a survey undertaken by UNITED SIKHS of 28 affected students, Sikh children face a threat to their right to identity because of their unshorn hair. The authors of the survey commented in the report that has been submitted as evidence to the Conseil d’Etat, “The long-term effects of the ban will be even more serious than the current effects. Especially since the Sikh boys see their school career in tatters because it is impossible for them to comply with the ban while there are few or no alternatives. They are thus at risk of becoming the outcasts of Belgian society.”

In December 2013, the Belgium media reported that a Sikh family was brutally murdered in their home. A Sikh father arrived home from work to discover his wife and three young sons, aged seven, five, and two, with their necks slashed. It was soon discovered that the murderer was a co-worker who the Sikh father had recently had a disagreement with at work. There was an amazing showing of support for the father, specifically from the Indian community in Belgium.¹³

Although there were general human rights concerns with Belgium's deportation system, Dutch Sikhs, particularly those from Afghanistan, faced greater difficulties.¹⁴ Last year, a number of Afghan Sikhs were moved to a deportation center and were set for removal back to their homelands. The Belgium Sikh Council moved on behalf of these Sikhs facing deportation and asked for human rights organizations around the world to step up and assist in assuring that these individuals were not sent back to Afghanistan.¹⁵



Sikhs protesting the deportation of Afghan Sikh immigrants outside the Vreemdelingenbetwistingen (council for contested decisions on 'foreigners' in March 2013). SOURCE MANINBLUE1947's WEBBLOG

Sikh families who are sent back to Afghanistan usually face threats, and sometimes realizations, of inhuman treatment. Many Sikhs and Hindus, the only other significant minority in Afghanistan, fear for their life. The minorities have publicly claimed that they were always loyal, peaceful, and law-abiding citizens of Afghanistan but the orthodox Taliban and Muslims were not accepting of the minorities' religious views. In light of the continued prejudices and problems that remain in educating children in the years since the fall of the Islamic fundamentalist Taliban regime, these Sikhs would feel much safer if they were allowed to remain in Belgium.¹⁶

In March 2013, the Afghan community in Belgium held a protest outside of a group of offices which deal with contested decisions regarding foreigners. They asked officials to look beyond the legal aspect in allowing Afghan citizens to stay within the country. The group admits that a majority of the individuals facing deportation did not exactly follow the straight path to Belgium, but insists that if the country's officials would closely examine the situation in Afghanistan that it should be clear that all members of ethnic and religious minorities should be given refugee status to remain in Belgium.

TURBAN ISSUES

The right to wear a turban (or patka) is slowly but steadily deteriorating in Belgium. It is already well known that in many professions turbans are not allowed (police, judges, army, and civil servants). Not only in governmental and semi-governmental organizations, but also in public service organizations like banks, supermarkets, shops etc. often turbans are not allowed to be worn by employees. The Belgium law does not prevent organizations from doing this. Locally, there are towns that prohibit elected officials from wearing religious symbols in city council meetings.

In schools, the situation for pupils has gone from bad to worse. As of September 2013, all religious symbols in GO operated public schools (primary, secondary, and higher) are forbidden. Of course, the turban and patka are considered to be religious symbols. Public schools (primary and secondary) present about 30% of all schools; the remaining schools (70%) are Catholic schools. In these schools pupils are most often not allowed to wear headgear, and of course turban and patka is considered to be headgear here. In effect this resembles very much the French situation.



Sikh children signing protest letters in regard to the new Turban Laws. SOURCE MANINBLUE1947/ S WEBLOG

All actions undertaken by Sikh organizations (like letter writing, information sessions, networking, demonstrations, folders, protest letters, and internet petitions) targeting politicians, school organizations, social organizations (labor unions etc), and the public, has had very little effect to change all this.

Several recent cases against school organizations have been judged inadmissible on technicalities (the cases were stretched so long that pupils finished their education so they were not to profit from any ruling). At the moment there is a new case running against the public schools that is also supported by the Muslim community. This is likely to be lost but opens up the possibility to go to a higher European court.

¹ Central Intelligence Agency, World Fact Book: Belgium 2013(May 15, 2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/Be.html> {Herinafter, CIA World Fact Book}

² *Id.*

³ Jacobsen, Knut, and Kristina Myrvold. *Sikhs Across Borders: Transnational Practices of European Sikhs*. London: Bloomsbury Academic, 2012. Print.

⁴ CIA World Fact Book

⁵ *Id.*

⁶ Kingdom of Belgium. Foreign Affairs, Foreign Trade and Development Cooperation. Belgium and human rights. Web. <http://diplomatie.belgium.be/en/policy/policy_areas/human_rights/>.

⁷ Amnesty International. Belgium Falls Short of Its Obligations on Torture and Other Ill-Treatment. 2013. Print. <<http://www.amnesty.org/en/library/asset/EUR14/003/2013/en/45919723-20e4-4a80-8a8c-b17b12cc433d/eur140032013en.html>>.

⁸ *Id.*

⁹ Lettinga, Doutje. Human Rights Watch. Law Was Against Me. Brussels: , 2012. Web.
<<http://www.hrw.org/reports/2012/11/08/law-was-against-me-0>>.

¹⁰ Amnesty International. Annual Report 2013:Belgium. 2013. Web.
<<http://www.amnestyusa.org/research/reports/annual-report-belgium-2013>>.

¹¹ *Id.*

¹² "Addresses of Gurudwara in Belgium." Sikhs in Belgium. N.p.. Web. 2 Dec 2013.
<<http://www.sikhs.be/Gurudwara.html>>.

¹³ "Sikh woman, three children murdered in Belgium." FirstPost World [Brussels] 30 Sep 2012, n. pag. Web. 19 Dec. 2013. <<http://www.firstpost.com/world/sikh-woman-three-children-murdered-in-belgium-473903.html>>.

¹⁴ "Sikh identity issues to figure in conference at Brussels." Times of India [Amristar] 26 Oct 2013, n. pag. Web. 19 Dec. 2013. <http://articles.timesofindia.indiatimes.com/2013-10-26/india/43414421_1_uk-sikh-turbans-european-parliament>.

¹⁵ Singh, Pritpal. "Europe stop deporting Afghans." Sikhnet 23 Jun 2012, n. pag. Web. 21 Dec. 2013.
<<http://www.sikhnet.com/news/crisis-appeal-europe-stop-deporting-afghans>>.

¹⁶ *Id.*

BURMA

Head of State: Thein Sein (Since February 4, 2011)¹

Head of government: Thein Sein

Population: 55,167,330 (July 2013 Estimate)²

Sikh population: 70,000

Sikhism recognized by the state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **Yes**

Government Structure: Burma (Myanmar) has a parliamentary government with three branches. There was a recent change in government in March 2011 where a new Parliament was organized and most power was taken away from the military authority that controlled the government since 1989. The executive branch consists of the president and the cabinet. The legislative branch is composed of a bicameral parliament that consists of the House of Nationalities (*Amyotha Hluttaw*) and the House of Representatives (*Pythu Hluttaw*). The House of Representatives is elected on the basis of township as well as population, and the House of Nationalities is elected with an equal number of representatives elected from Regions and States. The People's Assembly consists of 440 representatives, with 110 being military personnel nominated by the Commander-in-Chief of the Defense Services. The House of Nationalities consists of 224 representatives with 56 being military personnel nominated by the Commander-in-Chief of the Defense Services.

The highest court in Nepal is the Supreme Court of the Union. Although British-era laws and legal systems remain intact, there is no guarantee of a fair public trial. The judiciary is independent of the executive branch. Burma does not accept jurisdiction of the compulsory International Court of Justice and so there is no international oversight over the Burmese judiciary.

Religious Demography: The religious demography of Burma according to the CIA is 89% Buddhist, 4% Christian (3% Baptist and 1% Roman Catholic), 4% Muslim, 1% Animist, and 2% other or no affiliation.



General Civil and Human Rights: Human rights in Burma under its military regime have long been regarded as among the worst in the world. International human rights organizations including the Human Rights Watch, Amnesty International, and the American Association for the Advancement of Science have repeatedly documented and condemned widespread human rights violations in Burma. The *Freedom in the World 2011* report by Freedom House notes that "The military junta has suppressed nearly all basic rights, and committed human rights abuses with impunity."³ In 2011 the country had more than 2,100 political prisoners, including about 429 members of the National League for Democracy (NLD) the victors in the 1990 elections. As of July 2013, according to the Assistance Association for Political Prisoners, there were about 100 political prisoners in Burmese prisons.⁴

A civilian parliamentary government took power in Burma in March of 2011 ending more than two decades of military control over the government. Even though the new government has made small steps towards awarding and protecting individual human rights to its citizens and liberalizing its economy, Burma still has one of the worst human rights records in the world. The U.S. State department reported that "ongoing and important political reforms in Burma have yet to significantly improve the situation for freedom of religion and belief."⁵ The government oppresses minority groups by imposing limitations on freedom of movement, association, and the right to exercise religion. Sectarian violence and severe abuses of religious freedom and human dignity, uncontrolled by the government, target ethnic minority Christians, Buddhists suspected of anti-governmental activity, and Muslims continue to occur with impunity.⁶ Even though the government allows registered religious groups to practice openly,⁷ violations against religious practice continue to exist against minority groups

Amnesty International reported human rights violations by the government including forced displacement of ethnic minorities of approximately 60,000 people in the Shan and Kachin states, forced labor and conscription of minors into the army; continued incarceration of political prisoners, and indiscriminate attacks by the Burmese army that caused numerous civilian casualties.⁸



Sikh Community in Burma. SOURCE: sikhnugget.com



Sikh Civil and Human Rights: While there are restrictions placed on the free exercise of religion other than Buddhism, the government is tolerant of the practice of the Sikh faith as a recognized government religion. Article 34 of the new Burmese constitution states that, “every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to other provisions of this Constitution.” All minority groups, however, are restricted from building houses of worship as of a 2008 regulation banning independent “church houses.”⁹ The only houses of worship that continue to be used by minority groups are those that were constructed before the tight restrictions were implemented.

Sikhs, along with other minority groups, also cannot freely purchase or produce books, pictures, or music. Materials that are essential to the practice of the Sikh religion are limited. As specified in UNITED SIKHS 2010 Annual Report, Sikhs complain of having no harmoniums (a manual keyboard) and a shortage of *guktas*, the small handheld religious booklets that contain the *banis* (teachings of the Gurus) used for daily prayers. Apart from these restrictions, Sikhs have a sense of security as long as they are not politically active.

Sikhs are first recorded in Burma fighting for the British during the Anglo-Burmese wars of 1852 and 1886.¹⁰ A Sikh community has been present in the country since the 1880s, when the British Empire annexed Upper Burma to its colonial holdings in India.¹¹ The Sikh presence in Burma continued to grow through the turn of the 20th century. The 1931 Census reported a total of 10,761 Sikhs in Burma.¹² During World War II, the Indian National Army was headquartered in Burma; a majority of those soldiers were Sikh. This group of forces chose to fight for the Empire of Japan, hoping that the British would lose their colonial grasp in India. Following the war and Japan’s defeat, many of these Sikh soldiers chose to remain in Burma to avoid being charged with treason by the British.¹³

Sikhs are restricted from carrying a kirpan because the use of any instrument that is perceived to be a weapon is prohibited by the military government. Life in the country is highly restrictive; Sikhs attempt to maintain the status quo and as long as they are not



The Burmese Gurdwara Myenigon was built in 1897 by the Sikhs employed in the British Indian army. There are approximately four other Sikh Gurdwaras in Yangon. SOURCE: The Sikh Nugget

outspoken or contradict government policies, the government does not interrupt their way of life.

¹ Central Intelligence Agency, World Fact Book: Belgium 2013(May 15, 2013),
<https://www.cia.gov/library/publications/the-world-factbook/geos/Be.html> {Herinafter, CIA World Fact Book}

² *Id.*

³ McGuire, Mary. Freedom House. Best and Worst Human Rights Developments of 2012. 2012. Print.
<<http://www.freedomhouse.org/blog/best-and-worst-human-rights-developments-2012>>.

⁴ Amnesty International. Annual Report: Myanmar 2013. 2013. Web.
<<http://www.amnestyusa.org/research/reports/annual-report-myanmar-2013>>.

⁵ Swett, Katrina. United States. U.S. Commission on International Religious Freedom . Annual Report 2013.
Washington, DC: , 2013. Print. {hereinafter USCIRF Report}

⁶ *Id.*

⁷ Amnesty International. Annual Report: Myanmar 2013. 2013. Web.
<<http://www.amnestyusa.org/research/reports/annual-report-myanmar-2013>>.

⁸ *Id.*

⁹ USCIRF Report

¹⁰ Mahal, B.S. Sikh: The Cosmopolite. Diaspora, Web. <<http://www.sikhreview.org/pdf/march1996/pdf-files/diaspora.pdf>>.

¹¹ Bansal, Bobby. "An Insight into the Sikhs of Burman." Sikh Nugget. (2013): n. page. Web. 25 Dec. 2013.
<<http://www.sikhnugget.com/2013/04/an-insight-into-sikhs-of-burma.html>>.

¹² Mahal, B.S. Sikh: The Cosmopolite. Diaspora, Web. <<http://www.sikhreview.org/pdf/march1996/pdf-files/diaspora.pdf>>.

¹³ *Id.*

CANADA

Head of State: Queen Elizabeth II (since February 6, 1952).¹ The Queen is represented in government by Governor General David Johnston

Head of Government: Prime Minister Stephen Joseph Harper (since February 6, 2006)²

Population: 34,568,211 (July 2013 estimate)³

Sikh Population: ~ 450,000⁴

Sikhism recognized by the state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Canada is a parliamentary democracy, a federation, and a constitutional monarchy. As one of the Commonwealth Realms and a former British colony, Canada's head of state continues to be Queen Elizabeth II. The Queen, however, is represented by the governor general appointed by the monarchy, at the advice of the prime minister. There are 10 provinces and three territories in Canada. The legislative branch is a bicameral Parliament that consists of the Senate of 105 seats and the House of Commons (Chambre des Communes) that has 308 seats. Members of the Senate are appointed by the Governor General on the advice of the Prime Minister, while the House of Commons representatives are elected by direct popular vote. The highest court in Canada is the Supreme Court that is made up of one chief justice and eight other judges. Canada's Supreme Court is the court of last appeal.

Religious Demography: According to the 2001 census, the religious demography of Canada is approximately 42.6% Roman Catholic, 23.3% Protestant, 4.4% other Christian, 1.9% Muslim, 11.8% other religion, and 16% of individuals did not affiliate with a religion.

General Civil and Human Rights: Generally, the Canadian government respects human and civil rights. Individual human rights are protected in Canada by federal, provincial, and territorial laws. Under federal law, and included in the Canadian Constitution, the 1982 Canadian Charter of Rights and Freedoms guarantees equality and general rights to individuals including the freedom of assembly, expression, and religion. The Charter of Rights and Freedoms, however, only provides protections against violations of individuals' rights by the government and does not protect against the actions of individuals, businesses, or organizations.



The 1977 Canadian Human Rights Act affords protection against employment discrimination and harassment by the government and certain organizations regulated by the Canadian government on the grounds of race, age, and sexual orientation. These laws are enforced by the Canadian Human Rights Commissions and the Canadian Human Rights Tribunal. The Canadian Human Rights Commission “promotes the principle of equal opportunity and works to prevent discrimination in Canada” and the Tribunal is part of the court system that holds hearings and decides on cases passed down from the Commission.⁵

Amnesty International reported infringements of human rights in Canada including violations of the rights of indigenous people by the Canadian government, inadequate protection for asylum seekers, the province of Quebec overstepping its government power to limit free expression, and unnecessary use of force by police and security forces.⁶

The Human Rights Watch reported that the Royal Canadian Mounted Police failed to protect indigenous women and girls in northern British Columbia. These women and girls that reported domestic violence were met with police abuses and shamed over alcohol or illicit substance use. In its report, the Human Rights Watch found that “indigenous women and girls described instances of abusive policing, including excessive use of force against girls, strip searches of women by male officers, and physical and sexual abuse.”⁷

The Canadian government passed legislation in June 2013 requiring mandatory detention of asylum-seekers arriving in Canada in what the government labels an “irregular manner.” The legislation denied access to the Refugee Appeal Division to such individuals as well as to refugee claimants coming from designated safe countries of origin. The government further introduced new legislation which would strip large numbers of permanent residents with criminal records of the ability to appeal or seek humanitarian relief from deportation orders.⁸



Canadian police and military personnel raid boat in August 2010 smuggling immigrants into British Columbia
SOURCE: CBC News

Efrat Arble stated in a report by the Harvard Immigration and Refugee Clinic that "the current [Canadian] government has implemented fundamental changes to the refugee determination process, so now we not only have measures that make it harder for asylum-seekers to lawfully enter the country, we also have additional measures that make it harder for them to make their

case once they're here."⁹ The report also identified that Canada is systematically closing its borders to asylum seekers and avoiding refugee protection obligations under domestic and international law.¹⁰

Following mass student demonstrations over the province of Quebec's plan to increase tuition fees at Universities, Quebec's local government passed emergency legislation known as Bill 78 that limited freedom of expression and assembly.¹¹ Students in Quebec went on strike for more than three months extending into late summer 2013. The emergency legislation was a response to certain demonstrations that caused violence and vandalism.¹² The temporary laws banned demonstrations close to university buildings, made protestors liable for damages caused by demonstrations, required at least eight hours advance permission to start a protest, and enacted large penalties for violating the emergency legislation.¹³



Students in Quebec protest the government hike in University tuition. SOURCE: AFP

Sikh Civil and Human Rights: The first recorded Sikh visit to Canada was in 1897. Sikhs in the British army crossed Canada on their way to London to celebrate Queen Victoria's Diamond Jubilee. Sikh soldiers from Punjab also visited British Columbia in 1902, moving as part of the Hong Kong military contingent for King Edward VII's coronation.¹⁴ The soldiers were met with respect, and a local newspaper at the time printed the headline "Turbaned Men Excite Interest: Awe inspiring men from India held the crowds."¹⁵

Sikh families immigrated in large numbers to Canada in 1904, until the 1908 immigration ban. About 5,000 families from South East Asia came to Canada in this four year period, and developed farming communities in British Columbia. Immigration of Sikhs halted, however, following anti-immigration sentiment against Asian peoples. It was not until the mid-twentieth century, once anti-South Asian legislation was repealed in 1947, that Sikhs once again came to Canada to settle in great numbers.¹⁶



Vancouver's early Sikh inhabitants in 1908. SOURCE: Canada's New Immigrants

Deepinder Loomba, a Sikh security guard, won a case against Home Depot in front of Ontario's Human Rights Tribunal. The Court held that Home Depot Canada acted in a discriminatory manner by requiring Mr. Loomba to wear a hard hat to work. Home Depot required all its employees at the location to wear hardhats at the time because the outlet in which the Home Depot was located was six weeks away from opening and some areas were still under construction. Mr. Loomba said he was told to wear a hard hat on December 6, 2006 even though his workplace was away from construction area.¹⁷

In September 2013, the World Sikh Organization of Canada successfully advocated on the behalf Baldev Singh to resolve a kirpan dispute at a Toronto coffee plant. On September 3, 2013 Mr. Singh was told that he would have to remove his tightly sheathed kirpan before entering the plant for work. Management at the coffee plant claimed that wearing the kirpan would violate food safety regulations. Once WSO became involved, management at the coffee plant offered Baldev Singh an apology, and accommodated the kirpan at the facility.¹⁸

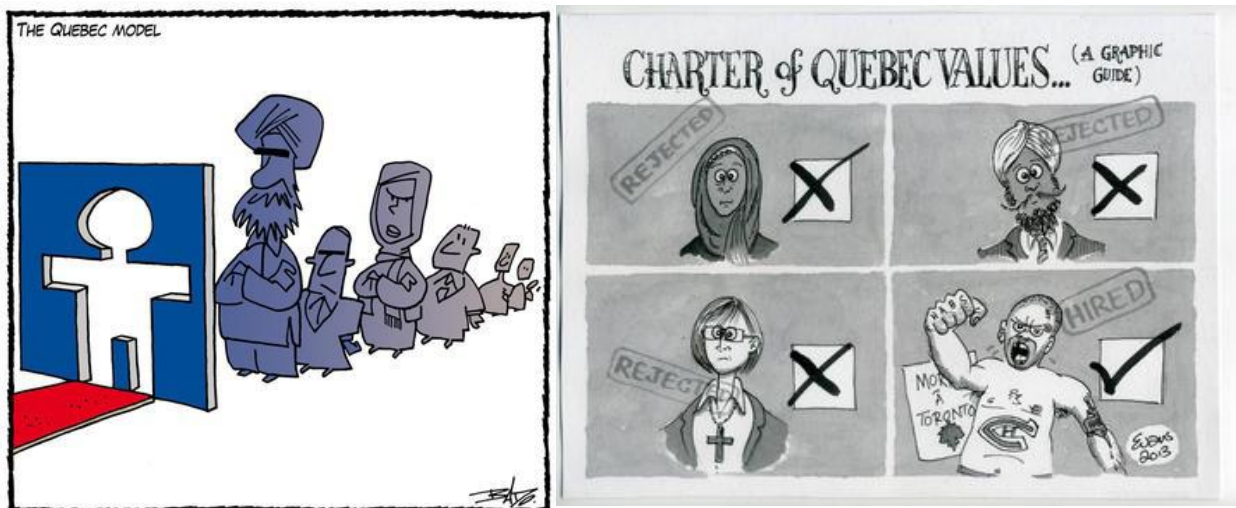
In February 2013, the Parti Quebecois introduced Bill 60, referred to as the 'Charter Affirming the Value of Secularism and the Religious Neutrality of the State.'¹⁹ This legislation in Quebec prohibits all public sector employees from wearing overtly religious symbols; those individuals who the regulation applies to have one year for full compliance with the bill. After implementation of the bill, burqas, turbans, hijabs, yarmulkes, and large crosses would not be permitted in any public places including: Offices, courts, police stations, hospitals, government offices, public schools, large day cares, etc. The General Legal Counsel for the World Sikh Organization of Canada stated that, "The irony of Bill 60 is that it strips away gender equality rather than affirming it ... This Bill is clearly a violation of the Canadian Charter of Rights and Freedoms. If passed, the Quebec government will be hard pressed to prove its constitutionality."²⁰ Quebec has promulgated this Bill in a similar fashion to the 2004 law in

France that banned religious symbols in schools, although this piece of legislation is broader in scope than the French ban.



Quebec's government website shows religious symbols that are allowed to be worn (left side) while demonstrating "overtly" religious attire that is banned under the new law (right side). SOURCE: Government of Quebec.

Sikhs have support from the New Democratic Party and its leader Thomas Mulcair in Quebec, following the introduction of Bill 60. Mulcair had hailed the Sikhs by stating that "Sikhs had fought in both the World Wars while wearing their turbans, they fought side by side with other soldiers while wearing turbans."²¹



Recent political cartoons in Canada emphasizing the popular view of the "ridiculousness" of the recent legislation against religions. SOURCE CBC Canada

Prior to Bill 60, the Quebec Soccer Federation enacted a ban on patkas and turbans on June 10, 2013. This ban, however, with the support of FIFA, was reversed. The Canadian Soccer Association suspended the Quebec Federation from participating in the association following the ban on the turban.²²

Gurbaj Singh Multani, a Quebecer whose name became famous following a 2006 Canadian Supreme Court decision that established the right to wear a kirpan to school, is now considering leaving Quebec. This decision stems from the new legislation being pushed by the Parti Quebecois to secularize the public sector by banning overtly religious symbols. Mr. Multani elucidated his decision to leave the country when he said, “the Charter of Quebec Values is very disappointing. Canada doesn’t have a problem with people’s religion or the way they look. Why is one charter putting a block to it? What’s most disappointing is they’re telling you not to follow your religion.”²³



Gurbaj Singh Multani. SOURCE
Christinne Muschi / The Globe and Mail

The legislative assembly of Quebec passed a unanimous motion to ban the kirpan from its premises in February 2011. The World Sikh Organization of Canada was excluded from the Quebec National Assembly, where an assembly meeting was convened to discuss Bill 94 that would ban veiled women in places of public accommodation. The World Sikh Organization had no knowledge that they would be excluded from the meeting due to this miscommunication even though the kirpan is accommodated in the Canadian Parliament and the Supreme Court of Canada.

A recent report provided by UNITED SIKHS revealed that a majority of Sikh individuals that were surveyed in 2013 claimed they were discriminated against for wearing a head covering. Further, the survey reported that their identity as a Sikh had been mistaken for another. The vast majority of survey participants, however, were not aware of any violence or hate crimes against the Sikh community in Canada.

¹Central Intelligence Agency, World Fact Book: Canada 2013(May 15, 2013),
<https://www.cia.gov/library/publications/the-world-factbook/geos/Ca.html> {Herinafter, CIA World Fact Book}

² *Id.*

³ *Id.*

⁴ Canada. Statistics Canada. 2011 National Household Survey. 2011. Web. <<http://www.statcan.gc.ca/daily-quotidien/130508/dq130508b-eng.htm>>. “According to the 2011 census, the Sikh population made up around 1.4% of the total Canadian population”

⁵ Canada. Canadian Human Rights Commission. How human rights are protected in Canada. 2013. Web. <<http://www.chrc-ccdp.gc.ca/eng/content/how-are-human-rights-protected-canada>>.

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- ⁶ Amnesty International. *Annual Report: Canada 2013*. 2013. Web. <<http://www.amnestyusa.org/research/reports/annual-report-canada-2013?page=2>>.
- ⁷ "Canada: Abusive Policing, Neglect Along "Highway of Tears"." Human Rights Watch 13 Feb 2013, n. pag. Web. 2 Dec. 2013. <<http://www.hrw.org/news/2013/02/13/canada-abusive-policing-neglect-along-highway-tears>>.
- ⁸ Hayward, Jonathan. "Canada's snubbing of asylum-seekers spurs human smuggling:." Canadian Press [Ottawa] 26 Nov 2013, n. pag. Web. 2 Dec. 2013. <<http://www.ctvnews.ca/canada/canada-s-snubbing-of-asylum-seekers-spurs-human-smuggling-harvard-study-1.1560786>>.
- ⁹ Arbel, Efrat, and Alletta Brenner. "Bordering on Failure." *Harvard Immigration and Refugee Law Clinical Program*. (2013): n. page. Web. 2 Dec. 2013. <<http://harvardimmigrationclinic.files.wordpress.com/2013/11/bordering-on-failure-harvard-immigration-and-refugee-law-clinical-program.pdf>>.
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- ¹¹ "Quebec passes 'emergency bill' on student protests." BBC News US & Canada 18 May 2012, n. pag. Web. 2 Dec. 2013. <<http://www.bbc.co.uk/news/world-us-canada-18121448>>.
- ¹² Blatchford, Andy. "Bill 78: Quebec Student Protest Legislation 'Worst Law' Since War Measures Act, Law Professor Says." Canadian Press [Montreal] 18 May 2012, n. pag. Web. 2 Dec. 2013. <http://www.huffingtonpost.ca/2012/05/18/bill-78-quebec-protests-war-measures-act_n_1528309.html>.
- ¹³ *Id.*
- ¹⁴ "First Sikhs in Canada." *The Canadian Encyclopedia*. <<http://asia-canada.ca/credits>>.
- ¹⁵ "History of Sikhs in Canada." *Canadia Sikh Heritage*. n. page. Web. 26 Nov. 2013. <<http://www.canadiansikhheritage.ca/en/node/9>>.
- ¹⁶ *Id.*
- ¹⁷ "Sikh forced to wear hard hat sues and wins." Indo Asian News Service [Toronto] 02 Jul 2010, n. pag. Web. 16 Dec. 2013. <<http://www.ndtv.com/article/world/sikh-forced-to-wear-hard-hat-sues-and-wins-35040>>.
- ¹⁸ Singh, Parmjit. "World Sikh Organization of Canada helps resolve Kirpan dispute at Toronto Coffee Plant." SikhSiyasat [Toronto] 12 Sep 2013, n. pag. Web. 16 Dec. 2013. <<http://www.sikhsiyasat.net/2013/09/13/world-sikh-organization-of-canada-helps-resolve-kirpan-dispute-at-toronto-coffee-plant/>>.
- ¹⁹ "Canadian Sikhs angry as Quebec Assembly bans the kirpan." Indo Asian News Service [Toronto] 10 Feb 2011, n. pag. Web. 16 Dec. 2013. <<http://www.ndtv.com/article/world/canadian-sikhs-angry-as-quebec-assembly-bans-the-kirpan-84638>>.
- ²⁰ *Id.*
- ²¹ Rana, Yudhvir. "Sikh leaders hail Canada's NDP chief for standing behind the turban fight in Quebec." Times of India [Amitsar] 23 Sep 2013, n. pag. Web. 2 Dec. 2013. <http://articles.timesofindia.indiatimes.com/2013-09-23/us-canada-news/42322871_1_united-sikhs-sikh-ngo-turban>.
- ²² "Quebec Soccer Federation reverses turban ban." CBC News [Montreal] 15 Jun 2013, n. pag. Web. 3 Dec. 2013. <<http://www.cbc.ca/news/canada/montreal/quebec-soccer-federation-reverses-turban-ban-1.1319350>>.
- ²³ Fine, Sean. "Sikh student who won kirpan case now considers leaving Quebec." Globe and Mail 22 Oct 2013, n. pag. Web. 16 Dec. 2013. <<http://www.theglobeandmail.com/news/national/sikh-student-who-won-kirpan-case-now-considers-leaving-quebec/article15014254/>>.

CHINA

Head of State: President Xi Jinping (Since March 14, 2013)¹

Head of the Government: Premier Li Keqiang (Since March 16, 2013)

Population: 1,349,585,838 (July 2013 estimate)²

Sikh Population: ~7,500

Sikhism recognized by the State as a distinctive religion: **No**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **Yes**³



HONG KONG

Chief of State: Xi Jinping

Head of Government: Chief Executive Leung Chun-Ying (since July 1, 2012)

Population: 7,082,316 (July 2013 estimate)

Sikh Population: ~10,000⁴

Sikhism recognized by the state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**



Religious Demography of China: According to World Population Census, China's population is 1,354,040,000, without including the populations of Hong Kong, Macao or Taiwan. China is

officially an atheist state and does not conduct surveys based on religious beliefs. China's Constitution guarantees freedom of religion, although there are only five recognized religions. Taoism, Buddhism and Confucianism are the most important religions in China and are considered the country's "Three Religions". About 2 percent of the population follows Islam, and there is a Christian population of between 3.2 percent and 5 percent. Buddhism is practiced by 10 percent to 18 percent of Chinese residents, while over 30 percent practice local folk religions.⁵

Religious Demography of Hong Kong: According to Information Services Department's Data, approximately 43 percent of Hong Kong's population practices some form of religion. Buddhism and Taoism are, however, the two most prevalent religious practices. It is quite often that both of the religions are observed in the same temple. There are approximately 1.5 million Buddhists and Taoists, 480,000 Protestants, 363,000 Roman Catholics, 20,000 are members of The Church of Jesus Christ of Latter-day Saints (Mormons), 220,000 Muslims, 40,000 Hindus, 10,000 Sikhs, and 5,000-6,000 Jews.⁶

Government Structure in China: China is a communist party-led state. The People's Republic was established on October 1, 1949. China is divided into 23 provinces, five autonomous regions, and four municipalities directly under the State Council. The government in China consists of three branches - legislative, executive and judiciary. Under the Chinese Constitution, the National People's Council (NPC) is structured as a unicameral legislature and is the highest organ of state power in China. The NPC has the power to legislate, to oversee the operations of the government, and the power to elect the major officers of state. It meets annually for about two weeks to review and approve major new policy directions, laws, the budget, and make major personnel recommendations and changes. Among these responsibilities, the NPC also approves State Council policy and makes changes to accommodate alternate policy views by holding debate in closed sessions.⁷ The Executive branch consists of the President, Vice-President, State Council, and the Premier. After confirming with the National People's Congress, the President nominates the Premier. The Judiciary is comprised of the Supreme People's Court, Local People's Courts, and Special People's Courts. The Supreme People's Court is the highest court. It consists of 340 judges, including the chief justices and 13 grand justices organized into different civil committees. These judges meet in smaller separate tribunals under the power of the Supreme People's Court.⁸

Government Structure in Hong Kong: Hong Kong is a Special Administrative Region (SAR) of the People's Republic of China with its own Constitution-like charter (the basic law). It has a limited democracy with all three branches - Legislative, Executive and Judiciary. The legislative branch includes the Legislative Council (Leg Co) consisting of 70 members with 35 members elected every four years by popular vote. The executive branch consists of the Chief of State and his cabinet; also known as the executive council. The council consists of 15 official members and 16 non-official members. The Judiciary consists of the Court of Appeals, which is the highest court. It consists of a Chief justice, three permanent judges, and 20 non-permanent judges.

General Human and Civil Rights: Though China sustains sizable economic growth, urbanization, and has recently emerged as a global power; it faces challenges to address human rights issues.⁹

To meet these evolving challenges, China amended its Criminal Procedure and Criminal law that allows the Supreme People's Court the power to amend death sentences in all cases. The amendment further makes it mandatory for police to record or videotape interrogations of all the suspects potentially facing the death penalty or life imprisonment.¹⁰ This audio or video recording shall cover the entire interrogation process and shall be preserved intact for better execution of justice.¹¹ In addition to this, new law would require the courts, prosecutors, and the police to notify legal aid offices to assign a defense lawyer to all criminal suspects and defendants who face potential death sentences or life imprisonment.

Sikh Civil and Human Rights: Sikhs have a vibrant military and policing history in China, dating back to when the country was under the influence of the British Empire in the nineteenth century. Throughout Britain's colonial holdings, it was considered common knowledge that Sikhs impressed British officers with their fearsome, martial persona and adept ability at mastering the drill. It was these characters of Sikh soldiers that prompted British administrators, who believed in the pseudo-science of eugenics, to consider Sikhs as an appropriate ethnic group to recruit into the armed forces.¹²

The seeds of a thriving Sikh community in China began in 1884 when sixteen Sikhs (one inspector, and 15 constables) were stationed at Gorden Road, today known as Jiangning Road police station. These Sikhs joined the Shanghai Municipal Police force and the Shanghai International Force.¹³ By 1934, Sikhs accounted for up to 643 members of the force.¹⁴

The presence of Sikhs in China was helpful in deterring criminal activities and nuisances on the streets. Because of their work, Sikhs were often referred to as the '*Red-Turbaned A san*'. Sikhs undertook positions as police officers, guards, traffic controllers, and as riot police in the 1930s.¹⁵ Sikhs were known to be very effective in keeping the generally lawless elements of population under effective control. Beginning from 1800 until the 1920's, the region attracted many Sikh migrants for work. It was at this time that Sikhs worked as bank guards, security men on the wharves, at the City's warehouses and businesses, and outside the police force. They also started working in restaurants and nightclubs.¹⁶ The novelty of the Sikhs, who had become a familiar sight, is remembered in the form of a wax model of a red turbaned Sikh policeman which stands at the entrance of the first floor of the Shanghai Museum at 518 Ruijin Road.¹⁷



Sikh Officers SOURCE: Panthic.org



This photograph from the Shanghai Museum shows Sikh Soldiers on duty in Shanghai.
SOURCE : The Hindu, Colonel G. Jaishankar

As the Sikh community continued to grow, Gurdwaras were built to meet the community's needs. The oldest Gurdwara was built in the early 19th century in Shanghai. This establishment is the only reminder of the original Sikh community in Shanghai.¹⁸ Situated in the Northeast District of Hongkou, the red-walled building has elongated doors and high windows, and it initially covered a total space of 1500 meters. Unfortunately, this Gurdwara suffered considerable damage and although the structure remains intact is in a poor state.. This Gurdwara in Shanga has been confirmed as original because most houses of worship were either destroyed or converted following the 1966 Cultural Revolution, when religious buildings and places of worship were shut down. In 2003, this Gurdwara was registered as an immovable cultural relic.



The red-walled Sikh temple on Dongbaoxing Road, which was built in the early 19th century, is the oldest remaining legacy of the Sikh community left in Shanghai.

SOURCE: Xu Q

Many travelers to China still search for the “forgotten” Gurdwaras. One of these lost temples is situated in the former Gordon Road police station. Hidden behind a building materials market, the once upon a time place of worship for the Sikh community, now remains in a poor state, full of ‘rubbish dumps, waste water flowing, flies and mosquitoes, and a terrible smell.’¹⁹

Another ‘forgotten’ Gurdwara’ is reportedly located in a neighborhood in the Hongkong District, which is known to have been home to Jewish refugees during World War II at Zhoushan Road No.218. It is a three-story building not resembling the other residential housings.

Today the only places that serve as Gurdwaras in Mainland China, do so unofficially. For example, there is an unofficial house of worship in Yiwu and the Shanghai Gurdwara on Jinhui Road South.

Freedom of Religion in China : A majority of the Sikh population is based in Eastern China, in the provinces of Shanghai, Shaoxing and Yiwu. There are approximately twenty-five Sikh Families (around 50 persons) settled in Shanghai. These Shanghai Sikhs come from many different backgrounds and nationalities.²⁰ They yearn for the day that they may have a *Gurdwara* where they can all join in *Sangat* (congregation) on a daily basis and celebrate *Gurpurabs*, *Sangrand*, and other historical moments all under one roof. They try to celebrate many of the *Gurpurabs* (religious festive occasion) by doing *Kirtan* (singing of hymns) and, on special occasions, *Rehnsbai* and collectively do *Sahij Paath*.²¹ They also visit neighboring cities, namely Shaoxing, which is predominantly a textile town. The Sikhs in Shaoxing have approximately 10 families. Together with the Sindhis, they are an over 500 strong community. Similarly the next city, namely Yiwu, also has a sizable Sikh community of over 120 persons. A Sikh family residing in this neighborhood has set up a Gurdwara on the top floor of their luxurious house. They also have a full-time *granthi* or a caretaker. This Gurdwara was established five years ago and almost 100 people, mostly Sikhs but also Sindhi and Hindu, gather during gurpurabs.²² They are fortunate enough to have daily *Kirtan* both in the morning and evening.²³



Gurdwara set up in a private home in Shanghai, China SOURCE: Sikhnn

The Constitution guarantees freedom of religion in China. However, adherents of non-recognized religions face challenges for setting up places of worship. These places of worship are all subject to government scrutiny and can only be constructed after being officially approved.²⁴ All Religious personnel appointments, religious publications, and seminary applications are subject to government review.²⁵ The Sikh community in Shanghai is working with UNITED SIKHS to facilitate setting up a place of worship.

¹ Amnesty International. *Annual Report: China:2013* Web. <<http://www.amnestyusa.org/research/reports/annual-report-china-2013?page=show>>

² World Population Statistics *China Population,2013*. Web. <<http://www.worldpopulationstatistics.com/china-population-2013/>>

³ US Department of State, *International Religious Freedom Annual Report 2013*, Web. <<http://www.uscirf.gov/reports-and-briefs/annual-report/3988.html>>

⁴ Zhong Emilie and Wu Sara, “*Younger Sikhs cut hair, traditions*”, *Hong Kong Dispatches*, August 2010 Web. <<http://majj.journalism.hkbu.edu.hk/archives/659>>

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- ⁵ China; World Population Review, December 6, 2013. Web. <<http://worldpopulationreview.com/countries/china-population/>>
- ⁶ Bureau of Democracy, Human Rights and labor, International Religious Freedom Report for 2012 (IRF); *2012 Human Rights Report; China (includes Hong Kong, and Macao)*; Web. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamicload_id=208226&year=2012#wrapper>
- ⁷ “*The Legislative System Of China*”; China.org.cn; Web. <<http://www.china.org.cn/english/features/legislative/75857.htm>>
- ⁸ Central Intelligence Agency, The World Factbook;: China (2013 May 15, 2013), Web. <<https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html>>
- ⁹ *Supra note 6*
- ¹⁰ Amnesty International; *Annual Report :China 2013*; Web. <<http://www.amnestyusa.org/research/reports/annual-report-china-2013?page=show> >
- ¹¹ “*China’s New Criminal Procedure Law: Death Penalty Procedures*”; Dui Hua Human Rights Journal, April 2012; Web. <http://www.duihuahrjournal.org/2012/04/chinas-new-criminal-procedure-law-death_03.html>
- ¹² Gill Saab, ‘*History of Sikhs in China*’, (2008); Web. <<http://www.desicomments.com/forum/showthread.php?t=12957>>
- ¹³ Killingley D, Linxoln M, and Rigby N “*Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century*”, UK and USA, The Boydell, (2004) p. 184
- ¹⁴ Mukherjee and Xu Qin.B “*Lording Over the Locals: When Red Turbans were a Familiar Sight*’. Web. <<http://www.shanghaidaily.com/article/print.asp?id=410333>>. Last accessed 13th November 2011.
- ¹⁵ *Ibid.*
- ¹⁶ ‘*Lording over the locals: when red turbans ere a familiar sight*’; The China, January 2011; Web. <<http://thechina.biz/china-economy/lording-over-the-locals-when-red-turbans-were-a-familiar-sight/>>
- ¹⁷ China Tours, Travel Agency, Web. <<http://www.chinatoursaffordable.com/shanghai-travel/shanghai-attractions/shanghai-public-security-museum.html>>
- ¹⁸ *Ibid.*
- ¹⁹ “*Rediscovering Shanghai’s forgotten heritage through photography & tales*” Disappearing Corners, November, 14, 2011. Web. <<http://www.disappearingcorners.com/kangding-road-gurdwara/kangding/>>
- ²⁰ *Ibid.*
- ²¹ *Ibid.*
- ²² Kaur Anju, “*The Secluded Gurdwara in China*, May 2011; Web. <<http://www.sikhnn.com/headlines/1386/secluded-gurdwara-china>>
- ²³ *Ibid.*
- ²⁴ *Supra Note 10*
- ²⁵ *Ibid*

DENMARK

Chief of State: Queen Margrethe II (since January 14, 1972)¹

Head of Government: Prime Minister Helle Thorning - Schmidt (since October 3, 2011)²

Population: 5,556,452 (July 2013 estimate)³

Sikh Population: 700

Sikhism recognized by the state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Denmark is a constitutional monarchy with democratic parliamentary rule. The prime minister, usually the leader of the majority party or coalition, is head of government and presides over the cabinet. The legislative branch is comprised of the unicameral Folketing, whose members are elected by popular vote. The highest court in Denmark is the Supreme Court, which consists of a court president and 18 judges. The minority, center-right coalition government led by the Liberal Party won a plurality of seats in the 2013 elections, which were deemed free and fair.⁴

Religious Demography: The religious demography of Denmark is approximately 95% Evangelical Lutheran (official), 3% other Christian (includes Protestant and Roman Catholic), and 2% Muslim.⁵

General Civil and Human Rights: Denmark's constitution provides a strong framework for protecting its citizen's civil and human rights. These rights, defined in the constitution, include the freedom of expression, freedom of religion, right to assembly, and equal treatment regardless of faith.⁶ Denmark, a member of the European Union, is also a signatory to the European Convention on Human Rights.⁷ Denmark also has a governmental branch established in 2002 known as the Danish Institute of Human Rights (DIHR) that aims to base its work on human rights. The DIHR strives to protect human rights in Denmark that are recognized by the international community and the Danish Constitution.

Even though human rights have been an important concentration of the Danish government, Amnesty International reported human rights concerns including violations by police, counter-



terrorism and security forces, the Danish military's use of torture and other ill-treatment, domestic violence against women and children, and lack of legal protections for refugees and asylum seekers.⁸

The European Parliament also recommended that Denmark conduct an investigation into the country's involvement with the United States' CIA involving its rendition program.⁹ The Open Society Foundation revealed in a recent report that Denmark "helped the US carry out its policy of 'extraordinary rendition,' which is the practice of taking detainees to and from US custody without due process, and sometimes handing them over to countries that practiced torture."¹⁰ The Danish government commissioned an independent investigation by the Danish Institute of International Studies.

Certain groups of refugees and asylum seekers continue to be denied entrance into Denmark by the Danish Refugee Council (DRC). Amnesty International reported that while there were no forcible returns to Syria during the country's civil war this year, the DRC and Danish Immigration Services (DIS) denied around 180 persons from receiving asylum in Denmark. The DIS, however, granted asylum to around 88% of Syrian asylum-seekers.¹¹

The Danish government was chastised by the international community for the way it held detainees in cells. Amnesty International reported that authorities often held pre-trial detainees together with convicted criminals, and there were instances in which they held detained children in the same cell as adults. During 2013, there were three cases of persons imprisoned for public speech or dissemination of statements that courts found constituted racism, while two similar cases were pending at the year's end.¹²

The Danish constitution and other laws protect individual religious freedom. The U.S. Department of State reported that the Danish government generally respects religious freedom. Although the constitution protects religious freedom, Denmark's government does not provide equal treatment to different religions. The Evangelical Lutheran Church (ELC) is defined in the constitution



Sikhs gather outside Copenhagen's Gurdwara.
SOURCE: manvirsingh.blogspot.com

as the state church, and is given certain privileges. As the state church, the ELC received government subsidies, which comprises about 14 percent of the church's revenue. Other religions are not accorded subsidies, which many religious member groups consider unfair.¹³

Sikh Civil and Human Rights: Following 1970 the Danish Ministry of Justice granted official religious status to Sikhs. As a registered religious group, Sikhs in Denmark enjoy special rights such as the right to perform marriage ceremonies with legal effect, receive tax exemptions, and establish cemeteries.¹⁴

The Sikh community, however, makes up a very small portion of the Danish population. The Sikhs began immigrating to Denmark in the 1960s and 1970s. They primarily settled in the Danish capital of Copenhagen and its surrounding suburbs such as Ballerup, Hoeje Taastrup, Ishoej, and Farum.¹⁵ The original Sikh immigrants came to Denmark for employment reasons. A wave of Sikhs, however, sought asylum in Denmark in the 1980s and early 1990s to escape the violent conflicts in the Punjab region of India. The Danish government has established specialist skill migrant programs and student exchange programs that have aided Sikhs entering Denmark.¹⁶

There is only one Gurdwara in Denmark, the Gurdwara Sri Guru Singh Sabha Denmark, located in Copenhagen's suburb Vanlose. The congregation of the Gurdwara mostly consists of Sikhs living in Copenhagen and its surrounding suburbs, given the long distance Sikhs living outside the Greater Copenhagen area would need to travel to get to the Gurdwara.¹⁷



Gurdwara Sri Guru Singh Sabha, Copenhagen.
SOURCE: <http://www.sikhiwiki.org/>

Sikhs have continued to face typical discrimination concerns, being such a small minority within Denmark. Similar to other European countries, Sikhs are subject to discrimination in Denmark because of their articles of faith. Due to the small minority size the Sikh community makes in Denmark, few official reports document the current state of the Sikh community.

Recently, however, there have been several attempts, especially among the Sikh youths, to begin further integration into the mainstream society of Denmark. This has been done with several classes targeted at young people.¹⁸ These classes teach the Sikh community more about their identity, while also showing them how they can become more involved in main stream society without losing contact with their own culture.¹⁹

There continues to be a ban on carrying a kirpan in public places where a weapon is not permitted. In 2006, a Danish court held that Ripudaman Singh violated the Danish arms law that prohibits carrying knives longer than seven centimeters in public places. The Court has yet to overturn this decision, and carrying a kirpan remains a violation of a ban on bearing weapons, including knives.²⁰

¹Central Intelligence Agency, World Fact Book: Denmark 2013(May 15, 2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/da.html> {Herinafter, CIA World Fact Book}

² *Id.*

³ *Id.*

⁴United States. Bureau of Democracy, Human Rights, and Labor. Human Rights Report: Denmark. 2010. Web. <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154421.htm>

⁵ CIA World Fact Book

⁶ Denmark. The Danish Institute for Human Rights. Human Rights in Danish Law, 2012. Web. <[http://www.humanrights.dk/human rights/denmark and human rights/human rights in danish law](http://www.humanrights.dk/human%20rights/denmark%20and%20human%20rights/human%20rights%20in%20danish%20law)>.

⁷ *Id.*

⁸ Amnesty International. Annual Report 2013: Denmark. 2013. Web. <<http://www.amnesty.org/en/region/denmark/report-2013>>.

⁹ Weaver, Ray. "Denmark participated in CIA rendition programme." Copenhagen Post 06 Feb 2013, n. pag. Web. 19 Nov. 2013. <<http://cphpost.dk/news/international/new-report-denmark-participated-cia-rendition-programme>>.

¹⁰ *Id.*

¹¹ Amnesty International, Annual Report 2013

¹² *Id.*

¹³ United States. Bureau of Democracy, Human Rights and Labor. International Religious Freedom Report for 2011:Denmark. Washington, DC: , 2011. Web. <<http://www.state.gov/j/drl/rls/irf/2011religiousfreedom/index.htm>>

¹⁴ *Id.*

¹⁵ Jacobsen, Knut, and Kristina Myrvold. *Sikhs in Europe: Migration, Identities, and Representations*. Farnham: Ashgate, 2011. Print.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸Eklund, Lars. "Kristina Myrvold gave SASNET Brown Bag seminar on Young Sikhs in Sweden." Swedish South Asian Studies Network. Lund University, 15 Mar 2012. Web. 1 Oct 2013. <<http://www.sasnet.lu.se/sasnet/kristina-myrvold-gave-sasnet-brown-bag-seminar-young-sikhs-sweden>>.

¹⁹Singh, Manvir. "Denmark Sikhi Camp." Sikhnet, 05 Dec 2008. Web. 1 Oct. 2013. <<http://www.sikhnet.com/news/denmark-sikhi-camp>>.

²⁰ "Sikhs can't carry 'kirpan' in Denmark, says court." Zee News [Copenhagen] 25 Oct 2006, n. pag. Web. 22 Dec. 2013. <http://zeenews.india.com/news/nation/sikhs-cant-carry-kirpan-in-denmark-says-court_331349.html>.

FIJI

Head of State: Ratu Epeli Nailatikau

Head of Government: Laisenia Qarase¹

Population: 896,758 (July 2013 estimate)²

Sikh Population: ~ 4,000³

Sikhism Recognized by the State as a Distinctive Religion: **Yes**



Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. State Department or U.S. Commission on International Religious Freedom: **No**

Government Structure: Fiji is a republic that has had a recent history of frequent political turmoil. In 2006, Commodore Bainimarama took over the government via military coup and has been ruling the country ever since. Currently Bainimarama is the head of the government while President Ratu Iliolo serves as head of state. The military led government has continued to rule without a constitution. The government structure, however, is based on a parliamentary system that includes separation of powers between the three branches of government.

In March 2012, Prime Minister Ratu Inoke Kubuabola announced Fiji's commitment to holding fair elections in 2014.⁴ The military government also announced public consultations on drafting a new Constitution.⁵

Religious Demography: According to the 2007 census, the religious demography of Fiji is as follows: Christian 64.5 percent (Methodist 34.6percent, Roman Catholic 9.1percent, Assembly of God 5.7percent, Seventh Day Adventist 3.9 percent, Anglican 0.8 percent, other 10.4 percent), Hindu 27.9 percent, Muslim 6.3 percent, Sikh 0.3 percent, other or unspecified 0.3 percent, none 0.7 percent.

General Civil and Human Rights: Despite talks of a new constitution and the lifting of emergency rule, the implementation of the Public Order (Amendment) Decree 2012 ("POAD") is a new challenge to the return of democracy. Under the current military regime, human rights organizations have reported international human rights issues such as the torture of prisoners and the arbitrary detention of activists and government opponents. Freedom of speech and press are also closely regulated. The POAD impose considerable fines on editors that violate censorship rules.⁶ The POAD also broadly regulates the rights to freedom of speech and assembly.⁷

The current regime also constricts organized labor. In 2012 the Fijian government stopped the International Labor Organization from hearing local complaints over the freedom to associate. As a result, work sites have been scrutinized by military control and there are reports that outspoken workers are severely beaten. The Essential Industries Decree of 2011 has also been utilized by the government to undermine union activity in industries; this decree is used to restrict labor organization and free speech in industries labeled by the government as essential to the economy.⁸

On September 21, 2012, five escaped prisoners were recaptured. They escaped from the Naboro Corrections Facility outside Suva, Fiji, where they were serving long-term prison sentences. Reports have alleged that armed military officers tortured the escapees after their recapture. These men were handcuffed and beaten, forced to take off their clothes and left in dark cells.⁹ Such degrading and cruel treatments are gross violations of international human rights.



Sikh Community in Fiji SOURCE: Sikhnet

Sikh Civil and Human Rights: The majority of Sikhs arrived in Fiji between 1900 and 1930 as sugarcane farmers.¹⁰ In the 1940s and 1950s a few Sikh teachers migrated to Fiji. Since then, Sikhs have established several educational institutions in Fiji, including the Khalsa College.¹¹ Pupils of all races, including natives, attend these learning institutions.¹²

Sikhs in Fiji also established the Sikh Educational Society of Fiji, which has thrived since 1960.¹³ Another organization, the Sikh Association, promotes religious freedoms and further civil and human rights.¹⁴ Currently, there are five Gurdwaras in Fiji, all of which are located in main Fijian centers.¹⁵

Since Fiji gained its independence in 1970, a number of Sikhs have held positions in Parliament. The Fijian constitution continues to classify Sikhs as Indians, but Sikhism is recognized as a distinct religion. Sikhs have been allowed to openly assemble and practice Sikhism. For instance, a large number of Sikhs gather to celebrate Vaisakhi.¹⁶



Vaisaki celebrations at Lautoka Gurdwara SOURCE: Sikhnet



Khalsa High School. SOURCE: khalsafiji.ajangroup

Khalsa High School in Ba District, Fiji was the first school built and established in 1958 by the local Sikh community. The primary objective of the school is to provide instruction in the Gurumukhi Language to Sikh pupils. It is at present a multi-racial and co-educational institution open to students of all communities. In 1972, out of a total roll of 491 students, only 124 were Sikhs. The Guru Nanak Khalsa Primary School was subsequently built at the same site in Ba. A small school, the Naduri Bay

Khalsa Primary School, was built near Sigatoka town to provide for the needs of the small Sikh community in the area. A Guru Nanak Khalsa Primary School was also opened in Labasa in 1970 with a roll of 47 students.

The Sikh Educational Society was formed in 1960 to look after the educational matters and the Fiji Sikh Association promotes religious and other interests of the community. There are sports, social and cultural groups in all the main towns. Bhangra and gidha have recently become very popular even among the non-Sikh communities because of the colorful costumes and fast, rhythmical movements of the dancers. The local radio stations give a lot of prominence to Punjabi songs.

A notable Sikh in Fiji, amongst many is Mehar Singh. He was the first president of the first effective cane farmers union in Fiji, the Kisan Sangh. He was the President from 1937 to 1944 when, due to disagreement with the secretary of the union, Ayodhya Prasad, he left the union and formed a rival union known as the Vishal Sangh. His new union had a small support base (mainly Sikh) and had to align itself with the more powerful union, Maha Sangh, formed by A. D. Patel in 1941, for survival.

Ratu Toganivalu, then Deputy Prime Minister of Fiji, commented, inter alia, in his opening speech: "The Sikh community occupies an important niche among the farming population in this country. In fact, the Sikh community of Fiji is mostly engaged in farming and it has made a valuable contribution to the economy of this country. The Sikhs are hard-working people."

¹ note - although QARASE is still the legal prime minister, he has been confined to his home island; former President ILOILOVATU appointed Commodore Voreqe "Frank" BAINIMARAMA interim prime minister under the military regime.

² Central Intelligence Agency, World Fact Book: Fiji 2013(May 15, 2013),

<https://www.cia.gov/library/publications/the-world-factbook/geos/Fi.html>

³ "Sikh Population Around the World." Oxford Sikhs. N.p.. Web. 27 Dec 2013.

http://www.oxfordsikhs.com/SikhAwareness/Sikh-Population-Around-The-World_159.asp&xgt;.

⁴http://www.fiji.gov.fj/index.php?option=com_content&view=article&id=3846:fijis-elections-is-set-for-2014&catid=71:press-releases&Itemid=155

⁵ Matt Siegel, *In Fiji, a Detour on the Road of Democracy*, N.Y. TIMES, July 2, 2012

http://www.nytimes.com/2012/07/03/world/asia/in-fiji-a-detour-on-the-road-to-democracy.html?pagewanted=all&_r=0

⁶ *Id.*

⁷ Robertson, Phil. Human Rights Watch. Fiji: Abuses Jeopardize Constitutional Process. Bangkok: , 2012. Web.

<http://www.hrw.org/news/2012/12/05/fiji-abuses-jeopardize-constitution-process>.

⁸ *Id.*

⁹ Rife, Roseann. Amnesty International. Letter to Commodore Voreqe Bainimarama. 2012. Web.

<http://www.amnesty.org/en/library/asset/ASA18/002/2012/en/1049b33c-2aa9-44c1-ab83-74b614f90254/asa180022012en.pdf>.

¹⁰ Kanwal, Joginder. "The Sikh Community of Fiji." Sikh Review. (2003): n. page. Web. 29 Dec. 2013.

<http://www.sikhreview.org/december2003/pers3.htm>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Malo, Maciu. "Sikhs Celebrate." Fiji Times 15 Apr 2013, n. pag. Web. 29 Dec. 2013.

<http://www.fjitimes.com/story.aspx?id=231094>.

FRANCE



Head of State: President François Hollande¹

Head of Government: Prime Minister Jean-Marc Ayrault

Population: 65,586,000 (April 2013 estimate)²

Sikh Population: 10,000 – 30,000³

Sikhism Recognized by the State as a Distinctive Religion: **No**

Currently a Country of Particular Concern or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: France is a Republic comprised of 27 regions. The government has three branches; an executive, a legislative, and a judicial branch. The president and the prime minister make up the executive branch, with a Council of Ministers whose members are appointed by the president, acting as cabinet. The legislative branch contains a bicameral Parliament with a Senate made up of 348 seats and the National Assembly made up of 577 members elected by popular vote under a single-member majority system.⁴ The French judicial branch is a tripartite system composed of the Court of Cassation (civil and criminal law court), the Constitutional Council (protects individual basic rights from being violated by new law), and the Council of State (protects basic rights when they might be violated by actions taken by the state).⁵

Religious Demography: There are no official statistics on the religious demography of France's citizens. The official census does not ask any questions concerning the religious affiliation of French citizens in accordance with France's constitutional separation of church and state.⁶ The United States CIA estimates that between 83 percent to 88 percent of France's population is Roman Catholic, 2 percent Protestant, 1 percent Jewish, between 5 percent to 10 percent Muslim, and about 4 percent unaffiliated.⁷

General Civil & Human Rights: France generally respects individual civil and human rights. France is an active supporter and member of many human rights intern-governmental bodies including the UN Office of the High Commissioner for Human Rights, the Human Rights Council, and the European Court of Human Rights. The government over the past decade, however, has infringed on the freedom of religious practice in an effort to promote secularism in public. Recent trends in jurisprudence in France have been to remove religion in the public sphere; although the government claims neutrality in passing this type of legislation, these laws

restrict religious practice in a discriminatory fashion.⁸ Over the last two years UNITED SIKHS lawyers have won three cases against France before the UN Human Rights Committee that held that France had violated the religious right of Sikhs by banning the Turban in schools and on identification photographs. Despite the UNHRC's findings, France continues to deny Sikhs and other religious groups the right to wear their articles of faith in schools and on their ID photographs.

The Human Rights Watch has reported human rights issues in France including poor treatment of immigrant children, discrimination based on religious affiliation, forced eviction of the Roma people, violence and social hostility towards immigrants, human trafficking, violence against women, and child abuse.⁹ Further, Amnesty International has reported ill treatment of prisoners, suspicious deaths of detainees in custody, torture, and excessive use of police force.¹⁰

Police Unions have objected to an endorsement by the prime minister of reforming stop procedures for police identity checks.¹¹ Identity checks have needed reform, since they provided overly broad police powers to stop people without reasonable suspicion of unlawful actions.¹² Human rights groups working on anti-racism in France have reported that “non-white French, particularly those who are black or of Arab origin, face routine discrimination that diminishes their chances of finding jobs and carving out a place for themselves in mainstream society.”¹³ In October 2013, a French court ruled these identity checks did not overstep police power.¹⁴



These three French 18 year olds claim they are stopped at least 70 times a year by French authorities SOURCE: Human Rights Watch

There is a new reformed ID procedure that requires an obligation to explain, at the time of the stop and in a written document, the reason for the identity check.¹⁵ The prime minister, however, abandoned the identity check reform in September 2013.¹⁶ Additionally, the French “Defender of Rights,” an independent administrative entity whose legal authority has been inscribed in the Constitution since July 23rd 2008, acknowledged in a report the need for reforming the abusive and discriminatory procedure, but no specific recommendations were made.^{17,18}

France continues to evict Roma migrants (individuals from Romania, Bulgaria, and former Yugoslavia) found inhabiting France without proper documentation. Although President Francois Hollande promised in 2013 to change France’s policy towards eviction of the Roma, Amnesty International reports that more than 10,000 Roma have been evicted from France during the first half of 2013. Even though new guidelines have been promulgated for evictions,

human rights activist John Dalhuisen stated that “the new measures are not intended to stop forced evictions and fall short of international human rights standards. The guidelines are discretionary and inconsistently applied. The inter-ministerial commission has no teeth or political weight. Despite good intentions, its efforts are continually undermined by the overall drive to evict no matter what.”¹⁹



Makeshift Roma settlement outside of Paris that was recently shut down by French authorities citing “health and safety concerns.” SOURCE: Amnesty International

In April 2013, 200 people were forcibly evicted from an informal settlement in Ris-Orangis, a surrounding Paris area.²⁰ Of those people, eight families have begun legal proceedings due to the lack of sanitary conditions provided in their temporary emergency housing.²¹ France’s treatment of the Roma is still a pressing concern as the Roma people are Europe’s largest minority that continues to face widespread discriminatory treatment.²²

The French Criminal Code fails to define torture in accordance to the UN Convention against Torture.²³ According to Amnesty International, there has been a lack of prompt, impartial and effective investigations into various allegations of ill-treatment by law enforcement officials.²⁴ Two individuals that are still involved in criminal cases have faced serious psychological trauma and hospitalization after being held in police custody.²⁵ There also continues to be little progress in investigations regarding deaths that took place while in police custody.²⁶ The lack of investigation consists of failing to question the officers who allegedly partook in the harm to the deceased.

Minorities in France have continued to be the target of discrimination. The United Nations reported that minorities in isolated urban ghettos face the brunt of discriminatory actions by the government and French society.²⁷ France has not ratified the Council of Europe’s Framework

Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages. The country is only one of four of the 46 members of the Council of Europe to not to have signed its Minorities' Convention (FCNM) and neither has it ratified the Charter on Minority and Regional Languages.²⁸



Muslim woman protesting her right to wear a face veil in public. SOURCE: Islam-Online

In 2011, France passed legislation outlawing full facial veils in public. Despite the Conseil d'État questioning the constitutionality of the proposed legislation, France's highest constitutional court -the Conseil constitutionnel - gave the National Assembly the green light in late 2010 to pass these restrictions. Those who contravene the new law by covering their faces in public could face fines or be required to attend a citizenship course. The law also carries penalties for those who force others to cover their face. Passage of the law brought protesters into the streets around the world.²⁹ Amnesty International claims that this law indirectly discriminates against Muslim women freely choosing to wear full face veils. In January 2012, the Senate adopted a bill aimed at prohibiting employees in private childcare facilities from wearing religious and cultural symbols and dress.³⁰

Sikh Civil & Human Rights: The French government claims that it advocates “the universal scope of freedom of religion or belief.” In reality, France has limited an individual's right to religious practice. Parliament has passed numerous laws limiting the public rights of religious minorities.³¹ France does not officially recognize any religion under the strict policy of *laïcité*, although the government does recognize religious organizations. Sikhs are allowed to establish Gurdwaras in France as registered religious associations, such as the Singh Sabha Gurdwara in Bobigny.³²



Singh Sabha Gurdwara in Bobigny SOURCE: <http://manvirsingh.blogspot.com/>

The French government, in ambiguous rhetoric, states that “upholding the view that the purpose of human rights is to protect individuals and not doctrines of thought such as religions and their symbols, which do not constitute subjects of law.” Although France believes that it is protecting the religious rights of individuals in writing, by banning an individual’s choice to adorn the religious symbols of their faith, in reality France is limiting individual freedom. Laicite and French laws curtailing religious symbols in public has had a disproportionate effect on the Sikh community.

French diplomatic sources recently stated that there is no ban on wearing a turban in public places, such as a street.³³ France only has a complete ban on the burka or face veil, in public, and the Sikh turban does not fall under this category. The turban or patka, however, is banned in public schools.³⁴ Further, the turban is not allowed to be worn for identification photographs.

In March 2004, the French Parliament passed a law that makes it illegal for students to wear any clothing or symbols that "exhibit conspicuously a religious affiliation" in public schools.³⁵ The law applies to all students in public schools in the primary grades up to secondary public education; the restriction, however, does not make it illegal to wear a turban or other religious garb in a setting of private



Sikhs in France stage protests over recent laws limiting the right to wear a turban. SOURCE: AP

higher education. In March 2012, the Minister of Education issued a statement that prohibited parents from wearing religious symbols when accompanying their children on school outings.³⁶ The same prohibition applied to adult students enrolled in vocational training.³⁷

Under the law, Sikh boys in public school can only contain their hair with hairnets or similar secular items. In practice, some primary schools allow younger Sikh boys to wear the Rumal, but patkas and turbans are almost invariably banned, a situation that forces families to choose between their faith, shelling out for private schools or taking their teenagers out of education early.

Bikramjit Singh was expelled from a French public school for wearing his Sikh turban. In Bikramjit Singh's case, which was filed by UNITED SIKHS lawyers, the United Nations Human Rights Committee (UNHRC) ruled in favor of Sikhs' articles of faith. However, following all of these UNHRC cases decisions in favor of Sikhs' rights France has continued to be defiant. French newspaper La Monde reported that a government agency was planning to extend the turban and headscarf ban to French Universities. Growing tension among communities was cited as the reason for the ban, but the people affected by it find the reasoning impossible to fathom.

Soon after the ban of the turban in schools, France invoked a ban against the wearing of the turban on ID photos for passports, driver's license and residence cards. It was done in such a hurry that they implemented the ban before amending their laws such that in a case brought by UNITED SIKHS lawyers on behalf of Shingara Singh, the Conseil d'Etat (Supreme Court) ruled the ban was illegal. The effect of this ruling was reversed within days by the amendment of the law on ID photos. A fresh case for Shingara Singh was appealed to the European Court of Human Rights (ECtHR) and it suffered the same fate as the expelled students' cases. The ECtHR held it to be inadmissible without calling for evidence from France – saying that the turban ban on ID photographs by France was justified on grounds of security.

In February 2013, Sikhs protested outside the French Embassy in New Delhi against the ongoing ban in France on turbans. The protest was followed by the submission of a memorandum on the turban issue addressed to French President Francois Hollande, who was on a trade visit to India. Gurpreet Singh, UNITED SIKHS-India director, Manjit Singh GK and Onkar Singh Thapar, both of the Shiromani Akali Dal (Delhi), Daljeet Singh, Chairman Dharam Parchar Committee of Education & Youth Wing, Delhi Sikh Gurdwara Management Committee, and R S Chatwwal, the Sikh Forum, had discussions with Jean-Marc Sere-Charlet, Minister Counsellor at the French Embassy, after presenting the memorandum. During their discussions, Mr. Jean-Marc Sere-Charlet, whilst accepting the UNHRC findings, tried to justify the French laws, indicating that these were not Sikh specific. However, he assured the Sikh delegation that France is in dialogue with Sikh organizations and individuals in trying to resolve the turban ban.

France, in a response to the UN Human Rights Committee, stated that it will not amend its laws that were held by the Committee to violate a Sikh man's religious freedom by asking him to remove his turban for his ID photograph. France has by this response rebuffed the Committee by refusing to meet its obligations under the International Covenant on Civil and political Rights

(ICCPR) and earned its place on the Hall of Infamy for Human Rights. It again refused to honor the Committee's judgment in a following case of an expelled Sikh student, Bikramjit Singh, at the UN Human Rights Committee that was decided in December 2012. The Committee upheld that the legislation violated the Sikh student's right to manifest his religion that is protected by the International Covenant on Civil and Political Rights (ICCPR).

The Defender of Rights, formally known as HALDE, is a French independent administrative agency. The refusal of religious symbols worn in places of education or training is the basis for most claims on the grounds of religion. A claim was also lodged with the previous HALDE administration for the organization of examinations, to take into account certain religious holidays. The principle of separation between Church and State strictly applies to pupils in primary and secondary public education. The ban on the wearing of religious symbols in upper secondary school is not discriminatory. The HALDE rejected the claim by the parent of a pupil regarding the wearing of a Sikh turban.³⁸

"I have been a French citizen for more than 20 years. I fail to see how my country can be proud of its slogan of Liberty, Equality and Fraternity if it cannot uphold its citizens' right to religious freedom. I hope that the UNHRC's decision will wake France up to its international obligations," Shingara Singh said. The United Nations Human Rights Committee (UNHRC) has held that France violated the religious freedom of 57-year-old Shingara Mann Singh by asking him to remove his turban for his passport photograph in 2005 and also failed to demonstrate that the curb imposed on him was necessary.³⁹

The United Nations Human Rights Committee in 2011 adjudicated a case concerning France's limitations on wearing articles of faith in public. The case that was filed by UNITED SIKHS' lawyers from the New York firm, O' Melveney and Myers involved 76 year- old Ranjit Singh, an Indian Sikh nationalized as a French permanent resident in 1992. Mr. Singh was asked to remove his dastar for a 2002 permanent resident permit renewal picture; French authorities claimed that article 7 and 8 of Decree No. 46-1574 of June 30, 1946 required individuals to appear full face and bareheaded in office government ID photographs. Mr. Singh believed that appearing bareheaded in his ID photo would produce feelings of shame and degradation every time his permit ID was viewed.⁴⁰ When Mr. Singh refused to remove his turban for the photo, the Prefect of Paris declined to renew his permit. Without his residence card, Mr. Singh would be considered to be living illegally in France and as a result, would lose social benefits including unemployment benefits, housing benefits, and access to the free public health-care system.⁴¹

After having his application rejected by the Administrative Court of Paris in July 2006, and his appeal rejected by the Administrative Appeal Court of Paris in 2007, Mr. Singh brought his claim to the United Nations, with the support of the UNITED SIKHS. The Human Rights Committee ruled in favor of Mr. Singh. The committee held that the requirement of identity photos showing applicants bareheaded was not necessary to achieve French stated goals of protecting public order and safety, but rather unduly interfered with the exercise of freedom of religion. The law violated Article 18 of the International Covenant on Civil and Political

Rights.⁴² The ruling, however, is not binding on France. France has refused to abide by the decision, it continues to be defiant. Mejjindarpal Kaur, legal director of UNITED SIKHS, stated that, "this case shows that the international community recognizes that wearing of turban by a Sikh is not only his/her religious duty, but is a part of his/her identity. We have done our work to show that international law recognizes the right to wear a turban in France."⁴³

¹ Central Intelligence Agency, World Factbook 2012: France (2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/fr.html> [hereinafter CIA World Fact Book].

² *Id.*

³ United States. Department of State. France Report on Religious Freedom. Washington, DC: , 2011. Web. <<http://www.state.gov/documents/organization/171694.pdf>>. See Also "France's Sikhs want right to wear turbans in schools." *RFI* 23 Sep 2013, n. pag. Web. 15 Jan. 2014. <<http://www.english.rfi.fr/visiting-france/20130923-frances-sikhs-want-right-wear-turbans-schools>>. (There are no official statistics on religion in France, which leads to a wide range of estimates over the size of the Sikh population)

⁴ CIA World Fact Book

⁵ *Id.*

⁶ *International portrait: France.* (2008). Unpublished manuscript, Harvard University, Retrieved from <http://pluralism.org/reports/view/10>

⁷ CIA World Fact Book

⁸ France. Ministère des Affaires étrangères. France and the institutions protecting and promoting human rights. 2014. Web. <<http://www.diplomatie.gouv.fr/en/french-foreign-policy-1/human-rights/france-and-the-institutions/>>.

⁹ Human Rights Watch (n.d.). *2013 world report: France.* Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/france> {hereinafter HRW 2013 World Report}

¹⁰ <http://www.amnesty.org/en/region/france/report-2013>

¹¹ Human Rights Watch: France: Ending Ethnic Profiling, Less Humiliating Stops (June 2012), <http://www.hrw.org/news/2012/06/08/france-ending-ethnic-profiling>

¹² *Id.*

¹³ "French court rules police ID-checks legal." Al Jazeera 02 Oct 2013, n. pag. Print. <<http://www.aljazeera.com/news/europe/2013/10/french-court-rules-police-id-checks-legal-2013102164559779945.html>>.

¹⁴ *Id.*

¹⁵ Human Rights Watch: France: Ending Ethnic Profiling, Less Humiliating Stops (June 2012), <http://www.hrw.org/news/2012/06/08/france-ending-ethnic-profiling>

¹⁶ Human Rights Watch: France: Prime Minister Abandons Identity Check Reform, Government Should Keep Its Campaign Promises (September 2012), <http://www.hrw.org/news/2012/09/28/france-prime-minister-abandons-identity-check-reform>

¹⁷ Human Rights Watch: France: Ombudsman Supports Identity-Check Reform, Report Fails to Endorse All Necessary Measures (October 2012), <http://www.hrw.org/news/2012/10/16/france-ombudsman-supports-identity-check-reform>

¹⁸ Defender of Rights: Equinet Europe, <http://www.equineteurope.org/Defender-of-Rights-formerly-HALDE>

¹⁹ Amnesty International Report: France Eviction Forces up to 200 from their Homes (April 2013), <http://www.amnesty.org/en/library/asset/EUR21/006/2013/en/2961f7e2-7427-410f-abd5->

²⁰ *Id.*

²¹ *Id.*

²² Un rights expert welcomes new french law on arrests by police. *UN News Centre.* Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=38716&Cr=rappporteur&Cr1=>

²³ Amnesty International France Annual Report (2012), <http://www.amnesty.org/en/region/france/report-2012>

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Sunderland, J. (2011). France: One year on, new abuses against roma . *Human Rights Watch*, Retrieved from <http://www.hrw.org/news/2011/09/29/france-one-year-new-abuses-against-roma>

²⁸ *Id.* <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/114/02/PDF/G0811402.pdf?OpenElement>

²⁹ *Freedom of religion and religious symbols in the public sphere*. Retrieved from website: <http://www.parl.gc.ca/Content/LOP/ResearchPublications/2011-60-e.htm> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. (2011)

³⁰ Amnesty International France Annual Report (2012), <http://www.amnesty.org/en/region/france/report-2012>

³¹ *International religious freedom report: France*. Retrieved from website:

http://www.state.gov/j/drl/rls/irf/2010_5/168311.htm

³² UK United Sikh Report *France turban issue*. (2012). Retrieved from

http://www.sikhiwiki.org/index.php/France_turban_issue

³³ Jacob, Jayanth. "No ban on wearing Sikh turbans in public: France." *Hindustan Times* [New Delhi] 11 Feb 2013, n. pag. Web. 15 Jan. 2014. <<http://www.hindustantimes.com/india-news/newdelhi/no-ban-on-wearing-sikh-turbans-in-public-france/article1-1010262.asp&xgt;>>.

³⁴ *Id.*

³⁵ Barnett, L. Parliament of Canada, Parliamentary Information and Research Service (2011)

³⁶ Amnesty International France Annual Report (2012), <http://www.amnesty.org/en/region/france/report-2012>

³⁷ *Id.*

³⁸ *Legal Protection for the Sikh Turban*, HALDE, (2008). *Halde annual report*. Retrieved from website:

http://halde.defenseurdesdroits.fr/IMG/pdf/RA_UK_version_integrale.pdf

³⁹ Singh, I P. "French turban ban: Sikhs win 3rd case at UN." *Times of India* [Jalandhar] 09 Oct 2013, n. pag. Web. 15 Jan. 2014. <http://articles.timesofindia.indiatimes.com/2013-10-09/india/42862102_1_french-turban-ban-turban-curbs-mejindarpal-kaur>.

⁴⁰ Chaib, S. O. (2012, March 06). *Ranjit Singh v. France: The un committee asks the questions the Strasbourg court didn't ask in turban case*

⁴¹ *Id.*

⁴² *Strasbourg Observers*. Retrieved from *Id.*

⁴³ Chanda, Abhik. "Sikhs caught up in France's battle to stay secular." *Fox News* 24 Sep 2013, n. pag. Web. 15 Jan. 2014. <<http://www.foxnews.com/world/2013/09/24/sikhs-caught-up-in-france-battle-to-stay-secular/>>.

GEORGIA

Head of State: Giorgi Margvelashvili (since November 17, 2013)¹

Head of government: Irakli Garibashvili (since November 17, 2013)

Population: 4,942,157 (July 2013 estimate)²



Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: No

Government Structure: Georgia is a republic with a three-branch system. The executive branch is headed by the president, who is elected by popular vote for a term of five years, and eligible for a second term. The legislative branch is composed of a unicameral Parliament that has 150 seats. The legal system in Georgia is a civil law system. The Supreme Court, which is organized into several smaller specialized chambers, is the highest court. There is also a Constitutional Court with nine judges.

Religious Demography: The religious demography of Georgia according to the 2002 census is approximately 83.9 percent Orthodox Christian, 9.9 percent Muslim, 3.9 percent Armenian-Gregorian, 0.8 percent Catholic, 0.8 percent other, and 0.7 percent no religious affiliation.³

General Civil and Human Rights: A peaceful transition of power took place following the 2013 presidential election. The Dream Coalition, led by the billionaire Bidzina Ivanishvili won the general election, replacing President Saakashvili after nine years in office. The Human Rights Watch, however, reports multiple human rights challenges facing the new administration. In its 2013 World Report, the Human Rights Watch highlighted human rights issues in Georgia including substandard prison conditions, beatings and torture of individuals in custody, societal discrimination based on race and sexual orientation, and secret recordings through illegal government surveillance.⁴

During the most recent presidential elections, Amnesty International reported that there was harassment and intimidation of opposing supporters by the members of the past government. There were reports of abuses that “ranged from threats to physical beatings and violent assaults against opposition supporters and increased each month as the election approached.”⁵

Georgia’s legal system still needs procedural and substantive improvements. There have been reports of unfair trials, lack of transparency, and an influx in the prison population. As a result, Georgia has one of the highest prison populations per capita in the world.⁶ The U.S. department of State reports, “shortfalls in the rule of law, such as lack of judicial independence and a lack of

objective judicial scrutiny of executive actions, resulting in an uneven application of due process protections.”⁷

The Department of State also released an unconfirmed report that there were unlawful or arbitrary killings of individuals in custody. One case that raised concerns in the international community occurred on February 27, 2012. Solomon Kimeridze, a suspect being interrogated for the suspicious death, died at the Khashuri police station. The Ministry of Internal Affairs initially termed the death accidental and stated that Mr. Kimeridze fell four floors due to a faulty stair railing.⁸

Sikh Civil and Human Rights: There has recently been a large relocation of Punjabi farmers into Georgia. Many of these farmers left India due to an agrarian crisis. These Punjabi farmers, many following the Sikh faith, are buying inexpensive parcels of land in Georgia to farm. The government in Georgia is inviting farmers from South Asia to help develop its agricultural sector. Further, land agents in major towns in India such as Jalandhar in Punjab are advertising Georgian land deals and business is brisk.⁹

Following the collapse of the Soviet Union, in which Georgia was incorporated, half of the farmland in the country was unused. The government hopes that these immigrants can make use of the unoccupied farmland. There are, however, obstacles to new land ownership, as Georgian laws forbid foreign individuals from owning real property in the country. Many Sikhs are using shell corporations instead to purchase farm land.

There is a Gurdwara in Tiblisi, Georgia called the Gurdwara Guru Nanak Parkash.¹⁰ The first meeting in this Gurdwara was on September 26, 2013 where many members of the Sikh community donated land to the Gurdwara. A prosperous Sikh in Georgia named Angrez Singh, who recently donated two acres for a Gurdwara in Tiblisi said that, “Once it comes up, it will feel more like home.”¹¹



Ramandeep Singh Palhan bought 30 hectares of Georgian farmland.
SOURCE: Felix Gaedtke/Al Jazeera

¹ Central Intelligence Agency, World Fact Book: Georgia 2013(May 15, 2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/ge.html> {Herinafter, CIA World Fact Book}

² *Id.*

³ *Id.*

⁴ Human Rights Watch. *Human Rights Watch World Report 2014: Georgia*. 2013. Web. <<https://www.hrw.org/world-report/2014/country-chapters/georgia>>.

⁵ "Annual Report: Georgia 2013." *Amnesty International* (2013): n.pag. Web 1 Oct. 2013. <https://www.amnesty.org/en/region/georgia/report-2013>

⁶ "Outrage in Tbilisi." *The Economist*. 24 Sep 2012: n. page. Web. 5 Feb. 2014. <<http://www.economist.com/blogs/easternapproaches/2012/09/georgias-elections>>.

⁷ United States. Bureau of Democracy, Human Rights and Labor. Country Reports on Human Rights Practices for 2012. <http://www.state.gov/documents/organization/204499.pdf>

⁸ *Id.*

⁹ Burke, Jason. "Sikh Farmers Find New Pastures in Georgia, Eurasia." *Sikh Chic* 11 Jan 2013, n. pag. Web http://sikhchic.com/people/sikh_farmers_find_new_pastures_in_georgia_eurasia

¹⁰ The Gurudwara Guru Nanak Pash. <http://gurudwaragurunanakparkash.com/>

¹¹ Dogra, Chander Suta. "Once the gurudwara comes up...it will feel more like home." *Hindu* [Amristar] 06 Jan 2013, n. pag. Web. 5 Feb. 2014. <<http://www.thehindu.com/news/national/once-the-gurudwara-comes-up-it-will-feel-more-like-home/article4280306.ece>>.

GERMANY



Head of State: President Jochim Gauck (since March 23, 2012)¹

Head of Government: Chancellor Angela Merkel (since November 22, 2005)²

Population: 81,147,265³

Sikh Population: 26,000⁴

Sikhism recognized by state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the World Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Germany's government is a parliamentary democracy comprised of three branches of government. The executive branch is headed by the Chief (also known as the President) who is elected by a Federal Convention consisting of all members of the Federal Parliament (Bundestag), and an equal number of delegates elected by the state parliament. The legislative branch is bicameral, consisting of the Federal Council and the Federal Parliament. The judicial branch holds the Federal Constitutional Court, Federal Court of Justice, and the Federal Administrative Court.⁵

Religious Demography: The religious demography of Germany is approximately 34 percent Protestant, 34 percent Roman Catholic, 3.7 percent Muslim, and 28.3 percent unaffiliated or other.⁶

General Civil and Human Rights: The Basic Law (Germany's Constitution) and other recent jurisprudence and policies protect religious freedom and, in practice, the government generally respects the religious freedom of its citizens.⁷ The legal and constitutional makeup of church and state, however, has led to some inequalities and discrimination against minority religious groups. Religious groups are not required to register with the state, and groups may freely organize themselves for private religious purposes.⁸ Although religious groups are free to practice without a registration, these groups must register with the state in order to receive tax exemptions and representation on supervisory boards of mass media communications. This type of status is known as "Public Law Corporation" (PLC). Although this status is available to religious organizations, there are no Muslim communities to this date that have this status.⁹

There are laws in Germany that prohibit headscarves and also regulations that prohibit teachers in public schools from wearing religious symbols. The headscarf ban is in eight states as of 2012 and according to the U.S Department of State, these bans have been upheld by German courts in most instances. However, all states offer religious instruction. If a student does not wish to participate in the religious instruction, the student may opt to take a course in ethics instead.¹⁰

In June 2012, a regional appeals court in Cologne, Germany ruled that doctors could be criminally prosecuted for performing religious circumcisions of male children. Muslim and Jewish groups condemned the decision as violating their religious freedom rights, and in December of 2012 the German parliament passed a law making clear that religious circumcision of male infants is permitted.¹¹



A high school teacher in a court in Dusseldorf over headscarf issue. SOURCE: Spiegel Online

Courts have not made consistent rulings over headscarf bans and the standards Courts use over the issue differ by state and court.¹² In 2012, a hijab wearing lawyer was twice asked to remove her headscarf in court because “as an “officer of the court,” [she was] in violation of the ideological and religious neutrality of the justice system.”¹³ The same lawyer, however, was allowed to wear her headscarf in a third trial. In March 2012, a labor court ruled that a dentist was guilty of discrimination when he refused to employ a Muslim woman not on the basis of qualification, but only because she would not remove her headscarf.¹⁴ In August 2012, two female teachers contested the headscarf ban in their respective states. There has yet to been a decision on this matter.¹⁵

Notwithstanding all of this, the Constitution allows the government to characterize certain religious groups as “sects”, “youth religions,” and “youth sects.” In making these characterizations, the federal government is permitted to “warn” the public against said groups.¹⁶

Sikh Civil and Human Rights: Germany has the third largest Sikh population in Europe, behind the United Kingdom and Italy. There are large Sikh communities present in Frankfurt, Cologne, and Stuttgart. Frankfurt has even been given the nick-name “mini-Punjab” by local residents. There are approximately 34 Gurdwaras located in Germany; the oldest in current use was founded in 1979 in Frankfurt.¹⁷

Following a 2003 Constitutional Court ruling, eight German states including Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North Rhine-Westphalia, and Saarland have passed laws prohibiting public school teachers from wearing the headscarf at work.¹⁸ The Federal Constitutional Court both decided that headscarves were an individual legal right, but that states have the power to enact their own strict laws, and thus the ban on headscarves continue at the state level. These laws are in place, according to the German government’s reasoning, to promote secularism and reduce ideological influences in public places. While this law would clearly have a deep impact on Sikh individuals, to this date there have only been complaints filed by Muslim women requiring the removal of their headscarves.¹⁹



Gurdwara Singh Sabha, Frankfurt



Sikh Children at Sikh Camp in Frankfurt SOURCE: Sikhnet

Despite trepidations of discrimination against minorities, there were no recently documented cases of discrimination targeted at the Sikh community, due to the federal government's religious neutrality. Religious holidays are not national holidays, yet individual states may determine which religious holidays their respective state will observe.

Regarding the condition of the Sikh community in Germany, Dalbir Singh the head of Paradise Food Service and resident of Hamburg, told the SilconIndia, and India newspaper, that: "Germans have been respecting Sikhism and they should continue to do so." Mr. Singh also reported that many Sikhs in Germany openly carry the kirpan, a small spiritual sword, without facing any problems.²⁰

In April 2013, India's Prime Minister Manmohan Singh visited Germany to meet with Chancellor Angela Merkel. The German Sikh population has pressured its government to make human rights violations in India a key point of discussion during the meeting between the two Heads of State. The Sikh community specifically wants India to change its policy on using capital punishment.²¹ Representatives of the Sikh Federation, a Sikh human rights organization based in the United Kingdom, requested that Germany exert political pressure regarding Professor Davinderpal Singh Bhullar's case.²²



India's Prime Minister Manmohan Singh meeting with Chancellor Angela Merkel in Germany, April 2013
SOURCE: India Matters



Professor Davinderpal Singh Bhullar
SOURCE: Frontline

Professor Bhullar is on death row in India on charges involving a 1993 car bombing intending to kill Maninderjeet Singh Bitta, an Indian politician. Professor Bhullar attempted to seek political asylum in Germany in December 1994, although he was deported back to India in 1995. There have been multiple issues involving the procedural fairness of Professor Bhullar's trial; many members of the Sikh community strongly believe in Mr. Bhullar's innocence and that the professor is a victim of India's heavy-handed criminal system. In April 2013, the Indian Supreme Court confirmed Professor Bhullar's capital sentence.

¹ Central Intelligence Agency, World Fact Book: Germany 2013(May 15, 2013), <http://www.cia.gov/library/publications/the-world-factbook/geos/gm.html> [hereinafter "CIA"]

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ U.S. Department of State, Bureau of Democracy, Human Right and Labor, International Religious Freedom Report for 2013; Germany, , <http://www.state.gov/documents/organization/208530.pdf> [hereinafter "IRF 2012"]

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Swett, Katrina. United States. U.S. Commission on International Religious Freedom . Annual Report 2013. Washington, DC: , 2013. Web. <[http://www.uscirtf.gov/images/2013 USCIRF Annual Report \(2\).pdf](http://www.uscirtf.gov/images/2013_USCIRF_Annual_Report_(2).pdf)>. {hereinafter USCIRF Report}

¹² Wagner, Joachim. "Legal Limbo: Lawyers Seek Clarity on Headscarves in Court." Spiegel 17 Sep 2013, n. pag. Web. 10 Dec. 2013. <<http://www.spiegel.de/international/germany/muslim-lawyers-seek-clarity-on-allowance-of-headscarf-in-court-a-922522.html>>.

¹³ *Id.*

¹⁴ USCIRF Report

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Jacobsen, Knut, and Kristina Myrvold. *Sikhs Across Borders: Transnational Practices of European Sikhs*. 1st Ed. New York: Bloomsbury Academic, 2012. Print.

¹⁸ Chahrok, Halel. Human Rights Watch. German Headscarf Bans Violate Rights. 2009. Web. <<http://www.hrw.org/news/2009/02/26/germany-headscarf-bans-violate-rights>>.

¹⁹ *Id.*

²⁰ "Angry Sikhs will go to Germany despite checks." Siliconindia [New Delhi] 15 Jul 2004, n. pag. Web. <http://www.siliconindia.com/shownews/Angry_Sikhs_will_go_to_Germany_despite_checks_____nid-24900-cid-Top.html>.

²¹ "German Skhs to highlight India's human rights record." Matters India [Berlin] 19 Apr 2013, n. pag. Web. 10 Dec. 2013. <<http://mattersindia.com/german-sikhs-to-highlight-indias-human-rights-record/>>.

²² *Id.*

INDIA

Chief of State: President Pranab Mukherjee (since July 22, 2012); Vice President Mohammad Hamid ANSARI (since August 11, 2007)¹

Head of Government: Prime Minister Manmohan Singh (since May 22, 2004)²

Population: 1,220,800,359 (July 2013 estimate)³

Sikh Population: 19,215,730⁴

Sikhism recognized by the state as a distinctive religion: No⁵

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: YES (On Watch List of USCIRF)

Government Structure: India is a Federal Republic with three branches of government. The executive branch consists of the President, elected by an electoral college consisting of elected members of both houses of Parliament and the legislatures of the states. The Legislative branch is composed of a bicameral Parliament (Sansad) consisting of the Council of State (Rajya Sabha), whose members are elected in staggered elections by the elected members of the state and territorial assemblies, and the People's Assembly (Lok Sabha), whose members are elected by popular vote. Finally, the judicial branch is made up by the highest court, the Supreme Court, consisting of the chief justice and 25 associate justices.

Religious Demography: The religious demography of India as of the 2001 Census is approximately 80.5 percent Hindu, 13.4 percent Muslim, 2.3 percent Christian, 1.9 percent Sikh, and about 1.8 percent other.⁶

General Civil and Human Rights: According to the “2013 World Report: India”, compiled by The Human Rights Watch, India continues to face human rights challenges and perceived government corruption. Government initiatives aimed at making great strides toward improving education and health care as well as preventing police brutality and corruption, suffer due to inadequate implementation. The Human Rights Watch reports countless incidents demonstrating the Indian government's inability to function as an effective and efficient government to protect its citizens civil and human rights.⁷



The country has experienced a myriad of civil rights issues, the most prevalent being the recent restrictions placed on freedom of expression. The government, by establishing vague and ambiguous policies which govern and control internet content, has implemented a stern sedition law in order to stifle criticism of the government. The government applied the law in contradiction to a past Supreme Court ruling that sedition requires evidence of incitement. In one instance in September, police in Mumbai arrested political cartoonist Aseem Trivedi, acting on a complaint that his cartoons mocked the Indian constitution and the national emblem. Mr. Trivedi was released only after the controversy had ignited a wide spread of protests against the government's actions. Furthermore, the government continues to use the Foreign Contributions Regulation Act (FCRA) to restrict access to foreign assistance by domestic nongovernmental organizations.⁸

The people of India also suffer various human rights abuses at the hands of their own government, including police brutality and custodial killings (many of which were met with impunity for security officers). Members of security forces, implicated in serious rights abuses, continue to enjoy impunity, in large measure due to India's laws and policies. The Indian defense establishment resisted attempts in 2012 to revoke or revise the Armed Forces Special Powers Act (AFSPA), which permits soldiers to commit serious human rights violations with effective immunity.⁹

Violence against woman and children has and continues to be a pressing issue in India. Violence against women and girls continued in 2012, with increased reports of sexual assault, including against victims with disabilities. Further, children (regardless of gender) remain at risk of abuse, with large numbers of children forced into dangerous forms of labor, never being provided the proper access to health care and education they so desperately need.

The report covered, in addition to the aforementioned issues, abuses in the mining industry; a breakdown in government oversight over India's mining sector has led to rampant corruption and, in some cases, to serious harm to health, environments, and the livelihoods of mining-affected communities.¹⁰

The United States Commission on International Religious Freedom (USCIRF) placed India as a Tier- 2 country on its watch list in its 2012 Report, making it India's fifth year in a row on the list. The Commission is concerned over religious discrimination, intimidation, harassment, and occasional small-scale violence against members of religious minority groups. In addition, the Commission is concerned about the staggered and inefficient process of addressing past communal religious violence. In India, it is particularly troubling that justice for past incidents of sectarian violence targeting Muslim, Christians, and Sikhs has not been fully achieved. Anti-conversion laws adopted in some states have led to even higher incidents of intimidation, harassment and violence against religious minority communities.¹¹

Some of the most notable incidents of religious discrimination in India have been against Christians in Odrissa in 2007 to 2008, against Muslims in Gujarat in 2002, and against Sikhs in

1984. These incidents, tragic in nature, continue to impact the religious and political landscape of the country.

In January 2014, UK Prime Minister David Cameron called for an investigation into the UK government's role in the 1984 anti-Sikh riots in India. The UK has a 30 year rule that withholds classified information from the public for a 30 year period. There were, however, sensitive documents unintentionally leaked by the National Archives about the UK's role in the 1984 riots. "Investigations into the claims made in the documents, accidentally released under the 30-year-rule by the National Archives, revealed that a UK military adviser had recommended the use of helicopters in a surprise attack to cut down on deaths, during the 1984 operation Blue Star." While the UK claimed that around 400 Sikhs were killed in the riots, many historians and Sikh supporters believe that number to be in the thousands.¹²

A legal framework exists in India to investigate and prosecute religiously motivated violence through fast track courts and special investigation teams. One such team, the National Commission on Minorities, established in 1992, makes recommendations to the national and state governments on the effective implementation of special protection for minorities provided in the national constitution, and can investigate specific complaints made by an individual or community. The USCIRF, however, reports that this legal infrastructure is severely limited in its capacity, it is utilized inconsistently, and it is hampered by political corruption and religious bias, particularly at the state and local levels. These deficiencies have resulted in a culture of impunity that gives members of vulnerable minority communities few assurances of their safety, particularly in areas with a history of communal violence, and little hope of perpetrator accountability.

The Heritage Foundation, in its 2013 Index of Economic Freedom Report, gave India's government a score of 31 out of 100 from Freedom from Corruption. India's economic freedom score is 55.2, making its economy the 119th freest in the 2013 *Index*.¹³ The country's low score can be attributed to its poorly institutionalized judicial system, inefficient protection of property rights, and legislation put in place to eradicate corruption is staggered at best.¹⁴

Lastly, the U.S. Department of State's Report on International Religious Freedom noted several reports of societal abuses or discrimination based on religious affiliation, belief, or practice. A number of those incidents had been linked to politics, conversion, retaliation, or economic competition for scarce resources amongst religious communities. One of the examples the report listed were the myriad of communal clashes in Uttar Pradesh, which left 1,899 injured and took the lives of 91 individuals.¹⁵



The Sikh community in New Dehli leads a demonstration protesting France's turban ban. UNITED SIKHS leads a peaceful demonstration outside the French Embassy for President Hollande's visit to India, in New Delhi February, 2013.

SOURCE:UNITED SIKHS

Sikh Civil and Human Rights: India's constitution and developing legislation aim to protect religious freedom and, in practice, the government generally respects the religious freedom of its constituents; however, some laws and policies do exist which restrict religious freedom in India.¹⁶ There are approximately 20 million Sikhs in India. 14.5 million of those individuals reside in the state of Punjab, making them a majority within the state. Although those statistics may seem extremely high, under the 1992 National Commissions for Minorities Act, Sikhs are considered to be a minority community.¹⁷

Sikhism is the fifth largest organized religion in the world. However, under Article 25 of the Indian Constitution, Sikhism, Jainism, and Buddhism are labeled as sects of Hinduism. Sikhism does not have its own individual title. The Indian Constitution states that in Article 25 "in sub-Clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."¹⁸ This disregard of the importance of Sikhism and its true identity as a unique, distinct and revealed faith is believed to be one a primary cause of continual underpinnings of hostility and religious tension in India.

“FREEDOM OF RELIGION ACT(S)”AND ANTI-CONVERSION LAWS

There are currently Freedom of Religion Acts (FRA) and “anti-conversion” laws being used in five of the 28 states: Gurjarat, Orissa, Chhattisgarh, Madhya Pradesh, and Himachal Pradesh. Countless reports document that such laws, although unintentionally, actually lead to greater incidents of harassment, violence, and intimidation against religious minorities as compared to states that do not have these types of law. These counterintuitive outcomes result from these laws, which although great on paper, have gone unimplemented due to a lack of enabling legislation.¹⁹ “The laws require government officials to assess the sincerity of conversions and fine or imprison anyone using force, fraud, or “inducements” to convert others. In some states

those intending to change their religion must give the government prior notice of any conversion from Hinduism, but not toward it, making the law discriminatory in application.²⁰

More recently, the High Court of the state of Himachal Pradesh struck down parts of its “Freedom of Religion Act” for violating the state constitution. Those parts were Rule 4 (obligation to notify the authorities within 30 days of one’s intention to convert to a religion other than Hinduism), and Rules 3 and 5 (requiring the state to investigate conversions). In reaction to the Court’s actions, other states may begin to review the legality of their own anti-conversion laws. The federal government may even begin requiring states to review their laws in an effort to ensure that they are in line with the national constitution. However, as of now, no such state or federal government action has been taken.²¹

REDRESS FOR PAST VIOLENCE

By way of background, in 1984, anti-Sikh riots erupted following the assassination of Prime Minister Indira Gandhi. The assassination resulted in a spree of brutal killings of innocent Sikhs; nearly 3,000 Sikhs lost their lives in a genocide of hate, anger, discrimination and violence.

Three decades have passed and yet, as USCIRF reports, there have been few developments relating to the prosecution of the perpetrators of the anti-Sikh riots. In 2010 the Central Bureau of Investigation (CBI) requested the Delhi Additional Sessions Court to begin criminal proceedings against a Congress Party leader, Sajjan Kumar, and five others for their alleged role in the “genocide.”²² In March of 2011, the United States Second District Federal Court issued



Sikh protest demanding reinvestigation of 1984 Sikh genocide in India SOURCE: The Hindu

summons against the Indian National Congress for its alleged connection with the 1984 Anti-Sikh riots. The main defendant in the suit is Senior Congress Leader and current Urban Development Minister Kamal Nath, although the Nanavati Inquiry Commission in India cleared Minister Kamal Nath for any involvement in the riots.²³ Sikhs for Justice brought a class action tort claim against Minister Kamal Nath under the Alien Tort Claims Act and the Torture Victims Protection Act, although Minister Kamal Nath countered with an affirmative defense of immunity.²⁴

In another case currently pending, Resham Singh, a Sikh who was a taxi driver in 1984, alleges that he witnessed Congress Party leader Jagdish Tytler leading a mob of rioters. In late 2011, Singh requested that the Delhi court allow him to testify before the court would reach its final decision, which was expected sometime in March 2013, and before the CBI files its final reports with the court. In mid-2012 an official court case was filed against Tytler, but the date for the trial is currently unknown.²⁵ On April 10, 2013, a trial court ordered the case be reopened against Tytler and also set aside the CBI's closure report giving the Congress leader a "clean chit" on the grounds that there was no evidence against him.²⁶ The Court's order of further investigation had come on a plea by the riot victims against CBI giving a clean chit to Tytler and filing the closure report. The case is now pending in the Delhi High Court, which is scheduled to be heard on September 8, 2013.²⁷

While litigation is still open, the Sikh community waits for adjudicative resolution for the 1984 genocide. It has been over three decades since the tragic events of the 1984 genocide took place, and yet victims and their families still await some form of justice for what they had endured. The unanswered pleas of these victims demonstrate the shortcomings of the Indian Judicial system as well as India's poor treatment of minorities. Individuals who played pivotal roles in the slaughter of countless innocent Sikhs continue to lead a normal day-to-day life as their country's legal process takes decades to slowly prosecute them for their horrific criminal acts.

THE DEATH PENALTY

The death penalty is still legally in place in India, although in practice the sentence is rarely carried out. In over a decade, there have been only two known executions; Auto Shankar was hung in 1995 and Dhananjay Chatterjee was executed in 2004. There are at least 300 inmates who are awaiting execution. The death sentences of 13 people were commuted to life imprisonment.²⁸ Under new legislation, 16 states published death row figures, but at least five others refused to do so. Although numerous convicted individuals have been sentenced to the death penalty, the Supreme Court, in a 1983 case, ruled that the sentence should only be used for the "rarest of rare" cases.²⁹

A 48 year old Sikh farmer named Gurbakash Singh began a hunger strike in November 2012 in protest for the release of six Sikh men from his community that have been in jail since the 1990s. He observed the fast for 41 days. According to Sukhdev



May 2 protest by Sikh community over recent government actions
SOURCE: European Press Agency

Singh Bhaur, general secretary of the Shiromani Gurdwara Parbandhak Committee, "A number of Sikhs were falsely arrested, charged and convicted. Many of them are still in jails despite their old age. It's my personal opinion all such prisoners — whichever community they may belong to — should be set free now." ³⁰ Although Gurbakash Singh fasted for 6 prisoners, only 4 of them were eventually paroled; Gurmeet Singh, Shamsheer Singh, and Lakhwinder Singh were released from Burail Jail and Lal Singh was released from Nabha Jail.

Balwant Singh Rajoana was given the death penalty in 2006. He was convicted for the execution of an elected official, Punjab state's Chief Minister Beant Singh. Beant Singh is blamed for the deaths of countless innocent Sikh youth in Punjab in the nineties during the peak of militancy. Under his command, the police resorted to extreme practices which included, but were not limited to, extrajudicial killings. After the assassination, Rajoana expressed his strong disappointment and disgust with the Indian Judiciary, who, he believed, was shielding the culprits of the 1984 anti-Sikh riots. Rajoana believes that almost 30 years of injustice is enough, and his actions were done in an effort to prevent further injustices.

His execution was supposed to be carried out at the end of March 2012, but was postponed after a mercy petition, led by multiple Sikh organizations in the region, which was presented to the President. Rajoana has not appealed his sentence, even though his co-conspirators had their sentences reduced on appeal. The execution has been put off to give time for the President to review the community petitions; once the sentence is confirmed by the Supreme Court, only the President can waive the sentence upon presentment of a mercy petition or plea for clemency.³¹

Rajoana's conviction has gotten a lot of attention from the global Sikh community. Demonstrations have been held in the US and other countries by countless Sikh groups and individuals, all of whom, in an effort to broadcast and bring attention to India's poor treatment of minorities, came together to voice their opinions in support of Rajoana and condemn his death sentence.



Professor Bhullar as a symbol in street art to protest the death penalty in India SOURCE: Sikhsiyasat

Professor Devinder Pal Singh Bhullar is another inmate on death row in India. In August, 2001 Bhullar was given the death sentence for his alleged involvement in a bomb attack.³² Bhullar is believed to be a victim of state brutality. The Public Prosecutor who appeared against Bhullar during his Supreme Court appeal of 2002 described the sentence as a "Judicial Error." Many media outlets claim that Bhullar is nothing more than a victim, who has suffered countless atrocities at the hand of the state. Furthermore, Bhullar has suffered in solitary confinement for

approximately two decades. As a result of these long periods of confinement, Bhullar now suffers from physical and mental ailments, including severe depression with psychotic symptoms.³³ Professor Bhullar has a lot of support from the majority of the Sikh community, who believe that Bhullar is innocent and a victim of state oppression.

Bhullar's appeal to the Supreme Court was denied in 2006, and a plea for clemency to the President was denied in May of 2011. In September 2011, the Supreme Court allowed Bhullar to file an unprecedented second appeal, arguing that his first appeal should have been presented to and heard by a Constitutional Bench of the Supreme Court rather than a Trial Bench. Furthermore, the appeal would argue that after having been held in solitary confinement for all these years awaiting execution has led Professor Bhullar to become mentally unstable. In April 2013, the Supreme Court upheld Bhullar's death penalty after considering the mercy petition to the President.³⁴ The Supreme Court rejected the plea holding that in terror crime cases, pleas of delay in execution of death sentence cannot be a mitigating factor.³⁵

International awareness of Professor Bhullar's plight has spread in past years, and caught the attention of various political leaders; German President Joachim Gauck and Foreign Minister Guido Westerwelle have written to their Indian counterparts seeking clemency for Bhullar.³⁶ The United Kingdom strongly opposes the death penalty sentence against Bhullar claiming that if India executes him, it will demonstrate the country's backward nature and that the country is prepared to eliminate all Sikh prisoners.³⁷ Additionally, numerous Sikh groups have petitioned to have his sentence reduced.

On October 5, 2013 A Gurdwara Sahib in Vishakapatnam was attacked, motivated by antisocial elements. A mob attacked the Gurdwara by throwing stones, and setting fire to a portion of the building. SGPC chief Avtar Singh Makkar explained that "It's being reported due to the rising tensions and uprisings of the new state of Telengana, the Mobs have randomly started attacking places. However, it is not being understood why a place of worship became a target of attack."³⁸



**Damages were extensive to the Gurdwara Sahib in Vishakapatnam, after the October attack.
SOURCE: Daily Sikh Updates**

ANAND MARRIAGE ACT

On April 12, 2012, the Indian Cabinet approved to amend the Anand Marriage Act of 1909 in order to permit Sikhs to register their marriages under the Act, something which was not permitted under the Hindu Marriage Act. The Anand Karaj Amendment Bill will allow couples to register independent of their religion. The Act should also alleviate the difficulties of Sikhs living abroad attempting to register their marriage.

Dr. Daljit Singh, a legal scholar and the current Principal of the Khalsa College in Amritsar, Punjab, India, expressed his concerns with the Act's shortcomings; instead of moving forward, the Act's provisions would lead to further complications for the Sikh community. Dr. Singh states "If we see the historical background of Anand Marriage Act and its various sections or provisions, then it will become absolutely clear that the recommendation of amendment by the Union Cabinet is a very small technical amendment, and not any historic or praiseworthy step to be celebrated by the Sikh community."³⁹

In a recent survey conducted by UNITED SIKHS, nearly one third of survey participants believe that they have been discriminated against for wearing a head covering. Further, of those surveyed, 84 percent had personally heard of hate crimes perpetrated against the Sikh community in India. The vast majority of those crimes were verbal assault; however, nearly half also reported acts of physical violence. Those surveyed did not report cases where they themselves were victimized by the local police force, nor were there any reported instances of the defacing of Gurdwaras.

¹ Central Intelligence Agency, (n.d.). *Cia World Factbook: India*. Retrieved from website: <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html> [Hereinafter, CIA World Factbook]

² *Id.*

³ Note: This country's estimates take into account the effects of excess mortality due to AIDS; this can result in a lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected.

⁴ India. Ministry of Home Affairs. 2011 Census of India. 2012. Web. <http://censusindia.gov.in/Census_And_You/religion.asp&xgt;.

⁵ Under the Freedom of Religion Clause of the Indian Constitution (Article 25) the Sikh faith is included under the title of the Hindu religion and not a distinct faith.

⁶ CIA World Factbook

⁷ Human Rights Watch (n.d.). *2013 world report: India*. Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/india>

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ United States Commission on International Religious Freedom, (2013). *2013 global report: India*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3988

¹² Sharma, A. 30 years on, book on 1984 victims still banned. (Feb. 3 2014) The Times of India <http://timesofindia.indiatimes.com/india/30-years-on-book-on-1984-victims-still-banned/articleshow/29793487.cms>

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- ¹³ The Heritage Foundation , (2013). *2013 index of economic freedom: India*. Retrieved from website: <http://www.heritage.org/index/country/india>
- ¹⁴ *Id.*
- ¹⁵ United States Commission on International Religious Freedom
- ¹⁶ 5 U.S. State Department, Bureau of Democracy, Human Rights, and Labor. (2011). July-December, 2010 international religious freedom report. Retrieved from website: <http://www.state.gov/j/drl/rls/irf>
- ¹⁷ National Commission for Minorities , (n.d.). *National commission for minorities act* . Retrieved from website: http://ncm.nic.in/NCM_Act.html
- ¹⁸ The Langar Hall, *Sikhs in the Indian Constitution*, (Dec. 3 2008) <http://thelangarhall.com/general/sikhs-in-the-indian-constitution/>
- ¹⁹ United States Department of State , (2012). *International religious freedom report for 2012: India*. Retrieved from website: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm>
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² United States Commission on International Religious Freedom , (2013). *2013 global report: India*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3988
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ *Id.*
- ²⁷ *Id.*
- ²⁸ Amnesty International , (2011). *Annual report 2011: India* . Retrieved from website: <http://www.amnesty.org/en/region/india/report-2011>
- ²⁹ *Id.*
- ³⁰ Singh, HS, Sikh farmer on hunger strike in India for prisoner's release, (Dec 23, 2013) . CNN <http://www.cnn.com/2013/12/21/world/asia/sikh-hunger-strike-india/>
- ³¹ *Id.*
- ³² India puts Sikh radical Rajoana's execution on hold. (2012, March 28). BBC News. Retrieved from <http://www.bbc.co.uk/news/world-asia-india-17532832>
- ³³ Bhasin , R. (2013 , June 19). Devinderpal singh bhullar in 'bad physical, mental health', l-g defers execution.*The Indian Express*. Retrieved from <http://www.indianexpress.com/news/devinderpal-singh-bhullar-in-bad-physical-mental-health-lg-defers-execution/1130906/>
- ³⁴ Zeenews Bureau . (2013, April 12). Sc rejects bhullar. *Z News* . Retrieved from http://zeenews.india.com/news/nation/sc-rejects-bhullar-s-mercy-plea-upholds-death-sentence_841506.html
- ³⁵ Bhasin , R. (2013 , June 19). Devinderpal singh bhullar in 'bad physical, mental health', l-g defers execution.*The Indian Express*. Retrieved from <http://www.indianexpress.com/news/devinderpal-singh-bhullar-in-bad-physical-mental-health-lg-defers-execution/1130906/>
- ³⁶ Roy, S. (2013 , June 19). Germany seeks clemency for devinder pal singh bhullar - see more at: <http://www.indianexpress.com/news/germany-seeks-clemency-for-devinder-pal-singh-bhullar/1113958/>
- ³⁷ *Id.*
- ³⁸ "Gurdwara Sahib attacked and Burned in Vishakapatnam, Andhra Pradesh." Daily Sikh Updates 07 Oct 2013, n. pag. Web. 17 Oct. 2013. <<http://dailysikhupdates.com/2013/10/05/gurdwara-sahib-attacked-in-vijar-nagar-vishakaptnam-andra-pradesh/>>.
- ³⁹ Singh, D. (2012, June 09). *Truth about amendment to anand marriage act – achievement for sikhs or fraud with sikhs*. Retrieved from <http://www.sikhsiyasat.net/2012/06/09/truth-about-amendment-to-anand-marriage-act-achievement-for-sikhs-or-fraud-with-sikhs/>

INDONESIA

Chief of State and Head of Government: President Susilo Bambang Yudhoyono (since October 20, 2004)¹

Population: 251,160,193 (July 2013 estimate)²

Sikh Population: 10,000-15,000³

Sikhism recognized by state as distinctive religion: **No**⁴

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **Yes (USCIRF Watch List)**⁵



Government Structure: Indonesia's Federal government is divided into executive, legislative, and judicial branches. The legal structures are based on a civil law system of the Roman-Dutch model (influenced by customary law).⁶ The executive branch consists of the President (who is both chief of state and head of government), the Vice President, and a cabinet appointed by the president.⁷ The legislative branch is made up of the People's Consultative Assembly (upper house), and the House of Representatives (or Dewan Perwakilan Rakyat).⁸ The judicial branch is made up of the Supreme Court (or Mahkamah Agung) and the Constitutional Court. The Labor Court (the lower court) began functioning in January 2006.⁹ The Constitution exemplifies five principles of "Pancasila."¹⁰ The five principles are: monotheism, humanitarianism, national unity, representative democracy by consensus, and social justice.¹¹ Following decentralization in 2001, the CIA reports that regencies and municipalities have become the key administrative units responsible for providing most government services.¹²

Religious Demography: The religious demography of Indonesia is approximately 86.1 percent Muslim, 5.7 percent Protestant, 3 percent Roman Catholic, 1.8 percent Hindu, and 3.4 percent other or unspecified.¹³

General Civil and Human Rights: Indonesia's constitution officially affords religious freedom to its citizens, but in practice some laws and regulations restrict this freedom.¹⁴ The government generally respects the practice of the six officially recognized religions, yet it often disappoints in its effort to provide the same protections to minority religious groups. In some cases, government security forces fail to respond to radical non-state attacks on minority groups and establishments. Additionally, there have been reports of local governments blocking the construction of places of worship for minority groups. In one case, the national government did

not enforce two Supreme Court decisions that would have allowed the construction of two Christian churches.¹⁵

In 2013 religious communal violence accounted for roughly twenty lives, hundreds of destroyed homes, and roughly one hundred displaced civilians. The Ministry of Home Affairs, the ministry responsible for domestic affairs in the government and assisting the president in the state governance, reviewed about 13,000 local regulations that were subject to possible civil rights infringements, and repealed 824 regulations.¹⁶

The Ministry of Religious Affairs extends official status to the six religious groups and affords unrecognized groups the opportunity to register with the Ministry of Culture and Tourism as social organizations. Although this registration gives these groups the right to establish places of worship, obtain identity cards, and register marriages and births, they sometimes face challenges in finding jobs or enrolling their children in schools.¹⁷

In 2012, there were 145 reported cases of government abuses of religious freedom. This was an increase from the 105 in 2011. The Setara Institute, an Indonesia-based nongovernmental organization, reported a difference in the methods for researching and reporting violations that were not accounted for in the 2011 report. The Setara Institute reported that the government sealing of houses of worship was the second most common category of abuse by different provinces.¹⁸

Sikh Civil and Human Rights: The first Sikhs to arrive in Indonesia came in the 18th century as traders and merchants. At the apex of the colonial era, Sikhs were brought to Indonesia by both British Imperialists and the Dutch army. Sikhs traveling through British connections were



Gurdwara in Medan, Northern Sumatra, is one of largest in Indonesia SOURCE: The Virtual Tourist

primarily stationed in army posts and served as colonial administrators. The Dutch also posted Sikh soldiers in their holdings in the Indonesian Islands to suppress the local indigenous population. During this imperial struggle, many Sikh soldiers changed sides during the conflict, when they witnessed the suppression of the Indonesian society, to support the indigenous people's fight against their colonial power.¹⁹

Sikhs began to form their own communities in great numbers at the turn of the 20th century. Early Sikhs that made the journey to Indonesia

settled in the areas of Sumatra and Jakarta. The majority of the Sikh population in Indonesia today lives in Northern Sumatra, many in the provincial capital of Medan. There are ten Sikh Gurdwaras located throughout North Sumatra and Jakarta.²⁰ Most of the Sikh community in Indonesia has never been to India, and most have no desire to return. Rather, the Sikh community in Indonesia is tight fitting and self-confined.²¹

There were many reports of local civil registry officials who rejected applications for identity cards (KTP) submitted by those practicing unrecognized religions.²² Although, the regulations permit the religion field to remain blank or select “other,” the discriminatory nature of these officials caused unrecognized religions to not receive their identity cards.²³ Many Sikhs registered as Hindu on their KTP and marriage certificates, since it was easier to complete the application process.²⁴

A Sikh individual that is held in high regard in Indonesia is Dr. Harbrinderjit Singh Dillon. Dr. Dillon has held positions such as the commissioner for the National Commission on Human Rights, a member of the Council for the National Economy (DEN) reporting to the president; a member of the Joint Investigation Team (Anticorruption) reporting to the Attorney General. Currently, he sits as Executive Director of the Partnership for Governance Reform in Indonesia. According to Dr. Dillon, "Indonesians are very warm people. There is no reason for them to discriminate against Indians. Sikhs have been part of the Indonesian fabric from way back. Even in my great-grandfather's time they were a fairly large community of two to three thousand people employed as mostly farmers."²⁵



Dr. HS Dillion
SOURCE: Sikhnet

¹ Central Intelligence Agency, World Factbook: Indonesia (May 15, 2013), <http://www.cia.gov/library/publications/the-world-factbook/geos/id.html> [hereinafter “CIA”].

² *Id.*

³ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, International Religious Freedom Report for 2012: Indonesia, <http://www.state.gov/documents/organization/208444.pdf> [hereinafter “IRF 2012”].

⁴ *See id.* (“Indonesia only recognizes six religious groups: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism.”).

⁵ United States Commission on International Religious Freedom (USCIRF), 2012 Annual Report, [http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)

⁶ CIA, *supra* note 1

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ U.S. Department of State, Bureau of East Asian and Pacific Affairs, Background Note: Indonesia, 2012, <http://www.state.gov/r/pa/ei/bgn/2748.htm>

¹¹ *Id.*

¹² *Id.*

¹³ CIA, *supra* note 1 at "People and Society" (2000 census).

¹⁴ IRF 2012, *supra* note 4.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Fitria, Putri. "The Sikhs of Sumatra, Indonesia." Jakarta Globe 27 Aug 2010, n. pag. Web.

http://sikhchic.com/travel/the_sikhs_of_sumatra_indonesia

²⁰ *Id.*

²¹ Vignato, Silvia. "Indonesians of Indian Origin." *Internional Institute for Asian Studies*. n. page. Web. 5 Dec. 2013.

<<http://www.iias.nl/iiasn/23/theme/23T4.html>>.

²² Fitria, Putri. "The Sikhs of Sumatra, Indonesia." Jakarta Globe 27 Aug 2010, n. pag. Web.

http://sikhchic.com/travel/the_sikhs_of_sumatra_indonesia

²³ *Id.*

²⁴ *Id.*

²⁵ Ray, Joyeeta. "HS Dillon, a fearless campaigner." Sikhnet. 22 Oct 2012: n. page. Web. 14 Nov. 2013.

<<http://www.sikhnet.com/news/hs-dillon-fearless-campaigner>>.

IRAN



Head of State: Supreme Leader Ayatollah Ali Hoseini-Khamenei¹

Head of Government: President Mahmoud Ahmadinejad

Population: 79,853,900 (July 2013 estimate)²

Sikh Population: 6,000³

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **Yes**

Government Structure: Iran is a theocratic republic comprised of 31 provinces. The country became an Islamic republic in 1979 when Ayatollah Khomeini and a highly conservative religious faction overthrew the Shah of Iran. While the country has a constitution and three branches of power, the Supreme leader of the country ultimately holds almost all political authority. He directly controls the armed forces and indirectly controls internal security forces, the judiciary, and other key institutions. The Supreme Leader is only accountable to the Assembly of Experts, which is made up of 68 clerical members elected by popular vote. As part of the executive branch, the Assembly of Experts also appoints the supreme leader for life, and elects the president to a four-year term.⁴

The legislative branch is composed of a unicameral Islamic Consultative Assembly that has 290 seats. The members of this assembly are elected by popular vote to serve four-year terms. Iran's legal system is based on Sharia law and the highest court is the Supreme Court.⁵

Religious Demography: The religious demography of Iran is approximately 98 percent Muslim, of which 89 percent is Shi'a and 9 percent Sunni. According to unofficial estimates, the other 2 percent is constituted of Baha'is, Jews, Christians, Sabean-Mandaeans, and Zoroastrians.⁶

General Civil and Human Rights: Iran's government places restrictions on individual rights such as the freedom of assembly, expression, and association. Amnesty International reports that the government has limited the access to the national internet, have blocked websites and foreign broadcasts that carry political news, and monitors telephone calls. The government has shut down papers, such as the *Shahrvand* and *Ruzegar* in 2012, for the crime of propaganda against

the State of Iran.⁷ Further, individuals that speak out against the government are often harassed and imprisoned. Civil rights activists, including journalists, students, and lawyers, often are targeted by the government.⁸

There are reports that the Iranian government has committed extrajudicial killings, sometimes in group executions through unfair trials. Even minors were subject to these executions. Human Rights Watch reported in 2012 that executions, especially for drug-related offenses, continue at a high rate and religious freedom conditions worsened for religious minorities.⁹ Physical attacks, harassment, detention, arrests, and imprisonment increased.¹⁰ In October 2012, the Special Rapporteur of the United Nations issued his annual report on the human rights violations in Iran which includes arbitrary detentions and false imprisonment against religious minorities.¹¹

Politically motivated abductions and tortures continue to make international news: Journalists and activists are the normal victims of these attacks. By the end of 2012, the UN Special Rapporteur estimated that at least 45 journalists and bloggers remain in prison. In 2011, the UN reporter for human rights in Iran released a statement regarding human rights abuses increasing in the republic, and that prisoners have been executed privately. It additionally described the inhumane treatment of detainees, the imposition of the death penalty without the proper judicial proceedings and safeguards, the unequal status of women and the treatment of opposition leaders and their spouses that are in violation of basic human rights.¹²

Abbas Khorsandi, a blogger and political activist, founded the Iran Democratic Party, a small unregistered political party with a handful of members who publish articles on the internet.¹³ The group operated openly until agents from the Ministry of Intelligence arrested Khorsandi in January 2005 and accused him of forming an illegal party.¹⁴ Sadly, Khorsandi is still serving the eight-year sentence for “acting against national security through formation of an illegal association.” Throughout the year his family has repeatedly expressed concern about his health condition, especially his heart disease, but the government has made no response.¹⁵



Abbas Khorsandi
SOURCE: New Secularism

There are no basic safeguards for freedom of speech. The Constitution provides for freedom of expression and of the press, except when the content is deemed "detrimental to the fundamental principles of Islam or the rights of the public." In practice the government severely restricts freedom of speech and of the press, and the government arbitrarily enforces censorship against the independent press.¹⁶ The Bahai faith is banned, due to the government thinking that they are an organized establishment that may threaten Iran.¹⁷

Discrimination against women remains a problem. Although rape is illegal, rape cases are hard to document due to social stigma against women. Domestic violence is not specifically prohibited

by law. “Honor killings” are still allowed – the law permits a man to kill his adulterous wife and her consorts. A woman has the right to divorce only if her husband either signs a contract granting that right, cannot provide for his family, or is a drug addict, insane, or impotent.¹⁸

Iranian women are discriminated against in personal status matters related to marriage, divorce, inheritance, and child custody. A woman requires her male guardian’s approval for marriage regardless of her age. An Iranian woman cannot pass on her nationality to her foreign-born spouse or their children. A woman may not obtain a passport or travel outside the country without her husband’s written permission. Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Iranian women are trafficked internally for forced prostitution and forced marriage. Iranian and Afghan children living in Iran are trafficked within the country for commercial sexual exploitation.¹⁹ In August 2012, although female students outperformed male students, 36 universities announced that 77 courses would be for males only, thus preventing and excluding women from a variety of studies.²⁰

Sikh Civil and Human Rights: Iran is defined as an Islamic state under its Constitution; the government therefore has complete control over the practice of the Muslim faith under Shi’a religious tenets. Sunni Muslims, Christians, Jews, and Zoroastrians are all legally protected minorities in Iran. Sikhs, however, lack this protected status.

Even though the Iranian Constitution guarantees protected religious minorities the right to exercise their faith, in practice these religious minority groups continue to face persecution and discrimination by the government.²¹ Government rhetoric and actions have created a threatening atmosphere for nearly all non-Shi’a Muslim religious groups.²²



Gurdwara Sahib, Central Tehran SOURCE: Skyscrapercity

One of the main houses of worship in Iran is the Gurdwara Sahib located in Tehran. The Gurdwara Sahib was founded in 1941 by Bhai Ganga Singh Sabha Teheran, which conducts religious celebrations and community services.²³

Sikh history in Persia can be traced back to the days of Guru Nanak.²⁴ Guru Nanak Dev Ji is said to have travelled to Iran on his way to Mecca in the early 16th century. While the Sikh community once flourished in Iran, under the new authoritarian regime the number of Sikh families in Iran has dwindled. India Today reports that there may only be 70 Sikh families in Tehran, compared to 3,500 Sikh individuals in the 1970s before the Islamic revolution. NDTV reports, however, that despite the dwindling Sikh population in Tehran, religious freedom for Sikhs is not curbed by the Islamic Republic. There are, however, restrictions on women in Iran that Sikh women must face, such as laws governing their choice of clothes and movement. Further, there are difficulties for Sikhs in owning property or getting business licenses. A Sikh representative in Tehran meeting with India Today over India's Prime Minister's arrival in Iran stated that "We may have been living here for generations but now we cannot own property. Getting licenses and permits to carry out our legitimate business is also a problem."²⁵



Prime Minister Manmohan Singh visit to Iran.
SOURCE India Today

In September, 2012, India's Prime Minister Manmohan Singh visited Iran to meet with the heads of state. The Sikh community in Iran was hopeful that the Prime Minister could help persuade the current government to facilitate granting business licenses to Sikhs and to help alleviate discrimination. While in Iran the Prime Minister's wife Gursharan Kaur visited the local Gurdwara and gave a sizable grant for the upkeep of the temple and school.²⁶

In 2003, S Kultaran Singh, a Sikh born in Iran was brutally killed.²⁷ However, because the deceased was a practicing Sikh, and the perpetrator was a Muslim, the killer was not given exemplary punishment.²⁸ This killing had shaken the confidence of the small Sikh community residents in Iran.²⁹

DISCRIMINATION AGAINST RELIGIOUS MINORITIES

Non-Muslims may not engage in public religious expression, persuasion, and conversion among Muslims, and there are restrictions on published religious material. Apostasy, specifically conversion from Islam, is punishable by death. At least two death sentences for apostasy or evangelism were issued under judicial interpretations of Sharia during the reporting period.³⁰ Applicants for public sector employment were screened for their adherence to and knowledge of Islam.

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- ¹ Central Intelligence Agency, World Fact Book: Iran 2013(May 15, 2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> {Hereinafter, CIA World Fact Book}
- ² *Id.*
- ³ Singh Gill, Devinder. "Sikhs in Tehran." *Afghan Hindus and Sikhs*. N.p., 19 May 2010. Web. 3 Jan 2014. <<http://afghanhindu.wordpress.com/2010/05/19/sikhs-in-tehran/>>.
- ⁴ CIA World Fact Book
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ Human Rights Watch (n.d.). *2012 world report: Iran* . Retrieved from http://www.hrw.org/sites/default/files/iran_2012.pdf
- ⁸ Amnesty International. Annual Report 2013:Iran. 2013. Web. < <http://www.amnesty.org/en/region/iran/report-2013>>.
- ⁹ United States Commission on International Religious Freedom, Annual Report 2013, [http://www.uscirf.gov/images/2013%20USCIRF%20Annual%20Report\(1\).pdf](http://www.uscirf.gov/images/2013%20USCIRF%20Annual%20Report(1).pdf)
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² United States Commission on International Religious Freedom, Annual Report 2013, [http://www.uscirf.gov/images/2013%20USCIRF%20Annual%20Report\(1\).pdf](http://www.uscirf.gov/images/2013%20USCIRF%20Annual%20Report(1).pdf)
- ¹³ Why They Left, Stories of Iranian Activists in Exile, Human Rights Watch, December 2012, http://www.hrw.org/sites/default/files/reports/iran1212webwcover_0_0.pdf
- ¹⁴ *Id.*
- ¹⁵ *Id.*
- ¹⁶ U.S. Department Of State, Bureau Of Democracy, Human Rights, And Labor, 2010 Country Reports On Human Rights Practices: Iran (April 8, 2011), <Http://Www.State.Gov/J/Drl/Rls/Hrrpt/2010/Nea/154461.Htm> *Id.* [Hereinafter "U.S. Dept. Of State Hr 2011"].
- Id. Id. Id. Irf 2011, Supra Note 3*
- ¹⁷ May 22, 2008, "Iran Plans to destroy Baha'i community"
- ¹⁸ *Id.*
- ¹⁹ *Id.*
- ²⁰ "Report: Women Banned From Iranian University Programs". Yedioth Ahronot. 20 August 2012. Retrieved 21 August 2012.
- ²¹ <http://berkleycenter.georgetown.edu/essays/religious-freedom-in-iran>
- ²² *Irf 2011, Supra Note 3*
- ²³ Gurudwaras In Iran – Gateway To Sikhism, <Http://Www.Allaboutsikhs.Com/World-Gurudwaras/Gurudwaras-In-Iran>
- ²⁴ Sikhwiki, Free Sikh Encyclopedia: Sikhism In Iran, Http://Www.Sikhwiki.Org/Index.Php/Sikhism_In_Iran.
- ²⁵ Sawant, Gaurav. "Treading with care in Tehran." *India Today* [New Delhi] 03 Sep 2012, n. pag. Web. 7 Jan. 2014. <<http://indiatoday.intoday.in/story/treading-with-care-in-tehran/1/215811.html>>.
- ²⁶ *Id.*
- ²⁷ *Sikhspectrum: Will Justice Be Served?* <Http://Www.Sikhspectrum.Com/112004/Tehran.Htm>.
- ²⁸ *Id.*
- ²⁹ *Id.*
- ³⁰ *IRF 2011, supra note 3*

IRELAND

Head of State: President Michael D. Higgins (since October 29, 2011)¹

Head of Government: Taoiseach Enda Kenny (since March 9, 2011)

Population: 4,775,982 (July 2013 estimate)²

Sikh Population: 1,200³

Sikhism Recognized by the State as a Distinctive Religion: **No**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Ireland's government is a three-branch system with an executive, legislative, and judicial branch. The executive branch is comprised of the President. The legislative branch is composed of a bicameral Parliament (Oireachtas) that consists of the Senate (Seanad Eireann) and the lower house of Parliament (Dail Eireann). The legislative branch houses the Supreme Court (Court of Final Appeal) and Courts of First Instance, which includes the High Court.⁴

Religious Demography: The religious demography of Ireland is 87.4 percent Roman Catholic, 2.9 percent Church of Ireland, 1.9 percent other Christian, 2.1 percent other, 1.5 percent unspecified, and 4.2 percent no affiliation according to the 2006 census.⁵

General Civil and Human Rights: The Republic of Ireland has become one of the world's most globalized states due to large scale inward migration from over 180 states. Favorable corporate tax policies have led to an influx of business incorporations in Ireland, increasing job prospects and attracting foreign immigrants. Due to this migration, the social and legal structure of Irish society has faced a lot of challenges in defining the rights and responsibilities of both the host and migrant communities. Although early Sikhs immigrated to Ireland in the early 1900s, in the years 2000–2005 the majority of the current Sikh population arrived in Ireland.⁶

The UN Committee against Torture has expressed concern regarding violence against children in religious institutions in Ireland.⁷ In the Commission's report, the committee stated that it found that two-thirds of clerical sexual violence against children had not been reported to the Irish police force.⁸



The UN Committee against Torture and the European Committee for the Prevention of Torture have found that prison conditions are not satisfactory.⁹ These inadequate conditions consist of overcrowding, lack of in-cell sanitation, substandard healthcare, and violence among prisoners.¹⁰

According to the Human Rights Watch, there has also been discussion for the need to reform abortion law and regulations. In November 2012, the death of a woman denied an abortion spurred the steps to reforming such laws.¹¹



Sikh community in Ireland's capital celebrate Saint Patrick's Day
SOURCE: Sikhs in Ireland (blogspot)

Sikh Civil and Human Rights:

Sikhs in Ireland on the one hand face the day-to-day challenges faced by any migrant in Ireland. These trepidations of Irish Sikhs include procedural ambiguity and legal issues in immigration rules; inadequate legal protections lead to delayed family reunification and difficulties in getting permanent immigration status without any recourse to social welfare, even after paying large amount of taxes throughout the years. Further, more complex and difficult situations which are very much linked to the identity of Sikhs have been faced by nearly every Sikh community

member in Ireland. A number of these issues might have been present on a smaller scale earlier, but increased in the post 9/11 society.

General issues reported by the Sikh community in Ireland include the mistreatment of international Sikh students by other students, racial attacks including pelting with stones and bottles, knife attacks and beatings, difficulty in finding accommodations due to the turban and beard, difficulty in gaining employment and attaining religious accommodations, and discrimination at work in form of denied promotions or lower salary and designation as compared to Irish counterparts.¹²

Specific instances of discrimination based on the articles of faith were reported in Ireland. These occurrences include the following:

- Denied entry to Irish courts and embassies of other countries like the UK and U.S. due to the wearing of the kirpan
- Irish police forces do not allow Sikhs to join the force wearing a Turban
 - “No Turban, Garda Tell Sikh Recruit”, was the front page headline in *Metro*

Éireann, Ireland's multicultural weekly, in June 2007

- A Sikh member of the Garda Reservist named Ravinder Singh Oberoi was denied the right to wear his turban while on duty. The High Court dismissed Mr. Oberoi's appeal in May 2012 of the previous ruling.
- Many schools have an official uniform policy that requires pupils to wear mandatory dress, shave beards and refrain from wearing jewelry
 - Sikh children in schools have faced difficulties wearing turbans due to school policies forcing young students to trim their hair and remove their turbans.
 - On one occasion the hair of a Sikh girl student, was mischievously cut by other kids in school.
 - A football player from the Sikh community was asked by the referee to remove his patka (small turban) and the Football Association of Ireland (FAI) after meeting with members of Irish Sikh Council, agreed to formalize the rule of allowing the patka, but denied the wearing of kara (iron bracelet)
- Other incidents of harassment and discrimination at work keep reoccurring, like Sikh students who worked as part-time delivery persons at pizza shops were being forced to remove their Kara.

GURDWARA Issues

In 1986, members of the Irish Sikh community, with the financial help of a Sikh businessman in the UK, established the first Gurdwara (Sikh place of Worship) at 78 Serpentine Avenue, Ballsbridge, Dublin. At the time of construction, there were no registered trust or charity organizations for Sikhs; the members of the Sikh community instead agreed to have the title of the property registered in the name of the Sikh businessman from the UK. The property was purchased by shared contributions from the Sikh businessman, who along with respected members of the Irish Sikh community also raised money from other Gurdwaras across UK and from Sikhs in Ireland. The Gurdwara has been the sole place of worship for all Irish Sikhs and also acts as a key place for social and community gathering, providing shelter and food not only to Sikhs, but also travelers, new migrants, and individuals who might be in need of emergency help.¹³ After his sad demise, the family of the UK Sikh businessman has filed a court case asking the Irish Sikh community to vacate the Gurdwara property (the title deed being in the name of the late UK Sikh businessman).¹⁴

Sikhs in Ireland are disappointed and hurt that they are being denied the right to worship at the Gurdwara which has been maintained and run by the community ever since it was purchased. Irish Sikhs are emotionally attached to the place where they have seen religious ceremonies for their children, Sikh weddings and even funeral services for their loved ones.¹⁵ Irish Sikhs hope to make an appropriate response to the legal case to secure their right to continue to worship at the Gurdwara.¹⁶

¹ *CIA world fact book: Ireland*. Retrieved from website: <https://www.cia.gov/library/publications/the-world-factbook/geos/ei.html>

² *Id.*

³ Sikh Population of Ireland from The Times *Irish sikh coucil*. (2012). Retrieved from <http://www.irishsikhcouncil.com/community.aspx> CIA, (n.d.).

⁴ *CIA world fact book: Ireland*. Retrieved from website: <https://www.cia.gov/library/publications/the-world-factbook/geos/ei.html>

⁵ *Id.*

⁶ Sikh Population of Ireland from The Times *Irish Sikh Council*. (2012). Retrieved from <http://www.irishsikhcouncil.com/community.aspx> CIA, (n.d.).

⁷ Amnesty International Annual Report (2012), <http://www.amnesty.org/en/region/ireland/report-2012>

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Human Rights Watch: Ireland: Death of Woman Denied Abortion Should Spur Reform, Upholding Rights Includes Access to Legal Abortion (November 2012), <http://www.hrw.org/news/2012/11/16/ireland-death-woman-denied-abortion-should-spur-reform>

¹² ‘McDowell unveils plan for Garda recruitment’, RTENews, 14th October, 2004. Available at: <http://www.rte.ie/news/2004/1014/gardai.html>.

Steven Loyal, ‘Getting our head around the reality of multiculturalism’, The Irish Times, 8th August, 2007. Available at: <http://www.irishtimes.com/newspaper/opinion/2007/0822/1187332306110.html>.

‘Green Party calls on gardai to rethink its ban on Sikh turban’, The Irish Independent, 22nd August, 2007. Available at: <http://www.independent.ie/national-news/green-party-calls-on-gardai-to-rethink-its-ban-on-sikh-turban-1063475.html>

‘Sikhs criticise Garda decision on Turbans’, RTE News, 21st August, 2007. available at:

<http://www.rte.ie/news/2007/0821/turban.html>. ‘Common sense dictates that Sikh must wear turban on duty’

The Tribune, 26th August, 2007. Available at: <http://tribune.maithu.com/archive/article/2007/aug/26/common-sense-dictates-sikh-must-wear-turban-on-dut/>

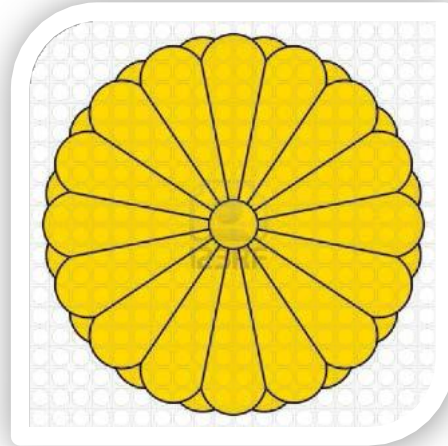
¹³ ‘He feels betrayed’. MetroÉireann, 12th March, 2009. Available at: <http://www.metroeireann.com/article/he-feels-betrayed,1774>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

JAPAN



Head of State: Emperor Akihito¹ (since January 7, 1989)

Head of Government: Shinzo Abe (since December 26, 2012)²

Population: 127,253,075 (July 2013 estimate)³

Sikh Population: 5,000⁴

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by U.S. State Department or U.S. Commission on International Religious Freedom: **No**⁵

Government Structure: Japan is a constitutional monarchy with a parliamentary government. The Japanese constitution was promulgated in 1946. The government is divided into three branches: legislative, executive and judiciary. The Japanese Parliament is called the Diet and consists of a House of Representatives and a House of Councillors. The Prime Minister heads the cabinet.⁶ The Emperor does not have any effective powers but is only the symbol of the state.⁷ The legal system is a civil-law system based on the German model.⁸

Religious Demography: The religious demography of Japan is approximately 56.4 percent Buddhist, 25.9 percent are 'Neoreligionists', 10.2 percent Agnostic, 2.87 percent Atheist, 2.1percent Christian, 0.2 percent are Muslims and only 0.1percent are Sikhs.⁹ It is common practice that people follow both Buddhism and Shintoism.¹⁰

General Civil and Human Rights: The Japanese government is generally respectful of individual human rights and the legal system protects individual freedoms. Laws in Japan prohibit torture or other cruel, inhuman, or degrading treatment or punishment and the government generally respects these provisions in practice. The government, however, continues to deny death-row inmates advance information about the date of execution. Hazing, bullying, and sexual harassment continue to be problems in the Japanese Self- Defense Forces (JSDF).¹¹

The U.S. Department of State reports that Japan continues to lack due process for the pretrial detainees; there is an increase in the exploitation of children and societal discrimination against women, ethnic minority groups, foreigners, including permanent residents.¹² Discrimination includes prohibited entry to some places, restricted access to housing, education, health care and

employment opportunities.¹³ Credible NGO's allege that police in large cities employed racial profiling to harass and arrest "foreign-looking" persons, particularly dark-skinned Asians.¹⁴

Religious groups in general have a fair freedom of practice. The government does not require religious groups to register or apply for certification; however, certified religious organizations receive tax benefits. Although most groups reported wide-spread tolerance and respect for religious freedom, there were some reports of societal abuse based on religious affiliation, belief, or practice.

On November 2013, Japanese parliament negotiated a "Special Secret Protection Bill", which protects people's rights under international law and international human rights. The bill also imposes serious penalties for leaking information that merely caused an "obstacle" to national security. It also punishes those who leak "special secrets" with up to 10 years in prison and a 10 million yen fine (US\$100,000).¹⁵

Sikh Civil and Human Rights: It is difficult to find the first recorded Sikh who visited or settled in Japan. It is anticipated that Sikhs might have travelled to Japan through battles with Japanese soldiers. From 1941 to 1942, a battle between 3,000 British personnel and over 6,000 Japanese soldiers erupted. Sikhs represented more than 60 percent of the total force.¹⁶

In 2009, Dr. Norio Okaguchi, a Japanese scholar, professor and head of the Research Institute for Languages and Culture for Asia and Africa, visited Punjab, India, to spread awareness about the importance of the mother tongue and Punjabi language.¹⁷

There are Sikh Gurdwaras in both Kobe and Tokyo; the latter is a more recent provenance, having been founded in 1999 in the basement of an office building. There are only 12 families in Kobe.¹⁸



Sikh community meeting in Japan SOURCE: Sikhs in Japan

The Sikhs in Japan are a small group that has grown much smaller in recent years. Some Sikhs are employed as unskilled laborers in small and medium enterprises while others work in import and export businesses.¹⁹ Some Sikhs have removed their turban in violation of the principle of Kesh because their employers are unfamiliar with Sikh customs.²⁰ There are few reports of societal abuse or discrimination based on religious affiliation, belief, or practice.²¹ Many advocacy groups complain about excessive bureaucratic loopholes that complicated the naturalization process and lack of transparent criteria of approval.²²

¹Central Intelligence Agency World Factbook,; Japan 2013 , Web.<<https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html> [Hereinafter ‘CIA’].>

² Prime Minister of Japan and his Cabinet, JAPAN: 2013 Web. <<http://www.kantei.go.jp/foreign/index-e.html>>

³ CIA, *supra note 1*

⁴ SikhSangat.com, 2007 Web. < <http://www.sikhsangat.com/index.php?/topic/27488-sikh-population-by-country/>>

⁵ "Japan Factsheet" Web Japan, Web. <http://webjapan.org/factsheet/en/pdf/e08_governmental.pdf>

⁶ Japan.Guide.com; Web. <<http://www.japan-guide.com/e/e2136.html>>

⁷ *Id.*

⁸ CIA, *Supra Note 1*

⁹ Association of Religious Data, Japan profile, Web;
<http://www.thearda.com/internationalData/countries/Country_117_3.asp>

¹⁰ *Id.*

¹¹ US Country Report on Human Rights Practices, Japan 2012; Web.
<<http://www.state.gov/documents/organization/204416.pdf>>

¹² *Ibid*

¹³ United States Commission On International Religious Freedom, *Annual Report Japan 2013*, Web.
<http://www.uscirf.gov/index.php?option=com_content&task=view&id=1456&Itemid=1>

¹⁴ *Ibid.*

¹⁵ “Japan: Amend “Special Secrets” Bill to Protect Public Interest”; Human Rights Watch; November 25 2013;
Web. < <http://www.hrw.org/news/2013/11/25/japan-amend-special-secrets-bill-protect-public-interest>>

¹⁶ “Forgotten Deeds Of Sikh Heroism - The Battle Of Malaya”, Panthic.org, May 2010, Web.
<<http://www.panthic.net/articles/5254>>

¹⁷ “Japanese Love Punjabi Sikh heritage”, Sikhnet.com; March 2009, Web.
<<http://www.sikhnet.com/news/japanese-love-punjabi-sikh-heritage>>

¹⁸ Sikhs In Japan (Guru Nanak Darbar), 2012; Web. <<http://blog.hinomapple.com/2012/11/06/sikhs-in-japan-guru-nanak-darbar/>>

¹⁹ *Ibid.*

²⁰ Civil and Human Rights Report 2012, UNITED SIKHS, Web.
< <http://unitedsikhs.org/CivilAndHumanRightsReport2012.pdf>>

²¹ *Supra Note 13.*

²² *Ibid.*

KENYA

Head of State and Government: President Uhuru Kenyatta (since April 9, 2013)

Population: 44,037,656 (July 2013 estimate)¹

Sikh Population: 39,000²

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**²



Government Structure: After declaring its independence in 1963, Kenya is currently a Republic with three separate branches: the executive, legislative (unicameral National Assembly) and judicial. The current government was formed after some violence, which was attributed to the opposition's candidates fiercely contesting the elections. The violence ended in February 2008 when, as the result of an international mediation process, the two sides agreed to form a coalition government. The parties also agreed to undertake a series of constitutional, electoral, and land reform measures to address the underlying cause of the crisis.

In 2010, Kenyans adopted a new constitution after a national referendum. On March 4, 2013, the first presidential election under the new constitution was held and Uhuru Kenyatta won the election and was sworn in as the new President. He has been in office since April 9, 2013.³

Religious Demography: Approximately 82.5 percent of the population is Christian, 11.1 percent Muslim, 1.6 percent traditionalists, and others⁴ (Sikhs and Hindus) constitute less than 1 percent. Among Christians, 58 percent are Protestant and 42 percent are Catholic.⁵

General And Civil Human Rights: The Constitution and other laws and policies protect religious freedom and, in practice, the government generally enforces these protections. From 2012-2013, Kenya faced many human rights issues. The most serious human rights problems were abuses by the security forces, including unlawful killings, forced disappearances, torture, rape, and use of excessive force, interethnic violence and widespread corruption and impunity throughout the government.⁶

The country's situation has been affected by the continuous episodes of violence in the North-Eastern Province, Coastal Province and the cities of Kisumu and Nairobi. Members of the

security forces were suspected of being responsible for a number of forced disappearances. In April 2013, armed men forcefully removed activist Samir Khan from a bus in Mombasa, believing him to have ties to the Somalia-based terrorist organization al-Shabaab.

The Human Rights Watch issued a detailed report entitled “They Are All Terrorists” in 2013 that reported that police used grenades and other methods to attack unknown people in Nairobi’s mainly Somali suburb of Eastleigh. The report went on to accuse the government of issuing an order to relocate urban refugees to refugee camps as an excuse to rape, beat, extort money from, and arbitrarily detain, at least 1,000 people. The police described their victims as “terrorists,” and demanded payments to free them. In this report the Human Rights Watch also documented 50 additional cases in which the abuses amounted to torture.⁷

Sikh Civil and Human Rights: The first recorded Sikh to visit Kenya was in 1890. Sikhs employed with the British army entered Kenya to work on the Ugandan rail tracks. These Sikhs were skilled workmen such as carpenters, blacksmiths and masons. Sikhs quickly adapted themselves to the specialized requirements of the railways and became an integral part of the Department of Railways. While some Sikhs opted to return to their homeland when the railway was completed, the majority remained in Kenya, and since then they have been linked inextricably with Kenya's development.



Photo of a Sikh engineer while building the Kenyan Railway line. SOURCE: The Sikh Heritage

Sikhs integrated well in their adopted country, and a sense of community was imbued by the building of Gurdwaras in all areas of the country where they settled. The first Sikh Gurdwara was built in Killindin Mombasa, Kenya, 1898. This Gurdwara was opened in two rooms, after

weekly prayer Sikh workmen used to take weekend tea. Later in 1961, this Gurdwara was replaced by a new Gurdwara in Makupa, Kenya.



**Sikh Temple, Makupa.
Now turned into a clinic.**

*Old Sikh Temple (now a clinic)
Makupa, Mombasa (p. 281, 283).*

SOURCE: Satguruweebly.com

As the community prospered, it turned its attention to its youth and built several Khalsa schools. The schools have also served as a rallying and unifying point for the entire Sikh community.

Sikhs who traditionally worked as farmers, crafts-people and artisans, ensured that their children availed themselves of the educational opportunities. Within a generation, Sikhs came to occupy positions in all walks of life, from skilled crafts-people to independent entrepreneurs and professionals.⁸

Sikhs have lived in this country for more than a century now, with a unique mix of cultures, during which time they have increasingly turned their attention to the needs of the wider community, and their role as citizens of the country. To that end, they have heeded Guru Nanak's call for service and are at the forefront of providing support to community organizations.⁹

They not only work in art and architecture but also hold various positions in each sphere of life. Chef-de-Mission of Kenya in the 1964 Olympic was a Sikh, Mr. Harbans Singh Sehmi, one of the best known sportsmen in the world. It was an acknowledgement of the contribution of the Sikhs in the sports of Kenya.

In the 1960s and 1970s, Sardar Joginder Singh Bhachu, became the first Sikh driver to ever win an international rally, and also the first man to win the Safari Rally three times. He was fondly known as the "Flying Sikh" for his exploits behind the wheels. He recently died in October 2013 due to heart failure.

Joginder Singh, pictured in London in the 1990s alongside the restored Volvo PV544 (KHT 184) with which he won the 1965 Safari Rally

SOURCE: CTI Automotive

In 2011, UNITED SIKHS expanded its Guru Nanak Food Bank and launched the "*Feed The Hungry In Africa*" campaign following the United Nations' call for "massive" action to save millions of people in the drought-stricken Horn of Africa region.



In the photo Kenyan Vice President, H.E. Stephen Kalonzo distributing supplies from Sri Guru Nanak Food Bank SOURCE: UNITED SIKHS

Sikhs have been regular contributors to Kenya's Harambee Project, a self-sufficiency project for the development of youth in Kenya. Throughout the country Sikhs have established medical facilities including hospitals, clinics and dispensaries to serve the wider community. Hence, it is not surprising that Sikhs are viewed as an integral part of the Kenyan nation.

Heroic Act of Satpal Singh During Terrorist Attack On Mall, 2013

On September 21, 2013, between 10 to 15 masked assailants attacked the upscale Westgate shopping mall in Nairobi, Kenya. The gunmen reportedly carried assault rifles and wore combat fatigues. This four-day terrorist siege left at least 175 wounded and more than 60 dead.¹⁰ Though there are no official reports regarding the number of Sikhs killed in the attack, reports suggest that more than five Sikhs were killed. Sikh youth Pavraj ‘Pablo’ Singh has been reported as one of the victims killed in this attack.

According to the eye-witnesses, the attackers specifically targeted and killed non-Muslims.



Satpal Singh, 36, along with more than 1,000 people was trapped inside the mall. Instead of running and saving his own life, he chose to save lives of his fellow hostages. Satpal Singh, a Sikh was accredited with saving the lives of over 40 people. According to one person rescued by Satpal Singh, “No amount of words can describe his humility and bravery. It is beyond ordinary; He is a shining example of unflinching faith in his god (guru).”¹¹

Pavraj “Pablo” Singh who was killed during the attack



Satpal Singh rescuing people from the mall, Nairobi., SOURCE: Dailyupdates.com

During his heroic act, Satpal Singh came face-to-face with the terrorists who fired two shots at him. Luckily, the attacker missed his target both the times. Singh was not threatened by the shots, he instead became more determined to help people who were trapped inside the mall. He

quickly turned to them and rescued them one by one. Following the tenets of his Sikh faith, he selflessly rescued people from danger thereby proving himself to be a true Sikh.¹²

¹ CENTRAL INTELLIGENCE AGENCY, Chiefs of State and Cabinet Members of Foreign Governments; <https://www.cia.gov/library/publications/world-leaders-1/KE.html>

² United States Commission on Religious Freedom, Tier 1/2/3 ; available at http://www.uscirf.gov/index.php?option=com_content&task=view&id=1456&Itemid=1

³ CENTRAL INTELLIGENCE AGENCY, The world FACTBOOK, <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>

⁴ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2012: KENYA, available at :

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper>

⁵ *Supra note 2*

⁶ U.S. Department of State, Bureau of Democracy Human Rights and Labor Country Report fro 2012; Kenya; Web. < <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> >

⁷ Simpson, Gerry. Human Rights Watch. You Are All Terrorists. 2013. Print. <<http://www.hrw.org/reports/2013/05/29/you-are-all-terrorists>>.

⁸ Salvador, Cynthia, “*Sikh Heritage of East India*”, Sikh Heritage in East Africa , Web. < <http://www.sikh-heritage.co.uk/heritage/sikhher%20EAfrica/sikhsEAfrica.htm>>

⁹ *Id.*

¹⁰ ‘*Kenya mall attack details emerge but death toll unclear*’, CBS morning; Web. < http://www.cbsnews.com/8301-505263_162-57604522/>

¹¹ “*5 Sikhs among 59 killed in terrorist attack in kenya which targeted only non-Sikhs*”, Daily updates.com, September 2013, Web.

< <http://dailysikhupdates.com/2013/09/22/reports-5-sikhs-among-59-killed-in-terrorist-attack-in-kenya-which-targeted-only-non-muslims/>>

¹² *Heroic Story of Satpal Singh of How He Rescued People Inside the Kenyan Mall Which Was Attacked By Terrorists*” Daily Sikh Update , September 23, 2013, Web. <<http://dailysikhupdates.com/2013/09/23/heroic-story-of-satpal-singh-of-how-he-rescued-people-inside-the-kenyan-mall-which-was-attacked-by-terrorists/>>

KUWAIT

Head of State: Sabah- al-Ahmad al-Jabir al-Sabah (since 2006)¹

Head of Government: Prime Minister Jabir Al-Mubarak al-Hamad al-Sabah (since November 20, 2011)

Population: 2,695,316 (July 2013 estimate)²

Sikh population: 10,000³

Sikhism recognized by the state as a distinctive religion: **No**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Religious Demography: The religious demography of Kuwait is approximately 85 percent (in which 75 percent are Sunni and 30 percent are Shia) Muslims, and 15 percent other (includes Hindus, Christian and Sikhs).

Government Structure: Kuwait is ruled under a constitutional hereditary emirate. The Constitution grants the Emir exclusive executive authority. There are no elections for the executive branch. The Emir appoints the Prime Minister and Deputy Prime Minister, and has the power to dismiss them. The cabinet of ministers is appointed by the Prime Minister and approved by the Emir. In February 2012, a new cabinet was formed. Kuwait's legislative branch is a unicameral National Assembly comprising of 65 seats with 50 members elected by popular vote. It has a mixed legal system consisting of English common law, French Civil law, and Islamic religious law. Article 2 of the Constitution provides that Islamic Sharia law forms a major source of law, but it is not the exclusive source. Therefore, it is not essential for a law to be totally in conformity with Islamic Sharia in order for it to be constitutional. The Constitutional Court (with five judges) and Supreme Court are the two highest Courts in Kuwait.⁴

General Civil and Human Rights: Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. An emirate is political territory that is ruled by a dynastic Muslim monarch styled Emir or a ruler. The main human rights issues in Kuwait include limitations on a citizens' right to change their government, restrictions on freedom of speech and assembly, especially among foreign workers and the stateless Arab people (called " the Bidoon or Bedoun"), trafficking of foreign workers, especially in the domestic and unskilled service sectors, and limitations on workers' rights.⁵



The predicament of the Bidoon continues to be a challenging issue. Despite having lived in Kuwait for a generations and with the population of at least 106,000 the Bidoon are identified as “illegal residents.” According to authorities, the Bidoon deliberately destroyed evidence of their original nationality in order to get the generous benefits that the state provides to its citizens.⁶

In March 2013, Kuwait’s parliament passed a bill to grant citizenship to almost 4,000 ‘foreigners’ which will essentially exclude the Bidoons or at least limit the number that could be granted citizenship. According to Amnesty International, much more needs to be done to protect the rights of the Bidoon in Kuwait. In order to take effect, the law must now be signed by the Emir of Kuwait.⁷

Sikh Civil and Human Rights: Economic development in Kuwait’s oil industries attracted many Sikh (Punjabi) traders and laborers. Over the years, Sikhs and South Asians in Kuwait have done well for themselves financially in business and other areas. Most of their assets actually exist in other countries because they are not allowed to own any land or property. Despite having a large Sikh community in Kuwait, Sikhs cannot become permanent citizens of Kuwait because they are not Muslim. With the country’s current economic growth and advent of western investors in Kuwait, Sikhs, like other foreigners are hoping for change in Kuwait’s citizenship policy.

Islam is the state religion of Kuwait, and all the government restrictions primarily affect the non-Sunni citizens and residents. The government does not recognize religious groups that are not sanctioned in the Quran, such as Buddhists, Hindus and Sikhs. Although the constitution provides for “absolute freedom” of belief and for freedom of religious practice in accordance with established customs, the government imposes legal restrictions on religion. Religion is curtailed when it conflicts with public order or morals.⁸ Contradictory to the constitutional freedom of religion, members of other religions are not allowed to worship and in fact face pressure to convert to Islam.

Members of these unrecognized religious groups are unable to build places of worship or other religious facilities. They also cannot request security or police protection.⁹ Municipal authorities have become more active in obstructing religious gatherings even at unofficial, private spaces.¹⁰ Courts have also sentenced several individuals to time in prison for religious offenses, and there have been reports of religious bias and discrimination against religious groups in the issuances of legal verdicts.



2008, Vaisakhi celebration at the local hall in Kuwait. SOURCE: The Daily Gazette

Like other religious groups not recognized by the government, Sikhs are not allowed to construct any Gurdwara in Kuwait. Kuwait authorities have closed a Gurdwara that had been operating in the Emirate since 1985. The authorities said it was in contravention of Islamic law and that it had been operating without a license in a private house in a Kuwait city suburb in violation of Kuwaiti law that permits only recognized religions (one recognized in the Quran) to have places of worship.¹¹ Sikhs in Kuwait now operate a Gurdwara from someone's residence.

According to a recent UNITED SIKHS survey, apart from government's discrimination, Sikh individuals are sometimes bullied at public places. The other participants were not aware of any additional incidents of discrimination.

¹ Central Intelligence Agency, World Fact Book: Canada 2013; Web. <<https://www.cia.gov/library/publications/the-world-factbook/geos/ku.html>>

² *Id.*

³ U.S. International Religious Freedom Report for 2012; Kuwait; Web. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=208226&year=2012#wrapper>

⁴ *Id.*

⁵ U.S. State Country Human Rights *Annual Report* 2012; Web. <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>>

⁶ Human Rights Watch (HRW) 2013; Web. <https://www.hrw.org/sites/default/files/wr2013_web.pdf>

⁷ “*Kuwait: Citizenship bill welcomed, but Bidoon discrimination still ‘Stain-on reputation’*” Amnesty International; March 2013; Web.

<http://www.amnesty.org.uk/news_details.asp?NewsID=20693>

⁸ *Supra note 3*

⁹ *Id.*

¹⁰ *Id.*

¹¹ “*Kuwait to seek Closure of Illegal Sikh Temple*”, Outlook India.com”, Jun 2001; Web.

<<http://www.outlookindia.com/article.aspx?212050>>

MALAYSIA

Head of State: King Tuanku Abdul Halim Mu'adzam Shah (since April 11, 2012)¹

Head of government: Prime Minister Mohamed Najib bin Abdul Najib Razak (since April 3, 2009)

Population: 29,628,392 (July 2013 estimate)²

Sikh population: ~ 120,000³

Sikhism recognized by the state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Malaysia is a federal parliamentary democracy with a constitutional monarch. The country gained its independence from British colonial rule and ratified its Constitution in 1957. Malaysia, an archipelago of island states, is composed of 13 states and one federal territory. The 13 states are each headed by a hereditary ruler (commonly referred to as sultan). The federal government is comprised of a King, a ceremonial position, and a bicameral parliament. Parliament has an upper house (Dewan Negara) whose members are appointed by the executive branch and the legislatures of the 13 states, and a lower house (Dewan Rakyat) whose members are elected by popular vote. Malaysia's legal system is a dual system of civil and religious (Sharia) courts, the latter application only for personal law of Muslims. It is perhaps a clear example of how a secular and Sharia court can co-exist in a country. The highest court in Malaysia is the Supreme Court.⁴

Religious Demography: The religious demography in Malaysia, as reported by the 2000 Census are as follows: Muslim 60.4 percent, Buddhist 19.2 percent, Christian 9.1 percent, Hindu 6.3 percent, Confucianism, Taoism, other traditional Chinese religions 2.6 percent, other or unknown 1.5 percent, none 0.8 percent.⁵

General Civil and Human Rights: Malaysia has recently made progress in human rights reform. The Malaysian constitution guarantees the right to life, freedom of movement, freedom of speech, assembly and association, freedom of religion, and rights in respect of education. These fundamental freedoms are subject to government regulation.⁶

In July 2013, the Malaysian government repealed the 1948 Sedition Act, which previously



limited the freedom of speech of political dissidents. The government, however, continues to hold individuals liable for publishing or distributing “offensive content.” Subject matter that violates Sharia law, and the Islamic faith can result in prison sentences. In May 2013 Nik Raina Abdul Aziz, a manager at a Borders book store, was sentenced to a prison term of two years for stocking Canadian author Irshad Manji’s book *Allah, Liberty and Love*.⁷

Most major media companies in Malaysia are controlled by political parties in the government coalition. Malaysia’s judiciary regulates free speech through the new Evidentiary Act that expands liability for publishing, distributing, or displaying offensive content. The Printing Press and Publications Act also regulates speech by requiring any publishing company to obtain a license to print information. State governments control the issuance of licenses for printing presses.⁸

Freedom of assembly and association, although also subject to government regulation, received a positive development when the Police Act was repealed in 2011, which required police permits for any public assembly. The Peaceful Assembly Act was promulgated in its place in December 2011. The Peaceful Assembly Act removed the necessity to obtain a police permit, and replaced it with rules that have to be followed for public assemblies.⁹

Sikh Civil and Human Rights: There is historical evidence that the first Sikhs to arrive in Malaysia were sent as political prisoners following the Anglo-Sikh wars in India during the 1840s.¹⁰ These prisoners were first sent to the Outram Road prison in what is now Singapore, and were later moved to prisons in East Malaysia. There are further records that in 1865 Sikhs came once again to the Malaya, but this time the immigration to the islands involved recruitment in the armed forces in the British Empire mainly as police, military



SOURCE: Of Prisoners and Peacekeepers

and guards. As the Malay islands were colonized, the need for a police force grew and Sikhs from now British India were sent in convoys to areas like Negri Sembilan, Pahang, Selangor, and North Borneo (East Malaysia). Sikhs came in greater numbers with their families to Malaysia in the late 1920s and began to form communities that continued to grow and flourish.¹¹ Malaysia now has one of the largest Sikh communities in the world.

There are about 180 Gurdwaras in Malaysia, 42 of which are situated in the state of Perak where a large number of Sikhs reside.¹² Sikhs started out in Malaysian society as policemen, soldiers, planters, guards and even businessmen. It is more common in recent years to see Sikhs working in the professional sector as doctors, lawyers, and dentists. The Sikhs, proportionately, have the largest number of professionals compared to any other group in Malaysia.¹³

Although the Sikh religion is recognized by the government and the State has recently provided a grant for the upkeep of Gurdwaras, the Sikh community now faces a challenge involving the use of the word “Allah.” The Court of Appeal held on October 14, 2013 that the government’s decision to impose a ban on the use of the word “Allah” in a Catholic magazine, was correctly made in accordance with the principles of administrative law and that there was no violation of the respondent’s right to profess, practice and propagate his religion under Article 11 of the Malaysian Constitution. The court held that the history of the language of the bible showed that the word “Allah” was not used as the name of God and was not an integral or essential part of the faith and practice of Christianity.

The word ‘Allah’ appears in the Sri Guru Granth Sahib Ji, the Eternal Guru of the Sikhs, therefore, Sikhs feel that their fundamental right to practice their faith would be impeded if the effect of the Court of Appeal’s judgment would be to impose a ban on their publication of the word ‘Allah’. However, it remains to be seen if Sikhs would be able to successfully argue their case on the basis that any ban on their publication of the stanzas of the Sri Guru Granth Sahib Ji which have the word ‘Allah’ would be a violation of their constitutional right as publishing the word ‘Allah’ is an integral or essential part of the practice of their faith.

A Sikh Gurdwara in Malaysia was attacked on January 13, 2010 following controversy allowing the printing of the word Allah in the Herald - The Catholic Weekly.¹⁴ The Malaysian government placed a ban on publishing the word Allah due to pressure by the Muslim majority of the country who believe that only Muslims should be allowed to use the word Allah. While the law bans printing “Allah,” everyday verbal use of the word by non-Muslims is allowed. Malaysian Gurdwara Council president Jagir Singh said that "There is no way the word can be excluded since it is found in the Guru Granth Sahib, just like in the holy Quran for Muslims." Jagir Singh also noted that Sikhs throughout the world has used the word Allah for over six centuries.¹⁵



Sikhs greet the Prime Minister: Source New Straits Times

6 million US dollars) to NGO’s in the country that represent the Sikh community. Organizations such as the Malaysia Gurdwara Council were given 1.69 million Ringgit to maintain Gurdwaras

The Malaysian government continues to give monetary support to the Sikh community. In April 2013, Prime Minister Datuk Seri Najib Razak announced that an additional 3.84 million Malaysian Ringgit’s (over 1.1 million US dollars) would be contributed to the Sikh community. Since 2008, the Federal government in Malaysia has given around 21 million Malaysian Ringgit (approximately

in Malaysia. Other funds have gone towards building three new Gurdwaras, and running children's programs, and classes to teach Punjabi.¹⁶

Malaysian Sikhs were outraged by a Sikh politician's actions in May 2013. Jagdeep Singh Deo, a Sikh politician, shaved his head bald at the Kek Lok Si Temple to protest against the general election being held in his state, and to protest against money politics. The Sikh community felt Mr. Singh Deo's actions were unacceptable and an insult of the fundamentals of Sikhism that prohibits the shaving of one's hair. Pritpal Singh, president of the Gurdwara Sahib Kangar, said "Cutting your hair or going bald without any medical reason is unacceptable. It is worse coming from a public figure like him ... There are many other ways of showing one's displeasure. As a Sikh, it is his communal duty to bear in mind the sensitivity of all Sikhs and their religion." Times of India claims that many Sikhs felt Mr. Singh Deo's actions reflected a greater personal interest towards politics than the politician's own religion.¹⁷



Jagdeep Singh Deo SOURCE: The Star Online

There were several noteworthy promotions and appointments of prominent Sikh individuals in Malaysia. Hardev Singh, who served with the Royal Malaysia Police for 34 years, was recently promoted as the Senior Assistant Commissioner of Police. Datuk Ranjit Ajit Singh, a Securities Commission managing director in Malaysia was appointed chairman. HSBC Bank Malaysia Bhd appointed Baldev Singh CEO and an executive director of the bank.¹⁸

¹ Central Intelligence Agency, World Fact Book: Malaysia 2013(May 15, 2013),

<https://www.cia.gov/library/publications/the-world-factbook/geos/ma.html> {Hereinafter, CIA World Fact Book}

² *Id.*

³ "The Allah Attack." The Sikh Archives. N.p., 27 Feb 2011. Web. 2 Jan 2014.

<http://www.sikharchives.com/?p=2951>.

⁴ CIA World Fact Book

⁵ *Id.*

⁶ United States. Bureau of Democracy, Human Rights and Labor. Country Reports on Human Rights Practices for 2012. 2012. Print. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm>

⁷ Amnesty International, (2013). *Annual report 2013: Malaysia*. Retrieved from website:

<http://www.amnesty.org/en/region/malaysia/report-2013>

⁸ Human Rights Watch (n.d.). *2013 world report: Malaysia*. Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/malaysia>

⁹ *Id.*

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- ¹⁰ Singh, Balvinder. "Sikhs in Malaysia." Esikhs. N.p.. Web. 3 Jan 2014. <http://www.esikhs.com/articles/sikhs_in_malaysia.htm>.
- ¹¹ Singh Malhi, Ranjit. "History: Setting the Record Straight." *Star* [Kuala Lumpur] 08 Feb 2013, n. pag. Web. 3 Jan. 2014. <http://www.nst.com.my/opinion/letters-to-the-editor/history-setting-record-straight-on-sikh-history-in-malaya-1.214842>
- ¹² Anbalagan, V. "Sikhs Will use Allah as it is in their holy scriptures, says Gurdwara council chief." *Malaysian Insider* 16 Oct 2013, n. pag. Web. 1 Jan. 2014. <<http://www.themalaysianinsider.com/malaysia/article/sikhs-will-use-allah-as-it-is-in-their-holy-scriptures-says-gurdwara-counci>>.
- ¹³ Singh Malhi, Ranjit. "Recognising the Sikh community's history." *Star* [Kuala Lumpur] 20 Feb 2013, n. pag. Web. 3 Jan. 2014. <<http://www.thestar.com.my/Opinion/Letters/2013/02/20/Recognising-the-Sikh-communitys-history.aspx/>>.
- ¹⁴ Seng Sin, Lai. "Malaysia Sikh temple hit with stones amid tensions." *Jakarta Post* [Kuala Lumpur] 13 Jan 2010, n. pag. Web. 1 Jan. 2014. <<http://www.thejakartapost.com/news/2010/01/13/malaysia-sikh-temple-hit-with-stones-amid-tensions.html>>.
- ¹⁵ Anbalagan, V. "Sikhs Will use Allah as it is in their holy scriptures, says Gurdwara council chief." *Malaysian Insider* 16 Oct 2013, n. pag. Web. 1 Jan. 2014. <<http://www.themalaysianinsider.com/malaysia/article/sikhs-will-use-allah-as-it-is-in-their-holy-scriptures-says-gurdwara-counci>>.
- ¹⁶ Othman, Ahmad, and Devinder Singh. "Najib announces RM3.8m aid for Sikhs, gurdwaras." *New Straits Times* [PETALING JAYA] 15 Apr 2013, n. pag. Web. 6 Jan. 2014. <<http://www.nst.com.my/nation/general/najib-announces-rm3-8m-aid-for-sikhs-gurdwaras-1.255607>>.
- ¹⁷ "Malaysian Sikhs angry at Sikh politician shaving bald." *Times of India* 05 May 2013, n. pag. Web. 1 Jan. 2014. <http://articles.timesofindia.indiatimes.com/2013-05-05/other-news/39042253_1_sikh-jagdeep-religion>.
- ¹⁸ Singh, Habhajan. "Malaysian Sikhs" . *The Sikh*, 02 May 2012. Web. 6 Jan 2014. <<http://msikhs.blogspot.com/2012/05/sac-hardev-moves-up.html>>.

NEPAL

Head of State: President Ram Baran Yadav (since July 23, 2008)¹

Head of Government: Khil Raj Regmi (since March 14, 2013)²

Population: 30,430,267 (July 2013 estimate)³

Sikh Population: 12,000⁴

Sikhism Recognized by the State as a Distinctive Religion: **No**

Currently a Country of Particular Concern or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government System: Nepal is a Federal Democratic Republic. It is a parliamentary system with one unicameral body comprising of 601 seats. Of those 601 seats, 240 members are elected by direct popular vote, 335 by proportional representation, and 26 appointed by the Cabinet (Council of Ministers). The President, who is a figurehead, is elected by the Parliament. Nepal's judicial system is comprised of the Supreme Court, which is also called the Sarbochha Adalat. The President appoints the Chief Justice on recommendation of the Constitutional Council; the Chief Justice then appoints other judges on the recommendation of the Judicial Council.⁵

Religious Demography: According to the 2001 census, Nepal's religious demography is 80.6 percent Hindu, 10.7 percent Buddhist, 4.2 percent Muslim, 3.6 percent Kirant, and less than 1 percent other religion.⁶

General Civil and Human Rights: The Nepalese government emerged seven years ago from a decade long civil war between the government (which was led by a now deposed Monarch) and the Communist Party of Nepal (Maoists). In 2006, a Comprehensive Peace Agreement was reached between the parties; however, there are still daily challenges that the Nepalese government faces. Nepal still lacks a functioning constitution, and the country is susceptible to political instability.⁷ The government has attempted to set up a Commission of Inquiry on Disappeared Persons, Truth, and Reconciliation that would charge individuals accused of war crimes who currently have impunity, but due to the government's instability, one has not been set up yet.⁸ During the civil war more than 18,000 people lost their lives, and there are accusations against the new regime of a multitude of crimes such as kidnapping, extortion, arson,



the demolition of infrastructure, the possession and destruction of property, extra-judicial killings, displacement, forced recruitment, and the disappearance of hundreds.⁹

Amnesty International reported that Nepal has failed to meet international standards dealing with the rights of children, women, migrant workers, and Tibetan refugees; torture and ill-treatment of detainees; discrimination against minorities; abuses by the government in the Terai region, and impunity of government officials.¹⁰

The municipal government of Kathmandu and the capital's armed police force began to forcibly evict residents in May 2012 from settlements along the Bagmati River. These forced evictions were to make way for a planned urban development project. The result of the removals left over 800 people homeless, 401 of those citizens removed were children. "Authorities plan to evict some 12,000 people in Kathmandu for the planned project, without ensuring adequate and sustainable alternative housing."¹¹



**Aftermath of eviction and demolition on May 9, 2012.
SOURCE: The Human Rights Watch**

Women and children are not afforded necessary legal rights under the current Nepalese government. Trafficking of young girls, rape and sexual assault, domestic violence, and dowry-related violence remain serious concerns. Women lack the same legal protections that males have in marital relationships. In August, the government banned young women under 30 years old from traveling to Gulf countries for work because of reports of physical and sexual abuse. Citizenship laws create obstacles for women to secure legal proof of citizenship, which has the outcome of restricting their rights to inheritance and marital property. Further, current law does not extend Nepalese citizenship to children born to non-Nepalese fathers; these laws have a discriminatory impact on immigrants and refugees.¹²

There are reports of Nepalese migrant workers being exploited looking for work outside of Nepal. Hundreds of thousands of Nepalese migrate every year to the Gulf and Malaysia for employment, primarily in construction and domestic work.

Nepal has ratified the Convention on the Rights of Persons with Disabilities (CRPD), and the government publicly promotes an inclusive education system in which children with and without disabilities attend school together in their communities. However in practice, many schools remain inaccessible and the current curriculum is inadequate for students with different learning

needs. In addition, Nepal continues to have a system of separate schools for children who are deaf, blind, or have physical and intellectual disabilities, as well as segregated classes for children with disabilities in mainstream schools.

In May 2012, the Ministry of Home Affairs issued a directive to allow citizens to identify as male, female, or “other” on citizenship documents based on self-identification, in line with a 2007 Supreme Court decision. However, the directive had yet to be implemented at this writing. In August 2012, the UN Office of the High Commissioner for Human Rights (OHCHR) welcomed the government’s announcement that citizens would be allowed to identify their own gender, including those who do not identify as male or female.

In 2012, authorities also obstructed peaceful gatherings by Tibetans and Nepalese of Tibetan origin, including detaining demonstrators in violation of orders from Nepal’s Supreme Court. Geographically located between Asia’s two powers, India and China, Nepal has a delicate balancing act to perform. India continues to exert a dominant external influence on Nepal’s politics, sometimes resulting in negative Nepali public opinion of India. India also continues to compete with China to invest in large infrastructure projects in Nepal, especially hydropower. In recent years, Nepal has accepted increasing amounts of financial aid from China to finance infrastructure development and support the Nepali military. In return, the Nepalese government explicitly supports Beijing’s “one-China policy” that China has sovereignty over Tibet and Taiwan. Nepal also prohibits “anti-Chinese activities” within Nepal, even though there are no specific laws to support such prohibition.

Sikh Civil and Human Rights:

Sikhs have been able to enjoy religious freedom in Nepal, although the instability of Nepal’s ruling regime has greatly impacted the daily lives of individuals in the Sikh community. Many Sikhs left Nepal in the past decade due to social unrest caused by the civil war and subsequent change in government. Frequent strikes and business shutdowns, typical of the new governmental regime, have made life arduous for the Nepalese Sikh community. Many Sikh families are engaged in the transport business in Nepal, which has been hit especially hard by these strikes. A study in the region of Birgunj revealed that approximately 90 percent of Sikh families



Nepalese Sikhs meet to commission new shrine at Nanak Math
SOURCE: Punjab News Express

have left the area following the government's collapse. Of the 452 Sikh families in Birguni in 2003, only 29 families remained in 2009.¹³

The first Sikhs arrived in Nepal in the 18th century.¹⁴ Gradually, these Sikhs, generation after generation, grew in size and the community has now fully integrated into the Nepalese society. There are still some territories in Nepal near the Indian border which bear Sikh names: Shikhhanpura, Jamunaha and Bankatwa.

There are five Gurdwaras in Nepal, the most famous is the remains of the Gurdwara Nanak Math, which is situated on the bank of the Vishnumati river in Kathmandu. Guru Nanak Dev ji is believed to have visited this site in 1518.¹⁵ Jaya Jagat Malia, the king of Nepal at the time, donated 200 acres of land in Guru Nanak's honor. Over the past 400 years, however, this Gurdwara has deteriorated into a barely recognizable shrine.

In November 2012, the then Prime Minister of Nepal, Baburam Bhattarai, promised to stop allocation of land owned by the Sikh community through this historic donation by Jaya Jagat Malia. The Nepalese Apex Court, as a consequence, has agreed to allow the restoration of this shrine to the Sarbat Bhalla trust.¹⁶ The Nepali Sikh community has been planning to use the land to re-establish a historic Gurdwara in Kathmandu. In November 2013, Akhand Paath was commenced at Gurdwara Nanak Math. Over 200 Sikhs were present for this non-stop recitation of Guru Granth Sahib¹⁷

¹ United States. Central Intelligence Agency. World Factbook: Nepal. 2013. Web. <<https://www.cia.gov/library/publications/the-world-factbook/geos/np.html>>.

² In March 2013, Khil Raj Regmi, the chief justice of Nepal's Supreme Court was sworn in as Chairman of the Interim Council of Ministers for Elections to lead an interim government and charged with holding Constituent Assembly elections by December 2013

³ *Id.*

⁴ "People-in-Country Profile." The Joshua Project. 2012. <<http://www.joshuaproject.net/people-profile.php>>.

⁵ CIA

⁶ *Id.*

⁷ "Nepal Guide to the conflict and peacebuilding in Nepal." Insight on Conflict. (2012): n. page. Web. <<http://www.insightonconflict.org/conflicts/nepal/>>.

⁸ Human Rights Watch (n.d.). *2013 world report: Nepal* . Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/nepalherinafter> “HRW Annual Report”]

⁹ Basnet, Gyan. "International law haunts Nepali war criminals." *Asia Times*. 18 Jan 2013: n. page. Web. 17 Dec. 2013. <http://www.atimes.com/atimes/South_Asia/OA18Df01.html>.

¹⁰ Amnesty International. *Annual Report 2013: Nepal*. 2013. Web. <<http://www.amnesty.org/en/region/nepal/report-2013>>.

¹¹ HRW Annual Report

¹² Adams, Brad. Human Rights Watch. *Nepal: A Year of Backsliding on Rights Commitments*. 2013. Web. <<http://www.hrw.org/news/2013/02/01/nepal-year-backsliding-rights-commitments>>.

¹³ "Frequent strikes force Sikhs to leave Nepal." *Zee News [India]* 24 Jun 2009, n. pag. Web. 20 Nov. 2013. <http://zeenews.india.com/news/nation/frequent-strikes-force-sikhs-to-leave-nepal_541828.html>.

¹⁴ Singh, Jaspal. "Sikhism in Nepal." . *Gurudwara Guru Nanak Satsang*. Web. 11 Oct 2013. <<http://www.chandan.com.np/satsang/index.html>>.

¹⁵ Balaju, Ahuja. "Akhand Paath begins at Nanak Math Katmandu." *Punjab News Express [Kathmandu]* 15 Nov 2013, n. pag. Web. 21 Nov. 2013. <<http://punjabnewsexpress.com/news/26848-Akhand-Paath-begins-at-Nanak-Math-Katmandu.asp&xgt;>>.

¹⁶ *Id.*

¹⁷ *Id.*

NETHERLANDS



Head of state: King Willem Alexander (since April 30, 2013)¹

Head of government: Mark Rutte (Since October 14, 2010)

Population: 16,805,037 (July 2013 estimate)²

Sikh population: 12,000³

Sikhism recognized by state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the World Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**⁴

Government Structure: The Netherlands is a constitutional monarchy with a democratic government. The king has a symbolic role as the head of the state. The legislature is bicameral consisting of the States General, comprised of the First Chamber or Eerste Kamer and the Second Chamber or Tweede Kamer. Every four years the representatives of parliament are elected through majority vote. These elections empower the public to influence the policy of the government through their chosen representatives.⁵

Religious Demography: The religious make-up of the Netherlands is approximately 30 percent Roman Catholic, 20 percent Protestant (Dutch Reformed 11 percent, Calvinist 6 percent, other Protestant 3 percent), 5.8 percent Muslim, 2.2 percent other, and 42 percent none.⁶

General Civil and Human Rights: The first chapter of the Dutch Constitution embodies the rights of all individuals within Dutch territories. The first article of the Constitution entails the ban on discrimination. According to this article, all individuals should be treated equally, without distinction on basis of religion, belief, political preferences, race, gender or any other ground. This ban on discrimination is absolute, which means that the government cannot deviate from this right. Other provisions that are important for the protection of minorities are freedom of religion, freedom of speech, freedom of association, freedom of assembly and the right to privacy. The government can only restrict the exercise of religious practices on grounds of health hazards, traffic safety and the risk of public disorder.

Several institutions are involved in the protection of human rights. The Supreme Court and the Dutch Equal Treatment Commission play a significant role in this regard. The Dutch Equal Treatment Commission is an independent organization that is established to monitor compliance

with the Dutch Equal Treatment Laws. Amongst other grounds, these laws also provide the Commission with jurisdiction when it comes to direct or indirect discrimination on grounds of religion/belief in the field of employment, education, the service sector and the retail business. Every individual who believes that he or she was subjected to treatment contrary to the Dutch Equal Treatment laws is entitled to file a complaint with the Commission. Even though the Equal Treatment Commission cannot impose sanctions or penalties on individuals or institutions that have breached the Dutch Equal Treatment Laws, its opinion can be of great value during court procedures.

International law is also of great importance for the protection of human rights. Since Article 120 of the Dutch Constitution prohibits judges from examining whether national law is in conformity with the human rights provisions embodied in the Dutch Constitution, international law can play an important role: as per article Article 93 and 94 of the Dutch Constitution, international law provisions that can provide fundamental rights to individuals are directly applicable and have priority over national law.

The Netherlands is signatory to international human rights agreements such as the European Convention on Human Rights, the European Social Charter, and the Rome Statute (for the International Criminal Court), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural rights (ICESCR). If a court finds that a national law breaches, for example, a provision of the European Convention on Human Rights, the national law will be inapplicable.

People of minority faiths are all protected by the human rights provisions discussed in the previous paragraph. With regard to religious groups, the Netherlands offers protection to the identity of all minorities within its country. Unfortunately, the result of the latest elections of the Dutch parliament (2010) showed that public opinion towards minorities and migrants has become more conservative. The PVV, a party led by Geert Wilders in Parliament and famous for its conservative opinion towards minorities, has influenced government policy towards minorities. This has made the government's approach towards minorities more stringent. In 2012 the Dutch government, for example, adopted a law which bans burkas from the streets. This law, however, has yet to be approved by the Counsel of the State of Netherlands, the advisory body to the government comprised of the Dutch royal family and members appointed by the royal family.

Sikh Civil and Human Rights: 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.⁷

Sikhs first settled in the Netherlands following World War II. The British, at the request of the Dutch government, sent Sikh soldiers to Indonesia to fight for Holland's colonial holding against the Empire of Japan.⁸ Sikh soldiers also fought with the Dutch against Germany at Maastricht and Eindhoven in Holland. Many of these soldiers remained in the Netherlands after the war, and the Sikh community grew. There are eight Gurdwaras in the Netherlands, located in the

cities of Amsterdam, Almere, Den Haag, and Rotterdam.⁹ The majority of the Sikh population in the Netherlands lives in the capital city of Amsterdam.

The Dutch approach towards the Sikh turban has historically been reasonable, but changes in recent laws now have brought litigation over displaying articles of faith. Sikhs are protected by the ban on religious discrimination and reportedly did not have to face many problems. However, after 9/11 the Dutch approach towards religious minorities (especially Muslims) has completely changed. People have become more conservative and Islamic customs have often been questioned publically. Since many Dutch people are not aware of Sikhism as a religion, the turban has often been associated with Islam. In isolated incidents, Sikhs have been discriminated against due to this confusion. The lack of education about the Sikh religion is the main cause of these incidents.¹⁰



Gurdwara in Rotterdam SOURCE: fotos.sikhs.nl

Unfortunately, there have been recent developments in the Netherlands that indicate a threat to Sikhs wearing a turban. In a recent case, a Dutch girl had questioned the rule of a catholic school that prohibited all students from wearing headscarves. The Dutch High Court stated that the Catholic school is allowed to set such a rule if it is necessary for the protection of the unique identity of the school and the rule is based on a permanent policy. Even though this case refers to an isolated incident, the ruling of the court can be seen as an important precedent for other special schools. This development is alarming for Sikhs as it might influence the access to private faith-based schools of children wearing turbans.

Another point of concern is the ban on religious symbols for government officials. In 2011, the government adopted a code of conduct which prohibits police officials from wearing visible expressions of any religion. The reasoning of the government behind this rule is that the police needs to present themselves in a neutral form at all times. Any expression of a religion, such as a turban, is therefore not allowed. This rule threatens the religious identity of Sikhs working as police officers in the Netherlands, forcing them to choose between their duty and their identity as a Sikh.

With regards to the Dutch approach towards the kirpan, the Golden Tulip case is of great importance. In this case, a Sikh man was suspended from his job because he was wearing a turban and a kirpan at work, which (as they claimed) was not in conformity with the image and

dress code of the hotel. The issue was discussed by the Dutch Equal Treatment Commission. The Commission held that the decision of the hotel to fire the Sikh man because of his turban and kirpan was discriminatory as the kirpan is not a weapon, was not worn visibly, and was no threat to other staff members and hotel guests. After this ruling, the Amsterdam Municipal Police issued a statement in which it declared that the kirpan does not fall under the Weapons Act. This paved the way to allow Sikhs to wear the kirpan, except for in certain places as mentioned under article 2.5 of the Dutch “Algemene Plaatselijke Verordening” or General Local Regulation.¹¹ In practice, Sikhs carrying the kirpan are advised to carry a copy of this statement.

The shooting last year at the Oak Creek, Wisconsin Gurdwara, was a big shock for the entire Sikh community, and underlined the importance of creating awareness on the Sikh identity. This has stimulated the Dutch Sikh community to be even more active in spreading the meaning of Sikhism. By attending interfaith conferences, actively inviting people from all faiths to visit the Gurdwara (during the Wereld Reis in Eigen Stad event), giving presentations on Sikhism and publishing Dutch Sikh comic books, the Sikh community in the Netherlands aims to create more public awareness of the Sikh identity.¹²

¹ Central Intelligence Agency, World Fact Book: Netherlands 2013(May 15, 2013), <http://www.cia.gov/library/publications/the-world-factbook/geos/nl.html> [hereinafter “CIA World fact Book”]

² *Id.*

³ 2012 Official Statistics: Dutch Central Bureau of Statistics, <http://www.cbs.nl/nl-NL/menu/themas/bevolking/cijfers/extra/bevolkingsteller.htm>

⁴ U.S. Department of State, Bureau of Democracy, Human Right and Labor, International Religious Freedom Report for 2013; Netherlands, , <http://www.state.gov/documents/organization/208530.pdf> [hereinafter “IRF 2012”]

⁵ CIA World fact Book

⁶ *Id.*

⁷ IRF 2012

⁸ Holland, Bhupinder. How Europe is Indebted to the Sikhs. Sikh University Press, Print.

⁹ "Gurudwaras In Nederland." Sikhs.nl. N.p.. Web. 2 Dec 2013. <http://www.sikhs.nl/gurudwara_in_nederland.htm>.

¹⁰ Singh, Bhupinder. "Anti Sikh Racism in Europe." Pujabi in Holland. N.p., 12 May 2013. Web. 5 Dec. 2013. <<http://www.punjabiinholland.com/news/549-anti-sikh-racism-in-europe-bhupinder-singh-holland--.asp&xgt;>>.

¹¹ Denmark. Wegwijs in regels. Antwoord voor bedrijven. Web. <<http://www.antwoordvoorbedrijven.nl/regel/apv>>.

¹² Kaur, Harsangat. 2012. . Print. <http://www.sikh24.com/category/multimedia/videos/page/6/>

NEW ZEALAND



Head of State: Queen Elizabeth II (since February 6, 1952). Represented by Governor General Lt. Gen Sir Jerry Mateparae (since August 31, 2011)¹

Head of Government: Prime Minister John Key (since November 19, 2008)²

Population: 4,365,113 (July 2013 estimate)³

Sikh Population: 0.2%⁴

Sikhism recognized by state as a distinctive religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: New Zealand is a parliamentary democracy and a Commonwealth realm. The legal structure is a common law system, based on English procedure, with special legislation and land courts for Maori. The government is made up of three branches. The executive branch consists of the chief of state, head of government, and a cabinet that is appointed by the governor general by recommendation from the prime minister. The legislative branch is comprised of a unicameral House of Representatives (i.e. Parliament). The judicial system is made up of three court levels. The highest level court is the Supreme Court. The intermediate level is the Court of Appeal. The lower court is the High Court. Judges are appointed by the governor general.⁵

Religious Demography: The religious demography of New Zealand is 38.6 percent Protestant (Anglican 13.8 percent, Presbyterian, Congregational, and Reformed 10 percent, Christian (no denomination specified) 4.6 percent, Methodist 3 percent, Pentecostal 2 percent, Baptist 1.4 percent, other Christian 3.8 percent), 12.6 percent Roman Catholic, 1.6 percent Maori Christian, 1.6 percent Hindu, 1.3 percent Buddhist, and the remaining 32.2 percent are none, other, or unidentified (from the 2006 Census).⁶

General Civil and Human Rights: New Zealand's constitution, laws, and policies guard religious freedom. There is unrestricted freedom to express religion, provided that the practice does not "breach the peace."⁷ According to the U.S. Department of State, there have been no reported abuses by the government of the right to religious freedom. Further, New Zealand's government does not affiliate itself with any religion. Public schools, however, have the right to

hold sessions in religious education, although the law provides that education in public schools must be secular in character. Religious instruction, completely voluntary, is often offered outside of regular school hours.⁸

Pursuant to the Human Rights Act, New Zealand's Human Rights Commission (HRC) stands as the first avenue for citizens to file complaints in case of civil and human rights violations. If a citizen is not satisfied with a decision of the HRC, the citizen may advance to the Human Rights Tribunal, which has the authority to issue restraining orders, award monetary damages, or declare a breach of the Human Rights Act.⁹

Religious groups are not required to register with the government. However, if a religious group wishes to collect money for any charitable purpose or receive tax benefits, it must register with the Inland Revenue Department as a charitable trust.¹⁰

In the past year, there were no reports of abuse of religious freedom, yet there were a few reports of discrimination based on religious aspects. The HRC received 1,744 complaints of unlawful discrimination under the Human Rights Act. Of the 1,744 complaints, 53 were classified as "complaints against members of society for unlawful discrimination on grounds of religious belief or lack of religious belief."¹¹

Amnesty International reported human rights issues involving women's and children's rights, gay and lesbian rights, and refugee and asylum seeking individuals. The UN Committee on the Rights of Children believes that about 20 percent of children in New Zealand live below the poverty line. The committee also reported that these disadvantaged children were more likely subject to abuse and neglect. Members of the Maori and Pacific communities were more likely than other groups to live below the poverty line.¹²

The UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns over increased reports of domestic violence and abuse against women. New Zealand's government is moving to pass the Equality Amendment Bill and the Immigration Mass Arrivals bill, which would respectively redefine marriage to include same sex marriage, and to extend legal protections to immigrants.¹³

Sikh Civil and Human Rights: There are thirteen *Gurdwaras* (temples) located throughout New Zealand.¹⁴ Sikhs first came to New Zealand before the turn of the



The Sikh Gurdwara at Te Rapa was the first in New Zealand when it opened in 1977. Photograph by Harpreet Singh

twentieth century. The Sikh community, although small in New Zealand, saw its greatest increase in the 1980s with developments in immigration law facilitating the movement of Sikhs into the country.¹⁵ This policy led to a three-fold increase in the Sikh population in the 1990s and early 2000s, to approximately 10,000 Sikhs reported in the 2006 census in New Zealand.¹⁶

In the aftermath of the September 11th terrorist attacks in the United States, a New Zealand media agency reported that Sikh Gurdwaras received numerous threats from extremist groups.¹⁷ Sikhs were labeled as terrorists simply on the basis of their physical appearance and articles of faith.¹⁸ Due to ignorance, the public repeatedly called Sikhs Bin Laden and terrorists. Furthermore, incidents of verbal abuse and intimidation were reported in New Zealand's capital city.¹⁹ Nonetheless, in 2008, Officer Amaninder Singh Sandhu became the first Sikh New Zealand Police Officer to don a turban on duty.²⁰

In 2008, New Delhi businessman Kanwaljit Singh Bakshi became the first Sikh Member of Parliament in the newly-elected conservative National Party government of New Zealand. "Indian immigrants will now have a voice in New Zealand parliament," Bakshi said. He added, "it is a great honor to be a representative of Indians in the New Zealand parliament. Indians have been in New Zealand for the past 120 years, but there was nobody of Indian origin in parliament. Now Indian immigrants will have their voice heard in parliament."²¹

In 2010, two unnamed men were charged with forgery and were linked to alleged voter fraud in South Auckland.²² The two men were accused of "hijacking" the New Zealand Sikh Society Organization. The Sikh community filed complaints with Members of Parliament, and government departments against the two men. The complaints were not sufficiently investigated.²³



**NZSWA celebrates Waitangi Day in February 2013, commemorating New Zealand's founding.
SOURCE: NZSWA**

The Sikh community has been at the forefront, and key in the battle against violence and promoting violence free communities in New Zealand.²⁴ The New Zealand Sikh Women’s Association Inc. (NZSWA), founded in 2002 by a group of migrant women, educates and empowers women of Sikh origin, from all parts of the world. NZSWA works to provide support and advocacy to promote non-violence and strengthen families.²⁵

¹ Central Intelligence Agency, World Fact Book: New Zealand (May 15, 2013), <http://www.cia.gov/library/publications/the-world-factbook/geos/nz.html> [hereinafter “CIA”].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*; see also The Association of Religion Data Archives, New Zealand, <http://www.thearda.com/internationalData/MultiCompare2.asp?c=90,%20163>.

⁷ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, International Religious Freedom Report for 2012: New Zealand, <http://www.state.gov/documents/organization/208466.pdf> [hereinafter “IRF 2012”].

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² “Annual Report: New Zealand 2013.” *Amnesty International* (2013): n.pag. Web 1 Oct. 2013. <http://www.amnestyusa.org/research/reports/annual-report-new-zealand-2013> [hereinafter “Amnesty Int’l 2013”].

¹³ *Id.*

¹⁴ New Zealand Gurdwaras; N.Z. SIKHS, http://khalsa.co.nz/?page_id=28

¹⁵ Paul Morris. 'Diverse religions - Sikhs', Te Ara - the Encyclopedia of New Zealand, updated 13-Jul-12 URL: <http://www.TeAra.govt.nz/en/diverse-religions/page-6>

¹⁶ *Id.*

¹⁷ Paritosh Prasher, “Now New Zealand Sikhs target of racial attacks,” <http://www.rediff.com/us/2010/sep/21ny>

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ “First Turbaned Police Officer of New Zealand” (2008), <http://sikhcentre.wordpress.com/2008/09/15/first-turbaned-police-officer-of-new-zealand/>.

²¹ New Zealand Parliament Gets First Sikh MP (2008), <http://www.highbeam.com/doc/1P3-1592231971.html>.

²² Michael Field, “Sikhs outraged at alleged voter fraud link” (2010), <http://www.stuff.co.nz/national/politicals/4201898/Sikhs-outraged-at-alleged-voter-fraud-link>.

²³ *Id.*

²⁴ The New Zealand Sikh Women’s Association, Inc. (AUCKLAND), <http://www.shakti.org.nz/sikh.html>.

²⁵ *Id.*

PAKISTAN

Head of State: President Mamnoon Hussain (since September 9, 2013)¹

Head of Government: Prime Minister Mohammad Nawaz Sharif (since June 5, 2013)²

Population: 193,238,868 (July 2013 estimate)³

Sikh Population: 20,000-30,000

Sikhism recognized by the state as a distinctive religion: Yes

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: Yes⁴

Government Structure: Pakistan is a Federal Republic with three branches of government. The executive branch consists of the President and a cabinet appointed by the President with the advice of the prime minister. The legislative branch is composed of a bicameral parliament (Majlis-e-Shoora) that consists of the Senate and the National Assembly. The judiciary is made up of the Supreme Court, and the Federal Islamic or Sharia Court. The legal structure is a common law system with Islamic influence.⁵

Religious Demography: The religious demography is approximately 96.4 percent Muslim (composed of 85-90 percent Sunni and 20 percent Shia), and 5 percent other (includes Christian and Hindu). The ethnic demography of Pakistan according to the CIA is approximately 44.68 percent Punjabi, 15.42 percent Pashtun (Pathan), 14.1 percent Sindhi, 8.38 percent Sariaki, 7.5 percent Muhajirs, 3.57 percent Balochi, and 6.28 percent other ethnicity.⁶

General Civil and Human Rights: Although laws in Pakistan outline and protect human rights, police enforcement and government officials do not uphold these protections with consistency, especially in circumstances where minorities are at the forefront of conflict. Legislation has negatively targeted minorities; many of these laws in practice discriminate against religious minorities because the law is based on Islamic influence.

The constitution of Pakistan establishes Islam as the state religion, and it requires that laws be consistent with Islam and Sharia law. The constitution states that “subject to law, public order,



and morality, every citizen shall have the right to profess, practice, and propagate this religion.” Some government practices, however, limit freedom of religion, particularly for religious minorities.

Religious practices and beliefs encompass the lives of the majority of Pakistan’s citizen; this emphasis on religion has reverberating impacts on society. Due to political unrest throughout the country, education of secular subjects is limited. Class room lessons are limited to instructions that emphasize the importance of secular subjects, and reduce extremist recruitment. Further, information is limited to domestic influences. However, there are still reported instances where extremist and terrorist views infiltrate schools.⁷

The United States Commission on International Religious Freedom reported the religious freedom violations in Pakistan rose to unprecedented levels due to chronic sectarian violence, particularly targeting Shi’i Muslims. The government, however, makes some attempts to protect Christians, Ahmadis and Hindus. Pakistan’s repressive blasphemy laws and anti-Ahmadi laws are widely used to violate religious freedoms and foster a climate of impunity.⁸

The report noted that the Pakistani government continues to engage in systematic, ongoing egregious violations of freedom of religion or belief. Violence, fueled by hate and intolerance, continues to plague the country, while the government sits idly, not taking any action to protect religious minorities.⁹

In its current Global Report, Human Rights Watch states that Pakistan has had a turbulent year. A series of serious issues have created a stormy social and political climate in Pakistan; these events include the judicial ouster of Prime Minister Yusuf Raza Gilani, attacks on civilians by militant groups, growing electricity shortages, rising food and fuel prices, and continuing political dominance of the military that operates with almost complete impunity. Religious minorities continued to face insecurity and persecution as the government failed to provide protection to those threatened, or to hold extremists accountable. Islamist militant groups continue to target and kill Shia Muslims, particularly from the Hazara community, with impunity.¹⁰

Sectarian violence in the Muslim community still plagues Pakistan. In 2012, at least 325 members of the Shia Muslim population were killed in targeted attacks that took place across Pakistan. Human Rights Watch reported that in the Balochistan province, over 100 were killed, most of the victims from the Hazara community. On August 16, gunmen ambushed four buses passing through Babusar Top area of Manshera District in Khyber Pakhtunkwa province. The gun men forced all the passengers to disembark, checked their national identity cards, and summarily executed 22 travelers whom they believed to be a part of the Shia community. Shortly after the incident, the Pakistani Taliban claimed responsibility for the attacks.¹¹

In addition to the deaths of 22 travelers, the Pakistani Taliban has committed a myriad of atrocities across the country- including the critical injuries sustained by Malala Yousafzai, a 15-year-old student and outspoken advocate for children's right to education.¹²

Religious minorities and women constantly face abuse and torment. Abuses under the country's draconian blasphemy law continued as dozens of citizens in 2012 were charged, and at least 16 people remain on death row for blasphemy, while another 20 serve life sentences. Violence against women and girls including; rape, "honor" killings, acid attacks, domestic violence, and forced marriage, remained a serious problem.



Malala Yousafzai speaking to an audience about her views on right to education. SOURCE: Salon

Intimidation and threats against women and girls out in the public increased in major cities in 2012.¹³

Freedom of expression is a term which lacks substantial meaning in Pakistan: it is not a right enjoyed by the country's inhabitants. For instance, at least eight journalists were killed in Pakistan during the year, including four in May alone. The validity of media coverage is compromised due to an overarching fear of state security forces and militant groups. Journalists rarely report on human rights abuses by the military in counter-terrorism operations, and the Taliban and other armed groups regularly threaten media outlets over their coverage- limiting what can be released to the public.¹⁴

In 2012, Pakistan's judiciary fought valiantly against the government in order to assert its independence. The judiciary began conducting controversial hearings into the so-called "Memogate" scandal. The court investigated Pakistan's former ambassador to the United States Mr. Husain Haqqani, on charges that he attempted to conspire against Pakistan's military in collusion with the United States.¹⁵

More recently, in June, the Supreme Court controversially fired Prime Minister, Yusuf Raza Gilani, for refusing to sign a letter to the Swiss government asking for an investigation into corruption allegations against President Asif Zardari.

No region has felt the human rights crisis in Pakistan like the mineral-rich province of Balochistan. The Human Rights Watch reports continued disappearances and killings of suspected Baloch militants and opposition activists by the military, intelligence agencies, and the paramilitary Frontier Corps. Baloch nationalists and other militant groups also stepped up

attacks on non-Baloch civilians. Pakistan's military sat idly by, publicly refusing to do anything to rectify the situation and look into these disappearances.¹⁶

Terrorist attacks in the country are prevalent as well. Suicide bombings, armed attacks, and killings by the Taliban, al Qaeda, and their affiliates continued in 2012, targeting politicians, journalists, religious minorities, and government security personnel. Many of these attacks were claimed by groups such as the Haqqani network, the Lashkar-e-Jhangvi, and other al Qaeda affiliates.¹⁷



Pakistani children awarded scholarships by UNITED SIKHS under STARAE Scholarships Project

Sikh Civil and Human Rights: Since 2009, the persecution of Hindus and Sikhs in Pakistan has risen. Mahinder Singh, a young Sikh, died in an armed attack in Nankana Sahib in March of 2012. The young Sikh's death has created a tidal wave of anger and fury within the Sikh community. Incensed by the murder, hundreds of Sikhs gathered on Lahore Road in Manawala. They blocked the road for about two hours and chanted slogans against the police for their failure to arrest the killer.¹⁸

In January 2013, two Sikhs were discovered brutally murdered in Pakistan. Mohinder Singh, father of eight, was kidnapped in November of last year and found decapitated two months after his kidnapping. The brutal murder of Mr. Singh was attributed to Tawaheedul Islam, a pro-government militia of Zakhakhel tribesmen. Rajvinder Kaur, a 40-year-old Caucasian Sikh business woman went missing on August 25, the day she arrived in Pakistan, and was later found murdered by Shahid, a German national of Pakistani origin who owed her money, and his accomplice, Hafiz.¹⁹

Around the same time as these brutal killings, Raghbir Singh, a Sikh businessman and father of four, was kidnapped in Peshawar. The abduction raised many questions concerning the safety of minority Sikh community members of Pakistan since the last abduction of a member of the Sikh community occurred only three months ago. The Sikh community is outraged that little has been done by the government to rectify the situation; many feel as though they cannot simply be complacent while the government is doing nothing more than assuring them that they will do their best to secure the release of Raghbir Singh.²⁰

In other news, in yet another disappointing incident, a land mafia in Pakistan has sought the illegal selling of land falling under the premises of a Gurdwara. The two- storey Gurdwara Singh Sabha, located in Sahiwal, was expected to be bulldozed around the end of June of 2013. The selling of this land and destruction of the Gurdwara is not only a complete violation of the law, but also a disturbing event on the part of the Pakistani government to hurt the religious sentiments of Sikhs.²¹

The land mafia also demolished the historic Gurdwara of Baba Karam Singh in Mardan overnight on March 29, 2012. The temple, built in 1846, is considered a very holy place for the Sikh religion, and the local Sikh community has demanded reconstruction of the temple and government protection for other sacred places.²²

Destruction/ Desecration of Sikh Holy Book: Before police could arrest culprits who desecrated the Sikh holy book, the Guru Granth Sahib in Pano Aqil, a similar incident happened in Shikarpur in which individuals, whose identities remain unknown, tore out 24 pages of the sacred book. These incidents have stirred up much anger and fear amongst the Sindhi Sikhs, who represent one of the smallest religious minorities in Pakistan.²³

Various reports of such incidents of desecration have continued to surface throughout Pakistan; Sikh holy books continue to be defiled and destroyed. The government has failed to take any steps in remedying and/or preventing the situation. Not a single non-Muslim parliamentarian, who were selected in the assemblies on the seats of religious minorities, took notice of the issue, or have raised it in any way.²⁴

Sikh community representatives alleged that the Pakistan Sikh Council had been using various tactics and incentives to convert the Sikhs to Hinduism. The recurring desecration incidents of the Sikh's holy book could mar the situation for minorities dwelling in Sindh they warned.²⁵

New Achievements for Pakistan's Government: The Pakistani government is considering granting 'Panja Sahib' the status of a holy city and starting efforts to sort out all issues related to the welfare of Sikhs living at the pilgrimage site.²⁶ Panja Sahib houses a rock with the hand of Guru Nanak, founder of the Sikh religion, imprinted upon it. Panja Sahib is a very important pilgrimage destination for Sikhs across the world.²⁷



Punja Sahib Gurdwara in Hassan Abdal. SOURCE: RASHID ALI/ Tribune

Another example of the Pakistani government's efforts in looking after the welfare of the Pakistani Sikh community is Sardar Ramesh Singh Arora's election to the Punjab provincial Assembly. Arora is a renowned social worker and leader of the Sikh community in Pakistan. He comes with a mission to use the shared religious linkages across country borders in order to facilitate peace and trade between Pakistan and India.²⁸

¹Central Intelligence Agency , (n.d.). *CIA world fact book: Pakistan*. Retrieved from website: <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>

²*Id.*

³*Id.*

⁴ Swett, Katrina. United States. U.S. Commission on International Religious Freedom . Annual Report. 2013. Print. <[http://www.uscirf.gov/images/2013 USCIRF Annual Report \(2\).pdf](http://www.uscirf.gov/images/2013_USCIRF_Annual_Report_(2).pdf)>.

⁵*Id.*

⁶*Id.*

⁷ "Annual Report: Pakistan 2013." *Amnesty International* (2013): n.pag. Web 1 Oct. 2013. <https://www.amnesty.org/en/region/pakistan/report-2013> [hereinafter "Amnesty Int'l 2013"]

⁸ Swett, Katrina. United States. U.S. Commission on International Religious Freedom . Annual Report. 2013. Print. <[http://www.uscirf.gov/images/2013 USCIRF Annual Report \(2\).pdf](http://www.uscirf.gov/images/2013_USCIRF_Annual_Report_(2).pdf)>.

⁹*Id.*

¹⁰ Human Rights Watch (n.d.). *2013 world report: Pakistan* . Retrieved from <http://www.hrw.org/world-report/2013/country-chapters/pakistan> (hereinafter "HRW Annual Report")

¹¹*Id.*

¹² Masood, Salman, and Declan Walsh. "Pakistani Girl, a Global Heroine After an Attack, Has Critics at Home." *New York Times* 11 Oct 2013, n. pag. Web. 15 Oct. 2013.

<http://www.nytimes.com/2013/10/12/world/asia/pakistanis-cant-decide-is-malala-yousafzai-a-heroine-or-western-stooge.html?_r=0>.

¹³ HRW Annual Report

¹⁴*Id.*

¹⁵ *Id.*

¹⁶ Amnesty Int'l 2013

¹⁷ *Id.*

¹⁸ Kharal, A. (2012, April 8). Communal tensions: Nankana tense after sikh youth's murder. *The Tribune* . Retrieved from <http://tribune.com.pk/story/361412/communal-tensions-nankana-tense-after-sikh-youths-murder/>

¹⁹ Singh, M. (n.d.). *Two sikhs brutally murdered in pakistan.*. Retrieved from <http://unitedsikhs.org/PressReleases/PRSRLS-09-01-2013-00.html>

²⁰ Rana, Y. (2013, January 23). Sikh businessman kidnapped in peshawar. *The Times of India*. Retrieved from http://articles.timesofindia.indiatimes.com/2013-01-23/chandigarh/36504486_1_minority-sikh-community-gurdwara-peshawar

²¹ Sikh24 Editors. (2013, June 20). *HistoricalGurdwara to be illegally encroached in Pakistan*. Retrieved from <http://www.sikh24.com/2013/06/historical-gurdwara-to-be-illegally-encroached-in-pakistan/>

²² "Land mafia knocks over historical Sikh temple in Mardan." Dawn Report [Peshawar] 29 Mar 2012, n. pag. Web. 20 Dec. 2013. <<http://www.dawn.com/news/706391/land-mafia-knocks-over-historical-sikh-temple-in-mardan>>.

²³ Guriro , A. (2013, July 20). *Sikh holy book desecrated again in sindh*. Retrieved from http://www.dailytimes.com.pk/default.asp?page=2013\07\20\story_20-7-2013_pg12_1

²⁴ Guriro, A. (n.d.). *Sindh police not-so-serious in resolving sikh's concerns*. Retrieved from http://www.dailytimes.com.pk/default.asp?page=2013\07\21\story_21-7-2013_pg12_10

²⁵ AIG special branch to probe hate crimes against sikhs. (2013, July 19). *The News* . Retrieved from <http://www.thenews.com.pk/Todays-News-4-190813-AIG-special-branch-to-probe-hate-crimes-against-Sikhs>

²⁶ News Desk . (2013, June 16). For sikh pilgrims: Pakistan may declare panja sahib a holy site. *The Tribune* . Retrieved from <http://tribune.com.pk/story/563822/for-sikh-pilgrims-pakistan-may-declare-panja-sahib-a-holy-site/>

²⁷ *Id.*

²⁸ Gishkori, Z. (2013, June 17). First sikh parliamentarian in 67 years makes history. *The Tribune* . Retrieved from <http://tribune.com.pk/story/564418/first-sikh-parliamentarian-in-67-years-makes-history/>

SINGAPORE



Head of State: Tony Tan Keng Yam¹

Head of Government: Lee Hsien Loong²

Population: 5,460,302³

Sikh Population: 15,000⁴

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as a Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: Singapore is a parliamentary republic. There are two branches of government; legislative and judiciary. The Legislative branch is a unicameral parliament and consists of 87 seats. The People's Action Party (PAP) overwhelmingly dominates the political scene. In the last parliamentary elections, opposition candidates made small but unprecedented gains by winning six out of 87 legislative seats.⁵

The Judiciary is made up of the Supreme Court and the Subordinate Courts. Being a British colony, its legal system is based on the English common law. The Chief Justice, who is appointed by the President, is the head of the Judiciary. The Supreme Court is the highest court and hears both civil and criminal matters.⁶

Religious Demography: The religious demography of Singapore is approximately 33 percent Buddhist, 15 percent Muslim, 18 percent Christian, 11 percent Taoist, 5 percent Hindus, and remainder is classified 'other' religious groups. That is less than 5% of the total population. The 'other' religious group includes Sikhs, Zoroastrians, Jains, and Jews.⁷

General Civil and Human Rights: Singapore's Constitution guarantees the right to freedom of expression, peaceful assembly, and association. There are, however, restrictions to these freedoms in the name of security, public order, morality, and racial and religious harmony.⁸

Singapore's government continues in its effort to promote racial harmony as Singaporeans are able to practice their own religion/belief freely without any fear. The government also celebrates

the uniqueness of each religion and its harmony on Racial Harmony Day on 21 July each year. The event is to commemorate the 1964 Race Riots, which took place on 21 July 1964.

Racial Harmony Day also represents a day for schools to reflect on, and celebrate Singapore's success as a racially harmonious nation and society built on a rich diversity of culture and heritage. In schools all across the nation on that day, students are encouraged to be dressed in their traditional costumes such as the Cheongsam, the Baju Kurung and Punjabi Suit. Traditional delicacies are also featured in the celebrations. Traditional games such as Kutih-kutih and zero point are played in schools, where inter-class competitions are sometimes organized.

The government has also set up inter-racial and religious confidence circle (IRCC) which is a group composed of leaders of different races and religions from a particular constituency in Singapore. The primary purpose of IRCCs is to provide a regular platform for leaders of various racial and religious communities to interact and get to know one another better, in order to build confidence, friendship and trust among them. Inter-racial and religious confidence circles (IRCCs), then known as "inter-racial confidence circles", were first formed in 2002 in the wake of the September 11, 2001 attacks in the United States, and the arrest in December 2001 of 15 Jemaah Islamiyah members in Singapore who planned to bomb diplomatic missions and attack nationals of Australia, Israel, the United Kingdom and the United States based in Singapore.

IRCCs are intended to be informal bodies that can formulate strategies and initiatives to promote greater knowledge and understanding among different races and religions. They also assist in the formation of HCs and provide them with guidance and information on inter-racial and inter-religious confidence building. As community leaders, IRCC members may take on the role of "headmen", whom members of their respective communities can turn to for leadership when problems arise. IRCC members also keep track of grievances and complaints from the ground, thus giving them a unique understanding of local racial or religious sentiments. IRCCs also function as the main sources of information from the Government on the ground.

Inter-racial confidence circles were renamed "inter-racial and religious confidence circles" in September 2007 to better reflect their role as constituency-level platforms for the strengthening of engagement among religious and community leaders, and to signify their active promotion of inter-religious understanding and harmony. Following efforts by the Ministry of Community Development, Youth and Sports to recruit religious organizations into IRCCs, in 2007 about 80% of such organizations were members of IRCCs, up from 20% in 2006. In future, religious leaders will be informed of international and national events so they can help their congregations understand situations better. Religious organizations will also be involved in contingency planning so that they know how to react if an incident affecting race or religion occurs.

The Maintenance of Religious Harmony Act ("MRHA") is a Singapore statute which, according to its long title, provides for the maintenance of religious harmony, for the establishment of a Presidential Council for Religious Harmony ("PCRH"), and for matters connected therewith. The Act, which was passed on 9 November 1990 and came into force on 31 March 1992, empowers

the Minister for Home Affairs to make a restraining order against a person who is in a position of authority in any religious group or institution if the Minister is satisfied that the person has committed or is attempting to commit any of the following acts: causing feelings of enmity, hatred, ill-will or hostility between different religious groups; or promoting a political cause, carrying out subversive activities, or exciting disaffection against the President or the Government under the guise of propagating or practicing a religious belief. A restraining order may also be made against a person who incites, instigates or encourages any religious leader or any religious group or institution to commit the above acts; or a person who is not a religious leader who causes or attempts to cause feelings of enmity, hatred, ill-will or hostility between different religious groups. A restraining order made against a religious leader may direct that he or she must obtain the permission of the Minister before addressing members of any religious group or institution, assisting or contributing to religious publications, or holding office in the editorial board or committee of such publications. Breaching a restraining order is a criminal offence.

The government has zero tolerance towards anyone or body that promotes any racial discrimination. In 2005, Benjamin Koh, 27, was sentenced to a month's imprisonment while Nicholas Lim, 25, was fined and jailed for a day, both for posting comments on their personal websites, or blogs, attacking the city-state's mostly-Muslim ethnic Malay community.

The two made several expletive-laden online posts, Koh and Lim attacked Singapore's Malay Muslims, who account for 14 percent of the island republic's population. District Judge Richard Magnus said their imprisonment represented a "sentence of general deterrence" as their offensive comments threatened the "very fabric of Singapore society".

In August 2012, Leslie Chew, a Singaporean cartoonist who owns and illustrates the comic strip 'Demon-cratic Singapore' was charged with contempt and sedition because of four cartoons on his website. Though the comic and the cartoons are based on fictional events and characters in a country that does not exist, Chew was taken into custody and was released only after he posted bond of S\$10,000. Later, Attorney General's Chambers decided not to pursue contempt of court against him if he agrees to publically apologize for publishing these cartoons on his Facebook page and take down the cartoon and reader comments from his site.

Sikh Civil and Human Rights: Despite a lack of recorded evidence of the first Sikhs in Singapore, many historians believe that Maharaj Singh, a political prisoner exiled by the British was the first Sikh to arrive in Singapore after the Second Anglo Sikh War of 1849.⁹

Thereafter, the first wave of Sikhs to land in Singapore came in the form of sepoys (policemen) recruited in India to help keep the peace and put down the Chinese gang wars. Since their arrival, Sikhs became an integral part of the Singapore system. Some Sikhs joined the army whereas others started small-scale businesses. This effort was appreciated when in 2011, Brigadier General Ravinder Singh was appointed as an army chief. He became the first Sikh in 30 years to be given the force baton.¹⁰

The first Sikh temple was established by Sikh policemen in the 1880s. The temple was located at the Pearl's Hill barracks where most of the Sikh policemen and their families were housed. There was another Gurdwara in Anson Road built by the Tanjong Pagar Dock Company for its Sikh police force. When the colonial government acquired the Anson Road plot around 1912, the Sikh police force was offered an alternative site at Silat Road for their Gurdwara.

As the Sikh community grew, the facilities at the Pearl's Hill Gurdwara became inadequate. The Sikh civilians also wanted their own Gurdwara outside the barracks premises. In 1912, a committee led by a Sindhi merchant named Wassiamull bought a small bungalow in Queen Street and converted it into the Central Sikh Temple, which became a major gathering point for all Sikhs in Singapore.

Over the next few years, several more Gurdwaras were established in various locations around Singapore, including Cecil Street, Wilkie Road, Chandy Road, Kirk Terrace, Kerbau Road, Jalan Kayu, Sembawang Naval Base and Sembawang Road.

In 1924, the Sikh community came together to establish a halfway house on Silat Road where new migrants could stay until they found employment and accommodation. It was known as the Police Gurdwara and it was built using donations from Sikh policemen in Singapore and the Sikh communities in Hong Kong, Shanghai, Thailand and Malaya. It later became known as the Gurdwara Sahib Silat Road, or the Silat Road Sikh Temple.

In 1977, the Singapore government acquired the land at Queen Street where the Central Sikh Temple was located. The Sikh community was given a piece of land in Towner Road to relocate their Gurdwara. The Central Sikh Temple was temporarily situated at the Bukit Ho Swee Community Centre until the new temple building at Towner Road was completed in April 1986.

Today, the Central Sikh Gurdwara Board manages and operates the two main Gurdwaras: the Central Sikh Temple in Towner Road and the Silat Road Sikh Temple. Besides the Gurdwaras, various other religious and non-religious organizations were established over the years to look after the social welfare of the Sikh community.¹¹ This Gurdwara features a small dormitory, rooms for visitors, residences for priests, and a classroom for religious studies with an extensive library. This temple is a perfect example of Sikh living of "*Naam jap and vand ke chak.*" which means, "enchanting sharing."



Central Sikh Temple , Singapore SOURCE: Flickr.com

The Singaporean Constitution and some laws and policies protect religious freedom, and the government generally respects religious freedom. The government of Singapore has been very tolerant and sensitive towards religious freedom. They equitably accommodate different religious traditions and practices.

A recent survey provided by UNITED SIKHS revealed that a majority of Sikh individuals that were surveyed in 2013 claimed absence of any discrimination, abuse or restriction as to the five *Kakaars*. The survey further reported that at times their identity as a Sikh had been mistaken for another.

¹ Country profile: Singapore, BBC News, 2nd July, 2013, Web. <<http://www.bbc.co.uk/news/world-asia-15966550>>

² Central Intelligence Agency, World Fact Book: Singapore 2013 (August 2013); Web.. <<https://www.cia.gov/library/publications/the-world-factbook/geos/sn.html>>

³ *Supra Note 2*

⁴ “Central Sikh Temple”, ComeSingapore.com, June, 2012; Web. <<http://comesingapore.com/travel-guide/article/322/central-sikh-temple>>

⁵ Amnesty International *Annual Report Singapore 2013*; Web.<<http://www.amnesty.org/en/region/singapore/report-2013>>

⁶ “Introduction to Singapore’s legal system” , Janusus Corporate Solutions, Web.<<http://www.guidemesingapore.com/relocation/introduction/singapores-legal-system>>

⁷ U.S. Department Of State, International Religious Freedom Report Singapore 2012; Web. <<http://www.state.gov/documents/organization/208476.pdf> > [hereinafter ‘IRF 2012’]

⁸ Human Rights Watch *Annual Report 2013*, https://www.hrw.org/sites/default/files/wr2013_web.pdf

⁹ “Sikhs in Singapore 1850”; Sikhroots.com; Web.<<http://www.sikhroots.com/sikh-literature/history/2986-sikhs-in-singapore-1850.html>>

¹⁰ Iyer Raman, “Sikhs in Singapore: Turbanators with rich tradition of donning uniform”; March 7, 2011; Web. <<http://www.topnews.in/law/sikhs-singapore-turbanators-rich-tradition-donning-uniform-254324>>

¹¹ Central Sikh Gurudwara Board Singapore, Web.< <http://www.sikhs.org.sg/>>

SPAIN

Head of State: Juan Carlos I

Head of Government: Mariano Rajoy¹

Population: 47,370,542²

Sikh Population: 10,000³

Sikhism Recognized by the State as a Distinctive Religion: **Yes**



Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: The Kingdom of Spain is a parliamentary monarchy headed by the constitutional monarch.⁴ The hereditary monarch, who is the head of state, may ratify laws, dissolve the legislature, and propose candidates for the office of prime minister; he is also head of the armed forces. The country has a bicameral legislature, the Cortes, or National Assembly. Members of congress are elected by popular vote.⁵ The prime minister is the head of government. The king proposes the prime minister, who must be approved by the legislature.⁶

Religious Demography: The National Statistics Institute estimates the Spain's population to be more than 47 million. The government does not collect data on religious affiliation.⁷ The religious demography of Spain is 94 percent Roman Catholic and 6 percent from the 'other' category.⁸ Other religious groups include The Church of Jesus Christ of Latter-day Saints (Mormons), Buddhists, Orthodox Christians, Bahais, Scientologists, Hindus, Christian Scientists and other Christian groups.⁹

General Human and Civil Rights: Overall the Constitution and other laws and policies protect religious freedom. But in practice, some local governments imposed restrictions that affected members of religious minority groups.¹⁰ Moreover, some cities have enacted ordinances that are negatively impacting (or curbing the rights of minorities) people of minority faiths from wearing religious head wear in public buildings and levying/imposing fine of up to 600 euros.¹¹

Demonstrations continued throughout 2012, calling for changes in the political system to allow for greater public participation in political affairs and to protest against austerity measures implemented to combat the financial and economic crisis.¹²

The most significant human rights problems included reports of mistreatment of detainees and prisoners by police and racial profiling by security forces, as well as violence against women and children.¹³

On July 2012, a freelance journalist, Paloma Aznar, was hit by a rubber bullet and injured on the hip while covering miners' demonstrations in Madrid. She was wearing her journalist tag with her camera round her neck. She reported that police were not wearing any visible identification and were shooting rubber bullets directly at the crowd after some demonstrators became violent. Video footage showed police using batons against people lying on the pavement and firing rubber bullets at close range.¹⁴

According to Ministry of Health, Social Policy and Equality 2012 reports, 46 women were killed by their present or former partners. In another report released by the Spanish government, an estimated more than 2 million women have suffered gender violence at least once.¹⁵

The UN Committee on Economic, Social and Cultural rights (CESCR) expressed its concerns and found that Spain had violated anti-torture and non discrimination obligations by failing to investigate allegations that in 2005, police conducted a racially abusive identity check on an African woman who was a legal resident.¹⁶ Discrimination continues to be a major human rights violation in Spain. In its 2011 report, the NGO Movement Against Intolerance reported 4,000 racist incidents each year in the country.¹⁷ In September, despite such reports, the parliament rejected Spain's Anti-discrimination bill.¹⁸ '*Neighborhood Brigades for Human Rights Observation*', a grassroots level organization stated that they have collected 1,144 complaints of racially motivated police checks in Madrid via twitter from the period May 10, 2011, to November 10, 2012.¹⁹

With the country's failing financial situation, and record high rate of unemployment, Spain was unable to pay its pensioners. After using its social security funds to pay some of its pensioners, Spain introduced "Pension Reform". This reform breaks the link between pension increases and inflation and is aimed to reduce the pension spending and stabilize the economy.

Sikh Civil and Human Rights: After World War II, Sindhi traders and shopkeepers thrived in the free ports of the Spanish Canary Islands following the imposition of import and foreign exchange restrictions in Spain. Gradually in the eighties, with the liberalization in Spain's import policies, cities like Malaga, Barcelona, and Madrid also attracted many Sikh businessmen. Sikhs and Sindhi's form the majority of the Indian community in Spain. They are considered hardworking, non-political and peaceful. There are between nine to eleven Sikh temples in Spain.



Gurdwara Singh Sabha Madrid, Spain

SOURCE: Somen Debnath

The Spanish Constitution provides for general legal protection against discrimination through its laws and policies. However there have been instances of discrimination and racial/religious profiling. Spain's domestic legislation already provides law enforcement agents with the power to undertake identity checks when there is legitimate ground to believe that an individual is a threat to public safety.²⁰ One such instance happened in 2008, when a London based Sikh NRI, Jaswant Singh Judge, was asked to remove his turban during the security check at the Barcelona airport. After much resistance and explanation, Mr. Judge was compelled to remove his turban. Though after a legal case and much media attention Spanish police apologized for their actions and issued instructions to consider religious feelings of Sikhs during security checks at airport. Even after the official apology by the Spanish police to Mr. Judge in the security check case, the turban (*Dastar*) continues to remain a concern for Spanish officials.

There have been reports of discrimination in individual schools in Spain that have enforced internal regulations prohibiting headwear, which resulted in the exclusion of students wearing headscarves.²¹

According to a recent survey provided by UNITED SIKHS young Sikh boys are often bullied for their unshorn hair and patka. Bullying and name-calling is not limited to younger Sikhs but also to the older generation, who are often called as 'Taliban'. According to Giani Avtar Singh, a preacher in a Gurdwara (temple) in Spain, "Sikhs are required to take off their turban, which is an integral part of Sikh faith and identity, while taking pictures for any government identification

such as a passport, or driving licence photos with turbans are often rejected and are termed as unfit for the official purpose. ”

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- ¹ Central Intelligence Agency, World Fact book; SPAIN; July 2013; Web. <<https://www.cia.gov/library/publications/the-world-factbook/geos/sp.html>>
- ² *Id.*
- ³ Sikhikiwiki, May 2012; Web. <http://www.sikhikiwiki.org/index.php/Sikhism_by_country>
- ⁴ U.S. State Department Human Rights *Annual 2013 Report; Spain*; Web. <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>>
- ⁵ *Supra note 1*
- ⁶ Infoplease:Spain, Government Infoplease.com, Web. <<http://www.infoplease.com/encyclopedia/world/spain-government.html#ixzz2q225WEYt>>
- ⁷ U. S State Department; International Religious Freedom *Annual Report 2012*; Spain, Web. <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>>
- ⁸ *Supra Note 1*
- ⁹ *Supra Note 7*
- ¹⁰ U.S. State Department *Human Rights Report, 2013*; Web. <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>>
- ¹¹ U.S. International Freedom of *Religion Report, (USRIF) 2012*, Web. <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>>
- ¹² “ *The state of world Human rights Spain*” Amnesty International *Annual Report 2013*, Web. <<http://www.amnesty.org/en/region/spain/report-2013>>
- ¹³ *Supra note 4*
- ¹⁴ *Supra note 10*
- ¹⁵ *Supra note 10*
- ¹⁶ Human Rights Watch *Annual Report 2013* , Web. <https://www.hrw.org/sites/default/files/wr2013_web.pdf>
- ¹⁷ *Supra note 4*
- ¹⁸ *Supra note 14*
- ¹⁹ *Id.*
- ²⁰ Amnesty International Report, April 2012 , Web. <<http://www.amnesty.org/en/library/info/EUR01/001/2012>>
- ²¹ Amenity International Report 2013, “Choice and Prejudice- Discrimination against Muslims in Europe” 2012; <http://amnesty.org/en/library/asset/EUR01/001/2012/en/85bd6054-5273-4765-9385-59e58078678e/eur010012012en.pdf>

UNITED STATES OF AMERICA



Head of State: Barack Obama

Head of Government: Barack Obama

Population: 316,668,567 (July 2013 estimate)

Sikh Population: 500,000 – 1,000,000¹

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: The United States is a federal republic composed of fifty states and one district. The federal government is divided into three branches; the executive, the legislature, and the judicial branch. The president, who is part of the executive branch, is the head of government and the chief of state. Elections for the president are held by an electoral college, members of which are elected directly from the fifty states. The legislative branch consists of a bicameral Congress composed of the Senate and the House of Representatives. The Supreme Court is the ultimate appellate court in the country

Religious Demography: The religious demographic composition of the United States according to the 2010 census is approximately 51.3 percent Protestant, 23.9 percent Roman Catholic, 1.7 percent Mormon, 1.6 percent other Christian, 1.7 percent Jewish, .07 percent Buddhist, 0.6 percent Muslim, 2.5 percent other, 12.1 percent unaffiliated, and 4 percent no religion. Self-reporting of religious affiliation by the census is voluntary.

General Civil and Human Rights: The United States Constitution and a progressive trend in jurisprudence provide a strong framework for protecting individual civil and human rights. Human Rights Watch, however, has reported that there are a variety of minority groups that continue to face abuse in American society.² These victims lacking adequate legal and social protections include racial and ethnic minorities, immigrants, children, the disabled, the poor, and the general prison population. According to Amnesty International, the United States fails to meet the expectations of the global community in civil and human rights: areas of concern

include inequality in the judicial and penal system, excessive use of force in the name of homeland security, protecting the rights of minority groups, and lack of the right to healthcare.³

The United States has been criticized by human rights groups for the excessive use of force by domestic police, the continued use of the death penalty and extreme criminal punishments, poor prison conditions, and continued detentions of inmates without the protections of due process at Guantanamo Bay and abroad.⁴ The United States currently houses close to 25 percent of the world's



Overcrowding at San Quentin, a California state prison
SOURCE: Laura Sullivan, NPR

prison population. As of 2010, the US maintained the world's largest incarcerated population, at 1.6 million, and the world's highest per capita incarceration rate, at 500 inmates per 100,000 residents. Budget cuts and the increasing rate of incarceration have led to overcrowding in prisons, deterioration of necessary services, and lack of penal oversight. The Supreme Court, in a 2010 decision, ordered the state of California to reduce its prison population because of "inadequate medical and mental health care due to overcrowding."⁵

The United States has been subject to criticism for its continued use of the death penalty. As of February 2012, approximately 140 countries have removed the death sentence as capital punishment either legally or in practice. Apart from China, Iran, North Korea, and Yemen, the majority of executions take place in the United States. Amnesty International alleges that use of the death penalty claims the lives of innocent individuals; that it is not an efficient deterrent in practice; it disregards mental disabilities; it is arbitrary and unfair; and that it violates the rights of foreign individuals. There were 43 male prisoners judicially executed by lethal injection in the United States in 2013.⁶

Illegal immigration and the lack of procedural and substantive due process has been a major issue for the United States. In 2012, the US Immigration and Customs Enforcement (ICE) deported close to 400,000 non-citizens. In addition to these deportations, there has been a dramatic increase in federal prosecutions of immigration violations. As of 2011, illegal reentry of immigrants has become the most prosecuted federal crime.⁷

In its 2012 Corruption Perception Index, Transparency International rated the United States with a score of 73, which gave the US the rank of 19, right behind the United Kingdom and Japan.⁸

Sikh Civil and Human Rights: The United States continues to provide a strong system of civil and human rights protections through the Constitution, federal legislation (such as the Civil Rights Act and the Religious Freedom Act), and state legislation to religious and ethnic groups. Sikhs, however, continue to experience abuse and violations of their basic rights in the form of hate crimes as a prejudicial product of the September 11 terrorist attacks. These unjust transgressions against the Sikh community include racial profiling, bullying, and employment discrimination. Numerous legal safeguards exist to afford protection for Sikhs from discrimination, although in practice there continues to remain a lot of social violations of Sikh human and civil rights.

Hate Crimes

Sikh Americans are a target of racially motivated violence and discrimination in the United States. This misdirected animus following the September 11 terrorist attacks are due to the Sikh articles of faith. Many non-Sikh Americans have a preconceived notion of a terrorist stereotype derived from an image of al Qaeda and Osama Bin Laden that typically includes the traditional turban and beard worn by Sikh men. The turban has therefore become a tangible medium for racial attacks in post-September 11th America. UNITED SIKHS has reported that approximately 99% of people who wear turbans in the United States are Sikh.⁹ These racially motivated hate crimes, therefore, are not only discriminatory, but they are targeted against an entirely unrelated and innocent group. Sikhs are superficially discriminated against solely on external appearance, rather than ideology or religious beliefs. It is because of this misconception that Sikhs in the United States more than ever need access to the protective legal network designed to protect minorities from discrimination, violence, and profiling.

Although the majority of anti-Sikh hostility and hate crimes occurred in the wake of the September 11th attacks, Sikhs continue to be the target of racially motivated violence. As recently as March 5, 2013, a Sikh-American owned convenience store was set on fire in Green Bay, Wisconsin. On the day of the incident, James Parrish walked into the store, poured gasoline on the register, and set it on fire. Parrish clearly stated his intent to “burn [the] place down” because he wanted “to get them the hell out of Wisconsin.”¹⁰ This incident occurred less than a month after a Florida Sikh was shot while driving. On February 23, 2013, Mr. Kanwaljit Singh was traveling home with his 13-year-old son when individuals in a black truck fired six shots at his car. He was wearing a turban. Mr. Singh was hit once in the thigh and once in the torso. Mr. Singh’s son was not harmed and Mr. Singh has since recovered. The U.S. Department of Justice and Florida police are investigating the incident as a hate crime.¹¹

On October 17, 2012 a 50-year-old Sikh cab driver was mercilessly beaten by his passenger in Washington state. Local police requested that the Sikh gentleman give a drunken man, Jamie Larson, a ride home in his cab. Along the way, Larson berated the driver, commenting on his turban and telling him he should not have come to the U.S. Upon arriving at their destination,

Larson began savagely beating the driver, while yelling racial epithets at him. Larson punched the Sikh man on the face and jumped on him. Larson later told authorities that the driver was a “towel head” and an “Iranian, Iraqi rag head.” Larson continuously insisted that the Sikh driver should go back “where he came from.”¹² Larson was indicted on federal hate crime charges.¹³

On May 5, 2013, Piara Singh, an 82-year-old Sikh man was brutally beaten in Fresno California.¹⁴ Singh spent his nights at the Nanaskar *Gurdwara* as a grounds keeper. On the morning of May 5th, Singh left the temple for a walk when a 29-year-old man attacked and beat him with a metal pipe.¹⁵ The young perpetrator, Gilbert Garcia, fled the scene, leaving the elderly Sikh man lying in a pool of blood.¹⁶ Police apprehended Garcia on charges of assault with a deadly weapon.¹⁷ At the time of arrest, Garcia uttered racial slurs against his victim. The charges against Garcia were later raised to attempted murder.¹⁸ Investigators are treating the attack as a hate crime.¹⁹

In March, Mr. Jageet Singh, a truck driver, was a victim of harassment and discrimination by the Mississippi Department of Transportation (MDOT) and judiciary. Mr. Singh was stopped while driving through Mississippi, where MDOT officers reportedly made derogatory comments against Mr. Singh. Further, the police asked Mr. Singh to remove his kirpan, claiming it to be an illegal weapon. When Mr. Singh refused, he was arrested for refusing to obey an officer’s command. Unfortunately, Mr. Jageet Singh’s ordeal did not stop there; when he later made his Court appearance on March 26 at the Pike County Justice Court, highway patrol officers under the direction of the presiding Judge Aubrey Rimes demanded Mr. Jageet Singh remove his turban for his court proceeding. When Mr. Jageet Singh’s counsel went to Judge Rimes chambers, the Judge informed his attorney that if Mr. Singh did not remove “that rag”, referring



to Mr. Singh’s turban, that he would be put at the end on the docket. UNITED SIKHS and the ACLU brought this issue before the Department of Justice. The DOJ investigated the issue and a new county harassment and non-discrimination policy was promulgated as a response to the incident making it an act of discrimination "requiring an individual to remove a head covering or denying that individual access to a County office, building, program or activity because they are wearing a head covering, if that head covering is worn for religious reasons."²⁰

Vandals in California spray painted bigoted Graffiti targeting the Riverside Gurdwara
SOURCE: News East West

In Riverside, California a Gurdwara was vandalized with graffiti in July 2013. ²¹ A vandal spray-painted “terrorist” twice on the wall that surrounds a Sikh house of worship in Jurupa Valley, prompting its leaders to report a hate crime to authorities. Graffiti has been written on the walls outside the Sikh Gurdwara of Riverside “many, many times” since it opened in 1989, high priest Anantvirr Singh.²²



Dr. Prabhjot Singh addressing the press over the recent attack. SOURCE: KEN MURRAY/NEW

On September 23, 2013 Dr. Prabhjot Singh, a Columbia University professor at the university’s School of International and Public Affairs, was assaulted by up to a dozen young men in East Harlem. The group made derogatory slurs against Dr. Singh, and when the professor attempted to get away from the group, they followed him on bike.²³ Dr. Singh’s attackers broke his jaw and accosted the

professor with anti-Muslim slurs. News Day reported when asked about the attack, Dr. Singh responded, “The assault was a humbling experience ... This makes me want to redouble my efforts. It will not change how I move around in my community.”²⁴ Dr. Singh has written extensively about Sikhs being the target of hate crimes following 9/11.

Oak Creek, Wisconsin Shooting and Aftermath

The most appalling hate crime occurred on August 5, 2012, when a gunman opened fire in a Gurdwara right before prayer services in Oak Creek, Wisconsin.²⁵ The gunman, Wade Michael Page, killed six people and critically injured four others. He then killed himself. Page was affiliated with a number of white supremacist groups and there has been speculation that he targeted the Gurdwara because he mistook its Sikh members for Muslims.²⁶



The Sikh community in Oak Creek mourning the loss of the victims of the August 5 attack SOURCE: Journal Sentinel

Authorities treated the shooting as an act of domestic terrorism.²⁷ Days after the shooting, the FBI issued a warrant evidencing Page’s involvement with white power groups.²⁸ The warrant described Page’s internet connections with white supremacist forums.²⁹ It also names Page’s girlfriend, Misty Cook, as an active participant in these online white supremacy groups.³⁰ The warrant further declared, “FBI experts believe

the Internet continues to serve as the primary radicalization instrument, used to recruit teenagers and young adults into the radical skinhead movement.”³¹ Ultimately, however, The FBI ended its investigation in November 2012, concluding that Page acted alone and without any direction or facilitation from any white supremacist group.³²

A year after this atrocity, the Sikh community in Oak Creek held a memorial service for the lives lost on August 5. There was also an organized walk to remember the victims and to raise awareness of hate crimes and discrimination against the Sikh community.

Employment Discrimination

On January 1, 2013 the California Workplace Religious Freedom Act went into effect. The Bill, which amended the California Fair Employment Freedom Act of 2012,³³ protects individuals’ right to express their religion through religious dress and grooming practices, including wearing a turban and keeping a beard.³⁴ The Act also specifies that segregating an employee who observes religious dress and grooming practices is not a proper accommodation of that employee’s religious beliefs.³⁵

Discrimination in the Workplace

In 2012-2013 UNITED SIKHS has advocated for the following Sikh employee rights cases:

1. Nationwide Transportation Company
 - a. In Arizona, a Sikh man was denied employment because he refused to cut his hair for drug testing. The man was willing to take a drug test that was less intrusive on his religious rights, such as a urinalysis, but the company did not accommodate his requests.
 - b. UNITED SIKHS wrote a letter demanding that the man’s religious rights be accommodated. When the company was unresponsive, UNITED SIKHS assisted in filing a complaint with the EEOC.
2. After a complaint was filed by UNITED SIKHS a couple of years ago, the EEOC San Francisco District Office recently (July 22, 2013) made a determination in favor of a female Sikh employee and concluded that the investigation established reasonable cause to believe that the employer discriminated against the Sikh employee because of her religion ‘Sikh’ by failing to provide a religious accommodation, in violation of Title VII
 - a. This year (2013) UNITED SIKHS has filed two complaints with the EEOC- One in the case of a Sikh driver who was asked by a company in Arizona to give a fresh cut sample of his hair for drug testing. The Sikh tried to explain that his hair were sacred, cutting it was against the tenets of the Sikh faith, but the company insisted that they wanted a freshly cut sample. The company did not allow him an alternate way of collecting a hair sample or an alternate test to be conducted. The other complaint was filed after a Sikh was unjustly laid off from his job as a bus driver in California while he was in the probationary period. The events leading to his removal started when he was wrongly accused of inefficient handling of a bigoted customer who repeatedly shouted

racial and ethnic slurs at the Sikh after he told her that the card she had presented was a grocery store card and not a bus pass.

Measures Being Taken to Address Sikh Issues Within the U.S.

Recently, the Justice Department announced that it would begin formally tracking hate crimes against Sikhs.³⁶ More specifically, a Federal Bureau of Investigation advisory board voted to expand hate crime tracking to include crimes against Sikhs, Hindus, Arabs, Buddhists, Mormons, Jehovah's Witnesses and Orthodox Christians.³⁷ "Members of the Sikh community had long sought the addition."³⁸ U.S. Attorney James Santelle said the Oak Creek incident was instrumental in the decision. "Before we were very reactive — things would happen and we would show up then and try to figure out what happened as we did, regrettably in this situation," said Santelle. "It was also very important for this community to know in the wake of the shooting itself that this was a hate crime. It was very important to hear those words."³⁹

In conjunction with the announcement that the FBI would begin tracking hate crime against Sikhs, Attorney General "Holder also announced a \$500,000 grant for mental health and trauma services for those affected by the Oak Creek shooting, including survivors and family members."⁴⁰ This announcement was made following significant lobbying by the Sikh community, including UNITED SIKHS.



Portraits of the Gurus in the Maharaja Room at Pikey Café in Hollywood, California before they were removed
SOURCE: Pikey Café

UNITED SIKHS recently had an advocacy victory in Los Angeles, California. The Hollywood establishment Pikey's bar and cafe decorated its interior with four large murals of the Sikh gurus.⁴¹ The Sikh community was upset over the display of the holy gurus in the bar, believing it to be a diminution of the Sikh faith and insensitive of their beliefs. Following continuous petitions against Pikey Bar and Cafe, the management agreed to remove the portraits and hand them over to be more respectfully displayed in local Gurdwaras. After the management chose to take down the portraits, Manmeet Singh, one of the leaders behind the advocacy movement stated, "United Sikhs is humbled to

successfully address another issue which had deeply hurt the sentiments of the Sikhs. In future, we hope business establishments will be more considerate of, and sensitive towards, religious

sentiments of every community."⁴²

UNITED SIKHS is currently representing a Sikh youth in his religious accommodation appeals process before the US army so he can serve in the army with his articles of faith intact.

¹ UNITED SIKHS, (2010). *Petition to disaggregate Sikhs correctly in the 2010 census and future census data products*. Retrieved from website: <http://www.unitedsikhs.org/petitions/census.php> (Sikhs who self-report for the 2010 Census are denoted "Asian Indian" so there is no accurate government measure of the number of Sikhs in the U.S. UNITED SIKHS estimates there are anywhere between 500,000 to 1,000,000 Sikh's in the United States)

² Human Rights Watch, World Report 2013: USA. <http://www.hrw.org/world-report/2013/country-chapters/united-states>[hereinafter "HRW 2013"]

³ "Annual Report: United States of America 2013." *Amnesty International* (2013): n.pag. Web 1 Oct. 2013. <http://www.amnestyusa.org/research/reports/annual-report-united-states-of-america-2013?page=4> [hereinafter "Amnesty Int'l 2013"]

⁴ "Indefinite detention at Guantánamo continues - 100 detainees on hunger strike." *Amnesty International* (2013): n.pag. Web. 1 Oct 2013. <<http://www.amnestyusa.org/research/reports/indefinite-detention-at-guantanamo-continues-100-detainees-on-hunger-strike?page=show>>.

⁵ HRW 2013

⁶ Amnesty Int'l 2013

⁷ HRW 2013

⁸ Beddow, Rachel, and Michael Sidwell. Transparency International. Annual Report 2012. 2012. Web. <http://issuu.com/transparencyinternational/docs/annual_report_2012?e=2496456/4244871>.

⁹ *Id.*

¹⁰ "Hate Crimes Against Sikhs in Wisconsin." Asian American Press [Washington, DC] 22 Mar 2013, n. pag. Web. 6 Oct. 2013. <<http://aapress.com/ethnicity/sikh/hate-crimes-against-sikhs-in-wisconsin/>>.

¹¹ Longa , Lynda. "Feds looking into Port Orange shooting of Sikh as possible hate crime." Daytona Beach News Journal, 28 Feb 2013, n. pag. Web. 6 Oct. 2013. <<http://www.news-journalonline.com/article/20130225/NEWS/302259984?p=1&tc=pg>>.

¹² Murphy, Kim. "Man charged with hate crime in brutal assault on Sikh cab driver." Los Angeles Times 03 Apr 2013, n. pag. Web. 6 Oct. 2013. <<http://articles.latimes.com/2013/apr/03/nation/la-na-nn-sikh-taxi-beating-hate-crime-20130402>>.

¹³ Carter, Mike. "Seattle grand jury indicts man in hate-crime attack on Sikh." Seattle Times 02 Apr 2013, n. pag. Web. <<http://blogs.seattletimes.com/today/2013/04/seattle-grand-jury-indicts-man-in-hate-crime-attack-on-sikh/>>.

¹⁴ Diana Marcum, *Sikh Man, 82, Beaten With Pipe in Fresno in Suspected Hate Crime*, L.A. TIMES, May 8, 2013, <http://articles.latimes.com/2013/may/08/local/la-me-ln-fresno-sikh-beaten-20130508>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Stephanie Stone & Mariana Jacob, *Sikh Man Beaten With Steel Pipe in Fresno Hate Crime*, May 7, 2013, <http://abclocal.go.com/kfsn/story?section=news/local&id=9094041>

²⁰ Atwood, Bear. "https://www.aclu.org/blog/religion-belief-racial-justice/judge-sikh-man-remove-rag-or-go-jail." American Civil Liberties Union. (2013): n. page. Web. 6 Oct. 2013. <<https://www.aclu.org/blog/religion-belief-racial-justice/judge-sikh-man-remove-rag-or-go-jail>>.

²¹ Sohrabji, Sunita. "Vandals Hit Riverside Gurdwara, Spray-Paint 'Terrorist'." IndiaWest 02 Aug 2013, n. pag. Web. 10 Dec. 2013. <<http://www.indiawest.com/news/12574-vandals-hit-riverside-gurdwara-spray-paint-terrorist.html>>.

²² *Id.*

- ²³ Goodman, David. "Chronicling Anti-Sikh Violence, and Now a Victim Chronicling Anti-Sikh Violence, and Now a Victim." *New York Times* 23 Sep 2013, n. pag. Print. <http://www.nytimes.com/2013/09/24/nyregion/chronicling-anti-sikh-violence-and-now-a-victim.html?_r=1&>.
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- ²⁵ Fleet, John. "History of Hate: Crimes Against Sikhs Since 9/11." *Huffington Post* 07 Aug 2012, n. pag. Web. 6 Oct. 2013. <http://www.huffingtonpost.com/2012/08/07/history-of-hate-crimes-against-sikhs-since-911_n_1751841.html?utm_hp_ref=sikh-temple-shooting>.
- ²⁶ Ramde, Dinesh. "Death Of Sikh Temple Shooter Wade Michael Page Ruled A Suicide." *Huffington Post* 28 Aug 2012, n. pag. Web. 6 Oct. 2013. <http://www.huffingtonpost.com/2012/08/28/wade-michael-page-suicide_n_1837901.html>.
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- ²⁹ *Id.*
- ³⁰ *Id.*
- ³¹ *Id.*
- ³² Peace, Leonard. United States. Federal Bureau of Investigation. Oak Creek Sikh Temple Shooting Investigation Conclusion . Milwaukee : , 2012. Print. <<http://www.fbi.gov/milwaukee/press-releases/2012/oak-creek-sikh-temple-shooting-investigation-conclusion>>.
- ³³ "California's Workplace Religious Freedom Act Lowers Bar for Employees in Religious Discrimination Cases." . Jackson Lewis LLP, 11 Jan 2013. Web. 1 Oct 2013. <<http://www.jacksonlewis.com/resources.php?NewsID=4337>>.
- ³⁴ Lochner, Tom. "Assemblywoman who championed workplace religious rights to speak at El Sobrante Sikh temple." *Costa Contra Times* [San Jose] Feb 12 2013, n. pag. Web. 6 Oct. 2013. <http://www.mercurynews.com/top-stories/ci_22600704/assemblywoman-who-championed-workplace-religious-rights-speak-at>.
- ³⁵ Sundaram, Viji. "Sikhs and Other Religious Groups Win Workplace Protections." *Ethnoblog*. New American Media, 28 Aug 2013. Web. 2 Oct. 2013. <<http://ethnoblog.newamericamedia.org/2012/08/sikhs-and-other-religious-groups-win-workplace-protections.php>>.
- ³⁶ Jaweed Kaleem, *FBI to Start Tracking Hate Crimes Against Sikhs, Hindus and Arabs*, June 5, 2013 7:22 PM, http://www.huffingtonpost.com/2013/06/05/hate-crimes-sikhs-hindus-arabs-fbi_n_3392760.html
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- ³⁸ "Justice Dept. adds Sikhs to hate-crimes list." *Associated Press* 05 Aug 2012, n. pag. Web. <http://www.washingtonpost.com/politics/justice-dept-adds-sikhs-to-hate-crimes-list/2013/08/05/d2845896-fd41-11e2-96a8-d3b921c0924a_story.html>.
- ³⁹ *Id.*
- ⁴⁰ *Id.*
- ⁴¹ Jolly, Asit. "LA's Pikey Bar forced to take down Guru's portraits after Sikh community calls it 'blasphemous'." *India Today* 03 Oct 2013, n. pag. Web. 10 Dec. 2013. <<http://indiatoday.intoday.in/story/los-angeles-bar-takes-down-guru-potraits-sikh-gurus-pikey-bar-and-cafe/1/312977.html>>.
- ⁴² "Portraits of Sikh Gurus Removed from LA Bar After Protest." *India West* 08 Oct 2013, n. pag. Web. 10 Dec. 2013. <<http://www.indiawest.com/news/14094-portraits-of-sikh-gurus-removed-from-la-bar-after-protest.html>>.

UNITED ARAB EMIRATES



Head of State: Shaikh Khalifa bin Zayed Al-Nahyan¹

Head of Government: Shaikh Muhammad bin Rashid Al-Maktum

Population: 5,473,972 (July 2013 estimate)²

Sikh Population: 50,000³

Sikhism Recognized by the State as a Distinctive Religion: **Yes**

Currently a Country of Particular Concern (CPC) or on the Watch List as Designated by the U.S. Department of State or U.S. Commission on International Religious Freedom: **No**

Government Structure: The United Arab Emirates (UAE) is a federation of seven emirates: Abu Dhabi, Dubai, Sharjah, Ajman, Umm al-Quwain, Ras al-Khaimah and Fujairah, with each emirate having its own ruler. The rulers of the seven emirates consist of the Federal Supreme Council, the country's highest legislative and executive body. The council selects the President and Vice President from its membership and the President appoints the Prime Minister and Cabinet. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders. There are no democratically elected legislative institutions or political parties, and there are no general elections. Citizens do not have the right to change their government. Islamic ideals and beliefs provide the foundation of the country's conservative customs, laws, and practices.

Religious demography: The religious demography of UAE is 96 percent Muslim (with 16 percent Shia and 84 percent Sunni) and 4 percent others which includes Christian, Hindus, Jews with 0.72 percent Sikhs.⁴

General and Human Rights: The most significant human rights challenges in UAE are the arbitrary arrests, incommunicado detentions (detention without communication), lengthy pretrial detentions, and limitations on citizens' civil liberties. The Constitution prohibits arbitrary arrest and detention; however, there are reports that the government held persons in official custody without charge or a preliminary judicial hearing.⁵

In 2012 the UN Working Group on Arbitrary Detention concluded that Ahmed Mansoor, a human rights defender, was arbitrarily detained, denying his “peaceful exercise of the right to freedom of opinion and expression” and that the trial proceedings did not comply with international fair trial standards.⁶

The Constitution provides for an independent judiciary; however, court decisions remain subject to review by the political leadership. The government lacks transparency and there is lack of judicial independence. There were reports that the State Security Department intervened in judicial affairs.

There is no functional separation between the executive and judicial branches. There is an existence of a parallel court or an Office of the President called the *Diwans*. The diwans reviews many types of criminal and civil offences even before the cases are referred to the prosecutor’s office. Diwans also review sentences passed by the judges and reserves the right to return cases to the courts on appeal. The Diwans usually involve cases between two citizens or between a citizen and a noncitizen. This wide jurisdiction of Diwans leads to long delays prior to and following the judicial process and prolongs the time defendants serve in prison. In practice, Diwans’ decision is considered final. In case of a conflict, the Diwans’ decision prevails.

In 2012, despite being a signatory to the UN Convention against Torture, the UAE did not recognize the competency of the UN Committee against Torture to investigate allegations of torture. The government also made a declaration on the Convention, stating that in its view “pain and suffering arising from lawful sanctions” did not fall under the treaty’s definition of torture.⁷ In the past, various reports have indicated that police and prison guards mistreated individuals. There are additional reports that unidentified members of the security forces mistreated and abused detainees and Lesbian, gay, bisexual and transgender (LGBT) individuals faced severe mistreatment including physical abuse and rape in prisons.

The law prohibits all forms of forced or compulsory labor but the government fails to effectively enforce the law. In 2012, the government took some steps to prevent and eliminate forced labor. One such step was to amend the Wages Protection System (WPS) and set out administrative fines for employers who entered incorrect information into the WPS; didn’t pay workers for over 60 days; falsely attesting documents related to benefits and recruitment. Despite the government’s continuous efforts to stop the practice of forced labor it continues to be a problem.

Reports indicate that workers continue to face sexual abuse. Further, there were several reports from foreign prisoners held in Dubai that they suffered abuse while in detention. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities sometimes deported the defendants immediately based solely on allegations.⁸

The Constitution provides for freedom of speech and expression of the press. However, the law prohibits criticism of rulers and speech that may create or encourage social unrest, and the government restricts the freedom of speech and press in practice. In 2012, an American

professor was expelled from the University because of his outspoken criticism of the lack of press freedom in the country, and his advocacy for its expansion.⁹

Sikh Civil and Human Rights: In the early 1970s the discovery of vast oil reserves and subsequent sudden wealth in the Middle East opened up migration in UAE. The new infrastructure and construction projects attracted thousands of Sikhs. These Sikh immigrants varied from laborers to highly skilled engineers. Though it is hard to find the exact number, it is believed that the number of Sikhs who came to the UAE ranged from 60,000 to 175,000 in the entire Gulf State.¹⁰ This number has now been reduced to 50,000 Sikhs in the past couple of years.¹¹

In 2010, seventeen Sikh migrant workers, who were accused of the murder of a Pakistani man, were brutally tortured for five days while they were in custody. In custody, the policemen desecrated their articles of faith by forcing the Sikhs to take off their religious necklaces (*Khanda's*) and religious bracelet (*Kara*) and proceeded to stomp on them. They also complained of further religious intolerance, stating that the police played soccer with their *Khanda's* (*Sikh religious symbol*), removed and cut their *Kara's* with a hacksaw, and threw them in the garbage.

Later, the Sikh men were taken to the scene of killing and were forced to re-enact the murder, which was then videotaped and later admitted into court as evidence, resulting in their conviction. Based on this faulty evidence, Sharia Court of Sharjah found them guilty of the alleged murder and sentenced them to death.

This gross human rights violation by the UAE justice system was condemned by both national and international human rights organizations. Later, the defendants appealed their case on the basis that the UAE government investigate the Sikhs' claims of torture and provide the Sikhs access to evidence and a fair trial. Amnesty International and other human rights organizations demanded that the UAE government should investigate the Sikhs' claims of torture and provide them access to evidence and a fair trial.¹²

The Court overturned the conviction, but ordered the accused to pay blood money to the family of the victim. At this point, the entire community came together and a local businessman, S P Singh Oberoi, who is settled in the UAE and was the president of the Indian Punjabi Society, paid 3.4 million dirhams as blood money to the victim's family, and secured the release of the 17 Sikhs.



Rally in UAE when 17 Sikhs were illegally detained and tortured SOURCE: The Human Rights Watch

In 2012, the first ‘official’ Sikh house of worship named ‘Guru Nanak Darbar’ was opened to the public in Jebel Ali, Dubai. It is the first official Sikh Gurdwara mple in the entire Gulf region and caters to the needs of the local Sikh community, which has been there for almost 50 years. The Gurdwara serves the entire Sikh community and has become one of the significant tourist places in Dubai. Sheikh Mohammed bin Rashid Al Maktoum gave 25,400 sq. ft. of land for construction of the building.¹⁴ The Gurdwara now has become the latest symbol of religious tolerance in the UAE.



Gurdwara Dubai SOURCE: Punjab Express.com

While Islam is the official religion of the country, the government generally does not interfere with religious practices of other faiths. According to the UNITED SIKHS 2013 survey, some Sikhs men are teased or bullied at school. The vast majority of the survey participants, however, did not face any discrimination and were not aware of any violence or hate crimes against the Sikh community in the UAE.

¹ Amnesty International, *Annual Report :UAE 2013*; Web. <<http://www.amnesty.org/en/region/uae/report-2013>>

² Central Intelligence Agency, World Fact Book: UAE 2013(May ,15 2013) , Web. <<https://www.cia.gov/library/publications/the-world-factbook/geos/ae.html> >, (Hereinafter CIA World Fact Book)

³ Sikh Sangat in United Arab Emirates , Sikhs in UAE, Web. <<http://sikhsinuae.com/about/> >

⁴ *Supra Note 2*

⁵ U.S. State Department of Human Rights, *Annual Report 2012*; Web. <<http://www.state.gov/documents/organization/204599.pdf>>

⁶ “United Arab Emirates – End arrest free political activists,” Human Rights Watch 30 April 2012, Web. <<http://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists>>

⁷ *Supra Note 1*

⁸ *Supra Note 5*

⁹ “UAE’S sudden dismissal of American Journalism professor raises media freedom questions”, Doha News, 12 August, 2012; Web. <<http://dohanews.co/uaes-sudden-dismissal-of-american-journalism-professor/>>

¹⁰ Singh, Nikky and kaur Guninder, ‘Sikhism: An Introduction’, Published 2011; page 12

¹¹ *Supra note 3*

¹² Amnesty International, “ *Death Sentences and Executions 2010*”; P-34 available at <http://www.amnesty.org/en/library/asset/ACT50/001/2011/en/ea1b6b25-a62a-4074-927d-ba51e88df2e9/act500012011en.pdf>

¹³ Sikhiwiki, “Sikhs sentenced to death in UAE”; Web.

<http://www.sikhiwiki.org/index.php/Sikhs_sentenced_to_death_in_UAE>

¹⁴ Vettath, Malavika, “*Dubai Grand Gurdwara*”; July 26, 2012. Web.

<http://www.sikhchic.com/travel/dubais_grand_gurdwara>

Welcome to the Global Sikh Civil Rights Survey - 2012-2013

PURPOSE

This survey is being conducted internationally by UNITED SIKHS in order to compile information for the Global Sikh Civil Rights Report. The Global Sikh Civil Rights Report is an annual report published by UNITED SIKHS which examines the current status of the human and civil rights of the Sikh community around the globe. Ask a member of our survey team for a copy of the latest Global Sikh Civil Rights Report or download it at www.unitedsikhs.org. The survey will take approximately 10 minutes to complete. If you have any questions regarding this survey, please email: globalreport@unitedsikhs.org

PERSONAL INFORMATION & DEMOGRAPHICS

1. Name:

2. Date:

3. Age

4. Please select the country of your current residence.

- Australia
- Canada
- Fiji
- France
- India
- Indonesia
- Kenya

- Malaysia
- New Zealand
- Pakistan
- Singapore
- South Africa
- United Arab Emirates
- United Kingdom
- United States
- Other

5. Contact Information: Please write out your responses.

Address:

Address 2:

City/Town:

Country:

Zip-Code:

Email:

Phone Number:

6. Gender

- Male
- Female

7. What is your occupation?

ARTICLES OF FAITH

8. Which Kakaars do you maintain? Please select all that apply.

- Kesh Kakkars Kanga Kirpan Kachera Kara I do not maintain any

9. Do you wear a turban, patka, chunni or any other religious head covering?

- Yes
- No

10. Have you ever felt, or been discriminated against for wearing any Kakaars or head covering? ** If you select yes, please explain in the box next to the "yes" selection.

- No
- I have been discriminated on the basis of the not so apparent kakkars, for e.g. Kara
- Yes

11. Have you ever faced any of the below because of your Kakaars/head covering? Please select all that apply. If you select other, please explain in the box next to the option "other".

- Pulled aside at airport for secondary screening
- Discrimination at workplace (e.g.: passed over for a promotion due to religious identity)
- Asked to remove kirpan at school, work or in public place
- Asked to remove turban at school, work or in public place
- Use of racial slurs
- I have not faced discrimination because of my kakaars
- Other
-

HATE CRIMES AND DISCRIMINATION IN PUBLIC PLACES

12. Do you know of any hate crimes that have been perpetrated against Sikhs in your country?

- Yes
 - No
-

13. If you answered yes to question 12, what kinds of incidents were they?

- Physical assault
 - Verbal Assault/ Name calling
 - Dastaar touched or snatched off
 - Other
-

14. Is there any law, practice or policy that discriminates against Sikhs or other religious minorities in your country?

** If you select yes, please explain what law, practice, or policy you are referring to in the box next to the "yes" selection.

- No
 - I don't know
 - Yes
-

15. Have you ever been harassed or ridiculed by a law enforcement officer, this can include; stop and search, questions regarding immigration status, race, religion, or political affiliation?? ** If you select yes, please describe your experience in the box next to the "yes" selection.

- No
 - Yes
-

16. If you felt that you were being discriminated against or abused based on your Sikh identity, what would you do? (What sources would you turn to.)

17. Has a Gurdwara in your area ever been desecrated, defaced i.e. graffiti written on its walls, by miscreants? (Please write the name and location of the Gurdwara in the comment box below)

Yes

No

Comments

18. Has your identity ever been mistaken for someone other than being a Sikh? ** If yes, please write down what you have been mistaken for in the box next to the "yes" selection.

No

Yes

19. Recently, the UN Human Rights Committee gave a decision against the French government and upheld the rights of Sikh children to wear the dastaar in public schools. Unfortunately, France is currently not complying with the UN decision. What should the global Sikh community do? (select all that apply).

Start a Boycott/Divestment campaign: Boycott all French goods.

Start rallies all around the world.

Start a petition.

Work with our home governments to apply pressure on the French government.

Pursue legal action against France

Other

20. Which countries do you think are not open to allowing Sikhs to practice their religion freely?
You may give a reason for your selection in the comment box below.

- Australia Austria Belgium Brazil Canada Denmark Fiji
- India Indonesia Kenya Malaysia Netherlands New Zealand Pakistan Singapore
- South Africa Sweden Switzerland United Arab Emirate United Kingdom
- Other *

Comments

HATE CRIMES AND DISCRIMINATION IN AIRPORT SECURITY

21. Have you ever been asked to remove a turban, patka, chuni, other head covering or religious article for secondary screening at an airport?

- Yes
- No

22. When going through security at airports, have you ever been pulled aside for secondary screening by Airport Security Officers without setting off the metal detector?

- Yes
- No

23. If you answered yes to question 22, how often are you selected for secondary screening?

- Rarely (0% – 25% of the time) Some of the time (25% - 50%) Most of the time (50% - 75%)
- Almost all of the time (75% - 100%) Don't know/Can't Say

Comments

24. Please describe anything else that you have noticed or experienced while going through airport security in various countries/cities. Please detail the location of the airport where the incident occurred.

25. USA SPECIFIC: Did Security Officers give you options for secondary screening for your turban, patka, chuni, or head covering? (NOTE: the options in the United States that you should have been given are: (1) Self-pat down of the turban, and the right to request a private area for that purpose; (2) Pat down by an official if you so agree, and the right to a private area for that purpose

- Yes (all of the time)
- Yes (most of the time)
- Yes (some of the time)
- No

Comments

BULLYING IN SCHOOLS/ACADEMIC INSTITUTIONS

26. Have you or your children ever been bullied in school by his/her peers because of Sikh identity?

- Yes
- No

Comments

27. If you answered yes to question 26 , which of the following, occurred? (Select all that apply)

- Teased
- Left out/ Isolated
- Hit, kicked, punched, shoved, etc.
- Called names
- Personal belongings damaged or stolen
- Sworn at (bad words used against you
- Called racial slurs
- Repeatedly received mean letters, notes, emails or text messages
- Received inappropriate messages on Facebook or mySpace or other social networking sites
- Received prank phone calls
- Called gender based slurs
- Don't Know

28. What measures were taken by the school administration, teachers, or parents to address any bullying that you or your children have faced?

29. Does the school have anti-bullying activities/training? If so, please explain in the box next to the "yes" selection.

No

Yes

SIKH LEADERSHIP IN YOUR COUNTRY

30. Have Sikhs been elected to public office in your region or country?

** If yes, please write the name and position held in the box next to the "yes" selection.

No

Yes

31. Are Sikhs in your country allowed to serve in law enforcement while wearing their turban?

Yes

No

Comments

32. Do you believe that Sikhs should be counted separately when documenting hate crime incidents?

Yes

No

Comments

VIOLENCE AGAINST SIKHS: OAK CREEK MASSACRE & 1984 GENOCIDE

33. What more do you feel needs to be done to prevent tragedies like the Oak Creek Gurdwara massacre from happening in the future?

34. What is the name and location of the Gurdwara you regularly attend, if any (Please state NA if you do not attend)

35. Do you feel like your gurdwara has set up the proper safety procedures in case any future incidences like the Oak Creek tragedy occur?

*If yes, please describe the safety procedures in the box next to the "yes" selection

*If no, please explain what safety procedures SHOULD be put in place at gurdwaras in the box next to the "no" selection.

Yes

No

36. Do you think the Department of Homeland Security (or your respective home governments) should provide funding for such initiatives (adding cctvs and other safety procedures and plans in the gurdwaras)?

Yes

No

Comments

37. Were you or your family directly or indirectly affected by the insurgency in Panjab during the 80's and 90's? In particular, the innocent lives lost during the June 1984 attack on the Darbar Sahib (Golden Temple,) and attacks against Sikhs in Delhi and other parts of India. (select all that apply)

- Yes, I/my family were directly affected.
- Yes, I/my family were indirectly affected
- No I/my family were not directly affected
- No, I/my family were not indirectly affected.

Comments

38. Do you know of anyone who was affected by the 1984 massacre that needs assistance (humanitarian relief and legal aid). Please provide details in the comment box below.

- Yes
- No

Comments

39. It has been established that most people believe that justice has not been delivered to the innocent victims and survivors of the violence against Sikhs in the 80's and 90's. Which of the following actions do you believe need to be pursued to ensure justice for Sikhs?

- Investigations and prosecutions in the national and international courts, leading to conviction of those who orchestrated or directly perpetrated crimes against the Sikh community
- A truth and justice commission like the one in South Africa
- Compensation to victims and widows of the innocents murdered and attacked
- A UN declaration acknowledging the human rights abuses against Sikhs stating what happened to the victims, and recognition of the systematic killings as genocide against Sikhs.
- Provision of rights to Sikhs that led to the insurgency e.g. a fairer distribution of river water in Panjab
- Films and documentaries which expose the truth of human rights and abuses, to help in the reconciliation process for victims and survivors, and educate the general public about the atrocities committed
- Restoration of the material removed by the Indian army from the Sikh Reference Library at Darbar Sahib
- Memorialization (i.e. A monument, library or museum dedicated to the victims of 1984)
- I disagree. Justice has been served and no further action needs to take place.
- Other

Thank You!

We would like to thank you very much for your time in filling out this survey. If you have any questions, please do not hesitate to contact us. globalreport@unitedsikhs.org



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