

GLOBAL SIKH CIVIL & HUMAN RIGHTS REPORT 2011-2012



THE STATE OF THE GLOBAL SIKH NATION

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FOREWORD

France's Broken Promise to Uphold Human Rights

When UNITED SIKHS released the First Global Sikh Civil and Human Rights Report in December 2008, we had reached a milestone having filed our first case before the UN Human Rights Committee (UNHRC) against France for violating religious freedom by banning the Sikh turban in schools and on ID photographs. Just over three years later, we release our Fourth Global Sikh Civil and Human Rights Report to mark our victory against France because the UNHRC held last year that France had indeed violated 76-year-old Ranjit Singh's religious rights by refusing to issue him a residence card unless he removes his turban, and requested France to change its laws to end this violation.

However, a fortnight ago UNITED SIKHS lawyers received a copy of France's response to the UNHRC's decision - which was a NON! France will not change its laws even though it is a party to the International Covenant on Civil and Political Rights (ICCPR), under which it agreed to protect religious freedom under Art 18. France not only has broken its promise to uphold human rights, but it has stooped low enough to repeat in its response all the arguments it had used to defend its ban on the turban that had been rejected by the UNHRC. France then goes on to kick the UNHRC in its teeth by saying that it will not change its laws because the ban has been upheld by its national court and the European Court of Human Rights.

Sikhs have known such travesty of the truth in their history. The 10th Sikh Master, Guru Gobind Singh ji, after the 18th Century Battle of Chamkaur, wrote his Epistle of Victory, The Zafaranama, to the Moghul Emperor Aurangzeb, who had broken an oath he had taken on the Quran to protect the people.*

The 10 Master says: "Though you are the king of kings, O Aurangzeb ! you are far from righteousness and justice...When all other methods fail, it is proper to hold the sword in hand".

What shall be the 'sword' following France's broken agreement to uphold the ICCPR?

This Global Sikhs Civil Rights Report (2011-2012) will be released at the Fourth Global Sikh Civil Rights Conference at the UN Church Center on 24th April 2012, when the religious community, human rights activists, academics and lawyers will deliberate on France's act of renegeing on its promise.

This Report will lift the curtain on the state of civil and human rights in most of the countries where minorities, like Sikhs, live, work and pray.

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

LEGAL COMMENTARIES

COMMENTARY ON CASE: STEPHEN GROSZ

Ranjit Singh, a Sikh living in France, complained that in order to obtain a renewed permanent residence permit he was required to submit a photograph of himself without his turban. He submitted before the UN Human Rights Committee that this was an unjustified interference with his right to freedom of religion, contrary to Article 18 of the International Covenant on Civil and Political Rights (ICCPR). The French Government argued that any interference was justified in the interests of public order and public safety, in that it helped to prevent identity fraud. It considered that the requirement to remove a turban for the purposes of an identity photograph was a one-off event, and that it was proportionate to the aim pursued.

In its Views, published in July 2011, the Committee accepted that the wearing of a turban is a religious duty and the requirement to appear bare-headed on identity photographs interferes with the exercise of freedom of religion. The Committee found that the Government had failed to show that the interference was justified: it had not explained why wearing a turban covering the top of the head and a portion of the forehead but leaving the rest of the face visible would make it more difficult to identify Ranjit Singh than if he were bare-headed, since he wears his turban at all times. Nor had the Government explained how photographs of people bare-headed would avoid the risk of fraud or falsification of residence permits. Further, it found that the interference was of a continuing nature, as Ranjit Singh might be required to remove his turban so that his appearance might be compared with the bare-headed image that appeared on his residence permit.

This was a really encouraging decision, evidence of a much more understanding approach than that of the European Court of Human Rights (ECtHR), which has ruled similar complaints inadmissible. The Committee indicated that it wished to receive from the Government, within 180 days, information on how it intended to give effect to the Committee's views.

The Government's response simply reiterates the arguments it made to the Committee, and which the Committee had rejected. It also referred to the case law of the ECtHR. Having done so, it indicated that it did not intend to change the regulations relating to residence permits or the requirements of rules relating to other official documents.

This is an extremely disappointing response. In its Views the Committee pointed out that France is obliged to provide an effective remedy to those whose rights are found to have been violated.

There is, however, no mechanism for effective legal enforcement through the UN Covenant system. Ranjit Singh can make a further complaint to the Committee about the failure to provide an effective remedy. A Sikh of French nationality might be able to make a complaint under EU law about similar French rules applying to the issue of a passport or identity card, relying on the provisions of the EU Charter of Fundamental Rights. Such a claim might be brought in the French courts and lead to a reference for a preliminary ruling by the Court of Justice of the European Union.

Stephen Grosz
17 April 2012

STEPHEN GROSZ

Stephen Grosz is Head of Public Law and Human Rights at London solicitors Bindmans LLP. He was admitted as a solicitor in 1978. He specializes in public and administrative law and human rights cases, both before the domestic courts and in the Strasbourg and Luxembourg courts. He acts for individuals and organizations in a wide range of human rights and public law matters. He is joint author of 'Human Rights: the 1998 Act and the European Convention' with Jack Beatson QC and Peter Duffy QC (Sweet & Maxwell 2000); and joint author, with Sir Jack Beatson and others, of 'Human Rights: Judicial Protection in the United Kingdom' (Thomson Sweet & Maxwell 2008).



COMMENTARY ON CASE: PUSHPINDER SINGH SAINI QC

In a landmark ruling of 22 July 2011 the United Nations Human Rights Committee in Communication No.1876/2000 upheld the complaint of Mr. Ranjit Singh, a French permanent resident, concerning French legislative requirements that photographs for residence permits show a subject's image bareheaded. The implementation of this law required Sikhs to remove their turbans for photographs. France claimed that this was required in order for the subject to be properly identified and for reasons of public safety and security.

Using compelling reasoning, the Human Rights Committee concluded that this requirement was not justifiable on France's claimed grounds of protecting public safety and security. It held that France had not demonstrated that removing a turban was necessary to identify Mr. Singh or that photographs in which persons appeared bareheaded helped to avert the risk of fraud or falsification of identity permits. The Committee accordingly held that the requirement to appear bareheaded in photographs was a violation of Mr. Singh's freedom of religion protected under article 18 of the covenant.

The rejection of France's justification was clearly correct. How, one asks, can France justify this requirement when the vast majority of the world's civilized nations, including the United Kingdom and the United States, can function effectively in terms of identity verification without requiring Sikhs to remove turbans for passport or driving license photographs?

The Committee is to be commended in its reasoning and specifically in its rejection of the French arguments which sought to rely upon the jurisprudence of the European Court of Human Rights in Strasbourg (specifically, the cases of *Phull v France*, application No. 44774/98 and *Shingara Mann v France*, application No. 24479/07). The Committee, unlike the Strasbourg Court, understood and respected the crucial role the turban plays in Sikh culture and religion. In that regard it followed the approach of the English courts as exemplified in the House of Lords' seminal decision in *Mandla v Lee* which upheld the right of a Sikh schoolboy to wear his turban as an essential element of his religious and ethnic identity.

The French response of 4 April 2012 to the decision is disappointing and fails to remedy the breach of rights. It is to be regretted that France continues to betray a fundamental failure to understand the importance of the turban to Sikhs. So, France seeks to compare wearing a turban to "wearing spectacles with frames that are thick or which mask the eyes". It also belittles the humiliation felt by a person who is required to remove a Turban by stating that it is an

“extremely momentary and minimal” restriction “limited to the click of a camera”. These comments show a disturbing and profound lack of respect and understanding of the Sikh faith.

France also seeks to rely again on the case law of the Strasbourg Court which it had deployed, without success, before the Committee.

France has failed to provide Mr. Singh with an effective remedy as the Committee directed it to and merely seeks to re-argue the case.

It is now time for France to repeal this legislation and to allow persons of all religious groups to enjoy the civil right of a residence permit without having to sacrifice beliefs and practices of fundamental religious importance.

Pushpinder Saini QC

17 April 2012

PUSHPINDER SINGH SAINI QC

Pushpinder Singh Saini QC completed his BA (first class 1989) and BCL (first class 1990) at Corpus Christi College, Oxford and has been a Barrister at Blackstone Chambers, Temple since 1992. He is recognized by both the leading independent legal directories, The Legal 500 and Chambers UK, as one of the leading barristers in the fields of Administrative & Public law and civil liberties and human rights, and in media & entertainment law. Pushpinder Saini has acted as Counsel on some of the leading human rights cases in the domestic courts and in Strasbourg and Luxembourg over the last 15 years. Those of particular recent interest include the ECJ case of *KADI v COUNCIL*, the House of Lords decision in *WALKER AND JAMES*, and the Court of Appeal decision in *SMITH v MOD* concerning territorial scope of the Human Rights Act 1998 as regards British service personnel. He has also acted on for the UK Government in Strasbourg and for the Cyprus Government in the long-running Inter-State litigation against Turkey. He acted for the British Government in relation to claims brought by a former Guantanamo detainee Binyam Mohammed.



COMMENTARY ON CASE: INES WOUTERS

The landmark decision taken by the UN Human Rights Committee (UNHRC) emphasizes the importance of international treaties such as the International Covenant on Civil and Political Rights and the importance of independent international bodies such as the Human Rights Committee to protect fundamental rights even though such decisions are not enforceable.

In its response to the UNHRC's decision, the French government refuses to admit that France failed to protect fundamental rights in its territory, even though this has been adequately demonstrated by the Committee. In a way it takes advantage of the fact that the decision is not legally enforceable even though discrimination is established at the highest level.

In doing so, France fails to respect its international commitment and does not accept that by doing so it puts each individual, whoever he or she is, at the heart of its systems of laws, giving priority to a certain concept of security, while 'security' is not a sufficient reason to limit, beyond strict necessity, fundamental rights of citizens. Security must be proven and not just invoked to derogate from upholding fundamental rights.

France also refuses to take into account the fact that each Sikh will be put in a situation in which he might be obliged to publically remove his turban, and this can happen quite frequently.

On the other hand France refuses to consider that a person can alter his or her physical appearance and therefore look very different from his or her picture. Some changes are not easily reversed such as haircut, hair color, hair implants, plastic surgery, make up, wounds on the face, etc.

It seems that behind the question of security is in fact the burning question of the visible presence of Islam in France and the question of the veil and niqab. The government seems to want to avoid a dual standard between Muslim ladies and Sikhs which they fear would be discriminatory.

This decision gives nevertheless hope to individuals who feel that their rights are disregarded and is a very important decision for any future case on a similar subject based on the European Convention on Human Rights and EU Charter of Fundamental Rights (which is fully part of the EU Treaty and which has the same content as the European Convention on Human Rights). Decisions of the European Court of Justice in Luxembourg court, seized by a request for preliminary ruling, are binding on national courts and are directly enforceable at the national level. Decisions of The ECtHR are also directly applicable in France first by the national courts, and might lead to binding decisions.

The French government response shows that the battle of human right is a permanent one and that its effective application lies in the hands of people who enforce human rights to ensure that the rights are respected and that they do take appropriate steps in that direction. By doing so, they give life to such fundamental rights, for the benefit of all.

Ines Wouters

Ines Wouters is an attorney at law admitted to the Brussels Bar in 1987. She is a partner at the law firm Aschrift in Brussels, specializing in economic rights and issues of religious freedom. Ms. Wouters has participated in numerous conferences on tax matters and religious freedoms issues. She is also very involved in religious freedom, and recent issues in Belgium. She is a member of the IsFin network.



IDENTITY AND RELIGION: THE ROLE OF IDEOLOGICAL, SOCIAL AND SPIRITUAL CONTEXTS

Sikhs have faced state confrontations in the past, but not the kind that Ranjit Singh faces in France today. It is a point of great confusion for Sikhs why a state rooted in the ideals of liberty, equality, and fraternity would deny a basic exemption like the one Ranjit Singh has sought. The Sikh founders, or Gurus, preached a message of unity, devotion, and service during the great political upheavals of India in the 1500s and 1600s. Early Sikhs were devoted to finding truth in an uncertain world through fellowship, hard work, and a vigorous commitment to equality. For centuries now, Sikh men have bound their unshorn hair into a turban, a mark of the commitment to the ideals of the faith. Whenever Sikhs have faced existential threats in history, they have turned to the external articles of their faith to perpetuate the internal belief in God-given freedom and responsibility to stand firm in the face of injustice.

France must do more than recognize Sikh sensitivity to this issue. The state must help this Sikh man circumnavigate a law that interferes with the conscience-affirming act of wearing of a turban in all situations that deal with the state. Let us dispel any misunderstandings that might arise regarding Sikh men and turbans. The basic, animating ideas of Sikhism seem so very faithful to ideas that inspired the French state. Therefore, for French Sikhs, being authentically French would require being committed Sikhs. For members of the Sikh community, articles of the faith embody sacred memories and are thus central to the perpetuation and enactment of Sikh tenets. Ranjit Singh's turban, insofar as it represents the enactment of Sikh ethics in the modern world, is not just compatible with French ideals: it is an extension of them.

RAHULDEEP SINGH GILL, Ph.D. Assistant Professor of Religion

Rahuldeep Singh Gill received his Ph.D in religious studies from the University of California, Santa Barbara and his B.A in religion from the University of Rochester. Rahuldeep Singh Gill is interested in the relationship between texts, subtexts, and contexts, as well as the nexus between the social and the religious. In particular, he examines the evolution of Sikh institutions over five hundred years of the tradition's history, as well as the interaction of Sikhs, Muslims, and Hindus. His research explores the life and works of the Sikh tradition's most important interpretive writer, Bhai Gurdas Bhalla (d. 1636). He is currently an assistant professor of religion at California Lutheran University.



COMMENTARY ON CASE: O'MELVENY & MYERS

We are pleased with the views adopted by the U.N. Human Rights Committee in response to Ranjit Singh's petition. But France's recent response to those views is disappointing—reiterating arguments that were rejected by the Committee and ignoring the Committee's decision and the important rights it seeks to protect. We are preparing a reply to France for consideration by the Committee and the Committee's Special Rapporteur for Follow-up. We hope that France will reconsider its refusal to implement the Committee's views. We are also hopeful that the Committee will reach a similarly favorable resolution for Shingara Singh, whose case is still pending before the Committee.

**The Law Firm of O'Melveny & Myers, Lead Counsel in
Ranjit Singh's case.**



ARTICLES

THE TRUTH BEHIND ANAND MARRIAGE ACT - THE MIRAGE

Since Baisakhi Day (i.e. April 13, 2012) newspaper headlines have triggered a major debate on the Anand Marriage Act. There have been a rigorous issuance of statements from all around on the subject, but most of the utterances made lacked proper knowledge of the law relating to this crucial subject. It seems that the majority of statements are laced with “political color.” As the saying goes, “little knowledge is dangerous thing.” Similarly, without the proper knowledge of the law, big statements have been issued, 'with implementation of Anand Marriage Act', the `Sikh community has won a major victory`.

There are also headlines that state, `it is a historic decision`, that `Central Government's decision is praiseworthy`, that `long pending demand of Sikhs is fulfilled`, that `separate identity of Sikhs has got approval` etc. etc. Some newspapers even went to the extent of saying that marriages performed by Anand Karaj ceremony under the Anand Marriage Act now have a legal sanction. But, the fact is that the decision of the Union Cabinet of the Indian Government is a small technical amendment in Anand Karaj Act, for which Sikh community need not be very elated.

Actually, the truth is that the Union Cabinet's decision has further complicated the whole issue regarding Sikh marriages and would lead to more complications to the Sikh community. On the basis of my teaching experience in the Law Department of Punjabi University, Patiala and Guru Nanak Dev University, Regional Campus, Jalandhar for the last 27 years, especially on the subject of marriage and divorce etc. relating to Hindus, Muslims, Christians, Parsi, Jews and Special Marriage Act, above said views can not be appreciated; rather the views expressed in other newspapers that the amendment of Anand Marriage Act is not less than a cheating with the Sikh community are true pictures. It is also true that instead of being elated, the need is to seriously evaluate and analyze the new development by the Sikh intelligentsia.

First of all, the views expressed by the majority of the political and religious leaders that the Anand Marriage Act was made redundant or inapplicable after the Indian independence in 1947 is totally wrong and without substance. My observations are based on the facts that after independence, in the year 1949, the Indian Government passed an enactment namely, the Merged States (Laws) Act, 1949, which declared the continuation of all the 256 Acts passed from 1839 to

1949, and most importantly this includes the Anand Marriage Act, 1909, itself. So, the Act continues to be in force from 1909 till date. Second argument, which I would like to stress is that the Anand Marriage Act, 1909 was also amended by the Legislature of India in 1959, vide Act No. 48, which was enforced w.e.f. 1st February, 1960. All these developments are proof of the fact that after passing of the Anand Marriage Act, in 1909, it has never been 'annulled' or 'made ineffective', as claimed by most of the leaders and writers. Rather it always remained in force in law. Therefore, to say that Anand Marriage Act has been passed or made applicable by the Union Cabinet's decision is nothing but a laughable statement.

If we see the historical background of the Anand Marriage Act and its various sections or provisions, then it will become absolutely clear that the recommendation of an 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. As we all know that the marriage ceremony in Hindu religion was solemnized by taking steps around the sacred fire and when the marriage ceremony in Sikhism by taking four rounds around Sri Guru Granth Sahib in the end of 19th century was almost established, some of the selfish elements created doubts about the validity of such Sikh marriages. The Maharaja of Nabha, Tikka Ripudaman Singh taking guidance from Bhai Kahan Singh Nabha drafted the Anand Marriage Act to declare legalized Sikh marriages and presented it to the Imperial Legislative Council. Later on, when Sir Sunder Singh Majithia became the member of the Legislative Council, he took the initiative to get it passed in 1909. In the Preamble of the Act itself, it is stated that **"Whereas it is expedient to remove any doubts as to the validity of the marriage ceremony common among the Sikhs called Anand, the Act is enacted"**. The same is also mentioned in the objects and reasons of this Act. This Act contains in all 5 sections. The first section mentions the jurisdiction of the applicability of Anand Marriage Act, 1909, according to which it was applicable to whole of India. However, as mentioned above, the Indian Government in 1959, by passing Act No. 48, excluded its applicability to the State of Jammu and Kashmir. Section 2 declares the validity of Anand marriages which says that "All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law." Section 3 states exception of the applicability of this Act to certain kinds of marriages. It says "Nothing in this Act shall apply to (a) any marriage between persons not professing the Sikh religion, or (b) any marriage which has been judicially declared to be null and void". Section 4 of the Act makes provision for the saving of marriages solemnized according to other ceremonies which states that, "Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs". It is important to mention here that as per law and judicial decisions, the marriage by Chadar-Andazi and Kareva forms of marriages among Sikhs is perfectly valid. Section 5 deals with non-validation of marriages within prohibited degrees of relationships which says "Nothing in this Act shall be

deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal".

From the above, it is crystal clear that the main objective of Anand Marriage Act was only to declare the validity of marriage ceremonies among the Sikhs called Anand. In India, the laws regarding 'personal laws' were enacted before and after independence. The personal laws are those laws which are applicable to the people as per their religious notions or faith. For the first time in India, the law relating to marriage and divorce was enacted for Christians namely the Indian Christian Marriage Act, 1872 and the Indian Divorce Act, 1869. Similarly, the law relating to marriage and divorce of Parsi in India was passed in the year 1936, namely the Parsi Marriage and Divorce Act. For Muslim women, an Act was passed in the year 1939 titled the Dissolution of Muslim Marriage Act. For inter-caste marriages or inter-religion marriages, the law was enacted in the year 1872, which was later on amended and was titled as the Special Marriage Act, 1954. After independence in the year, 1947, the law relating to personal matters of Hindus was drafted, commonly known as 'Hindu Codes Bill', and which came into the form of four different enactments i.e. the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956 and the Hindu Adoption and Maintenance Act, 1956. These Acts are applicable to Hindus by religion besides people belonging to Budh, Jain and Sikh by religion.

Whenever, we talk about the law relating to marriage and divorce applicable to a particular religious community, generally the Act is divided into 4 parts. The first part normally deals with the conditions of marriage like the rule of monogamy, age of bride and bridegroom, mental state of parties to marriages and prohibited degree of relationships. Besides this, the provisions regarding ceremonies and registration of marriages are also stated therein. The second part of the Act mainly deals with the substantive reliefs like restitution of conjugal rights, judicial separation, void or voidable marriages and divorce. The third part deals with the jurisdiction and procedures. The fourth part deals with the provisions regarding custody of children, maintenance, property etc. All the present Acts applicable to Christians, Parsi and Hindus contain the provisions as aforesaid.

Now, if we look into the above mentioned provisions of the Anand Marriage Act, it did not contain any of the required parts stated in above paragraph. The amendment which has been recommended by the Union Cabinet is confined only to the 'registration of marriage'. If we see the reality from the legal perspective, the question of the registration of marriages under Anand Marriage Act will not lead to any significant development regarding the demand for independent law of marriage and divorce for the Sikh community. Rather, the truth is that if the amendment regarding registration of marriage under the Anand Marriage Act is carried out, it will lead to

complications for the Sikh brides and bridegrooms. It is strange that in the newspapers the general view is that registration under the Anand Marriage Act will benefit the Sikhs particularly NRIs, but the reality is contrary to this. It would be too difficult to make the people of other countries understand what Anand Karaj is. When will it be legal and binding? It is now a true fact that till date the Sikhs have not been able to establish their identity in different countries of the world; how then will it be possible for them to establish the identity of 'Anand Karaj' ceremony? It is very pertinent that even after the amendment regarding registration of marriage under Anand Marriage Act is passed, the marriages among Sikhs will still be performed as per the conditions and other provisions regarding substantive reliefs or nullity, divorce, maintenance, property etc under the Hindu Marriage Act itself. Then, how can we say that new law regarding marriage and divorce is passed for the Sikh community.

The recommendation about the registration of marriage which has been made by the Union Cabinet has not been made for the fulfillment of Sikh's demand. The reality is that it has been made in compliance with the directions of the Supreme Court to the Government of India given in the "Seema Vs. Ashawani Kumar" case in the year 2006. Moreover, the fact which is not known to majority of people is that even the Law Commission of India has recommended for the compulsory registration of marriages in its 211th Report submitted in October, 2008 to the Government of India. Not only this, the Law Commission has also recommended in this Report for the enactment of Marriage and Registration Act. It is also a fact that registration of marriages under the Indian Christian Marriage Act, 1872 and the Parsi Marriage and Divorce Act, 1936 and the Special Marriages Act, 1954 is already mandatory. It is only the Hindu Marriage Act, that under section 8, it is left to the parties to get their marriages registered or not. But now, the recommendation to make it mandatory for the registration of marriage is taken because of the decision of the Supreme Court in 'Seema Case' and on the recommendation of the Law Commission of India.

If the Central or State Governments are really concerned to accept the demand of the Sikhs for their separate 'personal law' like Christians, Parsi and Muslims already have, then the government would have to be serious to enact law for the Sikh community relating to marriages and divorce, adoption, maintenance, minority, guardianship and succession. It is only when these Acts are enacted, the Sikh community can feel elated to have its own Sikh personal law.

Here, I would like to emphasize that to make the law regarding, in the above mentioned area for Sikh community, it is not compulsory to make amendment in Article 25 of the Constitution of India because it deals totally to a separate legal regime. It deals with the Right to Freedom of Religion and not with 'personal laws' of religious community. The most talked about provisions of the Constitution is Article 25 (2) (b) Explanation II. All we know is that it is a long standing demand of the Sikh community to amend this Explanation so that the Sikh community

should be have its own independent identity. To make this amendment Morchas took place, arrests had been made, and even those demanding this amendment were accused of being antinational. The most unfortunate aspect is that leaders of the Sikh community have not taken notice of the most significant development in this area. The Central Government itself in the year 2000 had constituted a 'National Commission to Review the Working of the Constitution' on 2nd February, 2000 under the Chairmanship of Hon'ble Former Chief Justice of India Shri M.N.Venkatachaliah consisting of ten other members including Justice Shri B.P. Jeevan Reddy, Chairman, Law Commission of India, Justice Shri R.S. Sarkaria, former Judge, Supreme Court of India, Justice Shri Kottapalli Punneyya, former Judge Andhra Pradesh High Court, Shri P.A. Sangma, former Speaker, Lok Sabha and Member of Parliament, Shri Soli J. Sorabjee, Attorney General of India, Shri K. Parsaran, Senior Advocate and former Attorney General of India, Dr. Subhash C. Kashyap, former Secretary General, Lok Sabha, Shri C.R. Irani, Chief Editor and Managing Director, The Statesman, Dr. Abid Hussain, former Ambassador of India in the USA and Smt. Sumitra G. Kulkarni, former Member of Parliament (Rajya Sabha).

The Commission thoroughly analyzed the different provisions of the Constitution on the demands made from different quarters and presented its Report in two huge volumes on March 31st 2002 to the Government of India. On Article 25 of the Constitution of India, with regards to the demand of the Sikh community, in Para 3.23.1, the Commission agreed with the demand of the Sikhs to make an amendment to Article 25 of the Constitution and made recommendations as follows:

3.23.1 A number of institutions of Sikhs and Buddhists suggested certain changes in article 25 (2). Explanation II to article 25 provides that reference to Hindus in sub-clause (b) of clause (2) should be construed as including a reference to Sikhs etc.

3.23.2 The Commission, without going into the larger issue on which the contention is based, is of the opinion that the purpose of the representations would **be served if Explanation II to article 25 is omitted and sub clause (b) of clause (2) of that article is reworded as follows:**

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jains or Buddhist religious institutions of a public character to all classes and sections of these religions."

Now, it is a matter of surprise, when the Commission headed by Former Chief Justice of India Hon'ble Justice N.N. Venkatachaliah and ten other legal luminaries had recommended the amendment in Article 25 of the Constitution of India, particularly to delete Explanation II of Article 25 (2) (b) II, which is considered to be the most objectionable provision by the Sikh community, how the people demanding amendment to this provision can be considered anti-national. It is most strange that even after the lapse of 10 years of such an important recommendation of the high powered Commission, no Sikh leader, whether political, religious or

members of Parliament from Punjab or Sikh community and other different Sikh organizations, have seriously made efforts to get this amendment implemented to establish independent Sikh identity. The Sikh community should not feel happy just on the misconceived recommendations of an amendment regarding the registration of marriages under the Anand Marriage Act; rather the community should plead forcefully with all its strength to implement the recommended amendment by the Justice Venkatchaliah Commission in Article 25 of the Constitution of India, so that Sikhs can enjoy their independent status like Christians, Parsis, and Muslims in India with regards to their 'personal law.' If Sikhs succeed in getting this amendment implemented, it is only then that Sikhs can proclaim their 'true victory.' It will be a 'historic decision;' it will be a 'praiseworthy step of Union Government' and the 'Sikhs independent identity will be established'.

Dr. Daljit Singh, LL.M., Ph.D
Professor of Law and Principal
Khalsa College, Amritsar

Dr. Daljit Singh

Dr. Daljit Singh is a well known Professor in Law. He started his career as a lecturer in law from Punjabi University, Patiala in 1978. He then joined and worked as director of the Regional Campus and the Head of the School of Legal Studies. He now serves as Principal, for the past six years, of Khalsa College, the historic and prestigious college of Amritsar. He has visited many countries and presented research papers at National and International Conferences.



THE ACLU/SIKH PARTNERSHIP & THE AMERICAN COURTS

By Susan N. Herman, ACLU President

The American Civil Liberties Union (ACLU) works only in the United States of America, through our 53 affiliates in all the states. In our work defending religious freedom, we don't often rely on international covenants because American courts have not been very receptive to applying international law to American experiences. This is a problem because, although we have had a fair amount of success in promoting religious liberty and fighting religion-based discrimination, the American courts have not interpreted the free exercise clause of the First Amendment as generously as we would like. Our lawyers have had to be creative, frequently relying on federal statutes (like the awkwardly named RLUIPA – the Religious Land Use and Institutionalized Persons Act) and state legislation.

In many contexts, due in part to our work, American understanding of the Sikh religion is growing, but there are still pockets of intolerance where the Sikh religion is unfamiliar. Among cases ACLU affiliates have brought on behalf of Sikh clients are the following examples.

- 1- Employment – Doctor Parminder Suchdev was denied the opportunity to work at the Public Health Commissioned Corporation of the Centers for Disease Control and Prevention (CDC) in Atlanta, GA, unless he shaved beard and removed his turban. The ACLU of Georgia sent a demand letter on his behalf and, as a result, the CDC adopted a policy to accommodate Dr. Suchdev, who went on to a successful career in epidemiology. (<http://www.acluga.org/docket.html>)
- 2- Governmental spaces – Amardeep Singh was ordered out of a courtroom in Texas and threatened with arrest for refusing to remove his turban while appearing in connection with a traffic citation. The Sikh American Legal Defense Fund (SALDEF) referred him to the ACLU of Texas, which brought a lawsuit on his behalf under a state religious freedom statute. The case resulted in a settlement whereby the court adopted new security screening policies. (<http://www.aclu.org/immigrants-rights/aclu-files-religious-discrimination-lawsuit-against-dallas-judge>,<http://www.saldef.org/news/victory-for-sikhs-in-texas/>)
- 3- Schools – The ACLU of Texas, with the United Sikhs, has also defended Sikh schoolchildren, asking schools to respect their religious dress and to protect them from bullying by fellow students. (<http://www.unitedsikhs.org/PressReleases/PR-15-10-2009.html>)

- 4- Air travel – The ACLU of Northern California filed an anti-discrimination lawsuit on behalf of three eminent Sikh musicians, Davinder Singh, Gulbag Singh, and Iqbal Singh, who were removed from a US Air flight from Sacramento to Salt Lake City after other passengers had expressed baseless fear of their appearance. This case also led to a settlement. The airline apologized, paid an undisclosed amount of damages to the plaintiffs, and revised their security training materials. (<http://www.aclu.org/religion-belief/sikh-religious-musicians-settle-us-airways-after-wrongful-removal-flight>)

- 5- Prisons and jails –
 - a. The ACLU of Southern California, together with the Sikh Coalition, brought a lawsuit on behalf of Sukhjinder Basra, an inmate who was punished for refusing to trim his beard. The U.S. Bureau of Prisons and many states have adopted policies respectful of religiously inspired beards. As a result of this litigation, the California Department of Corrections amended its policies, repealing the restriction prohibiting inmates from growing their facial hair more than a half inch in length. (<http://www.aclu.org/religion-belief/california-department-corrections-agrees-amend-policy-allow-sikh-inmate-freely>)
 - b. The ACLU of Northern California brought a lawsuit on behalf of Harpal Singh Cheema, an asylum petitioner who was fleeing persecution in India and who spent years awaiting decision on his petition. (<http://www.aclu.org/immigrants/asylum/11736prs20050518.html>)
 - c. The ACLU of Florida represented Jagmohan Singh Ahuja, who had emigrated to the United States from Afghanistan to escape religious persecution by the Taliban. Jacksonville officers held him down and forcibly removed his turban and cut his hair. Met with obstinacy by the defendants, the plaintiff finally gave up trying to pursue his claim. His case was brought within the 11th Circuit, which has unfavorable law about what standard should be applied to claims brought under RLUIPA about religious garb in prison. There is a conflict among the United States circuits on this issue, with the 9th Circuit having adopted a more favorable position. (http://www.aclufl.org/news_events/index.cfm?action=viewRelease&emailAlertID=3674&print=true)

- 6- Kirpans –
 - a. The ACLU of Rhode Island represented Sher J.B. Singh, who protested his prosecution for “carrying a concealed weapon” (his ceremonial kirpan) in a Providence train station. (<http://www.aclu.org/immigrants-rights/aclu-calls-providence-police-dismiss-case-against-sikh-arrested-train-station>)

- b. The ACLU of Northern California, under a federal religious freedom statute no longer in effect, won a lawsuit against a school district, requiring the schools not to punish the carrying of a kirpan in school.

(https://www.aclunc.org/news/opinions/religious_freedom_and_sikh_school_children.shtml)

The American courts have been accustomed to the notion that our First Amendment is so protective of religious freedom that we have no need for international covenants – even when the First Amendment has been interpreted as having gaping holes in its protections. The experience of the ACLU has been that American courts would do well to integrate international law covenants and standards to more fully protect religious rights. Where the United States does not lead in freedom, we should at least learn to follow.

Susan Herman

Susan Herman has served as the President of the American Civil Liberties Union since 2008. She has served on the ACLU National Board of Directors for twenty years, as a member of the Executive Committee for sixteen years, and as General Counsel for ten years. Professor Herman teaches at Brooklyn Law School, where she holds a chair as a Centennial Professor of Law. She specializes in constitutional and criminal procedure topics.



Photo courtesy of *Alison Silver* The Cornell Daily Sun

EMOTIONAL REACTION TO THE EU TURBAN CHECK

Changes to security procedures across the European Union have infringed on the rights of the Sikh community. As a result of terrorist activity, the EU has put in place a security system that requires employees to use their hands when checking a passenger's turban.

When this procedure was first put into effect across the EU some countries, such as the UK, were reluctant to enforce it because of concerns voiced by religious groups. Prior to this new procedure, passengers previously walked through metal detectors and if the alarm went off, they were searched with handheld metal detectors.

Yet in other countries such as Spain, the new policy has not been questioned but immediately put into effect; Passengers are forced to submit to airport security even though it leaves them feeling degraded and discriminated against.

While passing through Barcelona Airport Vinder Singh, a 41 year old medical rep and practicing Sikh recalled his humiliating experience. Mr. Singh stated, "Even though I had not set off the alarm when passing through a metal detector at Barcelona airport, I was told to take my turban off in front of work colleagues and other passengers." Even after he allowed the guard to touch his turban, security still insisted he take it off. As a result he and three other Sikh colleagues took the train home to England instead.¹

New EU policy procedures treat turban wearing Sikhs similar to criminals. Due to their religious head gear, Sikhs are scrutinized in a discriminatory manner, subjecting them to prejudice and shame.

Britain

Sikhs in Britain have urged the government to change airport security procedures, but despite reassurances made to advocacy groups that changes will be made, Sikhs are still subject to checks that violate their rights.

The Department of Transport ("Department") made an agreement with Sikh groups that security officers would stop applying manual turban checks. The Department's decision to stop manual checks came in response to numerous complaints from Sikh passengers and airport employees. As of February 2011, however, the Department began administering manual checks again, renegeing on their promise.²

The Department implemented these controversial security measures starting again in February 2011, including hand searches at major airports such as Heathrow, Gatwick, and Birmingham. These policies not only affect Sikh passengers, but also have violated the rights of Sikh airport employees.

In a BBC news article regarding this new government policy, Harbhajan Singh, an employee at Heathrow Airport, stated his fears about the procedure.

"When I passed the security point, the security man touched my turban," I said, 'Don't touch my turban with your hands. You can search it without touching it with your hands.' The security person responded 'No there's a new government rule which means we have to.'"³

Religious Symbol

Manual checks of turbans are of great concern to the Sikh community. Sikhs are not concerned with airport security checking turbans as a matter of precaution, they are simply opposed to security asking them to remove their turbans and using their hands to check them. The turban is a religious symbol; in his interview, Harbhajan refers to it as his "crown," and the use of someone's hands is insulting and unclean.

Sikhs have acknowledged that the community is open to other alternatives to manual checks, such as swabs. The British government conceded to Sikh concerns and implemented a procedure using swabs after the Department tightened security procedures last year; the government, however, they have gone back on their word.

According to the Sikh Federation, the Department accepted swabs as an alternative to hands. The alternative to manual searches, swabs are carried out in the following way:

"They [security] take a swab, a small piece of cotton about one centimeter by one centimeter and they literally touch the turban with it and carry out a very quick chemical test. That is much better than a hand search which will not necessarily catch the chemicals that they are searching for..."⁴

The British government has been trying to find a solution to remedy the reaction from religious groups. It recognizes that individuals should not have to give up their religious rights in order to maintain high levels of security. Yet, similar to the U.S. racial profiling issue, these security procedures are not applied universally throughout the European Union. The "swab" approach is not mandated throughout the UK and those airports that do participate are only doing so on a trial basis.

Although wearing a turban is protected by British law (This follows a landmark ruling by the House of Lords in 1983 in a case in which a Birmingham teenager was refused entry to a school because of his turban) the EU rarely changes its regulations. The UK Sikh community is trying to deal with this humiliation as long as these policies continue, and the Sikhs who are asked to remove their turbans in airports are being required to partake in an act similar to a public strip search.



*The Sikh Federation's poster campaign says no to manual turban checks*⁵

Italy

On January 11, 2011 the Italian Interior Ministry finally recognized that turbans were a religious symbol for Sikhs. This identification has had a significant effect on airport policy and security.

Although the EU requires that turbans be manually searched, the Italian ministry agreed to issue a decree to airport security personnel not to remove Sikh turbans except in suspicious cases. While obstacles remain in the fight against inequality, this change moves one step closer to remedying the new EU policy.

Sikhs in Italy and India regularly send complaints to the Indian government because of security checks. In a statement made by the SGPC (Sikh religious body) chief in March 2011, the chief claimed, “That the committee had written to the Government on several occasions on the issue, but no action has been taken yet.”⁶ (The SGPC has strongly protested against turban frisking, urging the Indian government to petition governments throughout Europe).⁷ Thus, when the Italian External Affairs minister visited India, the Indian government brought these concerns to light. In response, the minister conceded to upholding Sikh cultural and religious beliefs.⁸

Changes at Italian airports have been sparse. In December 2011, a Sikh captain employed by Jet Airways was required to remove his turban in a Milan airport. The employee who was asked to remove his turban recalled that the security agent took pleasure in requiring him to remove the religious headwear.⁹

Similar to the UK, the government of Italy has been reassuring Sikh communities about their plans to curb discriminatory policies at airports, but in practice little is being done to alleviate the underlying issue of discrimination. With only reassurances and no action, Sikhs are limited to their means of travel. Due to their religious beliefs, Sikhs have been isolated from freely using airplanes as a way of traveling without the fear that they will be subject to degradation. Every country that requires a Sikh to remove their turban simply subjects the individual to prejudicial screening. Thus, discrimination has created an unequal divide between turban wearing individuals and the rest of the nation’s community. If screening like this continues, Sikhs ultimately will have to avoid airports out of respect for their religious identity.¹⁰

United States

General Changes in Screening

In 2011, the only identifiable change that the Transportation Security Administration (“TSA”) has made is the reduction of screening children. According to Kimberly Walton, the TSA’s special counselor, “new procedures were implemented to reduce, though not eliminate, pat-downs of passengers 12 and under that would otherwise been conducted to resolve concerns while also ensuring effective security measures.”¹¹

Outside of that minor alteration, there are still no uniform policy changes. Although the stages implemented in the 2010 report are still in effect, it appears that the guidelines are not followed uniformly throughout all U.S. airports.

In 2010 the TSA introduced new security procedures throughout US airports. The TSA implemented the use of Advance Imaging Technology (“AIT”) for security screening. The AIT machines put in place are supposed to be monitored by both a screening officer and an imaging operator. The imaging operator is supposed to be in an isolated room viewing the AIT image, making a determination if an anomaly exists that would require additional screening. If there is an anomaly that appears on the image resulting from the body scan, the screening officer would be told the quadrant on the body in which the anomaly exists and the screening officer would then pat-down only that area of the passenger’s body. If no anomaly is detected, the screening officer still retains the discretion to conduct additional screening based on their own independent assessment.

In 2011, the TSA began using a new technology that they claimed would minimize racial profiling. This new software, know as Automated Target Recognition (“ATR”), has provided an additional method of screening, but still has not eliminated the problem of racial profiling or airport security’s insensitivity toward individuals wearing turbans.

ATR eliminates the image of an actual passenger and replaces it with a generic outline of a person. Thus, passengers are able to see exactly what a TSA officer sees. The TSA claims that this ability will allow officers to screen individuals without being isolated in a room. Additionally they claim that it will increase the efficiency of screening while making security checkpoints more enjoyable for passengers.

Regardless of the type of technology, neither ATR nor AIT eliminates the problem that “bulky” clothing creates. The TSA admits that its bulky clothing screening procedure is not under review, and airport supervisors continue to have the right to implement certain additional screening procedures outside of those uniformly outlined by the TSA.

Poland

In Poland, Sikhs are discriminated at a higher rate in respect to other countries. Not only are Sikhs in Poland similarly required to remove their turbans for a security check, but their turbans are being put through the x-ray scanner. Even before any other check has taken place, security officers immediately require turban wearing individuals to remove their religious headgear, without any sort of suspicion. Even when Sikh passengers have requested that their turbans be checked by alternative means, airport employees have ignored their pleas. Although there are many Sikhs living within Poland, the Polish Border Guard has refused to take even limited steps to solve the problem.

Finally in October, 2011, fed up with the violation of their rights, Sikhs took legal action to remedy the issue. With the support of the Helsinki Foundation of Poland, the Sikh community brought a suit against the Komendant of the Border Guard Service that conducts security checks at airports.¹² The Sikh group’s argument rests on the fact that they are not trying to evade security checks at Polish

airports. Instead, they simply want the government to work with them to establish a procedure that is less intrusive and more dignified. .

Unfortunately, the fight continues. In December 2011, the Polish District Court acknowledged the Sikh claim that the Border Guards have engaged in human rights abuses; however, they ruled that this was within the law.¹³ Regardless of the loss, Shiminder Puri and the Sikh community continue to oppose such drastic abuses of their rights. Although they have tried to work with government officials in many countries, without substantial changes to airport security by the EU, or countries such as Poland, Sikhs may be forced to continue to take legal action against the government.

Germany

Although the TSA has continuously stated that the AIT can see through layers of clothing, in November 2010 a German broadcaster revealed that the technology can be fooled by creases in clothing.

Tests in Hamburg revealed that the machines could be fooled by any type of clothing, including light blouses. If this is the case, then why are individuals with turbans the only ones who are almost always required to go through additional screening?

After the revelations in Hamburg in 2010, German airports must now undergo a full-body prison-style pat down and go through a metal detector, even if no alarm is set off during the first scan.

Obviously, the TSA is ignoring the real implications of its screening policy. It claims that additional screening is not necessary for regular clothing and only passengers wearing bulky clothes must undergo it. However, the German broadcaster noted, "TSA also uses millimeter-wave scanners, as well as X-ray scanners. But unlike Hamburg authorities, TSA is only targeting pleats of a *dastaar*, which it considers as bulky clothing. TSA does not target blouses and T-shirts because they are not considered bulky clothing, but these form-fitting clothes also fooled scanners in the Hamburg tests."¹⁴

The U.S.A. continues to ignore the data that is given to it. As long as it is unwilling to acknowledge the flaws in its security system, Sikh passengers will continue to be humiliated and unfairly discriminated against. .

Conclusion

Sikhs continue to be degraded by security officials in Europe and the United States. Although governments are attempting to work with Sikh organizations to remedy the procedures in airports, without a uniform process Sikhs run the risk of being humiliated at any airport. Thus, it is vital that this problem is fixed.

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ESTABLISHING SENSITIVITY TO MINIMIZE RACIAL PROFILING AT U.S. AIRPORTS

Since the implementation of new security policies at U.S. airports in 2001, Sikhs have found they are often targeted for additional screening because of their religious head coverings. In response to the discrimination against them, the Sikh community has communicated their grievances to the Transportation Security Administration (TSA) in hopes of implementing policy changes. In an effort to minimize misunderstanding and frustration between the two parties, Sikhs have called on TSA administrative leaders to implement guidelines to uphold civil liberties and educate airport workers on how to be sensitive toward religious groups, while also promoting safety inside airports.

Monitoring Racial Profiling

In a memorandum written by Mark Lendvay, “assessing the need for the TSA to implement an auditing mechanism to monitor racial profiling,”¹ the TSA admits that racial profiling does occur in airports. The TSA and Homeland Security have established a series of programs and workshops in response to Sikh concerns.

In the memorandum, the TSA identifies eight strategic options to enact to collect data on the issue. In addition, the TSA will introduce a proposal by the VERA Institute of Justice and the RAND Corporation on ways to minimize racial profiling and misunderstandings between airport security, airport employees, and the Sikh community. In an effort to reduce racial profiling, the TSA memo focuses on creating a uniform method of screening at all airports. The TSA admits that while some airports require secondary screening all the time for an individual wearing bulky clothing, others do not.²

In confronting this issue, the TSA states that following a consistent plan when screening individuals wearing bulky clothing is the only way to prevent racial profiling. Although the TSA has a method in place, the memo suggests a series of guidelines airports should follow, and ways the TSA could monitor airports to make sure that security officers are following procedure accordingly. Of the eight strategic options that are introduced in the memo, only four are clearly summarized:

1. Expert Screening Training Instructors or Screening Training Instructors
2. Recording additional screening in a centralized database such as PMIS or PARIS
3. Incorporate a camera system into screening areas
4. Improve screening technologies in airports that are not up to date.³

The TSA and Homeland Security have also allocated resources to prevent discrimination in other ways as an alternative to one of their own procedural plans. Outside organizations have aided in supporting the TSA's efforts to reduce racial profiling and to work with concerned religious groups. The Goldman School for Public Policy, at the request of the Sikh Coalition, recommended methods for educating employees about Sikh passengers in order to establish sensitivity toward the religious community. Some proposals include employee training, informing passengers of their options, involving civil rights groups in the development of cultural sensitivity training, and auditing screeners to ensure proper procedures are being followed.

Methods Currently Used by the TSA and Homeland Security

Many of these recommendations have been recognized and incorporated into the Homeland Security and TSA employee training. Yet, because of insufficient data analysis, it is hard to determine how many airports actually have all of the tools in place. Educational information includes: posters on common Sikh American head coverings and the Sikh *Kirpan* (a ceremonial religious dagger) (See example 1); a checklist of things to remember when searching someone wearing a head covering; and a training DVD on Sikhism for law enforcement personnel, which was created with the collaboration of the Sikh American Legal Defense and Education Fund (SALDEF).⁴

Moreover, employees are reminded to use the e-verify a system which promotes worker's rights and employer responsibilities. The system does this by ensuring that administrative policies will be followed by identifying to the agency those airports that do not comply with it.

Minimal Changes in TSA Policy: AIT v. ATR

AIT

In 2010, the TSA and the Department of Homeland Security (DHS) announced that it would begin implementing a new airport security plan that involved the use of Advanced Imaging Technology (AIT) in addition to secondary screening procedures.

The AIT machines are supposed to be monitored by both a screening officer and an imaging operator. The imaging operator is stationed in an isolated room viewing the AIT image; their job is to make a determination if an anomaly exists that would require additional screening. If there is an anomaly that appears on the image resulting from the body scan, the screening officer would be informed of the quadrant on the body in which the anomaly exists and the screening officer would then pat-down only that area of the passenger's body. If no

anomaly was detected, the screening officer still retains the discretion to conduct additional screening based on their own independent assessment.

Due to the TSA's failure to protect the rights of religious groups, the administration is still trying to find new technologies to find a balance between security and individual liberties.

ATR

The TSA recently began using a new technology that they claimed would minimize racial profiling. This new software, known as Automated Target Recognition (ATR), has provided an additional method of screening, but still has not eliminated the problem of racial profiling or airports security's insensitivity toward individuals wearing turbans.

ATR eliminates the image of an actual passenger and replaces it with a generic outline of a person. Thus, passengers are able to see exactly what a TSA officer sees. The TSA claims that this ability will allow officers to screen individuals without being isolated in a separate room. Additionally they claim that it will increase the efficiency of screening, while making security checkpoints more enjoyable for passengers.

If the software detects an item that poses a potential threat on a passenger, it is supposed to indicate the location on a computer-generated outline of that person. If there is no threat, an "OK" will appear on the monitor.

In February 2011, TSA successfully tested the new software at Hartsfield-Jackson Atlanta International, Las Vegas McCarran International, and Ronald Reagan Washington National airports.

Although the new technology is optional, the new software will be an alternative to the AIT units that are currently being used by airports. The new software will be installed on all millimeter wave AIT units currently in airports.⁵

Conclusion

Although these techniques are employed in some airport security checkpoints, until the TSA has incorporated one cohesive system at all airports, the agency will not be able to pinpoint trends or efficiently counter issues of racial profiling at United States airports. In order to be successful, the TSA must continue to work with civil rights groups, Sikh organizations, and its own employees to ensure that a unified policy is implemented throughout every airport.

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EXAMPLE 1:

Posters used by the TSA to Educate Employees:
“Posters on Common Muslim American Head Coverings, Common Sikh American Head Coverings, and the Sikh Kirpan”



6

Attachment 1:⁷

Screening Sikhs by the Numbers:	2009	2008
Sikhs sent for additional screening who reported feeling singled out:	90%	64%
Sikhs who were not informed of their option to conduct a self-pat-down:	23%	20%
Sikhs who were told that turban screening is a mandatory security measure:	13%	23%
Screening complaints stemming from California airports:	48%	48%
Sikhs who reported being subject to additional screenings at U.S. airports:	84%	71%

¹ Office of the Special Counselor (“OCS”), Transportation Security Administration, *Final Report on Strategic Options to Consider on Racial Profiling and Slide Presentation*, (Arlington VA: June 11, 2009): 1. http://salsa.wiredforchange.com/o/1607/images/FOIA_Smaller.pdf

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Prejudice, Fear, Ignorance, and Security: Psychological Causes and Policy Implications of Infringements on Civil Rights

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For the Annual Conference of United Sikhs

New York City

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My purpose today is to offer my most relevant expertise, as a policy researcher who studies the influence of racial and ethnic biases on policymaking and law enforcement. I am most familiar with U.S. culture and policy. But I am also a social psychologist by training, and, based on the understanding of human cognition, emotion, and behavior that has emerged from a century of social psychological science, I think it is safe to say that very similar thoughts, feelings, and motives govern the discriminatory practices of individuals and governments throughout the world.

The thoughts I am referring to are called “stereotypes.” These are generalizations about the traits (like dangerous) that are disproportionately possessed by members of a racial, ethnic, religious, political, gender, or other type of group. We now know from decades of careful scientific inquiry that people are hardwired to categorize objects *and* people, and we attach attributes to these categories – these are the stereotypes. Stereotypes are rarely accurate at the aggregate level, and make us prone to inferential errors about individual members of groups. They can also be completely spurious, based on “illusory correlations.” Furthermore, the effects of stereotypes are compounded by the tendency to perceive groups we do not belong to (“outgroups”) as relatively homogeneous. The “they’re all alike” phenomenon is a very real human cognitive bias.

The feelings that give rise to discrimination are primarily fear, anger, anxiety, disgust, contempt, maybe even pride, or simple dislike or hatred – what we all know as “prejudice.” Psychological scientific inquiry has revealed that, of the two popular aphorisms, “birds of a feather flock together” wins out over “familiarity breeds contempt.” We have a strong tendency to prefer people who are like us and to make inauspicious assumptions about the motives of others. Interestingly, group identification can happen very rapidly, and under “minimal” conditions, as discovered and elegantly demonstrated by the esteemed French social psychologist, Henri Tajfel.

The motives of interest include anxiety-reduction, power acquisition, self-preservation, or the complementary preservation of one's family, ethnic, or national group. Combine these thoughts, feelings, and motives, and you get discrimination.

However awful they sound, these are all completely normal human mental processes. They are not even unusual. We have evolved to possess them because they served adaptive functions in early human history. Now, in modern, civil social systems, they are deeply problematic, undermining the establishment and perpetuation of equal and just societies. Most of us try to resist these tendencies. But it has now been amply demonstrated that they also operate outside of conscious awareness or control. In other words, they play out subtly and automatically. Furthermore, people often generate rationalizations to explain their biased thoughts, feelings, and behaviors.

Combine with the general tendencies to stereotype and favor our own, historical events, like horrible terrorist attacks, that elevate fear; and add to that a significant dose of ignorance, and you have a toxic recipe for the denial of basic rights and liberties. I do not have to tell you; this is not an abstraction. It is a recurring state of affairs. It is nothing new to the United States, either. We are all still acutely aware of the infringements on civil liberties that followed the September 11 attacks, like intrusive airport screening and targeted registration of South Asian immigrants, not to mention enhanced interrogation and extraordinary rendition. But long before 2001, there were the Alien and Sedition Acts, the suspension of Habeas Corpus, the curfews on and internment of Japanese, and the railroading of suspected communists and their friends and associates. A widespread form of civil liberties infringement, racial or ethnic profiling, will persist in some form for as long as there is law enforcement and there are stereotypes about race or ethnicity and crime.

Recently, I was trying to explain terrorism and security to my 10 year old son (he brought it up). I was having trouble getting through to him why we have to place limits on intrusions in people's lives, even if we think it will enhance our security. He felt a tension. He knew it was not fair to subject some innocent people to different treatment. But he thought it was also essential to do whatever we can to prevent terrorism. Specifically, he could not let go of the feeling that it's just best if people have to take their head coverings off. He literally said, "I know it's not right, but my thoughts are warped by fear."

In full disclosure, he was quoting a line from Harry Potter, but only because it captured well how he was feeling. And it captures how a lot of people feel.

Combine that fear with often distorted stereotypes, perhaps some contempt, the goal to preserve the safety, way of life, and perhaps power one has, a dose of ignorance about history, and you get civil liberties infringements.

The tension my son experiences between what feels fair and what feels safe reflects the age-old tradeoff between liberty and security that policy makers have had to confront for centuries. Free, democratic societies like the U.S. and France have enshrined the word “liberty” in their national creeds. These two countries, in fact, have shared the gift of a colossal monument to the concept of liberty, standing tall in the harbor on the other side of this great island borough. For free democracies like France and the U.S., the aspiration is always to err on the side of liberty. So it is especially painful when their governments forsake it.

One of America’s most esteemed founding fathers, Benjamin Franklin, famously said, “They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.” This is something that resonates deeply with every member of a free society. But it becomes harder when we are fearful and xenophobic, and it becomes complicated when we move from general liberty to *civil* liberty, and we consider *unequal* infringements. Then, our stereotypes, prejudice, motives, and ignorance can take hold.

My message to you today is that the civil liberties violations that are so patently offensive to us do not necessarily emerge from nefarious motives or bald faced prejudice; and their effects are rarely desired nor taken lightly. Rather, they are the consequences of normal human qualities – dispositions that served our species well in its early development, but often misfire and do harm in our complex, modern social arrangements, running afoul of our core conceptions of fairness. It behooves us to understand the origins and nature of these offenses, so that we can most effectively reverse them.

I would like to leave you with words arranged far more eloquently than I could ever hope to, by two Americans from historically persecuted minority groups -- one African American, one Jew – who rose to the highest ranks of the American judiciary. Supreme Court Justice Thurgood Marshall wrote, in 1989, “History teaches us that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure.”

In 1928, Justice Louis Brandeis wrote, “The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.”

Sadly, these were both parts of *dissenting* opinions. But forward-looking dissent, especially when rooted in guiding principles, eventually prevails.

The 9/11 Hangover: Little to no change in the perception of the common American towards fellow Sikhs

Post 9/11 has been a period of turmoil for Sikhs in the United States. 9/11 kicked off a series of backlash attacks on the Sikhs, as they were perceived as Arabs or even members of Al-Qaida. From the brutal slaying of gas station owner Balbir Singh Sodhi in Arizona, the list of racial attacks has continued to expand. Racial slurs against community members are quite prevalent.

The *dastaar* or the turban, for which the Sikhs have high respect and regard it as their crown, has been subject to endless humiliating name calling. *Dastaar* wearers have been addressed as towel heads, camel jockeys, diaper heads, Osama-bin -Laden, Taliban, Al-Qaida, etc. Ignorance is still cemented within the psyche of society.

Barring areas where the community has a strong presence, a Sikh walking on the road is still looked at with suspicion. Eye contact with a passerby emits fear rather than comfort. Thoughts enter one's mind as to what must be underneath the turban: Is it an explosive? Is it utilized to hide a weapon? Here is an example:

At a movie theater in Kew Gardens, my friends and I went to see Iron Man 2 on a Friday evening. There was a couple who started calling us names referring to my turban, like "Osama bin Laden – I wouldn't want to mess with you. God knows what you be hiding in that s—t." The staff of that cinema not only noted what he said but contacted the NYPD and said there was a possible terror alert. We were escorted out and detained by 12 cops and three undercover detectives.

– 23-year-old Sikh security agent, South Ozone Park, Queens, NY¹

Hate crimes continue to lace the country. In Dec 2007, two Sikh brothers were shot dead inside their restaurant in Richmond, California by two unidentified attackers. According to the detective investigating the case, robbery did not seem to be the motive. He said he was clueless about the reason behind the killing. The attackers did not disturb the cash register and took nothing.² It seemed they went in just to kill. A hate crime was not ruled out. Till now, there has been no progress on the case, and the killers are yet to be traced.

In March 2011, two elderly Sikh men, Surinder Singh aged 65 and Gurmej Singh Atwal aged 78 were gunned down by assailants while they were on an afternoon stroll in Elk Grove, California. Bullets were fired at them from a moving car. The former died on the spot while the later succumbed to his injuries a month later. There has been no progress in locating the killers.

The victims were not robbed, and any enmity was also ruled out. No motive has been identified. The latest update on the case says that a hate crime cannot be ruled out.³

If robbery and enmity were not the reason, motive unknown, then what else could it be? All reason points towards a hate crime. Both victims were very easily distinguishable as they wore turbans and had flowing beards.

In December 2011, a 56 year old Sikh preacher from the UK named Anup Singh was stabbed at the International Airport in Fresno, California.⁴ The victim was standing near the security point with his translator. He was stabbed by a stranger in his upper torso, without any provocation on his part. The stabber did not utter any words, or slurs. He fled the scene but was later arrested. He was identified as 26 year old, Mitchell Dufur. As per the last update, he had not divulged his motive to the police, and the police were not treating it as a hate crime.⁵

A man wearing a turban and a long flowing beard is stabbed by a stranger without provocation. The stabber says nothing and runs towards the exit. If this doesn't hint at a hate crime, what else does it allude to? It begs the question. The stabber seemed to have planned his attack meticulously. He maintained his silence about the motive before and after the crime. Sadly, under the law, this allows him to elude punishment for it as a hate crime.

Sikh houses of worship are also not exempt from hatred. Recently in Feb 2012, a Sikh place of worship or *gurdwara*, under construction in Sterling Heights, Michigan was vandalized with graffiti. Apart from some objectionable words, the word "Mohmed" was painted on the temple wall, which is potentially a reference to the Islamic prophet, Mohammed.⁶ This clearly illustrates the ignorance commonly held about the Sikh faith.

Another blatant example of sheer ignorance is as follows: On Feb 28, 2012 a Sikh family residing in Sterling, Virginia received an anonymous letter containing the following text:

"Our People in the neighborhood have been closely watching your activities and figured out you are a close associate of a secret Taliban movement on the US Soil. We ask you to leave the country as soon as possible otherwise one of our people is going to shoot you dead. Don't attempt to relocate somewhere else in America as people are closely monitoring your day to day activities."

The same family had been subject to similar harassment in 2003 and 2005 while it resided in Gaithersburg, Maryland and Leesburg, Virginia.⁷ Education about other religions and cultures would have stopped the anonymous sender from writing such a letter. This letter also serves as a reminder to the Department of Education to extensively include knowledge about Sikhs and

Sikhism in the school syllabus at the national level. It will go a long way in preventing such shameful incidents from even getting initiated in the future.

This violence and hate needs to be curbed. It is high time our nation understands that Sikh Americans are as American as anyone else. They are patriots, hardworking and law abiding people. They have made and are making great contributions in every sphere of society; whether its business, medicine, IT, armed forces or politics, Sikhs are leaving a lasting legacy.

As with many Sikh American youth who are passed racial comments in their daily life, my friend is no exception. He says “Many a times, while walking on the street, people say go back.... go back to where you came from.” I ask them, “Where do want me to go back? I was born in New Jersey! I have been here all my life!”

Author: Manmeet Singh, UNITED SIKHS, Legal Fellow

Editor: Gurvinder Singh; Ashween Kaur

¹ In Our Own Words. (2012): Web. 2012. Retrieved from <http://www.saalt.org/filestore/Reports/In Our Own Words Web FINAL.pdf>

² Romney, L. (2011, April 11). Attack on sikh men triggers outcry in elk grove, calif., and beyond. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2011/apr/11/local/la-me-0411-sikhs-20110411>

³ Biele, C. (2011, March 5). Cops seek pickup in sikh shooting. *Fox40 News*, Retrieved from <http://www.fox40.com/news/headlines/ktxl-news-sikhshootingfolo,0,6656491.story>

⁴ Singh, R. M. (2011, December 9). Fresno, ca airport sikh stabbing victim identified. *American Turban*, Retrieved from <http://americanturban.com/2011/12/09/fresno-ca-airport-sikh-stabbing-victim-identified/>

⁵ <http://travel.usatoday.com/flights/story/2011-12-06/Police-identify-man-who-stabbed-Sikh-at-Fresno-airport/51672888/1>

⁶ Sikh temple graffiti vandalism leads to call for hate crime investigation . (2012, February 8). *Huffington Post*. Retrieved from http://www.huffingtonpost.com/2012/02/08/sikh-temple-graffiti-vandalism-hate-crime_n_1263588.html

⁷ Sikh american family receives death threat. (2012, March 2). *SALDEF*. Retrieved from <http://www.saldef.org/news/sikh-american-family-received-death-threat/>

AFGHANISTAN

Head of State and Government: Hamid Karzai

Population: 30,419,928 ¹

Sikh Population: 3,000 ²

Sikhism Recognized by the State as a Distinctive Religion: **No** ³



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 Watchlist)**⁴

Government Structure: Afghanistan is currently functioning under a new Constitution ratified in 2004.⁵ The president (chief of state) comprises the executive branch of the government while the legislative branch (a bicameral national assembly) consists of *Wolesi Jirga* (lower house) and *Meshrano Jirga* (upper house).⁶ The judicial system is comprised of a Supreme Court, High Courts and Appeal Courts.⁷ The legal system is based on a combination of civil and *Shari'a* law.⁸ Governance is divided over 34 political subdivisions known as provinces.⁹

Religious Demography: Afghanistan is comprised of 80% Sunni Muslims, 19% Shi'a Muslims, 1% other religious groups; however, an official census has not been conducted in many years and is long over-due.¹⁰

The Hindu and Sikh populations were once thriving, but many have fled due to increasing conflict.¹¹ Nevertheless, a small population of native-Afghan Hindus and Sikhs remain. Reliable data on religious demography is not available due the lack of official nationwide census. Observers estimate that 80 percent of the population is Sunni Muslim, 19 percent Shia Muslim, and other religious groups comprise less than 1 percent of the population. According to self-estimates by these communities, there are approximately 3,000 Sikhs, more than 400 Baha'is, and 100 Hindu believers. There is a small Christian community; estimates on its size range from 500 to 8,000. In addition there are small numbers of adherents of other religious groups. There is one known Jewish citizen.¹²

General Civil & Human Rights: According to Human Rights Watch, World Report 2011-12, Afghanistan's human rights record continued to remain poor with extrajudicial killings, torture, poor prison conditions, prolonged pretrial detention, restrictions on freedom of the press, restrictions on freedom of religion, violence and societal discrimination against women, restrictions on religious conversions, abuses against minorities, sexual abuse of children, trafficking in persons, abuse of worker rights, the use of child soldiers in armed conflict, and child labor. This list all continues to violate human rights. Afghanistan's justice system remains weak and compromised, and a large proportion of the population relies on traditional justice mechanisms, and sometimes Taliban courts, for dispute resolution. Human rights abuses are endemic within the traditional justice system, with many practices persisting despite being outlawed. Attacks and threats against women continue, frequently focusing on women in public life, school girls, and the staff of girls' schools. The incarceration of women and girls for "moral crimes" such as running away from home – even when doing so is not prohibited by statutory law – also continues to be a major concern, with an estimated half of the approximately 700 women and girls in jail and prison facing such charges.¹³

According to Amnesty International report 2011, Conflict-related violence, and attendant human rights violations, increased throughout the country. The Taliban and other armed groups targeted, abducted, indiscriminately attacked and unlawfully killed civilians, committing human rights abuses and gross violations of international humanitarian law. According to ANSO, the Taliban and other anti-government armed groups were responsible for 2,027 casualties, up more than a quarter from 2009 to till date. The number of civilians assassinated or executed by armed groups surged by more than 95 per cent, including public executions of children. The victims were accused of “supporting” the government or “spying” for the international forces ANSO reported that 401 civilians were killed by international and Afghan security forces, a decrease of 14 per cent from 2009 to date. Air attacks remained the most harmful operations tactic, accounting for 53 per cent of civilian deaths attributed to international and Afghan security forces. Thirty-seven per cent of the deaths occurred during ground operations, including night raids.¹⁴

The International Security Assistance Force (ISAF) issued tactical directives in March and August to lessen the impact of fighting on civilians. The former sought to regulate night raids and the latter was aimed at regulating aerial strikes and indiscriminate fire on residential compounds. However, there was an increase in the number of night raids, particularly in the eastern and southern region of Afghanistan, which often resulted in civilian casualties.¹⁴

According to Human Rights Watch, World Report 2011-12 rising civilian casualties, increased use of “night raids” by the International Security Assistance Force (ISAF), and abuses by insurgents and government-backed militias widened the impact of the war on ordinary Afghans. Stability was further undermined by a political crisis following parliamentary elections and panic caused by the near-collapse of the country's largest private bank.¹⁵

Torture and abuse of detainees in Afghan jails in 2011 led the ISAF to temporarily suspend the transfer of prisoners in eight provinces. Abuses in these jails documented by the UN Assistance Mission in Afghanistan include beatings, application of electric shock, threats of sexual assault, stress positions, removal of toenails, twisting and wrenching of genitals, and hanging detainees by their wrists. Inadequate due process protections for detainees held within the parallel US-administered system and for those prosecuted under Afghan law following US detention also continue to be a serious concern.¹⁶ According to UN office of the High Commissioner for Human Rights, in 2011, out of a total of 561 casualties caused by mines and unexploded ordnance (UXO), 431 were under 18 (76 percent). These figures are consistent with 2010, when 459 child victims were recorded. The eastern region was the most affected (154 victims, 35 percent) followed by the northern and southeastern regions (respectively 17 percent and 10 percent of all child victims). 316 children were injured, and 115 children were killed. 105 Boys were four times more likely to be injured or killed than girls (82 percent – 18 percent), and boys between the ages of 8 to 15 formed the most vulnerable group, making up more than half of all deaths and injuries. Most accidents claiming child victims occurred while they were playing (30 percent of all incidents), followed by tending animals (15 percent) and collecting firewood (12 percent). Twenty five of the victims were under six years of age, including three babies.¹⁷

Sikh Civil & Minority Rights: The situation of Sikhs and other minority in Afghanistan is deteriorating. Christian, Hindu, Sikh, and other religious minority groups were targets of discrimination and persecution.

The minority Hindu and Sikh population in Nangarhar are dealing with numerous problems in trying to send their children to school. Faced with discrimination and a lack of attention from the government, they are asking for help. “I enrolled my children in Abdalu high school,” said Guru Kornaam Singh, a Sikh resident of Jalalabad. “But they were being bullied by the Muslim students.” Within a week, the students had dropped out, but they have nowhere else to go. There are 16 Hindu and Sikh families in Nangarhar province, totaling nearly 1,000 persons. But their minority status has given rise to many problems, not the least of which is the lack of adequate educational facilities for their children. “*We immigrated to India during the years of civil war,*” explained Kornaam Singh. “*We came back nine years ago, but we still face many problems.*” Many Hindus were forced to leave their property when they emigrated, or were intimidated into selling it for a very low price. Now back, they have very little land or other property. “*We do not have land even to build ourselves a house, so how are we supposed to find land for a school?*” said one.¹⁸

When he was 12, Velinder Singh, a Sikh, was bullied so viciously by his Muslim classmates, that he dropped out of school and went to work with his father as a shopkeeper. “*One day my son’s*

classmates cornered him and forced him at knife point to read out the Quran and become a Muslim,” Porty, the boy’s mother told Pajhwok Afghan News. Porty said she gave up hope her son would be educated when he left Amir Sherali Khan School in Kabul to work with his father in the store. Singh is not the only one who has been forced to abandon their studies because of bullying. *“When the teacher was not coming to class, a few of my classmates would remove the turban from my head and laugh at my hair. They would not give me my turban back until I cried a lot.”* ^[19]

Sandep, Sadon’s younger brother, also switched schools due to the teasing. *“My classmates threw balls at my head and called me potato. They also made fun of me while I was eating, saying all Sikh food is dirty.”* ^[19]

Awtar Singh, an appointed member of the Meshrano Jirga, the upper house of Parliament, and head of Temple committee of Kart-i-Parwan, said Sikhs do face a lot of discrimination, but for the children it is worse. *“Our children are insulted and humiliated at schools and their religious faith is ridiculed,”* he said. ¹⁹

According to interviews taken by UNITED SIKHS volunteers in Peshawar from the members of afghan Sikh community who regularly visit to Peshawar.

“Currently, there are about 5,000 Hindus and Sikh in all of Afghanistan with 130 families in the capital Kabul and 150 families in Jalalabad”, stated Tarloq Singh, Jalalabad community leader.

“We are poor people and cannot afford to build schools; we cannot provide teacher’s salaries and other equipment needed for schools,” stated by Pajan Singh, who came to Peshawar from Kabul.

According to USCIRF Annual Report 2011 - The Commission's Watch List: Afghanistan. Conditions for religious freedom remain exceedingly poor for minority religious communities and dissenting members of the majority faith, despite the presence of U.S. armed forces in



Afghanistan for almost 10 years and the substantial investment of lives, resources, and expertise by the United States and the international community.²⁰

The Sikh community's population is decreasing in Afghanistan because of migration out of the country. Over 90 percent of the Sikh Afghan community has migrated out of the country. The lack of a proper cremation ground in Kabul and constant attacks by Islamic extremists has caused an issue for the Sikh and Hindus community to complete their funeral rites. In total there are 531 Afghan-Sikh families in Afghanistan of which 130 families reside in Kabul.²¹

According to media reports Afghan Sikhs and Hindus protest because of issues with performing the last rites of their dead ones in Kabul. The locals close to cremation ground (*Shamshan Ghat*) won't let them burn their dead in heavily concentrated urban areas; due to the odor burning flesh creates. In a report it is shown that, under police protection and administrative authority, Sikhs eventually managed to cremate the dead person, however the problem still persists.²²

WOMEN'S RIGHTS

In a society where many women still breathe under full covering veils and live surrounded by patriarchy, Dr. Anarkali Kaur Honaryar fight's for women's rights. Dr. Honaryar, a dentist, is one of 3000 Sikhs and 100 **Hindus** that remain in Afghanistan. Before the civil war of 1991, there were roughly 50 000 Sikhs and Hindus in ethnically diverse Afghanistan but now only a small percentage of that number remains. Anarkali Kaur struggled against all types of violence against women in Afghanistan.²³

Miss Anarkali Honaryar is an active human rights activist in the country and has got the 2011 Madanjeet Singh prize for the first time in the history of the nation.²⁴



*; Anarkali Honaryar, Laureate of the 2011 UNESCO- Madanjeet Singh Prize for the
Promotion of Tolerance and Non- Violence*

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- 4 Id.
- 5 U.S. DEPT. OF STATE BACKGROUND, supra note 1.
- 6 Id.
- 7 Abdullah Qazi , Afghanistan: Branches of Government, AFGHANISTAN ONLINE, Jan. 17, 2007, <http://www.afghanweb.com/politics/government.html>.
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- 13 Human Rights Watch, World Report 2011-12 <http://www.hrw.org/world-report-2012/world-report-2012-afghanistan>
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- 19 Hindu, Sikh children bullied out of school report published on January 27, 2011 <http://afghanhindu.wordpress.com/2011/01/27/hindu-sikh-children-bullied-out-of-school/>
- 20 USCIRF Annual Report 2011 <http://www.uscirf.gov/images/ar2011/afghanistan2011.pdf>
- 21 Afghan-Sikhs Explain their Fears and Threats report published on June 8, 2011, <http://afghanhindu.wordpress.com/2011/06/08/afghan-sikhs-explain-their-fears-and-threats-to-indian-pm/>
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- 23 <http://www.chakranews.com/sikh-woman-fights-for-afghan-women%E2%80%99s-rights/246>
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AUSTRALIA

Head of State: Queen Elizabeth II, represented by
Governor General, Quentin Bryce¹

Head of Government: Prime Minister Julia Gilard

Population: 22.8 million²

Sikh Population: 22,000 (.2%)³

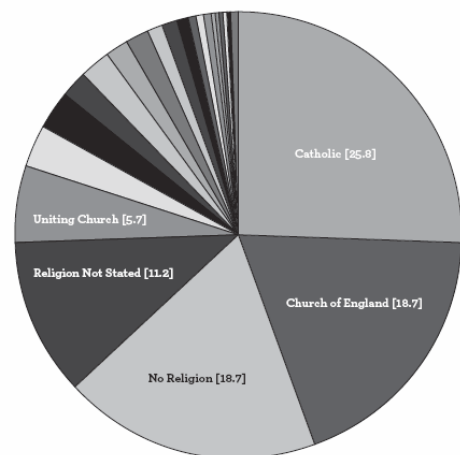


Sikhism Recognized by the State as a Distinctive Religion: **Yes**

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 constitutional monarchy, democratic, federal-state system. Its constitution was passed by the British Parliament on July 9, 1900. Parliament holds a 76 member Senate and 150 member House of Representatives. Its population is approximately 21.4 million. Citizens periodically choose their representatives in free and fair multiparty elections.⁴

Religious Demography: Based on the 2006 Census, religious affiliation is as follows: Catholic 26%, Anglican 19%, other Christian 19%, other non-Christian 1%, Buddhist 2.1%, Islam 1.7%, no religion 19%, and not stated 12%.⁵



General Civil & Human Rights: Australia continues to face criticism for its discrimination against indigenous people of Australia. Problems reported in a few areas also include domestic violence against women and children, racially based attacks on foreign students, and societal discrimination against indigenous people.⁶ Australia emphasizes the importance of providing accessible, equitable and culturally appropriate security. The country acknowledges its diverse population and focuses on the challenges that developed as a result of linguistic and cultural differences of its community. Thus, Australia focuses their efforts on respecting the religious and culturally diverse groups of the country when creating and changing policies.

Sikh Civil & Human Rights: The Sikh community in Australia is almost as old as the country itself. Many Indians came over with the first settlers of Australia to run the camel trains in the country before modern infrastructure was developed. These first Sikhs, called Afghans, were vital in developing the trade of the country.⁷ Later in the country's history, many Punjabis also took part in the gold rush and acted as camel drivers through the desert.⁸

IMMIGRATION TO AUSTRALIA

One of the major reasons for Sikh immigration to Australia is due to the educational plan implemented by the Australia government to provide means for students of high academic achievement in the Commonwealth nations to obtain higher education. Many Sikhs qualified for this initiative. Based on academic merit, through the "Colombo Plan" the Indian Government sent students throughout the late 1940s to Australia. Thus, in Australia, the Sikh community is strongly represented based on its educational virtues. According to the Australian Bureau of Statistics, 87% of Punjabis residing in Australia are under 50 years of age and over 83% of the population is proficient in English.⁹

POPULATION

SIKHS IN AUSTRALIA

Current estimated population of Australian Sikhs: 22,000

(This figure was projected from the census figures for 2001, this is broken down for each of the states as follows:

- New South Wales: 11,000
- Victoria: 6000
- Queensland: 3,000
- South Australia: 1,000
- Western Australia: 900
- Australian Capital Territory: 500
- Northern Territory: 125
- Tasmania: 75

The Sikhs constitute about 14% of all people of Indian origin who have migrated to Australia (Sikhs only constitute about 2.5% of the total population in India)

Specifically, Sikhs students are still victims to increasing violence throughout the country. In 2012, cases were reported of Sikhs students being burned and stabbed. The Indian government

even issued a statement to Australian universities that if students continued to be threatened they would go elsewhere.

In response to the attacks students staged their own protests. The Federation of Indian Students of Australia (FISA) held sit-ins and marched to express their concerns. There are more than 93,000 Indian students in Australia and they represent about 18 percent of all foreign students in the country.¹⁰

SIKH GAMES

Sikhs have put incredible effort into unifying their community and one way they have done this is through the Sikh Games. After many attacks on the Sikh community, including the seizure of *kirpans* at an Australia airport, the torching of a Sikh temple, and the stabbing of a Punjab-born accountant the government sought to ease racial tensions between Sikhs and other Australian citizens.

The Sikh games include an intra-state Hockey tournament. The games, which occur annually are competitive but in good spirits also include a formal dinner dance. These events serve to reinforce and highlight the Sikh religion. Each year, new events introduce the Australian community to new aspects of the Sikh religion, uniting the two cultures. In 2012, the games will illustrate the international influence and spread of Sikhism throughout the World. They will include participation from India, Malaysia, Singapore, Hong-Kong, and the UK.¹¹

¹ U.S. DEPARTMENT OF STATE, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, BACKGROUND NOTE: AUSTRALIA (January 25, 2012), <http://www.state.gov/r/pa/ei/bgn/2698.htm> [hereinafter "U.S. DEPT. OF STATE BACKGROUND"].

² "U.S. DEPT. OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2698.htm>

³ THE ASSOCIATION OF THE RELIGION DATA ARCHIVES (ARDA), AUSTRALIA (2010) http://www.thearda.com/internationalData/regions/profiles/Region_2_2.asp.

⁴ "U.S. DEPT. OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2698.htm>.

⁵ "U.S. DEPT. OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2698.htm>.

⁶ "U.S. DEPARTMENT OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2698.htm>.

⁷ "Sikhs in Australia." <http://www.sikh.com.au/inaus/index.html>.

⁸ "Sikhs in Australia." <http://www.sikh.com.au/inaus/index.html>.

⁹ U.S. DEPT. OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2698.htm>.

¹⁰ "Many Sikhs among Indian students under attack in Australia: Now Australian Universities Warn own gov't, risk losing students." *World Sikh News*. (2009). <http://worldsikhnews.com/3%20June%202009/Many%20Sikhs%20among%20Indian%20students%20under%20attack%20in%20Australia.htm>

¹¹ Khera, Gurinder Singh, "Sikh Games in Australia Creating Community." April 2000. <http://www.australiansikhgames.com/origins.html>

BELGIUM

Head of State: King Albert II¹

Head of government: Elio di Rupo²

Population: 10.7 million³

Sikh population: 10,000-15,000 (<1%)⁴



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: Belgium is a federal parliamentary democracy under a constitutional monarch. The executive branch contains the monarchy, which is hereditary and constitutional, in addition to the prime minister, who is appointed by the monarch and then approved by Parliament. The legislative branch is composed of a bicameral Parliament, which consists of a Senate and a Chamber of Deputies. The judiciary consists of the Constitutional Court, made up of 12 judges appointed by the King, and the Supreme Court of Justice.⁵

Religious Demography: Predominantly Roman Catholic, with Protestant, Jewish, Muslim, Anglican, Greek and Russian Orthodox, as well as secularism, "recognized" religions receiving government subsidies.⁶ According to the CIA, approximately 75% of Belgium is Roman Catholic, and the other 25% is other (including a large percentage of Protestants).

Belgium is one of the true melting pots of Europe. Their ethnic composition includes communities of Celtic, Roman, Germanic, French, Dutch, Spanish, Austrian and others. Belgium is at the crossroads of Europe, and is both geographically and culturally unique.⁷

General Civil & Human Rights: Belgium is a constitutional monarchy with a democracy based on the parliamentary system. The country is a federal state with several levels of government, including national, regional, community, provincial, and local. Prime Minister Elio di Rupo currently heads a six-party coalition government. The government generally respects the human rights of its citizens, with the law and judicial system providing a relatively effective means of addressing individual instances of abuse⁸.

Belgium played a key role in helping to facilitate the extradition of terrorist suspects. They were highly supportive of Operation Enduring Freedom, in which Belgium contributed naval assistance and humanitarian aid to the US in Afghanistan and Iraq. Additionally, Belgium works closely with the UN and the EU to counter terrorism throughout Europe.⁹ Although the Constitution provides for freedom of religion and other laws uphold the free practice of religion, Belgium has had circumstances of religious discrimination against those groups which are regarded as “cults.”¹⁰ The government monitors religious groups closely and continues to reform the recognition and treatment of minority groups within the country. Since the distinction between ethnicity and religion are strongly linked within Belgium, the particular motivation behind incidents of discrimination and violence are hard to distinguish as stemming from religious affiliation or nationalism¹¹

In May 2007 the government passed the Anti-Discrimination Act outlawing discrimination based on religious affiliation or philosophy. Yet, the government only distinctly recognizes Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Orthodox Christianity. Thus, only these religious bodies receive government subsidies.¹²

Numerous human rights abuses have been noted in Belgium, mostly targeting Jewish and Muslim groups. Jewish and Muslim groups reported incidents of discrimination, as did religious groups that had not been accorded official recognition by the government.

The Jewish community recorded 109 anti-Semitic incidents during 2009, compared to 73 the previous year. There were 17 incidents during the first five months of 2010. In 2008 the government-sponsored Center for Equal Opportunity and the Combat Against Racism (CEOCR) received 227 complaints of religious discrimination and 827 racial discrimination cases. In cases of religious discrimination, 87 percent concerned discrimination against Muslims.¹³

Sikh Civil and Human Rights: The Belgian Constitution provides for freedom of religion and the 2007 Anti-Discrimination Act outlaws discrimination on the grounds of religion or personal beliefs. However, in practice these ideals have not been met. The global economical crises and the Euro crises made nationalism grow in importance involving politics and society: 'foreigners' are more and more looked upon with disdain. Belgium operates a system whereby organizational bodies from “recognized” status religious groups are accorded benefits unavailable to non-recognized religions such as Sikhism. These benefits include subsidies and the payment of wages and pensions for ministers of those groups by the government and parliament.

In 2008 it is estimated that the federal government paid \$160 million to recognized religious groups. There are currently six recognized religions; Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Orthodox (Greek and Russian) Christianity¹⁴ and organized “vrijzinnigheid” (non-religion, humanism etc.)

Government recognized status also opens a channel of communication between the religious community and the Belgian government. In 2012, Belgium Sikh organizations have agreed upon pursuing recognition.¹⁵ Not being a “recognized” religion causes Sikhs in Belgium some difficulties. In a *gurudwara*, extracts of the sacred scripture, Sri Guru Granth Sahib, must be read everyday, requiring the permanent presence of a “granthi” (a person who leads prayers). Visas for these “ministers of faith” are reserved for the ministers of “recognized” faiths, which is not in accordance with the Belgian Constitution and the ECHR.

KAKAAR

With respect to the right to adorn the *Kakkars*, to date, the focus in Belgium has largely been on issues surrounding the right to wear a *dastaar*/turban. There are no federal legislative restrictions on the wearing of the turban or other religious symbols in education or otherwise. However, individual schools and municipalities are free to make their own decision,¹⁶ which, like other countries, largely target the Muslim headscarf. In 2009 GO! (Organization of Flemish public schools) imposed a total ban on all head covering in its schools. This ban has been challenged by UNITED SIKHS, *gurudwaras* and other organizations before the Conseil d’Etat, and a decision is expected before the new academic year in September 2012, regarding the legality of the GO! Ban.¹⁷ A Parliamentary committee, held information gathering sessions, “voor Onderwijs en Gelijke Kansen”, in 2010, when Sikhs also made representations.¹⁸ In 2011, the Constitutional Court, on a reference from the Conseil d’Etat had ruled that GO! was indeed entitled to impose a general ban without the necessity of legislation but they did not decide if this ban violated religious freedom. This question of whether the general GO! ban violates religious freedom will be determined by the Conseil d’Etat in the case that’s before it. If the ban is upheld by the Conseil d’Etat in 2012, about 40% of Flemish schools will be affected. The majority of the other schools (60%) are Roman Catholic. The majority of Catholic schools has not banned religious symbols but have banned head gear in schools. The Sikh patka/turban is considered a head gear. The case against a secondary school (KTA Domein Speelhof), mentioned in the 2008 report¹⁹ that was won by expelled Sikh boys was appealed by the school in 2011, which was allowed due to a procedural error. On a positive note: in October 12, 2009 the Antwerp court declared it was legal to carry a *Kirpan* a Sikh *Kakaar* (article of faith), overturning a 550 Euro fine imposed by a lower court for “*carrying a freely obtainable weapon without any legal reason*”²⁰.

After the 2008 Belgian police raid of a Sikh temple during the 300th Anniversary celebration of the enthronement of Sri Guru Granth Sahib, there were a few developments. The police had raided the temple as part of a human trafficking investigation.²¹

Commenting on the raid, General Secretary Kuljit Singh stated, “The raid was a violation of basic human rights. Belgium as a democratic country should not have allowed this kind of behavior by police. Religious customs should be respected and the police should not have worn

shoes in the prayer hall and stopped the prayers."²² The community was outraged at the serious violation of human rights and the police did face criticism for ignoring religious freedom. No members of the local Sikh community were charged for any offences, following the raid.

RECOGNIZED AS A DISTINCTIVE FAITH

Sikhism is a minority religion in Belgium but Sikhs have played a strong role in Belgian history. Presently, there are a few articles of faith that are allowed at public schools. Although there is freedom of religion, the board of each school is entitled to make its own decision about turban wearing. In many areas around Belgium, including Brussels, no complaints have been received about the wearing of the turban or any article of faith.²³

Sikh Population by Province²⁴

Limburg - 3,000
Brussels - 2,000
Flemish Brabant - 1,000
Liege - 1,500
East Flanders - 1500 (with city Ghent having about 1,000) ²⁵

TEACHING TOLERANCE

In recent years, efforts have been made from both the Sikh community and local government towards greater integration and understanding of the Sikh religion. In 2008, the Belgium court held in *KTA Domein Speelhof v. Five Sikh boys* that the school had violated the Sikh student's right to manifest their religion under article 9 of the European Convention on Human Rights.²⁶ Recently, organizations involved in helping political refugees have helped to educate non-Sikhs about the Sikh way of life and religion. A project was formed that focuses on diversity and tolerance toward the Sikh community. It brings children from schools to celebrate with children of *gurdwara* Sangat Sahib, a Sikh place of worship. The program introduces a new religion to children who are unfamiliar with Sikhism, creates tolerance, and also integrates two communities. The mayor of the town acknowledged its success stating, "I am very pleased to see the project progressing successfully. It shows that it is worth taking the effort to understand different cultures and faiths."²⁷

¹U.S. DEPARTMENT OF STATE, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, BACKGROUND NOTE: BELGIUM (January 25, 2012), <http://www.state.gov/r/pa/ei/bgn/2874.htm> [hereinafter "U.S. DEPT. OF STATE BACKGROUND"].

² "U.S. DEPT. OF STATE, BACKGROUND." <http://www.state.gov/r/pa/ei/bgn/2874.htm>

- ³ U.S. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT (November 17, 2010) <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ⁴ Estimate derived from 2006 article “God in Brussel: Sikh vieren Maghi” Brussel Nieuws: <http://www.brusselnieuws.be/artikel/god-brussel-sikh-vieren-maghi>
- ⁵ “U.S. DEPT. OF STATE, BACKGROUND.” <http://www.state.gov/r/pa/ei/bgn/2874.htm>
- ⁶ “U.S. DEPT. OF STATE, BACKGROUND.” <http://www.state.gov/r/pa/ei/bgn/2874.htm>
- ⁷ “U.S. DEPT. OF STATE, BACKGROUND.” <http://www.state.gov/r/pa/ei/bgn/2874.htm>
- ⁸ U.S. Department of State Report on International Human Rights Practices 2008
- ⁹ “U.S. DEPT. OF STATE, BACKGROUND.” <http://www.state.gov/r/pa/ei/bgn/2874.htm>
- ¹⁰ “U.S. BUREAU OF DEMOCRACY” <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ¹¹ “U.S. BUREAU OF DEMOCRACY” <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ¹² “U.S. BUREAU OF DEMOCRACY” <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ¹³ “U.S. BUREAU OF DEMOCRACY” <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ¹⁴ U.S. Department of State International Religious Freedom Report 2008
- ¹⁵ First meeting towards this goal will be held on March 4, 2012
- ¹⁶ “National Laws Which Prohibit the Wearing of Religious Clothing or Symbols”: The Becket *Fund for Religious Liberty*
- ¹⁷ UNITED SIKHS lawyers have represented all Sikh parties
- ¹⁸ See <http://docs.vlaamsparlement.be/docs/stukken/2010-2011/g685-3.pdf> (minutes of the 3th meeting where Sikhs spoke)
<http://docs.vlaamsparlement.be/docs/stukken/2010-2011/g685-1.pdf> (minutes of the 1st meeting)
<http://docs.vlaamsparlement.be/docs/stukken/2010-2011/g685-2.pdf> (minutes of the 2nd meeting)
- ¹⁹ <http://www.unitedsikhs.org/rtt/sikhconf/FirstGlobalSikhCivilRightsReport.pdf> (see section on Belgium)
- ²⁰ Gazet van Antwerpen. 2009. <http://www.gva.be/nieuws/binnenland/aid870081/sikhs-mogen-dolk-dragen-3.aspx>
- ²¹ “U.S. BUREAU OF DEMOCRACY” <http://www.state.gov/j/drl/rls/irf/2010/148917.htm>
- ²² “Belgian Police Stop Sikh Prayers, Arrest 30 in Immigration Raid.” *News Blaze* (2008).
<http://newsblaze.com/story/20081019094844zzzz.nb/topstory.html>
- ²³ “Sikhism in Belgium” <http://www.sikhiwiki.org/index.php/Belgium>
- ²⁴ “Sikhism in Belgium” *Sikhiwiki*. (2010) <http://www.sikhiwiki.org/index.php/Belgium>
- ²⁵ “Sikhism in Belgium” <http://www.sikhiwiki.org/index.php/Belgium>
- ²⁶ “Belgian Court throws out school’s ban on Patka.” *WSN*. (2008)
<http://worldsikhnews.com/9%20July%202008/Belgian%20Court%20throws%20out%20school%20ban%20on%20Patka.htm>
- ²⁷ Singh, Aman. “The Sikhs of Sint-Truiden” *Sikh Philosophy Network* (2010).
<http://www.sikhphilosophy.net/sikh-heritage/30326-the-sikh-diaspora-in-belgium.html>

BURMA

Head of State: Thein Sein

Head of government: Thein Sein¹

Population: 54,584,650 (July 2012 est.)²

Sikh population: ~ 70,000³

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: A nominal civilian parliamentary government took power in March 2011. There is currently a three branch government in place. The executive branch consists of the president and the cabinet (elected by the president). 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). Although the 2011 Constitution calls for a judiciary consisting of a Supreme Court, Courts-Martial, and a Constitutional Tribunal of the Union, in practice the judiciary is enveloped by the executive branch. 4

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.⁵

General Civil & Human Rights: Burma still has one of the worst human rights records in the world. The government oppresses minority groups by imposing limitations on freedom of movement, association, and the right to exercise religion. The government, however, allows registered religious groups to practice openly.

In 2007, increasing fuel protests led thousands of Burmese monks to protest the government, which suppressed the protests and arrested thousands for participating in the demonstration.

Natural disasters also contribute to the government's oppression and human rights abuses. After the 2008 Cyclone the government junta continued to reign, although the parliament did

reconvene to elect Thein Sein as president. The diverse ethnic groups of Burma contribute to the cultural diversity of the country. However, restrictions on minorities and corrupt politics contribute to issues such as drug trafficking, political unrest, and economic depression. Many oppressed ethnic groups, including Karen refugees, continue to flee the country and live in camps in Thailand.⁶

In 2011, the government took minimal steps toward improving its reputation. It reduced restrictions by opening up its economy and reaching out to international organizations for guidance. Burma, however, still has significant trafficking problems in addition to forced labor and child labor issues. The economic benefit gained by these activities limits the likelihood that the government will completely eliminate the circumstances. Further, Burma is the world's third largest producer of opium. The government fails to police and prevent the major drug consumption and trafficking occurring throughout the nation.⁷

In the recent election in 2012, Aung San Suu Kayi, a Burmese opposition politician and the General Secretary of the National League for Democracy (NLD) won a landmark victory in the country's parliamentary election. The win was hailed as a triumphant representative of the people of Burma. The international community has hopes that this win is a further representation of the changing policies of Burma and that the country will continue to take steps toward democracy.

Sikh Civil and Human Rights: While there are restrictions on the free exercise of religion other than Buddhism, hate crimes against Sikhs are not prevalent. All minority groups are restricted from building temples. 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 *gutkas*, 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 also 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 outspoken or contradict government policies, the government does not interrupt their way of life.

1 CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2010: BURMA (2010),
<https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> [hereinafter "CIA"].

- 2 CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>
- 3CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>
- 4CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>
- 5 CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>
- 6 CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>
- 7 CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>

CANADA

Head of State: Queen Elizabeth II¹
represented by Governor General David
Johnson (since October 1, 2010)²



Head of government: Prime Minister Stephen Joseph Harper³

Population: 34,300,083 (July 2012 est.)⁴

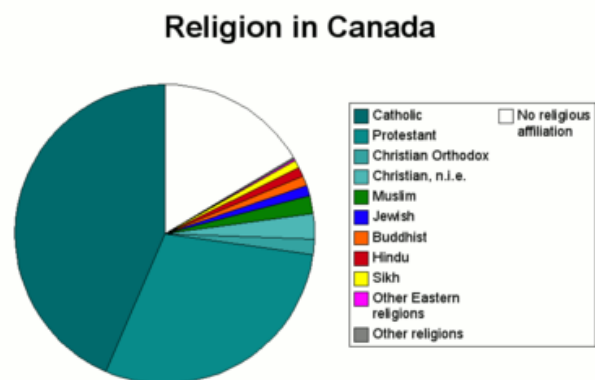
Sikh population: According to the 2001 census there are 278,410 Sikhs in Canada. In 2004 the number had been estimated by some sources to be 400,000.⁵ Sikhs are the second largest religious group among Indo-Canadians after Hinduism.

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: It is a parliamentary democracy, a federation, and a constitutional monarchy⁶ There are 10 provinces and 3 territories: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory.⁷ The monarchy is hereditary; governor general appointed by the monarch on the advice of the prime minister for a five-year term; following legislative elections, the leader of the majority party or the leader of the majority coalition in the House of Commons generally designated prime minister by the governor general.⁸ There is a common law system except in Quebec where civil law based on the French civil code prevails.⁹

Religious Demography: According to the 2001 Census the religious demography of Canada is as follows: Roman Catholic 42.6%, Protestant 23.3%, other Christian 4.4%, Muslim 1.9% other and unspecified 11.8%, none 16%.¹⁰



General Civil Rights: The Universal Declaration of Human rights is an important part of the Canadian society and the Canadian government. It has provided the country with its goals and standards in which they can hold institutions and people accountable. There are four documents that the Canadian government uses which outline their dedication to the human rights of all citizens. These documents include the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, *Human Rights Commissions*, and *provincial human rights laws and legislation*.¹¹

While Canada still faces issues regarding their treatment of indigenous people and has not fully established a action plan to address the high levels of violence indigenous women face, it has tried to remedy the conflict. In October the federal government released an Action Plan for the Implementation of UN Security Council Resolutions on Women, Peace and Security.¹²

*Sikhs Population by Province*¹³

Counter-terror and security

In 2012, Canada expressed its dedication to counter-terrorism and toward human rights. After it found out that a senior official of Hamas was accredited to attend the UN Human Rights Council in Geneva the Foreign Minister fought to revoke his invitation. Foreign Minister John Baird stated, in reaction to the invitation, “Canada found this completely outrageous. As soon as I learned of this matter, I instructed our delegation in Geneva to make our opposition known at the highest levels and in the strongest of terms. I also instructed the Canadian delegation not to attend any meeting or function where this individual was or might be present.”¹⁴ The accreditation was in fact revoked.

In January of 2012, Canada displayed how its court system upholds the liberties of all citizens. It ruled that Canadian officials violated the rights of Omar Khadr during interrogations at Guantanamo Bay in 2003 and 2004.¹⁵ Canada, however, still has been criticized for the way that its police handled tension created by

 British Columbia	135,310
 Ontario	104,785
 Alberta	23,470
 Quebec	8,225
 Manitoba	5,485
 Saskatchewan	500
 Nova Scotia	270
 Newfoundland and Labrador	135
 Yukon	100
 New Brunswick	90
 Northwest Territories	45
 Canada	278,415

protests during the G8 and G20 Summits, where more than 1,000 people were arrested.¹⁶

Sikh Civil and Human Rights: Similar to most other countries, throughout their history there, Sikhs in Canada have faced some sort of discrimination. Through their history Sikhs have been marginalized along with other Indians. Often, the term “hindoo” was used in a derogatory sense for anyone from the continent of India, despite the fact that over 98% of the South Asians were Sikhs.¹⁷ Racism also resulted from the mistake that Sikhs had a caste system in place. In 1984 after the attack on the Golden Temple many Sikhs escaped to Canada. Many citizens in the country expressed opposition to the new wave of immigrants but the discrimination went unnoticed by the government. Currently, however, bias against Sikhs has greatly decreased and the religion is viewed with high regards. In 2002 the Gursikh Temple was designated a national historic landmark by Prime Minister Jean Chretien. Further in 2011 during the one hundredth anniversary celebration of the temple Prime Minister Stephen Harper gave a speech about the Punjabi Community.¹⁸ Yet, the most significant recognition of the Sikh community came in 2010 when the Liberal Party Leader petitioned to seek to identify the events of November 1984 as a genocide against Sikhs.¹⁹



EXCLUSION FROM GOVERNMENT ASSEMBLYS

In 2011, the World Sikh Organization of Canada was excluded from the Quebec National Assembly and prevented from speaking about the rights of veiled Muslim women. The assembly meeting was convened to discuss Bill 94, which would deny government services, public employment, educational opportunities and health care to individuals who wear facial coverings. The exclusion of the WSO representatives for wearing their religiously mandated *kirpan*. The group 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, Supreme Court of Canada and even in international events like the Olympics. Although Sikhs do not wear veils, the group wanted to attend the meeting in order to ensure equality for the Muslim faith.²¹ The fight for equality continues within the country. While Canada does strive to recognize the equality of all faiths, Sikh groups continue to work for a higher standard of justice for all religions throughout the country.

¹CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011:
CANADA (2011),
<https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html> [hereinafter "CIA"].

² CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html> [hereinafter "CIA"].

³ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

⁴ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

⁵ "Canadian Sikhism" *Wikipedia* (2012) http://en.wikipedia.org/wiki/Sikhism_in_Canada

⁶ CIA. <https://www.cia.gov/library/publications/world-leaders-1/world-leaders-c/canada.html>

⁷ CIA. <https://www.cia.gov/library/publications/world-leaders-1/world-leaders-c/canada.html>

⁸ CIA. <https://www.cia.gov/library/publications/world-leaders-1/world-leaders-c/canada.html>

⁹ CIA. <https://www.cia.gov/library/publications/world-leaders-1/world-leaders-c/canada.html>

¹⁰ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

¹¹ Peterson, Lester B. "Canadian Human Rights" *United Nations Association in Canada*.
<http://www.unac.org/rights/actguide/canada.html>

¹² AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2010: THE STATE OF THE
WORLD'S HUMAN
RIGHTS 96-97(2011). <http://www.amnesty.org/en/region/canada/report-2011>.

¹³ "Canadian Sikhism" *Wikipedia* (2012) http://en.wikipedia.org/wiki/Sikhism_in_Canada.

¹⁴ "Canada Stands Against Hamas Attending UN Human Rights Council" *Foreign Affairs International Trade
Canada*. (2012) [http://www.international.gc.ca/media/aff/news-
communiqués/2012/03/19d.aspx?lang=eng&view=d](http://www.international.gc.ca/media/aff/news-
communiqués/2012/03/19d.aspx?lang=eng&view=d)

¹⁵ AMNESTY INTERNATIONAL. <http://www.amnesty.org/en/region/canada/report-2011>

¹⁶ AMNESTY INTERNATIONAL. <http://www.amnesty.org/en/region/canada/report-2011>

¹⁷ "Canadian Sikhism" *Wikipedia* (2012) http://en.wikipedia.org/wiki/Sikhism_in_Canada.

¹⁸ "Canadian Sikhism" *Wikipedia* (2012) http://en.wikipedia.org/wiki/Sikhism_in_Canada.

¹⁹ Minhas, Sudip "Voices for Freedom Calls for Governments of India and France." *Voices for Freedom*. (2010).
[http://www.voicesforfreedom.org/index.php?option=com_content&view=article&id=16:voicesforfreedom
vff-calls-for-the-governments-of-india-and-france&catid=6:slide-show-articles](http://www.voicesforfreedom.org/index.php?option=com_content&view=article&id=16:voicesforfreedom
vff-calls-for-the-governments-of-india-and-france&catid=6:slide-show-articles)

²⁰ "World Sikh Organization Excluded from Quebec National Assembly" *World Sikh Organization*. (2011)
<http://www.worldsikh.ca/news-release/world-sikh-organization-excluded-quebec-national-assembly-0>

²¹ "World Sikh Organization..."
<http://www.worldsikh.ca/news-release/world-sikh-organization-excluded-quebec-national-assembly-0>

CHINA & HONG KONG

China

Head of Communist Party of China: Hu Jintao¹

Population: 1,336,718,015²

Total area: 9,596,961 sq. km. (about 3.7 million sq. mi.)

Cities: *Capital*--Beijing. *Other major cities*—
Shanghai, Tianjin, Shenyang, Shenzhen, Wuhan,
Guangzhou, Chongqing,

Sikh population: less than 0.1%



Hong Kong

Chief Executive: Donald Tsang Yam-keun³

Population: 7.097 million⁴

Total area: 1, 104.4 sq. Km.



Government Structure in China: China is a communist party-led state. The People's Republic was established on October 1, 1949. The government consists of three branches. The executive branch contains the president, vice president, State Council, and the premier. The legislative branch is a unicameral National People's Congress. The Judicial is comprised of the Supreme People's Court, Local People's Courts, and Special People's Courts. Administrative divisions: 23 provinces (the P.R.C. considers Taiwan to be its 23rd province); 5 autonomous regions, including Tibet; 4 municipalities directly under the State Council.

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). The executive branch is composed of the Chief Executive selected in March 2007; Executive Council serves in an advisory role for the Chief Executive. The legislative branch consists of the

Legislative Council (LegCo) elected in September 2008. The judiciary consists of the Court of Final Appeal, which is the highest court; there are, however other lower courts.⁵

General Human & Civil Rights: A negative trend in key areas of China's human rights record is, unfortunately, continued. Principal human rights problems over the years have included; extrajudicial killings, including executions without due process; enforced disappearance and incommunicado detention, including prolonged illegal detentions at unofficial holding facilities known as 'black jails'.⁶ It must be noted that the above mentioned corruption continues due to a lack of political control by citizens and the lack of procedure in judicial courts.

Ethnic Groups

The largest ethnic group in China is the Han Chinese, who constitute about 91.5% of the total population (2000 census). The remaining 8.5% are Zhuang (16 million), Manchu (10 million), Hui (9 million), Miao (8 million), Uighur (7 million), Yi (7 million), Mongol (5 million), Tibetan (5 million), Buyi (3 million), Korean (2 million), and other ethnic minorities.⁷

Although officially an atheist country, it does recognize the following religions: Daoist (Taoist), Buddhist, Christian, Muslim. The official language is Mandarin (Putonghua), however there are also various local dialects of this. China has a very high literacy rate.⁸

Language

There are seven major Chinese dialects and many sub-dialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in southwest and southeast China, speak one of the six other major Chinese dialects.⁹

Sikhs in China

Obedient Sikh men, of strong physique and imposingly tall, with martial skills derived from *Gatka*, were a popular recruit by the British Armed Forces when India was under British colonial rule. By 1897, the Sikhs were readily considered a reserve military body in 'times of need.'¹⁰ The seeds of a thriving Sikh community in China began when in 1884, "sixteen Sikhs, one inspector and 15 constables were stationed at Gorden Road (today known as Jiangning Road) police station,"¹¹ joining the Shanghai Municipal Police force. By 1934, the Sikhs accounted for up to 643 members of the force¹².

Referred to by the Chinese as the ‘Red-Turbaned A San,’ (A San often thought of as having been derogatorily termed), the presence of the Sikhs was very effective in deterring criminal activities and nuisances on the streets, and saw them undertaking positions as police officers, guards, controlling traffic on the streets, and as riot police in the 1930s¹³.

From the 1880’s – 1920’s, the Southeast Asia region attracted many Sikh migrants searching for work¹⁴. Aside from the force, the Sikhs most notably generated income as part-time moneylenders.. Sikhs have also been reported to have found work as ‘bank guards, security men on the wharves, at the city’s warehouses and as commissionaires at hotels, restaurants and nightclubs.’¹⁵

As the Sikh community continued to grow and disperse to different stations in China, Gurudwara’s were erected to meet the community’s needs¹⁶. The oldest Gurudwara in Shanghai was built in the early 19th Century, and is thought to be the only remainder of the Sikh community in Shanghai. Standing tall in the Northeast District of Hongkou, the ‘red-walled building, with elongated doors and high windows’, initially covering a total floor space of 1500 meters¹⁷, has suffered considerable damage and been left in a poor state, although its basic structure has remained intact. First known amongst locals as ‘Yindu Miao’, the Indian temple, now occupied and a health community center, the *gurudwara* was registered in 2003 as an immovable cultural relic.¹⁸ It is the only *gurudwara* in Shanghai which has been confirmed, most were either destroyed or converted following the 1966 Cultural Revolution, when religion was persecuted as ‘poison’ and religious buildings and places of worship were shut down.



Courtesy of Colonel G Jaishankar, Hindu Times

‘Sikh officers on duty in Shanghai’: The Sikh Policeman wearing white arm sleeves indicates he was also on traffic control duty.¹



There have been reports by travelers in search of these forgotten *gurudwara*’s of precise locations, one situating 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, ‘rubbish dumps, waste water flowing, flies and mosquitoes, and a terrible smell¹⁹.’ Apparently served as an

office building 10 years ago, the building now serves as a home for migrant workers.

Travelers have suspected another ‘forgotten’ *gurudwara* located in a neighborhood in the Hongkou District, which was known to have been home to Jewish refugees during the World War II, in Zhoushan Road No.218, a three-storey building not resembling the other residential housings.



Gurudwara at Kangding Road, by North Shan Xi Road

The only *gurudwara* in Mainland China which continues to live for its purpose is located in Yiwu, *gurudwara* Guru Nanak Sangat Sabha.²⁰

Whilst traces of the Sikh community have failed preservation, the novelty of the Sikhs, ‘who had become a familiar sight’²¹, remains remembered: a wax model of a red turbaned Sikh policeman stand on the second floor of the Museum at 518 Ruijin Road, alongside graphic photographs of the Sikhs presence.²²

Aside from the role of Sikhs in the Shanghai International Police Settlement, on August 4 1900, more than 3,000 soldiers from Sikh and Punjabi regiments arrived in Tianjin Northern China assisting to quell the Boxers Rebellion against foreign influences.²³ The history of Indian troops in China has often been neglected in Chinese accounts, ‘and is likely a sensitive legacy considering they were often deployed against the Chinese’²⁴.

Sikh population

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 over the years and many more persons of Indian origin having one thing in common amongst them and that is the faith in Sri Guru Nanak Sahib Ji and in turn faith in Sri Guru Granth Sahib. Collectively (around 150-180persons) they form the Sikh Community of Shanghai.

These Shanghai Sikhs come from such different backgrounds and nationalities. They yearn for the day that they may have their own *gurudwara* 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 want to follow the footsteps of countries such as Singapore and the United Kingdom, and have an institution that welcomes all walks of life.

For the time being while they wait for this day, the community get together weekly on Sundays and tries 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*. The highlight of the year is to celebrate Sri Guru Nanak Dev's birth anniversary by inviting a Jatha or two from India and holding *Akhand Paath* and *kirtan* in as many houses as possible. This is usually from a Friday to the following Sunday (10- day celebration) and they also visit neighbouring cities, namely Shaoxing which is predominantly a Textile town. The Sikhs in Shaoxing have approximately 10 families together with the Sindhi Community, a strong 500+ persons. Similarly the next city, namely Yiwu, also has a strong Sikh community of over 120 persons, and they were in fact the first to set up an unofficial *gurudwara* and have a full time Granthi. They are fortunate enough to have daily *Kirtan* both in the morning and evening.

We understand that there are Sikhs all over China, but they are yet to reach out to each other and have a global Sikh community data base for all the Sikhs in China. They hope to get this done in 2012.

The Sikh community in Shanghai is working with UNITED SIKHS to facilitate the practise of the Sikh faith.

UNITED SIKHS look forward to bringing to the forefront a further in-depth analysis for the next Global Report, with many more developments.

¹ *Who's who is china's leadership*. (n.d.). Retrieved from
http://www.china.org.cn/features/leadership/node_1086673.htm

² U.S. Department of State, Bureau of East Asian and Pacific Affairs. (2012). *U.S relations with China*. Retrieved from website: <http://www.state.gov/r/pa/ei/bgn/18902.htm>

³ U.S. Department of State, Bureau of East Asian and Pacific Affairs. (2012). *U.S. relations with Hong Kong*. Retrieved from website: <http://www.state.gov/r/pa/ei/bgn/2747.htm>

⁴ *Id.*

⁵ *Id.*

⁶ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. (2010). *2010 human rights report: China (includes tibet, hong kong, and macau)*. Retrieved from website:
<http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154382.htm>

⁷ U.S. Department of State, Bureau of East Asian and Pacific Affairs. (2012). *U.S relations with China*. Retrieved from website: <http://www.state.gov/r/pa/ei/bgn/18902.htm>

⁸ *Id.*

⁹ *Id.*

¹⁰ Killingray D, Lincoln M, and Rigby N (2004) '*Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century*.' UK and USA, The Boydell Press, Page 184.

¹¹ Mukherjee and Xu Qin. B. (2009). '*Lording Over the Locals: When Red Turbans were a Familiar Sight*'. Available: <http://www.shanghaidaily.com/article/print.asp?id=410333>. Last accessed 13th November 2011.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Rai, R (2009). '*The South Asian Diaspora: Transnational Networks and Changing Identities*'. USA and Canada: Routledge. Page 177.

Page 177: '*The South Asian Diaspora: Transnational Networks and Changing Identities*' By Rajesh Rai

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- ¹⁵ Shaw, R. (). *'The Indian World of Old Shanghai'*. Available: <http://www.earnshaw.com/shanghai-ed-india/tales/t-indi.htm>. Last accessed 13th November 2011.
- ¹⁶ Suspected Gurudwara at No.500 Jiangning Road, near Kangding Lu, Shaaxni: recorded in a travellers blog: <http://www.memoryofchina.org/bbs/read.php?tid=37892&fpage=16&page=1>
- ¹⁷ Mukherjee and Xu Qin. B. (2009). *'Lording Over the Locals: When Red Turbans were a Familiar Sight'*. Available: <http://www.shanghaidaily.com/article/print.asp?id=410333>. Last accessed 13th November 2011.
- ¹⁸ Supervised by the Hongkou District Government memory of china website
- ¹⁹ Reports by a Traveller in Shanghai. Available: <http://www.disappearingcorners.com/kangding-road-gurdwara/kangding/>. Last accessed 14th November 2011.
- ²⁰ Building number 63 Futain, 37 Yiwu City, Zhiging China. Available: www.gurudwara.net/Gurudwara_Details.aspx?GID=1119 Last accessed 14th November 2011
- ²¹ Mukherjee and Xu Qin. B. (2009). *'Lording Over the Locals: When Red Turbans were a Familiar Sight'*. Available: <http://www.shanghaidaily.com/article/print.asp?id=410333>. Last accessed 13th November 2011.
- ²² China Tours, Travel Agency, Available: <http://www.chinatoursaffordable.com/shanghai-travel/shanghai-attractions/shanghai-public-security-museum.html>
- ²³ Col. G. Jaishankar, Krishnan, A. (2011). Media coverage of a talk on "*Indian troops in China*". Available: <http://www.indianembassy.org.cn/EventsDetails.aspx?NewsId=219>. Last accessed 13th November 2011.
- ²⁴ Id.

DENMARK

Head of State: Queen Beatrix

Head of Government: Mark Rutte

Population: 16,723,072

Sikh Population: 12,000¹



Sikhism Recognized by the State as a Distinctive Religion: Yes²

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 a representative democracy based on the parliamentary system.³ Currently, the government consists of a minority centre-right coalition formed by the Liberal party and the Conservative People's party.

Religious Demography: Evangelical Lutheran: 95%⁴, Muslim: 3.6 % (approximately 200,000).⁵ Groups that constitute less than 1% of the population are Catholics (38,000), Jehovah's Witnesses (14,600), Serbian Orthodox Christians (7,000), Jews (6,000), Baptists (5,200), Buddhists (4,400), The Church of Jesus Christ of Latter-day Saints (Mormons) (4,200), and the Pentecostal Church (3,700).⁶ Other communities with fewer than 3,000 members include Seventh-day Adventists, the Catholic Apostolic Church, the Salvation Army, Methodists, Anglicans, and the Russian Orthodox Church.⁷

General Civil & Human Rights: Danish human rights law is primarily derived from three sources: the Danish Constitution, the European Convention of Human rights, and the United Nations Conventions.⁸ The Danish Institution of Human Rights was established in 2002 and aims to base its work on human rights as recognized by the international community at any given time, as well as on the freedoms included in the Constitution.⁹ Denmark follows the legislation put forward by the European Union, and does also have an institute of Human Rights.

The policies and laws are tailored towards protecting religious freedom and the government is generally committed towards protecting such rights. Nonetheless, the government recognizes the Evangelical Lutheran Church (ELC) as the state church. Due to such status, the ELC enjoys

privileges that are unavailable to other religious groups.¹⁰ Approximately 12 percent of the church's revenue comes from state subsidies; most of the remainder comes from the church tax that is paid only by members.¹¹

Other religious member groups have argued that the system is unfair, and that the government does not provide religious equality, despite providing religious freedom.¹² In addition, religious tensions and reports of some societal abuses or discrimination based on religious affiliation, belief, or practice tend to still exist, potentially alienating certain groups.¹³

Human rights violations, especially in areas of domestic violence against women and children trafficking, continue to persist.¹⁴ In addition, anti-Semitism also remains pervasive.¹⁵ Official figures record 73 hate crimes; nine physical assaults, 19 cases of damage to property, eight cases of threats or threatening behavior and 37 other racist or xenophobic crimes or incidents.¹⁶ The European Muslim Initiative for Social Cohesion (EMISCO) reported three physical assaults and one attack by a group, armed with knives and baseball bats that was attempting to gain forced entry into a refugee centre.¹⁷

The most notable story concerning attitudes to religion in Denmark was the Jyllands-Posten Muhammad cartoons furor in 2005.¹⁸ Unfortunately, this controversy has provided much of the context for right-wing attacks on religious practice, including Sikh articles of faith.

Sikh Civil & Human Rights: Since 1970, the Ministry of Ecclesiastical Affairs has approved 116 religious communities and churches under the Marriage Act, including several Muslim groups, Jehovah's Witnesses, Mormons, Seventh-day Adventists, Sikhs, Buddhists, Orthodox Christians and Hindus.¹⁹ Being an approved religious group, Sikhs have been able to keep religious group registers and transcribe certificates on the basis of such registers.²⁰

However, religious equality seems farfetched and Sikh communities still continue to face hindrances in freely exercising their religious faith. This inequality is not limited to social obstructions, but takes legal affect in the form of the 2009 amendment to the Administration of Justice Act that “bans religious symbols, such as headscarves, turbans, Jewish skull caps, and crucifixes, as well as political ones, from judicial attire.”²¹

As Sikhs comprise a very small part of Danish society, generally Danes are not very much aware of who Sikhs are, thus, Danes do not distinguish between, for example, Sikhs, Muslims or any other minority group. Therefore, it is difficult to explain the current position of Sikhs, and it is much easier to look at it as a whole namely though looking at the manner in which ethnic minorities in Denmark are portrayed. Ethnic minorities are constantly mentioned in honor killings, forced marriages, migrant hordes knocking down the gates or Europe and Denmark,

gang rapes by minority youth, brutal physical attacks, lack of integration, noted by MediaWatch. However, by increasing awareness of Sikhism as a religion, the view of Sikhism should change within the next few years.

¹ *Id.*

² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: DENMARK (2011), <http://www.state.gov/g/drl/rls/irf/2010/148929.htm> [hereinafter “IRF 2011”].

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: DENMARK (2011), <http://www.state.gov/documents/organization/160186.pdf> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

⁴ CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011: DENMARK, <https://www.cia.gov/library/publications/the-world-factbook/geos/da.html> [hereinafter “CIA”].

⁵ IRF 2011, *supra* note 3.

⁶ *Id.*

⁷ *Id.*

⁸ Office of the High Commissioner for Human Rights, *International Convention on the Elimination on all Forms of Racial Discrimination: Denmark*, <http://www.unhcr.ch/tbs/doc.nsf/887ff7374eb89574c1256a2a0027ba1f/80256404004ff315c125638b005df592?OpenDocument> (Denmark has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC)).

⁹ THE DANISH INSTITUTION OF HUMAN RIGHTS. www.humanrights.dk.

¹⁰ IRF 2011, *supra* note 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. DEPT. OF STATE HR 2011, *supra* note 4.

¹⁵ *Id.*

¹⁶ http://tandis.odhr.pl/hcr2010/pdf/Hate_Crime_Report_full_version.pdf

¹⁷ *Id.*

¹⁸ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD’S HUMAN RIGHTS 126 (2011), <http://www.amnesty.org/en/region/denmark/report-2011>

¹⁹ IRF 2011, *supra* note 3.

²⁰ *Id.*

²¹ *Id.*

FIJI

Head of State: Ratu Epeli Nailatikau

Head of Government: Josaia Voreqe Bainimarama

Population: 890,057

Sikh Population: 4,450¹



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 has frequently been amidst political turmoil.² In 2006, Commodore Bainimarama took over the government via military coup and has been ruling ever since.³ Currently Bainimarama is the head of the government while President Ratu Iliolo serves as head of state.⁴ 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.⁵

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

General Civil & Human Rights: The government has imposed restrictions on religious freedom.⁶ The Methodist Church has received the brunt of these restrictions, as the government only allows them to have their annual meetings on one day a year as opposed to the four days in previous occasions.⁷ There is no state religion. Religious groups are required to register with the government under the Religious Bodies Registration Act.⁸ The government does not restrict foreign clergy, domestic or foreign missionary activity.⁹ The government denied citizens the right to change their government peacefully.¹⁰ The government dismissed the entire judiciary in 2009 and replaced it with its own appointees.¹¹ Further, the existing regime has been accused of committing human rights violations against women and children, journalists, and human rights defenders.¹²

While the abrogated constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, the security forces have not always respected this prohibition in practice.¹³ The Public Emergency Regulations (PER) authorizes the government to use whatever force is deemed necessary to enforce PER provisions.¹⁴ Throughout the year there were various persons detained by police who accused the police of beating them to obtain confessions.¹⁵ There are numerous allegations by lawyers that their accused clients had been beaten by police during questioning.

Sikh Civil & Human Rights: In July 2010, a member of the Sikh faith was asked to take off his turban for a passport photo; Under Fijian regulations, head coverings are not allowed in official identification photos.¹⁶ By September 2010, an agreement was reached whereby head coverings could be worn in passport photos if they were worn for medical or religious reasons, and did not cover the face. In order to qualify for a religious exemption, Sikhs must provide a Letter of Certification of Membership from one of three *gurudwaras*. The president of the Sikh Gurudwara Parbandhak Committee was instructed to inform members of the Sikh Association of Fiji regarding the exception and the requirement of a Letter of Certification.¹⁷

¹ THE ASSOCIATION OF RELIGION DATA ARCHIVES (ARDA), FIJI (2011)
http://thearda.com/internationalData/countries/Country_81_2.asp

² CIA, *supra* note 1.

³ *Id.*

⁴ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD'S HUMAN RIGHTS <http://www.amnesty.org/en/region/fiji/report-2011>

⁵ CIA, *supra* note 1.

⁶ UNITED STATES DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: FIJI, <http://www.state.gov/documents/organization/171652.pdf> [hereinafter "IRF 2011"].

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: FIJI (2011), <http://www.state.gov/documents/organization/160087.pdf> [hereinafter "U.S. DEPT. OF STATE HR 2011"].

¹¹ *Id.*

¹² AMNESTY INTERNATIONAL, *supra* note 5.

¹³ U.S. DEPT. OF STATE HR 2011, *supra* note 7.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Letter from Lakshman Singh, President, The Sikh Association of Fiji, to Nemani Vuniwaqa, Dir., Fiji Immigration Dep't (July 12, 2010) (on file with author).

¹⁷ Letter from Nemani Vuniwaqa, Dir., Fiji Immigration Dep't, to Meja Singh Mola President, Sikh Gurdwara Prabandhak Comm. (Spt. 16, 2010) (on file with author).

FRANCE

Head of State: President Nicolas Sarkozy

Head of Government: Prime Minister Francois Fillon

Population: 65,630,692 (July 2012 est.)

Sikh Population: 10,000

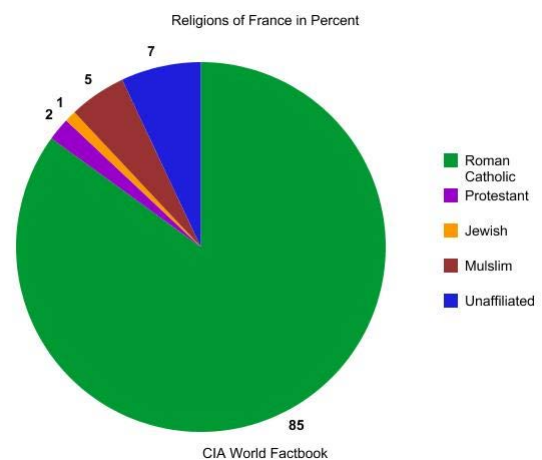


Sikhism Recognized by the State as a Distinctive Religion: **No**

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 composed of an executive, a legislative, and a judicial branch. The president and the prime minister make up the executive branch and the legislative branch contains a bicameral Parliament.¹ 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).²

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.³ The United States CIA estimates that between 83%-88% of France's population is Roman Catholic, 2 % Protestant, 1 % Jewish, between 5% - 10% Muslim, and about 4% unaffiliated.⁴



General Civil & Human Rights: Just as we get ready to print this Report, UNITED SIKHS lawyers have received France's response to the UN Human Rights Committee, which said 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. France's stance will be the subject of discussion by academics, human rights activists and lawyers at the Global Sikh Civil Rights Conference at the UN Church Centre on April 24th 2012. (see details of this case far below).

The international community has voiced a growing number of concerns over human rights issues in French society stemming from government action. The U.S. Department of State in its 2011 Country Report detailed human rights violations by the French government including overcrowded and unacceptable hygienic conditions of prisons in the country, laws restricting wearing items that expressly identify a religious background in public places, and allegations of corruption by the police force and judiciary, including charges of delayed investigation and trial proceedings and excessive use of force by law enforcement officials.⁵ France's government received a score of 68 out of 100 points in the index of freedom from corruption, putting it in 26th place out of world governments. Human Rights Watch has also reported poor treatment of immigrant children, discrimination based on religious affiliation, belief, or practice generally targeting the Jewish and Muslim population; violence and social hostility towards immigrants, human trafficking, violence against women, and child abuse.



French citizen being subjected to a body search

Amnesty International has recently investigated allegations of excessive police force in France against individuals and published a report in January 2012 detailing police abuse of the *contrôle d'identité* (identity check). French law requires individuals to provide a proof of identity on demand of a police officer; the police are authorized to detain a person for up to four hours to establish their identity under a procedure called "identity verification." There have been multiple reports that police have been using the identity check and invasive searches to harass minorities. A survey by Human Rights Watch concluded that people of African descent were six times more likely to be stopped by police for an identity check, while people of Arab descent were more than eight times more likely to be stopped.⁶

In response to perceived police abuse and through several court rulings, Parliament enacted new legal standards to increase safeguards of individuals in police custody. Notification of the right to remain silent and to have a lawyer present during questioning is now a required disclosure. In June of 2011, Parliament enacted a law by order of the Constitutional Council that allows individuals the right to have a lawyer present at the time one is being taken into police custody or during interrogation.⁷ These new laws, however, have exceptions for possible terrorism and organized crime suspects, who can be held for up to 72 hours without access to a lawyer.⁸

There also continue to be allegations of discriminatory eviction and deportation of people of Roma background. Thousands of Roma people from Romania and Bulgaria have been ordered to leave France under extradition procedures, that Amnesty International claims violate their individual rights. The Roma who receive the order, known as an *Obligation de quitter le territoire français* (OQTF), must either appeal the order to French courts or leave the country within 30 days.⁹ Those who stay past the 30 days can be forcibly expelled from the country. 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. Although the European Commission concluded in August of 2011 that it was satisfied with the legality of France's deportation procedure, Amnesty International has charged France with violating individual human rights over the same system in place.¹⁰ Other immigration issues that France needs to address include extraterritorial zones where unaccompanied migrant children are kept and subject to a different legal framework granting them fewer rights.¹¹

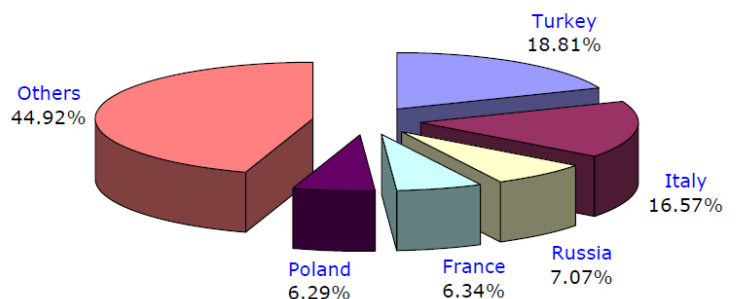
Minorities in France have continued to be the target of discrimination. The United Nations reported that Minorities in isolated urban ghettos face the brunt of discriminatory actions by the government and French society.¹² France has not ratified the Council of Europe's Framework Convention for the Protection 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 not to have signed its Minorities' Convention (FCNM) and neither has it ratified the Charter on Minority and Regional Languages.¹³

Prison conditions have also been a continued concern in France due to reported overcrowding and unacceptable hygienic conditions in some facilities. President Sarkozy has been quoted to describe the state of the country's prisons as "the shame of the nation." As of 2009 there were more than 62,000 inmates crammed into a prison system designed to house only 51,000.¹⁴

In 2011, the European Court of Human Rights had 33 judgments against France finding at least one violation count of human rights.¹⁵ France remains one of the top countries that have been ruled to violate human rights in the European Union according to the ECHR by percentage of violation judgments. However, in recent years that trend has been decreasing due to state efforts to meet international standards concerning human rights.¹⁶

In 2011, France became the first country in the Western world to pass legislation outlawing full facial veils in public. Despite two *avis* issued by 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. Those who

Violation judgments by State
1959-2009



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.¹⁷

Sikh Civil & Human Rights: Although the French government generally respects individual religious freedom legally and pragmatically, in the past decade Parliament has passed numerous laws limiting the public rights of religious minorities.¹⁸ France does not officially recognize any religion under the strict policy of *laïcité*, although the government does recognize religious organizations; Sikhs, at a collective level, are allowed to establish *gurdwaras* in France as registered religious associations, such as the Singh Sabha Gurudwara Culte Sikh France in Bobigny.¹⁹

Sikhs make up a tiny minority of the population in France, and as such they have been grossly marginalized and clumsily overlooked by the state in the promulgation of law and the implementation of national policy. The government's policy toward religion in society is referred to as *laïcité*, an ideology that strives for secularism and integration in public. *Laïcité* encompasses the strict separation between church and state in France, derived from the 1947 Constitution. French Prime Minister Jean-Pierre Raffari has commented that "secularism is a chance, the chance to be a religion of France." Some scholars believe that secularism under this view goes farther than just neutrality of the state, but is itself the "state religion" of sorts. The French believe that the display of any religious "symbol" is against their cultural and traditional requirements and so they have categorized the Sikh turban and other articles of faith as religious symbols and so banned them under certain situations.²⁰

ARTICLES OF FAITH



Sikh Children in India protesting France's turban ban in February

In March 2004, the French Parliament passed a facially neutral law that makes it illegal for students to wear any clothing or symbols that "exhibit conspicuously a religious affiliation" in public schools.²¹ 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 higher education. Under the law, Sikh boys in public school can only contain their hair with hairnets or similar secular items. *Dastaars* or Turbans are an important part of the Sikh religion and culture, and the Sikh community has been very frustrated by the new law.

Members of the Sikh community have brought suit in the European Court of Human Rights (the "ECHR") to challenge the new law.²² However, The ECHR definitively held that a series of actions brought by these Sikh students were inadmissible, as "the 2004 religious symbols law was consistent with France's constitutional secularism - the interference with freedom of religion was proportionate and justified given the public order aims pursued."²³ The French are aiming the law against those religious minorities who are most "visible" amongst them, i.e. those whose appearance itself manifests an alternative "political" identity.²⁴



Sikh Protesters in France with signs reading: Your Turban = Your Identity

A case of an expelled Sikh student, Bikramjit Singh, was also filed by UNITED SIKHS lawyer, Stephen Grosz of Bindman and Partners, at the UN Human Rights Committee in 2008 and a decision is awaited.

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 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.

The High Authority for the Struggle Against Discrimination and for Equality or 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 HALDE 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.²⁵

The United Nations Human Rights Committee has recently 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' Melveny and Myers involved 76 year- old Ranjit Singh, an Indian Sikh nationalized as a French citizen in 1992. Mr. Singh was asked to remove his *dastaar* 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.²⁶ 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.²⁷

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.²⁸ The ruling, however, is not binding on France.

"We are very pleased with the views that the Committee adopted and we welcome France's compliance with these findings. We also look forward to a similar resolution for Shingara Singh, whose case is still pending before the Committee," O'Melveny & Myers, a New York law firm

engaged by UNITED SIKHS, said in a statement through their attorneys who spoke during a telephone interview. A decision is still awaited for Shingara Singh, whose passport has not been renewed by France because he refused to remove his turban for his ID photograph.

RACIAL PROFILING

Recent reports conducted by UNITED SIKHS and the Sikh Federal indicate that authorities at French airports are improperly conducting hand searches of turbans and *jooras* in a humiliating fashion. UNITED SIKHS received a turban screening incident in 2010 that a Sikh woman who flew through Charles De Gaulle airport had her joora aggressively squeezed, resulting in an intensely humiliating traveling experience for the individual involved. The woman was subject to the invasive hand screening even though there were no reports of any primary screening alarms being set off.²⁹

DISCRIMINATION³⁰



Baby Loup lawyer Richard Malka (L) with director Natalia Baleato

In the “Baby Loup” case, an employee was fired because she wore an Islamic headscarf. Although the HALDE found that the dismissal was based on discrimination in November 2011 (n°2010-82), the Tribunal upheld the dismissal of the woman by giving discretionary power to the employer on freedom of religion issue. In this case, the judge applied the secular regime of official public to private sector employees. Public service workers cannot wear religious symbols at work. In the private sector, Article L 1121-1 of the Labor Code protects religious freedom of employees. French courts, however, have held that a private organization can bring restrictions to the freedom

of religious expression when the restrictions were justified by requirements due to security and safety of the organization, its operation or to contacts with the public.

¹ CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2012: France (2012), <https://www.cia.gov/library/publications/the-world-factbook/geos/fr.html> [hereinafter “CIA”].

² Id.

³ *International portrait: France*. (2008). Unpublished manuscript, Harvard University, Retrieved from <http://pluralism.org/reports/view/10>

⁴ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/fr.html>

- ⁵ Amnesty International, (2011). *Annual report: France*. Retrieved from website:
<http://www.amnesty.org/en/region/france/report-2011>
- ⁶ Sunderland, J., & Cosse, E. (2012). The root of humiliation. *Human Rights Watch*, Retrieved from
<http://www.hrw.org/node/104470/section/10>
- ⁷ 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=>
- ⁸ Human Rights Watch, (2012). *World report 2012: European union*. Retrieved from website:
<http://www.hrw.org/world-report-2012/world-report-2012-european-union>
- ⁹ 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>
- ¹⁰ *Id*
- ¹¹ *Id*.
- ¹² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/114/02/PDF/G0811402.pdf?OpenElement>
- ¹³ *Id*.
- ¹⁴ Eisenbraun, S. U.S. Department of State, (2010). *2009 human rights report: France*. Retrieved from website:
<http://www.state.gov/j/drl/rls/hrrpt/2009/eur/136031.htm>
- ¹⁵ European Court of Human Rights, (2011). *Violations by article and by state*. Retrieved from website:
http://www.echr.coe.int/NR/rdonlyres/596C7B5C-3FFB-4874-85D8-F12E8F67C136/0/TABLEAU_VIOLATIONS_EN_2011.pdf
- ¹⁶ *Id*.
- ¹⁷ Barnett, L. Library of Parliament of Canada, Parliamentary Information and Research Service. (2011). *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>
- ¹⁸ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. (2011). *International religious freedom report:france*. Retrieved from website: http://www.state.gov/j/drl/rls/irf/2010_5/168311.htm
- ¹⁹ UK United Sikh Report
- ²⁰ *France turban issue*. (2012). Retrieved from http://www.sikhiwiki.org/index.php/France_turban_issue
- ²¹ Law No. 2004-228 of Mar. 15, 2004, Journal Officiel de la Republique Francaise [J.O.] [Official Gazette of France], Mar. 17, 2004, p. 5190.
- ²² 20 Temp. Int'l & Comp. L.J. 251 at
http://www.lexis.com/research/retrieve?_m=94698cb2a66b9d247e9c67da6a7139fd&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzV-zSkAl&_md5=5fb1097858728ae6d1febe46e971ad35
- ²³ Barnett, L. Parliament of Canada, Parliamentary Information and Research Service. (2011). *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>
- ²⁴ Gohil, P. (2010). Integration or discrimination: Legal protections for the sikh turban in western nations. *Legal Protection for the Sikh Turban*,
- ²⁵ HALDE, (2008). *Halde annual report*. Retrieved from website:
http://halde.defenseurdesdroits.fr/IMG/pdf/RA_UK_version_integrale.pdf
- ²⁶ 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. *Strasbourg Observers*. Retrieved from
- ²⁷ *Id*.
- ²⁸ *Id*.
- ²⁹ Online Report, *Airport Turban Screening Incident*, UNITED SIKHS (Dec. 6, 2010)
- ³⁰ Indian sikhs take up french turban rights issue. (2009, March 04). *Reuters*. Retrieved from
<http://in.reuters.com/article/2009/03/04/idINIndia-38338720090304>

GERMANY

Head of State: President Christian Wulff

Head of Government: Chancellor Angela Merkel

Population: 82,282,988¹

Sikh Population: 41,141²

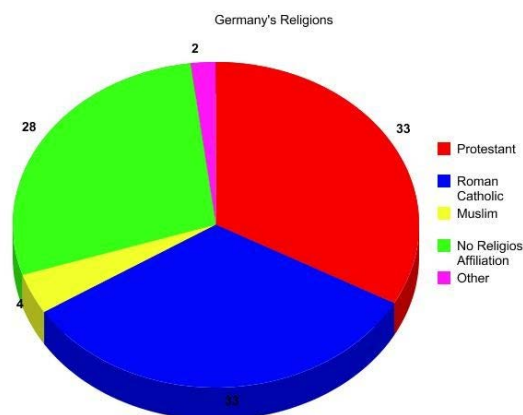


Sikhism Recognized by the State as a Distinctive Religion: **Yes**

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: Germany is a constitutional, parliamentary democracy.³ The head of the federal government, the Chancellor, is elected by the Federal Parliament (Bundestag). The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments.⁴ The Constitution (Basic Law) sets forth the powers of the Chancellor and the legislative branch.⁵ This federal republic is divided into an executive, a legislative (bicameral parliament) and a judicial branch.⁶

Religious Demography: According to the United States Department of State, the religious demography of Germany is as follows: Protestant 34%; Roman Catholic 34%; Muslim 3.7%; unaffiliated or other 28.3%.⁷ There are approximately 245,000 Buddhists, 97,500 Hindus, and over 200,000 Jews. 28 million people either have no religious affiliation or are members of unrecorded religious organizations.⁸



General Civil & Human Rights: The Basic Law and other laws and policies protect religious freedom and, in practice, the government generally enforces these protections with some exceptions.⁹ The legal and constitutional structure of church-state relations has led to some inequality and discrimination against religious groups.¹⁰ Religious organizations are not required to register with the state, and groups may organize themselves for private religious purposes without constraint.¹¹ Religious organizations, however, must register in order to

qualify as nonprofit associations with tax exempt status.¹² Religion and state are separate, although a special partnership exists between the state and those religious communities that have the status of a Public Law Corporation (PLC).¹³

The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, and there were no reports that government official abuse.¹⁴ However, reports have found investigations of police officers who killed, injured, or mistreated persons in custody to have been at times half-hearted, partisan, and lacking in thoroughness.¹⁵

The laws banning Muslims from wearing headscarves based on the 2003 Law on Neutrality still continues.¹⁶ Over half of Germany's 16 states now ban students and civil servants (including teachers) from wearing the headscarf.¹⁷ The ban still persists despite a recent Supreme Court ruling that headscarves are a legal right of teachers.¹⁸ However, states have the power to enact their own strict laws, and thus the ban on headscarves continues at the state level.

Anti-Semitism, though not extrovertly expressed, still continues to be a problem as implicit racist attitudes towards the Jewish community continue.¹⁹ However, the head of the government has shown her commitment towards zero tolerance for anti-Semitism and hopefully Germany will be able to strategize a stronger program to attack this issue.²⁰

Sikh Civil & Human Rights: Despite concerns about discrimination against minority groups, there has been no documented discrimination against the Sikh community because Germany's laws provide for basic religious freedom. These concerns were further addressed when the United Nations Human Rights Council under the Universal Periodic Review in March and the UN special rapporteur on racism in July drew attention to continuing problems of racism, xenophobia, and discrimination in Germany.

MINORITY RIGHTS and ARTICLES of FAITH

Efforts have been made to integrate minorities. In September, 2011 the parliament adopted a law exempting school personnel from the obligation to report undocumented migrants.²¹ Efforts by opposition parties to extend the exemption to health care and labor court personnel failed. In July the CESCR urged Germany to strengthen efforts to address obstacles facing people with a migration background in education and employment.²² In August Rheinland-Pfalz became the sixth state to grant freedom of movement to asylum seekers. In the other ten states asylum seekers must stay within a circumscribed geographic area, with violations to the law punishable by fines or prison.²³ The UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern in July over inadequate social benefits, housing, access to employment, and healthcare for asylum seekers.²⁴

Discrimination against immigrants in housing and employment were identified as key concerns; the special rapporteur on racism expressed its concern about overrepresentation of children with a migrant background in the lowest stratum of Germany's three-tiered education system.²⁵ Further, the UN special rapporteur on racism noted that bans on the wearing of religious symbols by public school teachers in some German states had a disproportionate impact on Muslim women who wear the headscarf.²⁶

¹ THE ASSOCIATION OF RELIGION DATA ARCHIVES (ARDA), GERMANY (2012),
http://www.thearda.com/internationalData/countries/Country_90_1.asp

² *Id.*

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009
COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES:: GERMANY (2011)
<http://www.state.gov/documents/organization/160190.pdf> [hereinafter "U.S. DEPT. OF STATE HR 2011"].

⁴ *Id.*

⁵ *Id.*

⁶ U.S. DEPARTMENT OF STATE, BUREAU OF EUROPE AND EURASIAN AFFAIRS, BACKGROUND
NOTE: GERMANY (2011) <http://www.state.gov/r/pa/ei/bgn/3997.htm> [hereinafter "U.S. DEPT. OF
STATE BACKGROUND"]

⁷ *Id.*

⁸ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR,
INTERNATIONAL RELIGIOUS FREEDOM REPORT 2010: GERMANY (2011)
<http://www.state.gov/documents/organization/171696.pdf> [hereinafter "IRF 2011"].

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. DEPT. OF STATE HR 2011, *supra* note 3.

¹⁵ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE
WORLD'S HUMAN RIGHTS, 2011 <http://www.amnesty.org/en/region/germany/report-2011>

¹⁶ Institute of Race Relations <http://www.irr.org.uk/news/germany-campaign-to-overturn-headscarf-bans-launched/>

¹⁷ *Id.*

¹⁸ <http://www.dw.de/dw/article/0,,978043,00.html>

¹⁹ Haaretz, <http://www.haaretz.com/print-edition/opinion/germany-s-anti-semitism-problem-1.412090>

²⁰ *Id.*

²¹ HUMAN RIGHTS WATCH (HRW), 2012 WORLD REPORT <http://www.hrw.org/world-report-2012/world-report-2012-european-union#germany>

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ HUMAN RIGHTS WATCH (HRW), 2010 WORLD REPORT <http://www.hrw.org/world-report-2010>.

²⁶ *Id.*

INDIA

Head of State: President Pratibha Devisingh Patil

Head of Government: Prime Minister Manmohan Singh

Population: 1,205,073,612 (July 2012 est.)

Sikh Population: 19,215,730¹

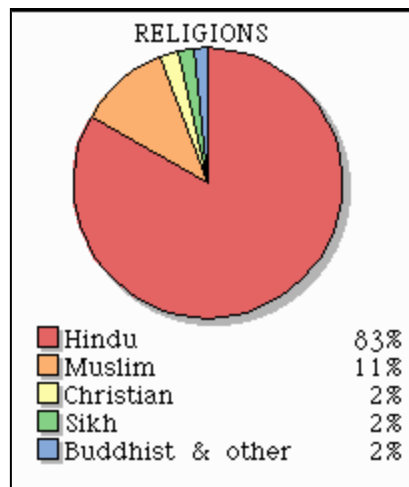
Sikhism Recognized by the State as a Distinctive Religion: No

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**² (On Watch List of USCIRF)



Government Structure: India is a Federal Republic with 3 government branches. 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) that consists of the Council of States (Rajya Sabha) elected indirectly and the People's Assembly (Lok Sabha), which is elected by popular vote. The Supreme Court makes up the judicial branch.³

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



General Civil & Human Rights: In its 2012 World Report, Human Rights Watch detailed numerous human rights violations by the Indian government including police abuses and custodial killings (many of which were met with impunity for security officers), a continued lack of improvement to provide millions of individuals with essential health care and education, and violence against women in the forms of “honor” killings and rape.⁴ Although the Ministry for Minority Affairs, the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) are charged to investigate allegations of religious and other

forms of discrimination, there still continues to be widespread discrimination based on the caste system in rural areas of India.⁵ The India government, in response to discrimination based on caste, has created an affirmative action plan that reserves spots in both the government and in high education for individuals who are considered members of the “low caste.”⁶

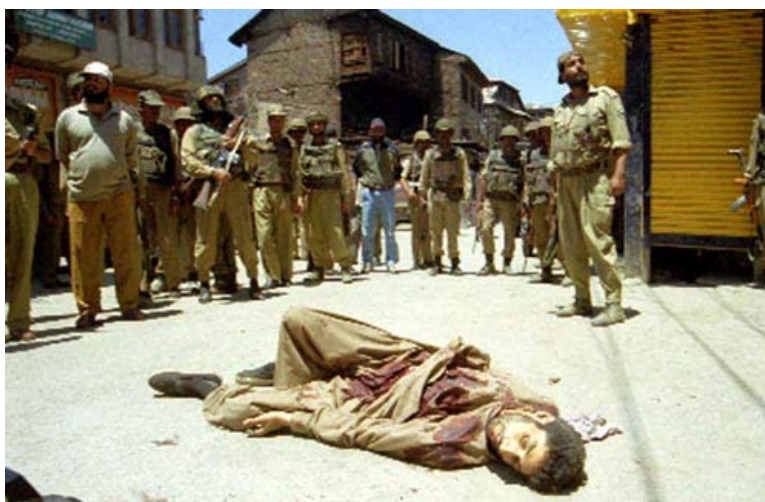
Human Rights Watch in a 2011 report alleges that India’s secured forces have arbitrarily detained and tortured terrorist suspects following the 2008 Mumbai bombing that killed 166 people.⁷ There have been reports of consistent abuse by Indian security forces in their response to the terrorism attacks; security forces have been charged with arbitrary arrest and detention, torture, and religious discrimination.⁸ The judiciary system has also been charged with ignoring human rights complains of suspects. In a few cases, the relatives of suspects were even taken hostage by law enforcement agencies.⁹ Specialized police units are alleged to be the worst offenders of human rights, particularly the Crime Branch of the Gujarat state police; the Maharashtra state Anti-Terrorist Squad (ATS); the Uttar Pradesh state ATS; the Rajasthan state police and the ATS it formed after the bombings; and the Special Cell police in Delhi.¹⁰

Reports continue of killings on India’s boarder with Bangladesh by the Board Security Force (BSF). In response to over 900 killings by the BSF in the past 10 years, the government ordered security officers to practice restraint and issued rubber bullets to the BSF. Human Rights Watch, however, claims that these killings still continue and that no security officers have been prosecuted for these deaths.¹¹

The United States Commission on International Religious Freedom (USCIRF) placed India on its Watch List in its 2012 Report, making it the fourth year in a row on the list. Commissioner Felice D. Gaer gave a dissenting opinion to placing India on the Watch List in 2012.

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. Government redresses for past communal violence against Christians in Orissa in 2008, Muslims in Gujarat in 2002, and against the Sikh population in 1984 have not been up to international standards.¹²



Death at the Kashmir Boarder

A legal framework exists in India to investigate and prosecute religiously motivated violence through Fast Track Courts and Special Investigation Teams. 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.¹³

The Heritage Foundation, in its 2012 Index of Economic Freedom Report, gave India's government a score of 33 out of 100 from Freedom from Corruption, ranking the government 89th in the world. The low score is due to judicial proceedings that are often subject to political pressure, in addition to corruption in government procurement and defense contracts.¹⁴

Sikh Civil & Human Rights: The Constitution and other laws and policies aim to protect religious freedom and, the U.S. Department of State reports that in practice, the government generally respects religious freedom. India is a secular republic, with all religions offered equality under the law; however, some state-level laws and policies restricted this freedom.¹⁵ Although numbering close to 20 million, Sikhs are considered a minority community in India under the 1992 National Commissions for Minorities Act, although Sikhs are a majority in the state of Punjab, numbering close to 14.5 million.¹⁶

Although Sikhism is the fifth largest organized religion in the world, Article 25 of the Indian Constitution considers Sikhism, Jainism, and Buddhism sects of Hinduism rather than its own separate entity.¹⁷ The Indian government's failure to recognize Sikhism as a sovereign, unique, distinct and revealed faith believed to be a primary cause of continual underpinnings of hostility and religious tension in India.



Indian Sikh devotee takes a holy dip in the sarovar (water tank) at the Sikh Shrine Golden Temple in Amritsar on April 12, on the eve of the Baisakhi festival.

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

Five Indian states have adopted Freedom of Religion Acts (FRA) intended to reduce forced conversions and decrease communal violence. The U.S. State Department reports that states with FRAs and Anti-Conversion laws have greater incidents of harassment, violence, and intimidation against religious minorities as compared to states that do not have these types of law. The USIRF has repeatedly received reports that societal actors in India who harass and intimidate minority groups often justify this discrimination by these laws. RFAs and Anti Conversion laws require state government officials to “assess the sincerity of conversions and fine or imprison anyone using force, fraud, or —inducements ¹⁸ These laws so others.” have been abused by state officials due to their ambiguous terminology defining “inducement or coercive acts.” In some states, individuals intending to change their religion must give the government prior notice.¹⁹

REDRESS FOR PAST VIOLENCE

The government made some movement in holding police and security officials accountable for killings committed during the Delhi anti-Sikh violence of 1984. The 1984 attacks against the Sikh community were in response to the assassination of Prime Minister Indira Gandhi. As many as 3,926 Sikhs were killed, prompting many scholars to refer to the incident as genocide. On July 7, 2011 a Delhi court brought charges of murder and rioting against senior Congress Party leader Sajjan Kumar and others in connection with an incident in which six Sikh individuals were killed in New Delhi.²⁰ In March of 2011, the United States Second District Federal Court filed a 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.²¹ Sikh for Justice brought the 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.²² While litigation is still open, the Sikh community waits for adjudicative restitution for the 1984 genocide.

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 executed in 2004. There are at least 300 inmates who are waiting execution for the sixth successive year where no executions took place. The death sentences of 13 people were commuted to life imprisonment.²³ Under new legislation, 16 states published death row figures, but at least five others refused to do so.²⁴ Although numerous

convicted individuals have been sentenced to the death penalty, the Supreme Court, in a 1983 case, ruled that the sentence only be used for the “rarest of rare” cases.²⁵

Balwant Singh Rajoana was given the death penalty in 2007, being convicted for the execution of an elected official, Punjab state’s Chief Minister Beant Singh. His execution, which was suppose to be carried out at the end of March, was postponed after a mercy petition lead by multiple Sikh organizations in the area was presented to the president. Rajoana has not appealed his sentence, even though 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 confirmed by the Supreme Court, only President may waive on presentment of a mercy petition or plea for clemency.²⁶



Balwant Singh Rajoana

Professor Devinder Pal Singh Bhullar is another inmate on death row in India. In August, 2001 Professor Bhullar was given the death sentence for his alleged involvement in a bomb attack.²⁷ An appeal to the Supreme Court was denied in 2006, and a plea for clemency to the President was denied in May 2011. In an unprecedented decision, the Supreme Court allowed Professor Bhullar to submit a second appeal; controversy remains in the case because Professor Bhullar recanted an earlier confession. The prolonged sentence awaiting execution has led Professor Bhullar to become mentally unstable due to his solitary confinement for all these years, which will be used as a plea in the appeal. Numerous Sikh groups have petitioned to have his sentence reduced.

ANAND MARRIAGE ACT

On April 12, 2012 the Indian Cabinet approved to amend the Anand Marriage Act of 1909 to enable Sikhs to register their marriages under the Act as opposed to the previous requirement of registering under the Hindu Marriage Act. The Anand Karaj Amendment Bill will allow couples to register their marriage independent of their religion. The Act should also alleviate the difficulties of Sikhs living abroad attempting to register their marriage.²⁸

¹ Ministry of Home Affairs, Office of the Registrar General. (2001). *Religion, census of india 2001*. Retrieved from website: http://censusindia.gov.in/Census_And_You/religion.aspx

² Liden, P. U.S Commission on International Religious Freedom, (2012). *Annual report*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3594

- ³ <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- ⁴ Human Rights Watch, (2012). *World Report 2012: India*. Retrieved from website: <http://www.hrw.org/world-report-2012/world-report-2012-india>
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ Ganguly, M., & Tayler, L. Human Rights Watch, (2011). *The anti nationals*. Retrieved from website: <http://www.hrw.org/reports/2011/02/01/anti-nationals>
- ⁹ *Id.*
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² Liden, P. U.S Commission on International Religious Freedom, (2012). *Annual report*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3594
- ¹³ *Id.*
- ¹⁴ The Heritage Foundation, (2012). *Economic index freedom: India*. Retrieved from website: <http://www.heritage.org/index/country/india>
- ¹⁵ 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>
- ¹⁶ <http://www.state.gov/documents/organization/171754.pdf>
- ¹⁷ Liden, P. U.S Commission on International Religious Freedom, (2012). *Annual report*. Retrieved from website: http://www.uscirf.gov/index.php?option=com_content&view=article&id=3594
- ¹⁸ *Id.*
- ¹⁹ *Id.*
- ²⁰ U.S. State Department, Bureau of Democracy, Human Rights, and Labor. (2011). *Human rights reports: India*. Retrieved from website: <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154480.htm>
- ²¹ U.S. court issues summons to congress for anti-Sikh riots. (2011, March 02). *The Hindu*, Retrieved from <http://www.thehindu.com/news/national/article1503665.ece>
- ²² Singh, G. (2011, July 01). Sikh genocide case: Kamal Nath attempts to find escape route, denies the service of summons. *Sikh Siyasat*. Retrieved from <http://www.sikhsiyasat.net/2011/07/01/sikh-genocide-case-kamal-nath-attempts-to-find-escape-route-denies-the-service-of-summons/>
- ²³ Chennai. (2011, October 01). Fatally flawed. *The Economist*, Retrieved from <http://www.economist.com/node/21531041>
- ²⁴ Amnesty International, (2011). *Annual report 2011: India*. Retrieved from website: <http://www.amnesty.org/en/region/india/report-2011>
- ²⁵ *Id.*
- ²⁶ 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>
- ²⁷ *Id.*
- ²⁸ Tandon, A. (2012, April 12). Finally, Anand Marriage Act gets cabinet approval. *The Tribune*. Retrieved from <http://www.tribuneindia.com/2012/20120413/main2.htm>

INDONESIA

Head of State and Government: Susilo Bambang Yudhoyono

Population: 248,216,193¹

Sikh Population: 10,000 – 15,000²

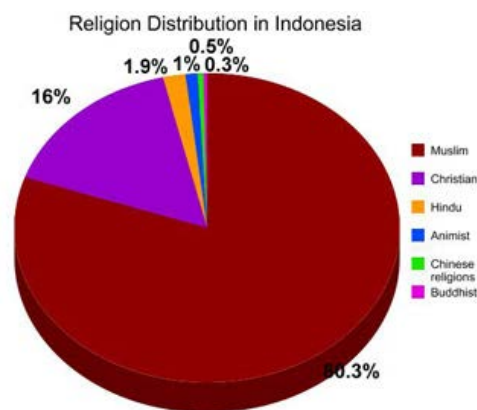


Sikhism Recognized by the State as a Distinctive Religion: **No**

Department of State or U.S. Commission on International Religious Freedom: **Yes (USCIRF Watch List)**³

Government Structure: The government is divided into the legislative and the judicial branch.⁴ The Constitution embodies five principles of the state philosophy, called “Pancasila.” These principles include monotheism, humanitarianism, national unity, representative democracy by consensus, and social justice.⁵ Although it is a predominantly Muslim country, Indonesia is not an Islamic state, but rather it is an independent republic.⁶

Religious Demography: About 88% of the population is Muslim, 6% Protestant, 3% Roman Catholic, and 2% Hindu.⁷ Other religions (Buddhist, followers of traditional indigenous religions, Jews, and other Christian denominations) are less than 1% of the population.⁸ Muslims in the country are overwhelmingly Sunni.⁹ The two largest Muslim social organizations, Nahdlatul Ulama and Muhammadiyah, claim 40 million and 30 million Sunni followers respectively. There are an estimated one million to three million Shia Muslims.¹⁰ The Ministry of Religious Affairs extends official status to six religious groups: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism¹¹



General Civil & Human Rights: Although Indonesia is a stable democracy with greater human rights protections than at any time in its history, the country’s tradition of religious tolerance and pluralism is in a precarious position. While the government has addressed past sectarian violence and curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and societal violence. The Indonesian government, including the police and

provincial officials, sometimes tolerate activities of extremist groups, but in general national laws and provincial decrees have restricted religious freedom.¹²

In 2011, incidents of religious violence got more deadly and more frequent, as Islamist militants mobilized mobs to attack religious minorities with impunity: short prison terms for a handful of offenders did nothing to dissuade mob violence. The government failed to overturn several decrees that discriminate between religions and foster intolerance. According to the Setara Institute, which monitors religious freedom, there were 216 cases of religious attacks in 2010 and 184 cases in the first nine months of 2011.¹³

In addition to religious violence, migrant domestic workers continued to face abuses both during the recruitment process in Indonesia, and while employed abroad. Minority congregations reported that local government officials arbitrarily refused to issue them permits required, under a 2006 decree, for building houses of worship. Those who attempted to worship without a permit faced harassment and violence.¹⁴

The government has failed to stop local recruiters from charging prospective migrants exorbitant fees that leave them highly indebted, which contributes to situations of forced labor abroad.¹⁵ The government has also failed to take accountability for torture and inhumane treatment.¹⁶

Furthermore, the conditions of child workers are critical. Hundreds of thousands of girls in Indonesia are employed as domestic workers. Many work long hours, with no day off, and are forbidden from leaving the house where they work. In the worst cases, girls are physically, psychologically, and sexually abused by their employers. Despite supporting the landmark International Labor Organization convention in June that extended key labor protections to domestic workers, Indonesia's domestic laws exclude all domestic workers from the basic labor rights afforded to formal workers. A domestic workers law that was introduced in 2010 has since stalled in parliament.¹⁷

Sikh Civil & Human Rights: There are eight Sikh *gurdwaras* (temples) located in North Sumatra and two in Jakarta.¹⁸ According to IRF 2012 report there are around 10, 000 to 15, 000 Sikhs residing primarily in Medan and Jakarta.¹⁹

There were instances where Human rights groups continued to receive occasional reports of local civil registry officials who rejected applications for identity cards (KTPs) submitted by members of unrecognized or minority religious groups. While civil registry regulations allowed the religion field to be left blank, there were reports of individual officials that did not follow this regulation.²⁰ Some applicants found it easier to register with a religion other than their own and were issued KTPs that inaccurately reflected their religion. For instance, many Sikhs were registered as Hindu on their KTPs and marriage certificates.²¹

Furthermore, on January 2, 2012, a book titled *Export of Sikh Revolution to Indonesia* was written by Habib Achmad Zein Alkaf, member of the edict commission of the East Java MUI and member of the East Java Nahdlatul Ulama board.²² The edict commission is an official body responsible for drafting and reviewing religious edicts.²³ This book was aimed at warning people of the danger of the Sikh (Ahlul Bait) religion.

¹ POPULATION DIVISION OF THE DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS OF THE UNITED NATIONS SECRETARIAT, WORLD POPULATION PROSPECTS: THE 2008 REVISION. HIGHLIGHTS. TABLE A.1. TOTAL POPULATION BY SEX IN 2009 AND SEX RATIO BY COUNTRY IN 2009 (2009), http://www.un.org/esa/population/publications/wpp2008/wpp2008_text_tables.pdf.

² *Id.*

³ 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)

⁴ CIA, *supra* note 1.

⁵ 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> [hereinafter “U.S. DEPT. OF STATE BACKGROUND”].

⁶ *Id.*

⁷ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: INDONESIA, <http://www.state.gov/documents/organization/171653.pdf> hereinafter “IRF 2011”].

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR: INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: INDONESIA, <http://www.state.gov/documents/organization/171653.pdf> [hereinafter “IRF 2011”].

¹² UCRIF, *supra* note 4

¹³ HUMAN RIGHTS WATCH ANNUAL REPORT, 2012 <http://www.hrw.org/world-report-2012/world-report-2012-indonesia>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: INDONESIA <http://www.state.gov/documents/organization/160460.pdf> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

¹⁷ HRW, 2012, *supra* note 16.

¹⁸ IRF 2011, *supra* note 12.

¹⁹ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2010: INDONESIA (Nov. 17, 2010), <http://www.state.gov/g/drl/rls/irf/2010/148869.htm> [hereinafter “IRF 2010”].

²⁰ *Id.*

²¹ IRF 2011, *supra* note 12.

²² The UNHCR, <http://www.unhcr.org/refworld/country,,USDOS,,IDN,,4cf2d09264,0.html>

²³ *Id.*

IRAN

Head of State: Supreme Leader Ali Hoseini-KHAMENEI

Head of Government: Mahmud AHMADI-NEJAD

Population: 78,868,711¹

Sikh Population: 6,000²

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: **Yes³**

Government Structure: The Islamic Republic of Iran is a constitutional, theocratic republic in which Shi'a Muslim clergy and political leaders vetted by the clergy dominate the key power structures.⁴ Government legitimacy is based on the twin pillars of popular sovereignty and the rule of the Supreme Leader.⁵

The current Supreme Leader, Ayatollah Ali Khamenei, was not directly elected but was chosen by a body of religious leaders, the Assembly of Experts, in 1989.⁶ Khamenei's writ dominates the legislative, executive, and judicial branches of government.⁷ He directly controls the armed forces and indirectly controls internal security forces, the judiciary, and other key institutions.⁸

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

General Civil & Human Rights: The government committed extrajudicial killings, sometimes in group executions through unfair trials. Even minors were subject to these executions. In 2010 there were at least two extrajudicial killings: Yavar Khodadoust and Hadi Aravand, both of whom died of severe torture from prison officials. According to military sources, in 2010 the government executed 312 people in summary executions, many of which were conducted in secret. The government, and security forces controlled by it, administered severe officially sanctioned punishments, including amputations and floggings.¹⁰

Politically motivated abductions and tortures have occurred throughout the years: Journalists and



activists are the normal victims of these attacks. By the end of 2010, Abbas Khorsandi, a political activist and founder of the Iran Democratic Party, an Internet forum for political debate, remained in prison where authorities reportedly prevented him from seeing a doctor despite his poor health. Mr. 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.¹¹

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.¹²

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.¹³

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.¹⁴

Sikh Civil and Human Rights: Laws and polices strictly restrict freedom of religion. Government rhetoric and actions have created a threatening atmosphere for nearly all non-Shi’a Muslim religious groups. Among non-Islamic religions, the Constitution only gives Christians, Jews, and Zoroastrians the status of “protected minorities” as long as they do not proselytize.¹⁵

The Sikh connection to Persia can be traced back to the days of Guru Nanak.¹⁶ A gurudwara was founded in Iran in 1941, which conducted religious celebrations and community services.¹⁷ In 2003, S Kultaran Singh, a Sikh born in Iran was brutally killed.¹⁸ However, because the deceased was a practicing Sikh, and the perpetrator was a Muslim, the killer was not given exemplary punishment.¹⁹ This killing had shaken the confidence of the small Sikh community residents in Iran.²⁰

DISCRIMINATION AGAINST RELIGIOUS MINORITIES

Non-Muslims may not engage in public religious expression, persuasion, and conversion among Muslims, and there were 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 Shari'a during the reporting period.²¹ Applicants for public sector employment were screened for their adherence to and knowledge of Islam. The legal system discriminates against religious minorities.²²

¹ CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK: IRAN (2012),
<https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>.

² WIKIPEDIA, THE FREE ENCYCLOPEDIA: *Sikhism by Country*, last accessed on Sep. 9, 2011,
http://en.wikipedia.org/wiki/Sikhism_by_country.

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2010 JULY-DECEMBER (Sep. 13, 2011) http://www.state.gov/j/drl/rls/irf/2010_5/168264.htm [hereinafter "IRF 2011"].

⁴ 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> [hereinafter "U.S. Dept. of State HR 2011"].

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ IRF 2011, *supra* note 3.

¹⁰ U.S. DEPT. OF STATE HR 2011, *supra*, note 4.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ IRF 2011, *supra* note 3.

¹⁶ SikhiWiki, free Sikh encyclopedia: Sikhism in Iran, http://www.sikhiwiki.org/index.php/Sikhism_in_Iran.

¹⁷ Gurudwaras in Iran – Gateway to Sikhism, <http://www.allaboutsikhs.com/world-gurudwaras/gurudwaras-in-iran>.

¹⁸ SikhSpectrum: *Will Justice Be Served?* <http://www.sikhspectrum.com/112004/tehran.htm>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ IRF 2011, *supra* note 3.

²² *Id.*

IRELAND

Head of State: Michael D. Higgins

Head of Government: Taoiseach Enda Kenny

Population: 4,722,000 (July 2012 est.)

Sikh Population: 800 – 1,000¹

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 (includes High Court).²

Religious Demography: The religious demography of Ireland according to the U.S. CIA is 87.4% Roman Catholic, 2.9% Church of Ireland, 1.9% other Christian 1.9%, 2.1% other, 1.5% unspecified, and 4.2% no affiliation according to the 2006 census.³

General Civil and Human Rights: The Republic of Ireland has become one of the world's most globalised states due to large number of inward migration of nationals from over 180 states. Due to a swift and large scale inward migration, the social and legal structure of the society has faced a lot of challenges in defining the rights and responsibilities of both the host community and the migrant. Although early Sikh migrants to Ireland came decades ago, majority of the current Sikh population in Ireland arrived in the period of 2000-2005.

Sikh Civil and Human Rights: Sikhs in Ireland on the one hand face the day to day challenges faced by any migrant in Ireland which include procedural ambiguity and legal issues in immigration rules leading to delayed family reunification, unable to bring their old parents across to Ireland, difficulties in getting permanent immigration status without any recourse to social



welfare even after paying large amount of tax over the years. On other hand 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 at a smaller scale earlier, but increased manifold post 9/11. Some of these issues are listed below:⁴

- Mistreatment of international Sikh students by other students.
- Racial attacks including pelting of stones, bottles, knife attacks and beatings in some cases based on pure racism and in other cases because of mistaken identity of Sikhs.
- Difficulty in finding accommodation due to the turban and beard.
- Difficulty in getting jobs. A number of members of the community were asked to shave their 'beard' and take off the headgear (Turban).
- A number of Sikhs have faced discrimination at work in form of denied promotions or lower salary and designation as compared to Irish counterparts.
- Members of the Sikh community have also been denied entry to Irish courts and embassies of other countries like UK and USA due to the wearing of *Kirpan*.
- Irish police forces do not allow members of the Sikh community 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, on 7th June, 2007. A Complaint of a Sikh recruit who was not allowed to proceed with his training unless he gave up wearing his turban for cap is still ongoing with the Equality commission.
- Many schools have an official uniform policy which requires pupils to wear mandatory dress, shave beards and refrain from wearing jewellery. Such uniform policies exclude pupils of other faiths who are becoming a significant part of the school population in Ireland. Sikh children in schools have faced issues around wearing of turban, school policies around no long hair asking young college students to shave their beards have been reported by the families. On one occasion the hair of a Sikh girl student, were mischievously cut by other kids in school.
- There has been an incident on the soccer pitch, where a football player from the Sikh community was asked by the referee to remove his *patka* (small turban). The Football Association of Ireland (FAI) subsequently, after meeting with members of Irish Sikh Council, agreed to formalise the rule of allowing the *patka*, but denied the wearing of Kara (iron bracelet).⁵
- Other incidents of harassment and discrimination at work keep arising frequently e.g. Sikh students who worked as part time delivery person at pizza shops were being forced to remove their Kara.

GURUDWARA (SIKH PLACE OF WORSHIP)

In 1986, some members of Sikh community in Ireland 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 4. As there was no formal organisation registered as trust or charity by the Sikhs, who were very small in number, in good faith, the members of the Sikh community agreed to have the title of the property registered in the name of the Sikh businessman from UK. The property was purchased by shared contributions from the Sikh businessman, who along with

respected members of Irish Sikh community also raised money from other *gurudwaras* across UK and from Sikhs in Ireland. The *gurudwara* has been the sole place of worship for all Irish Sikhs and also acts as a key place of social and community gathering, providing shelter and food to not only Sikhs but also non Sikh people including travellers, new migrants and people who might be in need of emergency help.⁶

After his sad demise, the family of the UK Sikh businessman has filed a court case asking the Irish Sikh community to vacate the *gurudwara* property (the title deed being in the name of the late UK Sikh businessman).⁷ Sikhs in Ireland are disappointed and hurt as they are being denied the right to worship at the *gurudwara* which has been maintained and run by the community ever since it was purchased. Irish Sikhs are sentimentally attached to the place where they have seen religious ceremonies of their children, Sikh weddings and even funeral services for their loved ones.⁸

Irish Sikhs hope to make an appropriate response to the legal case to secure their right to continue to worship at the *gurudwara*.⁹

¹ *Irish sikh coucil*. (2012). Retrieved from <http://www.irishsikhcouncil.com/community.aspx>

² CIA, (n.d.). *Cia world fact book: Ireland*. Retrieved from website:
<https://www.cia.gov/library/publications/the-world-factbook/geos/ei.html>

³ *Id.*

⁴ 'McDowell unveils plan for Garda recruitment', RTENews, 14th October, 2004. Available at: <http://www.rte.ie/news/2004/1014/gardai.html>.

⁵ 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>.

⁶ '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>

⁷ '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'

⁸ 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/>

⁹ 'He feels betrayed'. MetroÉireann, 12th March, 2009. Available at: <http://www.metroeireann.com/article/he-feels-betrayed,1774>.

JAPAN

Head of State: Emperor Akihito¹

Head of Government: Yoshihiko Noda

Population: 127,368,088²

Sikh Population: 5,000³



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: Japan is a constitutional monarchy with a parliamentary government.⁴ The government is divided into 3 branches: the executive, the legislative (bicameral Diet) and the judicial branch.⁵ The legal system is a civil law system based on German model.⁶ This system also reflects Anglo-American influence and Japanese traditions⁷

Religious Demography: The religious demography of Japan is approximately 56.1% Buddhists, 25.9% “Neoreligionists”, 10.2% Agnostic, 2.9% Atheist, 2.3% Christian, 2.1% Shintoist, and less than 0.1% Sikh.⁸ The six major schools of Buddhism are Tendai, Shingon, Jodo, Zen (Soto and Rinzai sects), Nichiren, and Narabukkyo.⁹ In addition, there are a number of Buddhist lay organizations, including Soka Gakkai, which reported a membership of eight million "households."¹⁰ The two main schools of Shintoism are Jinjahoncho and Kyohashinto.¹¹

General Civil & Human Rights: Human rights nongovernmental organizations (NGOs) have reported problems with Japan’s detention facilities and legal system.¹² Further, Japan remains one of the two countries in G8 to retain the death penalty; Japan’s death by hanging has come under severe criticism with figures suggesting the recent death row population is at its highest.¹³ Sexual harassment and employment discrimination continue to be a problem.¹⁴ Abuses against women are also still a major issue.¹⁵ In addition, although prohibited by law, domestic violence against women continues to be reported.¹⁶ The organization Gender Equality 2010 concluded that after more than 10 years since the passage of the Basic Law for a Gender-Equal Society, the participation of women in society remained inadequate. The Society called for increased gender-equality awareness focused on reaching men and housewives in addition to working women.¹⁷

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.¹⁸ 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.¹⁹

Sikh Civil & Human Rights: There are Sikh *gurdwaras* in both Kobe and Tokyo; the latter is of more recent provenance, having been founded in 1999 in the basement of an office building.²⁰ Some Sikhs employed as unskilled laborers in small and medium enterprises cut their hair short and remove their turbans in violation of the principle of *kesh*, because their employers are unfamiliar with their customs and do not give them any latitude in their style of dress.²¹ Sikhs consider this just a temporary adaptation to Japanese society. However, this practice is not common among Sikhs in skilled professions such as IT.²²

¹ BBC, JAPAN COUNTRY PROFILE (Nov. 2, 2010),

http://news.bbc.co.uk/2/hi/asiapacific/country_profiles/1258586.stm

² CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2012: JAPAN,

<https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html> [hereinafter “CIA”].

³ SIKH POPULATION, <http://www.sikhphilosophy.net/essays-on-sikhism/636-sikh-population.html>

⁴ U.S. DEPARTMENT OF STATE, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, BACKGROUND NOTE: JAPAN (2012), <http://www.state.gov/r/pa/ei/bgn/4142.htm> [hereinafter “U.S. DEPT. OF STATE BACKGROUND”].

⁵ *Id.*

⁶ CIA, *supra* note 2.

⁷ *Id.*

⁸ THE ASSOCIATION OF RELIGION DATA ARCHIVES (ARDA), JAPAN (2011)

http://www.thearda.com/internationalData/countries/Country_117_2.asp

⁹ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR: INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: JAPAN, <http://www.state.gov/documents/organization/171654.pdf> [hereinafter “IRF 2011”]

¹⁰ *Id.*

¹¹ *Id.*

¹² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: JAPAN (2011),

<http://www.state.gov/documents/organization/160088.pdf> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

¹³ Japan Today <http://www.japantoday.com/category/kuchikomi/view/death-row-population-at-highest-level-ever>

¹⁴ *Id.*

¹⁵ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD’S HUMAN RIGHTS, <http://www.amnesty.org/en/region/japan/report-2011>

¹⁶ U.S. DEPT. OF STATE HR 2011, *supra* note 9.

¹⁷ *Id.*

¹⁸ IRF 2011, *supra* note 9

¹⁹ *Id.*

²⁰ INDIANS IN JAPAN, http://en.wikipedia.org/wiki/Indians_in_Japan

²¹ *Id.*

²² *Id.*

KENYA

Head of State and Government: President Mwai Kibaki

Population: 39 million¹

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**

Government Structure: After declaring its independence in 1963, Kenya is currently a republic with 3 separate branches: the Executive, Legislative (unicameral National Assembly) and Judicial.³ The current government was formed after some violence, as the opposition candidate hotly contested the election. The violence ended in February 2008 when, as the result of an international mediation process, the two sides agreed to form a coalition government.⁴ The parties also agreed to undertake a series of constitutional, electoral, and land reform issues to address underlying causes of the crisis.⁵

Religious Demography: Approximately 80% of the population is Christian and 11% is Muslim. Groups that constitute of less than 1% of the population include Hindus, Sikhs, and Baha'is.⁶ Among Christians, 58% are Protestant and 42% are Catholic.⁷

General Civil & Human Rights: The Constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.⁸ The government requires new religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General.⁹

There have been numerous efforts to improve healthcare, especially for women and children. The Kenyan government undertook to improve access to pain treatment and palliative care.¹⁰ Access to such care, however, has been poor, particularly for hundreds of thousands of children suffering pain from cancer, HIV/AIDS, or other diseases.¹¹ Eleven government hospitals are in the process of creating palliative care units.¹²

The government has faced pressure to pass laws on police reforms.¹³ There were cases of unlawful killings and other human rights violations by the police and other security personnel.¹⁴ Other human rights violations involved: Female Genital Mutilation (FGM), discrimination based on ethnicity, restrictions on freedom of speech, press, and so forth.¹⁵

In addition, the pouring of refugees, especially from the war-torn country Somalia has continued into the Dadaab camps. Around 1,300 refugees a day are suspected to have sought refuge in these camps.¹⁶ Originally designed for 90,000 people, the camp now holds over 450,000 refugees.¹⁷

Sikh Civil & Human Rights: Sikhism is recognized as a distinctive religion and Sikhs have a long history of living and enjoying religious freedom in Kenya. In 1926, the Sikh Temple Makindu was built in Nairobi by Sikhs who were working on the construction of the railway line from the coast (Mombasa) inland to Lake Victoria and beyond to Uganda.¹⁸ Sikhs have been regular contributors to Harambee projects, which aim to empower people who have HIV and educate the general population about the disease throughout the country.¹⁹ They have established medical facilities including hospitals, clinics and dispensaries to serve the wider community.

Further, the newly revised constitution in 2010, which had extensive support of the Sikh community, now has put in place affirmative action programs designed to ensure that minorities and marginalized groups participate and are recognized in governance, and are able to develop their cultural values.²⁰ Hence, it is not surprising that Sikhs are viewed as an integral part of the Kenyan nation.²¹

¹ U.S. DEPARTMENT OF STATE, BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE: KENYA 2011, <http://www.state.gov/r/pa/ei/bgn/2962.htm> [hereinafter “U.S. DEPT. OF STATE BACKGROUND”].

² THE ASSOCIATION OF RELIGION DATA ARCHIVES (ARDA), KENYA (2011), http://www.thearda.com/internationalData/countries/Country_121_2.asp

³ U.S. DEPT. OF STATE BACKGROUND, supra note 1.

⁴ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: KENYA (2011), <http://www.state.gov/documents/organization/160127.pdf> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

⁵ *Id.*

⁶ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: KENYA, <http://www.state.gov/documents/organization/171619.pdf> [hereinafter “IRF 2011”]

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Human Rights Watch Annual Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-kenya>

¹¹ *Id.*

¹² *Id.*

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- ¹³ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD'S HUMAN RIGHTS. <http://www.amnesty.org/en/region/kenya/report-2011>
- ¹⁴ Id.
- ¹⁵ U.S. DEPT. OF STATE HR 2011, supra note 4.
- ¹⁶ Care, (2011). *Dadaab refugee camps update on the crisis in the horn of africa*. Retrieved from website: <http://www.care.org/careswork/emergencies/dadaab/>
- ¹⁷ Matthews, E. British Red Cross, (2012). *East africa: Kenya red cross helps despite dadaab's dangers*. Retrieved from website: <http://blogs.redcross.org.uk/emergencies/2012/04/east-africa-kenya-red-cross-helps-despite-dadaab's-dangers/>
- ¹⁸ *Makindu sikh temple*. (n.d.). Retrieved from http://www.sikhiwiki.org/index.php/Makindu_Sikh_Temple
- ¹⁹ http://www.sikhiwiki.org/index.php/Sikhism_in_Kenya#Sikhs_in_Kenya
- ²⁰ National Council for Law Reporting, (2010). *The Constitution of Kenya*. Retrieved from website: http://www.kenyalaw.org/Downloads/The_Constitution_of_Kenya.pdf
- ²¹ Id.

KUWAIT

*Head of State: SABAH al-Ahmad al-Jabir al-Sabah*¹

*Head of government: Prime Minister Jabir Al-Mubrarak al-Hamad al-Sabah*²

*Population: 2,646,314 (July 2012 est.)*³

*Sikh population: 20,000 (0.1%)*⁴

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: Kuwait is ruled by the Al Sabah family under a constitutional, hereditary emirate. The government does not recognize any political parties and has prohibited party formation.

Religious Demography: Muslim (official) 85% (Sunni 70%, Shia 30%), other (includes Christian, Hindu, Parsi) 15%⁵

General Civil & Human Rights: The Al-Sabah family continues to rule. Although there is an elected legislature the legislature itself is very restrictive. Kuwait was not excluded from the 2010-2011 the uprising throughout the Arab world. Stateless Arabs known as *bidoons* staged protests throughout the country to get jobs, citizenship and other benefits available to Kuwaiti nationals. Youths also took part in the rallies, contesting the political corruption and instability of the government, including the prime ministers removal.⁶

Human Rights abuses are significant among women and other minority groups. The law does not prohibit domestic violence and most violence is not reported. Additionally, women who are citizens but whose husbands are not, cannot pass their citizenship to their children and while honor killings are prohibited they often occur and are only punishable as misdemeanors. Moreover, the law still does not prohibit trafficking persons and individuals are often induced into labor.



The Constitution does provide for freedom of religion but since the state religion is limited by the governments installment of Shari'a law and Islam as the state religion. Members of other religions are not allowed to worship and face pressure to convert to Islam. Additionally, *bidoons* are not afforded citizenship or the rights of citizens.

Sikh Civil & Human Rights: Although there is a large Sikh community in Kuwait, Sikhs cannot get permanent citizenship. Like other religious groups, Sikhs are kept from constructing houses of worship or any other religious organization. Sikhs are not recognized by the government as a distinctive faith. Further, since Sikhs religious practices entail many outwardly expressed items of faith and they are kept from establishing a *gurudwara*, the Sikh community is greatly restricted from worship.

1CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011: KUWAIT (2010), [hereinafter "CIA"]. <https://www.cia.gov/library/publications/the-world-factbook/geos/ku.html>

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

3 *Id.*

4 The Association of Religion Data Archives (ARDA), Kuwait (2011), http://www.thearda.com/internationalData/countries/Country_125_2.asp.

5 CIA Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ku.html>

6 *Id.*

MALAYSIA

Head of State: Customarily referred to as King Yang di-Pertuan Agong Tuanku Mizan Zainal Abidin



Head of government: Prime Minister Seri Najib Tun Razakmp

Population: 28,274,729¹

Sikh population: 56,549 (.2% of the population) - 100,000²

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**

Government Structure: Malaysia is a federal parliamentary democracy with a constitutional monarch that gained its independence and ratified its Constitution in 1957.

Religious Demography: The religious demographics as reported by the 2000 Census are as follows: Muslim 60.4%, Buddhist 19.2%, Christian 9.1%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 2.6%, other or unknown 1.5%, none 0.8%.³

General Civil & Human Rights: Malaysia has five core human rights standards outlined in their constitution. This includes; the right to life, freedom of movement, freedom of speech, assembly and association, freedom of religion, and rights in respect of education. The Human Rights Commission of Malaysia (SUHAKAM) was also established by Parliament in 1999 in order to ensure the liberties of all citizens. Yet, Malaysia is often criticized for its role in detaining individuals without due process. While there is freedom of the press and speech, dissenting parties do find themselves at odds with the government.

Sikh Civil and Human Rights: Since the government has the power to restrict religion in any way Sikhs sometimes find themselves at odds with the government. Further, Malaysian Sikhs do not identify with their community in the same way that Indian Sikhs do.⁴ Sikhs, however, do have a strong presence in the country and the government has attempted to identify Sikhs and their needs within the nation. In 2011, the Prime Minister

cooperated with the government to ensure their interests were served. He stated, "This (being a partner) is the best way for the Sikh community to work with the government towards realizing the 1Malaysia vision. I believe Malaysia will become more successful and prosperous (by doing this)..."⁵ The Prime Minister called on Sikhs to help develop the country. The recognition of the Sikh community by the government and its expanding role in Malaysia is a key turning point in gaining complete equality for all minorities in the country.⁶

¹ CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011: MALAYSIA (2011),
<https://www.cia.gov/library/publications/the-world-factbook/geos/my.html> [hereinafter "CIA"].

² THE ASSOCIATION OF RELIGION DATA ARCHIVES (ARDA), MALAYSIA (2011),
http://www.thearda.com/internationalData/countries/Country_139_2.asp.

³ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>.

⁴ "Sikhism." ABC (2011). <http://www.abc.net.au/religion/stories/s798009.htm>.

⁵ "Minority Interests Will not be Sidelined" *Sikh Naujawan Sabha Malaysia* . (2012)
http://www.snsn.org.my/index.php?option=com_content&view=article&id=356:vaisakhi-open-house-newspaper-articles&catid=1:latest-news

⁶ "Minority Interests Will not be Sidelined" *Sikh Naujawan Sabha Malaysia* . (2012)
http://www.snsn.org.my/index.php?option=com_content&view=article&id=356:vaisakhi-open-house-newspaper-articles&catid=1:latest-news

NEPAL

Head of State: Ram Baran Yadav

Head of Government: Dr. Baburam Bhattarai¹

Population: 29.4 million²

Sikh Population: 5890³

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: Nepal was originally a constitutional monarchy, but the country transitioned to a federal democratic republic in May of 2008.⁴ There has been political unrest since the Maoist rebellion, which eventually led to a decade long civil war. In April 2008, a Constituent Assembly was elected and an interim parliament drafted and promulgated a new constitution by May 2010. This deadline, however, has been extended four times, most recently until May 2012.⁵

Religious Demography: Hindus constitute 80% of the population, Buddhists 9%, Muslims 4% (the majority of whom are Sunni or Sufi), and Christians and others 1 to 3%.⁶

General Civil & Human Rights: There were numerous reports that the government or its agents committed arbitrary or unlawful killings.⁷ In its report on extrajudicial killings, the Office of the UN High Commissioner for Human Rights (OHCHR) documented 39 credible allegations of extrajudicial killings, which resulted in 57 deaths, attributed to the Nepal Police (NP) from 2008 until June 2010.⁸ In most of the cases, the NP alleged that the person killed was a criminal and was fleeing the police.⁹ The National Human Rights Commission (NHRC) expressed concern about the "extreme use of force" in the cases of extrajudicial killings.¹⁰

In Amnesty International 2011 Annual Report, the organization stated, "Nepal made little progress in ending impunity, accounting for past violations or ensuring respect for human rights. Officials actively obstructed accountability mechanisms, and commitments made by political leaders as part of the peace process were not fulfilled in practice. Torture and other ill-treatment



in police custody remained widespread. Ethnic, religious and gender discrimination went largely unchallenged. Violence against women and girls persisted.”¹¹

Sikh Civil & Human Rights: Of the Sikhs living in Nepal about 90 percent are involved in the transport business and the others sell automobile spare parts.¹² They live in Dhangadi, Birgunj, Palpa, Syangja, Butwal, Bhairahawa, Pokhara, and Janakpur, where branches of the then New Road-based Nepal Public Motor Service were established.¹³ About 80 Sikh families reside in Kathmandu, many of them in Kupondol, close to the gurudwara.¹⁴ Every Saturday, they congregate there to help with the community kitchen, and to listen to bhajans, kirtan, and readings from the Guru Granth Sahib.¹⁵

Sikhs have been able to enjoy religious freedom, although the instability in the country has widely impacted the Sikh community as well. While the number of strikes has gone down, the scattered strikes that still continue have paralyzed the general country life, and specially have had adverse impacts on the businesses.¹⁶ These strikes abrupt vehicular movement; the Sikh community in Nepal is largely involved in the transport business and these strikes have had significant negative impact of their ability to freely conduct trade. In 2012, Nepal has already faced 19 strikes that have been in protest of oil price hikes, delays in finalizing the Constitution, excessive police force over civilians and so forth. Thus, it is likely that Sikhs who are trading in automobile parts have faced serious backlashes from these strikes.¹⁷

¹ U.S. DEPARTMENT OF STATE, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, BACKGROUND NOTE: NEPAL (2011), <http://www.state.gov/r/pa/ei/bgn/5283.htm> [hereinafter “U.S. DEPT. OF STATE BACKGROUND”].

² *Id.*

³ U.N. STATISTICS DIVISION, POPULATION BY RELIGION, SEX, URBAN/RURAL RESIDENCE AND PERCENTAGE: EACH CENSUS, 1985-2004 (June 30, 2006), http://unstats.un.org/unsd/demographic/products/dyb/dybcensus/V2_table6.pdf.

⁴ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2011 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: NEPAL, <http://www.state.gov/documents/organization/160061.pdf> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

⁵ CIA, *supra* note 1.

⁶ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2011: NEPAL, <http://www.state.gov/documents/organization/171758.pdf> [hereinafter, IRF 2011].

⁷ U.S. DEPT. OF STATE HR 2011, *supra* note 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD'S HUMAN RIGHTS, <http://www.amnesty.org/en/region/nepal/report-2011>

¹² THE SIKHS OF NEPAL, http://www.sikhiwiki.org/index.php/The_Sikhs_of_Nepal

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Jagran Post, <http://post.jagran.com/Strike-cripples-normal-life-in-Nepal-1324292910>

¹⁷ Nepal Bandh, <http://www.nepalbandh.com/day.php?date=20120121>

NETHERLANDS

Head of State: Queen Beatrix

Head of government: Mark Rutte

Population: 16, 723.07

Sikh population: 12, 000 (<0.05%)¹



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 Netherlands is a constitutional monarchy with a democratic government. The Queen has a symbolic role as the head of state. The real decision-making takes place within the government, which needs the support of at least the majority of the parliament to implement its policy. Every four years the representatives of the parliament are elected by the society. These elections empower the public to influence the policy of the government through their chosen representatives.

General Civil & Human Rights: The first chapter of the Dutch Constitution embodies the rights of all individuals within the Dutch territory. The first article herein entails the ban on discrimination. According to this article all individuals should be treated equally, without distinction on grounds of religion, belief, political preferences, race, gender or any other ground.

This ban is absolute, which means that the government cannot deviate from this right. Other provisions that are important for the protection of minorities are the 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, particularly the Supreme Court and the Dutch Equal Treatment. The Dutch Equal Treatment Commission is an independent organization that is established to monitor compliance with the Dutch Equal Treatment Laws.² 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.³ Every individual who believes he/she was subjected to treatment contrary to the Dutch Equal Treatment Law 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 in court procedures.

International Law is also of great importance for the protection of human rights. Since Article 120 of the Dutch Constitution prohibits Judges to examine whether national law in conformity with the human rights provisions embodied in the Dutch Constitution, international law can play an important role: on grounds of article 93 jo. 94 of the Dutch Constitution, international law provisions that can provide 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 of Economic, Social and Cultural Rights (ICESCR). If a court finds that a national law breaches, for example, a provision of the European Convention of Human Rights, the national law will be inapplicable.

Individuals from minorities 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 countries. Unfortunately, the result of the latest elections of the Dutch parliament (2010) showed that the public opinion towards minorities and migrants has become more conservative. The PVV, a party led by Geert Wilders and famous for its conservative opinion towards minorities (especially towards Muslims), entered the parliament and had influenced the policy of the governments towards minorities. This has made the government's approach towards minorities more stringent: this year (2012) the government, for example, adopted a law which bans burkas from the streets.⁴

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

KAKKARS

With regard to the turban, the Dutch approach towards Sikhs has been reasonable. Sikhs are protected by the ban on religious discrimination and did not have to face many problems. However, after 9/11 the Dutch approach towards religious minorities (especially Muslims) has strongly changed. People have become more conservative and the 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 due to this confusion. The lack of education on the Sikh religion has been the main cause these incidents occurred.

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 rule if it is necessary for the protection of the specific identity of the school, and if the rule is based on a permanent policy.⁵ 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 restrict the access to these special schools for turban wearing children.

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 to wear 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 wearing a turban, is therefore not allowed.⁶ This rule threatens the religious identity of working as police officials 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 value. In this case a Sikh Man was suspended from his job because he was wearing a turban and a *Kirpan* at his 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: according to the Commission the decision of the hotel to dismiss the Sikh man because of his turban and *Kirpan* was discriminatory as the *Kirpan* is not a weapon and was not worn visibly. Therefore, there was no threat to the other staff members and the hotel guests.⁷ 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 statement permits Sikhs to wear the *Kirpan*, except in certain places mentioned under Article 2.5 of the Dutch “*Algemene Plaatselijke Verordening*”. In practice, Sikhs carrying the *Kirpan* are advised to carry a copy of the statement.⁸

¹ 2012 Official Statistics: Dutch Central Bureau of Statistics, on WWW <<http://www.cbs.nl/nl-NL/menu/themas/bevolking/cijfers/extra/bevolkingsteller.htm>>

² See: <http://www.cgb.nl/english/legislation>

³ *Id.*

⁴ <http://www.ad.nl/ad/nl/1012/Binnenland/article/detail/3140923/2012/01/27/Boerkaverbod-Nederland-is-een-feit.dhtml>

⁵ <http://napnieuws.nl/2011/09/16/hoofdhoek-in-de-schoolk Luis/>

⁶ http://content1d.omroep.nl/40107fe566ae24a1d98e45ae6c3ad81d/4f5a267d/nos/docs/130711_gedragscode.pdf

⁷ http://www.cgb.nl/oordelen/oordeel/216865/ontslag_sikh_wegens_dragen_tulband__baard_en_dolkje_in_strijd_merit_de_wet

⁸ Statement can be found at; <http://www.sikhs.nl/downloads/Nederlands/KirpanVergunning.pdf>

NEW ZEALAND

Head of State: Queen Elizabeth II, represented by Governor General Lt Gen Sir Jerry Mateparae (since 31 August 2011)¹

Head of government: Prime Minister John Key (since 19 November 2008); Deputy Prime Minister Simon William English (since 19 November 2008)²

Population: 4,327,944 (July 2012 est.)³

Sikh population: 0.2%⁴

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: Parliamentary democracy and a Commonwealth realm law system, based on English model, with special legislation and land courts for the Maori⁵

The monarchy is hereditary; governor general appointed by the monarch; following legislative elections, the leader of the majority party or the leader of a majority coalition usually appointed prime minister by the governor general.⁶

Religious Demography: Protestant 38.6% (Anglican 13.8%, Presbyterian, Congregational, and Reformed 10%, Christian (no denomination specified) 4.6%, Methodist 3%, Pentecostal 2%, Baptist 1.4%, other Christian 3.8%), Roman Catholic 12.6%, Maori Christian 1.6%, Hindu 1.6%, Buddhist 1.3%, other religions 2.2%, none 32.2%, other or unidentified 9.9% (2006 Census).⁷

General Civil & Human Rights: In 2010 Secretary of State Hillary Clinton visited New Zealand and signed the “Wellington Declaration” with New Zealand Foreign Minister Murray McCully. The Declaration reaffirmed the close relationship between the United States and New Zealand in the military and governmental cooperation areas.⁸



The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Most conflicts between religion and the government are due to employers requiring labor on religious holidays.⁹

ABUSE OF INDIGENOUS PEOPLE

The government of New Zealand is often criticized for the abuse it committed against the indigenous populations in the past. The government has taken steps to acknowledge the disparities among its non-indigenous population and its indigenous population through its support of the UN Declaration on the Rights of Indigenous Peoples.

Sikh Civil and Human Rights: Attacks on Sikhs generally are limited, however, some do occur. After the Terrorist attacks in the United States in 2001, New Zealand authorities began to wire tap Sikh places of worship and some extremist organizations threatened physical assaults on the Sikh community, mistaking them for terrorists. Incidents of verbal abuse and intimidation occurred throughout the country.¹⁰ Yet, in 2008, the first Sikh Police Officer to wear a turban was admitted into the academy.¹¹ In November of 2008, Kanwaljit Singh Bakshi became the first Sikh to hold a seat as a member of New Zealand's Parliament,

The Sikh community has played a strong role in limiting the increasing domestic violence throughout New Zealand. Identifying with a growing problem occurring in New Zealand the Sikh community has donned an initiative to education woman and families about domestic abuse and other issues that ethnic minorities may face.¹² In addition the growing Sikh community in the country has established an expanding network to educate and unite Sikhs throughout the country. This unity demonstrates the strength of the Sikhs community within New Zealand and with each other.¹³

¹CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011: NEW ZEALAND (2011) [hereinafter "CIA"].

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

² CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/nz.html#top>

³ CIA <https://www.cia.gov/library/publications/the-world-factbook/geos/nz.html#top>

⁴ THE ASSOCIATION OF RELIGION DATA ARCHIVES ["ARDA"], NEW ZEALAND (2011),

http://www.thearda.com/internationalData/countries/Country_163_2.asp.

⁵ ARDA. http://www.thearda.com/internationalData/countries/Country_163_2.asp.

⁶ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/nz.html#top>

⁷ CIA. <https://www.cia.gov/library/publications/the-world-factbook/geos/nz.html#top>

⁸U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2010: NEW ZEALAND (Nov. 17, 2011), [hereinafter "IRF 2011"].

<http://www.state.gov/r/pa/ei/bgn/35852.htm>

⁹ IRF 2011. <http://www.state.gov/j/drl/rls/irf/2010/148888.htm>

¹⁰ Paritosh Parasher, "Now New Zealand Sikhs target of racial attacks"
Indo-Asian News Service. <http://www.rediff.com/us/2001/sep/21ny5.htm>

¹¹ “First Turbaned Police Officer of New Zealand” *Sikh Centre’s Weblog*. (2008)

<http://sikhcentre.wordpress.com/2008/09/15/first-turbaned-police-officer-of-new-zealand/>

¹² “Shakti News Letter” *Shakti Community Council*. (2012) <http://www.shakti.org.nz/newsletter.html>

¹³ *British Organization of Sikh Students*. (2012).

http://www.boss-uk.org/index.php?option=com_content&task=section&id=4&Itemid=29

PAKISTAN

Head of State: President Asif Ali ZARDARI¹

Head of government: Prime Minister Sved Yousuf Raza Gilani²

Population: 190,291,129 (July 2012 est.)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: **Yes**

Government Structure: Pakistan is a Federal Republic with 3 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 Shari'a Court. The legal structure is a common law system with Islamic influence⁴

Religious Demography: The religious demography is approximately 95% Muslim composed of 75% Sunni and 20%, and 5% other (includes Christian and Hindu). The ethnic demography of Pakistan according to the U.S CIA is approximately 44.68% Punjabi, 15.42% Pashtun (Pathan), 14.1% Sindhi, 8.38% Sariaki, 7.5 % Muhajirs, 3.57% Balochi, and 6.28% other ethnicity.⁵



General Civil & Human Rights: Although there is a set of laws outlining human rights, police enforcement and government officials sometimes do not uphold these regulations, especially in circumstance when minorities are at the forefront of the conflict. Legislation also targets minorities negatively; many laws discriminate against religious minorities because the law is based on Islamic influence.

In light of these particularly severe violations, USCIRF again recommends in 2011 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the U.S. State Department has not followed that recommendation.

Most of the countries daily activities and citizens way of life surround religious participation and beliefs. Most citizens are Muslims and pray daily. Due to political unrest throughout the country, education of secular subjects is limited. The teachings are limited to instruction that emphasizes the importance of secular subjects and reduce extremist recruitment. Further, information is limited to domestic influences. Yet, there are still instances where extremist views and terrorists infiltrate the schools.

Terrorist attacks in the country are prevalent as well. Usually attacks occur at places of worship and increasing tension continues between religious groups. In 2011, about 500 Hindu's were forced to seek political asylum in India. These situations emerged after they were targeted by Jihadists supported by Pakistan's spy agency ISI.⁶ According to Basant Lal Gulshan, Balochistan's Minorities Affair Minister 'forty-one Hindus were abducted during the past three years and four more were killed when they resisted kidnapping attempts.'⁷ Under pressure from Muslim attacks, many Hindus have given in and converted to avoid the abuse.

In March 2011, Taliban gunmen shot dead Pakistan's minorities minister Shahbaz Bhatti, an advocate of reform for the country's blasphemy laws. Bhatti's murder was second to the assassination of Punjab governor Salmaan Taseer in January 2011. Both were outspoken advocates of human rights and blasphemy laws.

Currently, tensions between the governments of Pakistan and the United States escalated after the United States found and killed Osama Bin Ladin in a late night CIA operation. Osama was found in a massive compound outside the country's capital. The Pakistani government expressed anger because President Obama did not notify Pakistani forces that the operation would occur. On the other hand, American officials question the Pakistani government's failure to know that Osama was stations so close to an army compound. In November 2011, the relationship was strained even more when the US army accidentally killed 24 Pakistani soldiers in a drone strike on the Pakistani border.

Sikh Civil and Human Rights: Since 2009 the prosecution of Hindus and Sikhs in Pakistan has risen. In 2010, Sikh communities were attacked and told to convert or be kidnapped or fined. The experience of Sikhs in Pakistan has gotten worse as time goes on.



Photo : 2010 A Sikh delegation comprising leaders of various jathas met Pakistan Prime Minister Yusuf Raza Gilani in Lahore during the birthday anniversary celebrations of Guru Nanak Dev, the first spiritual leader of the community¹

“At the time of Partition of India in 1947, there were somewhere between 20 to 24% Hindus and Sikhs in Pakistan. They were forced to convert to Islam or leave the country.

In the last 63 years Hindus and Sikhs have been ethnically cleansed from Pakistan.”⁸ Many face forced conversion, kidnapping, or death if they remain in the country. At the hands of the Taliban, Sikhs either remain in Pakistan in fear or leave their homes.

Increasing Terror: Increasing number of Jihadists united in 2011 to oppose amendments to the country’s blasphemy laws. They openly threatened to kill individuals. In response minority religious groups appealed to the Indian government for help from persecution.⁹

Sikh Population by Province and City

Province	Sikh Population
Punjab	ca. 5,000
North West Frontier Province	ca. 10,000
Baluchistan	ca. 2,500
Azad Kashmir	unknown
Sindh	ca. 6,000

Sikhs are safer than Hindus in Pakistan; however, they still suffer from significant discrimination and threats on their life. Yet, Sikhs are still willing to get baptized. Those Sikhs who remain in Pakistan are devout and willing to take their chances. Sikhs continue to try to work with the government to get solidify their human rights. For example in 2008 the first Sikh in 58 year history was admitted into the Pakistan Army.



Photo : 2008 Lt Hercharn Singh a first Sikh cadet of Pakistan's Army shakes hands with PM, Pakistan

While Sikh Pakistanis have made strides in their equality their experience is distinct from the experience of many minorities including Hindus. Yet, while Sikhism is recognized and sometimes admired by Pakistanis as long as there are extremists in control and the government has limited power to enforce regulations, Sikhs cannot live freely or without fear.

When security forces launched its Fifth Operation in BARA Tehsil of Khyber Agency, thousands of IDPs migrated to safer areas and about 60 Sikhs families also displaced and taken shelter with host communities in Peshawar and *Gurudwara Sri Panja sahib*.

On 17 October 2011 in the Khyber Agency during fighting between the security forces and militants, many mortar shells were fired from both sides and



UNITED SIKHS providing aid in Pakistan

one of the shells landed on the shops of two Sikh tribesmen, Satnam Singh and Sardar Singh in Shalobar Chowk of BARA market in Khyber Agency. Satnam Singh died on the spot but Sardar Singh was seriously injured and admitted in near hospital and later on he also died in hospital.

Another shell also hit the houses of Amarjeet Singh, ex-agency councilor and leader of the minority Sikh community in Kalanga area in Bara and Sardool Singh some of his family members injured but it did not cause any human loss.^[10]

The education of displaced families is seriously affected, as education is one of the issues that are most important for all human beings. It provides nations a chance to improve the destiny of their people and rise from abyss of poverty and violence. It is the pathway to prosperity and affluence. Unfortunately, it is education that has been targeted in FATA, an area that was already drowned in squalor and poverty and Khyber Pakhtunkhwa (NWFP). Sikh of FATA and Khyber Pakhtunkhwa are a targeted tiny minority

In short, the government of Pakistan has failed to adequately protect religious minorities against widespread discrimination, killing, kidnapping, harassment, and targeted violence.

¹CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2011: PAKISTAN (2011),
<https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html> [hereinafter "CIA"].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Kumar, Dr. Radhe, "Indian American Intellectuals Forum." *Faith Freedom (2011)*
<http://www.faithfreedom.org/articles/persecution-by-islam/appeal-to-save-hindus-and-sikhs-and-christians-from-extinction-in-pakistan/>

⁷ Kumar, Dr. Radhe.
<http://www.faithfreedom.org/articles/persecution-by-islam/appeal-to-save-hindus-and-sikhs-and-christians-from-extinction-in-pakistan/>

⁸ *Id.*

⁹ *Id.*

¹⁰ http://www.sikhiwiki.org/index.php/Sikhism_in_Pakistan

SINGAPORE

Head of State: Tony Tan Keng Yam

Head of Government: Lee Hsien Loong

Population: 5,353,494

Sikh Population: 12,000 – 15,000¹



Sikhism Recognized by the State as a Distinctive Religion: **Yes**²

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 in which the People’s Action Party (PAP) overwhelmingly dominates the political scene. Although opposition parties exist and the recent parliamentary elections were generally fair, PAP still places formidable obstacles in the path of opponents.³

Religious Demography: Buddhist 42.5%, Muslim 15%, Christian 15%, Taoist 8.5%, Hindu 4%, other religious groups (Sikh, Jewish, Zoroastrian, and Jain) less than 1%.⁴

General Civil & Human Rights: Although freedom of speech is a constitutional right, the government has significantly restricted freedom of speech and of the press in practice. With respect to citizen’s right of freedom of speech, the government effectively restricts the ability to speak or demonstrate freely in public to only a single location called Speakers’ Corner, which is only open to citizens and permanent residents with valid ID cards. With respect to freedom of the press, the government exercised intimidation and pressure to conform to the elected leadership, which resulted in self-censorship among journalists.⁵

Government leaders used defamation lawsuits or threats of such actions to discourage public criticism and intimidate press.⁶ In March, the *International Herald Tribune* newspaper apologized and paid fines for a defamation claim in relation to an article on political dynasties which included the names of former Prime Minister Lee Kwan Yew and Prime Minister Lee Hsien Loong in a list of families occupying high positions in Asia.⁷

One of the most prevalent human rights violations in Singapore is the practice of caning. The law mandates caning, in addition to imprisonment, as punishment for approximately 30 offenses, including rape, robbery, vandalism, and drug trafficking. All men and women between ages 16 and 50 are subject to caning. Last year, 3,170 convicted persons were sentenced to judicial caning, and 98.7 percent were carried out. The caning officer delivers the strokes using the whole of his body weight.⁸

Singapore is a destination country of men, women, and girls subjected to sex trafficking and forced labor. There are over 1.1 million foreign workers in Singapore, who make up one-third of the country's total labor force. Many foreign workers face deception and fraud by recruiters about the ultimate nature of their employment or salary. Foreign workers also reported confiscation of their passports, restrictions on their movements, illegal withholding of their pay, threats of forced repatriation without pay, or physical or sexual abuse.⁹

Although the Constitution protects freedom of religion, the government and other laws restrict this right.¹⁰ The Maintenance of Religious Harmony Act (MRHA) authorizes the government to issue a restraining order against any leader of a religious group who creates hostility between different religious groups or expressing dissatisfaction with the government.¹¹ Encouragement of religious harmony and toleration is also part of the official primary and secondary public school curricula. The government does not permit religious instruction in public schools.¹²

There is a certain degree of religious preference. The government maintains a semiofficial relationship with the Muslim community through the Islamic Religious Council of Singapore (MUIS), who advises the government on concerns of the Muslim community. The Constitution states that the Malays are "the indigenous people of Singapore" and requires the government to protect and promote their political, educational, religious, economic, social, cultural, and linguistic interests.¹³

Sikh Civil & Human Rights: The government generally respects religious freedom in law and in practice, while maintaining various efforts to achieve religious harmony. There were no reports of societal abuses or discrimination based on religious affiliation, belief or practice. A nongovernmental Inter-Religious Organization (IRO), which traced its origins to 1949, brought together leaders of the 10 religious communities with the most adherents in the country, including Sikh, to foster friendship and mutual respect among religious groups.¹⁴

ARTICLES OF FAITH

Sikhs have generally enjoyed religious freedom, have not been subject to societal discrimination, and the government permits and respects the Sikh articles of faith, particularly the *dastaar* (turban). For example, the government of Singapore has long exempted the Sikhs from wearing

crash helmets when riding motor cycles.¹⁵ They have been allowed to wear turbans as their only headgears.¹⁶ Although in 2002, *hijab* (Muslim headscarf worn by women) was banned in order to foster religious harmony, this ban did not extended to Sikh turbans or other religious head coverings.

¹ Raman Iyer, *Sikhs in Singapore: Turbanators with Rich Tradition of Donning Uniform*, last accessed on March 12, 2012, <http://www.topnews.in/law/sikhs-singapore-turbanators-rich-tradition-donning-uniform-254324>.

² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, JULY-DECEMBER, 2010 INTERNATIONAL RELIGIOUS FREEDOM REPORT: SINGAPORE (Sep. 13, 2011), http://www.state.gov/j/drl/rls/irf/2010_5/168374.htm [hereinafter “IRF 2011”].

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2010 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: SINGAPORE (April 8, 2011), <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154401.htm> [hereinafter “U.S. Dept. of State HR 2011”].

⁴ IRF, *supra* note 3.

⁵ *Id.*

⁶ *Id.*

⁷ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2011: THE STATE OF THE WORLD’S HUMAN RIGHTS, <http://www.amnesty.org/en/region/singapore/report-2011> [hereinafter “Amnesty 2011”].

⁸ *Id.*

⁹ U.S. DEPARTMENT OF STATE, SECRETARY FOR CIVILIAN SECURITY, DEMOCRACY AND HUMAN RIGHTS, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, TRAFFICKING IN PERSONS REPORT 2011: SINGAPORE, <http://www.state.gov/documents/organization/164457.pdf> [hereinafter “Trafficking in Persons Report 2011”].

¹⁰ IRF, *supra* note 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Gurmit Singh, *Sikhs and their Turban*, <http://www.sikhmarg.com/english/sikh-turban.html>.

¹⁶ *Id.*

SOUTH AFRICA

Head of State: Jacob Zuma

Head of Government: Jacob Zuma

Population: 48,810,427

Sikh Population: 4,000¹



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: South Africa is a multiparty parliamentary democracy in which Constitutional power is shared between the president and the parliament.² In April 2009, the country held a largely free and fair national election in which the ruling African National Congress (ANC) won 65.9 percent of the vote and 264 of 400 seats in the National Assembly, which then elected ANC President Jacob Zuma as the country's president.³ There are three branches of the government. The executive branch consists of the president who is elected to a 5-year term by the National Assembly.⁴ The Legislative branch is made up of two chambers: National Assembly elected by a system of proportional representation, and National Council of Provinces consisting of 90 delegates (10 from each province) and 10 nonvoting delegates representing local governments.⁵ The Judicial branch is made up of Constitutional Court (which interprets and decides constitutional issues) and Supreme Court of Appeal (which is the highest court for interpreting and deciding all other matters).⁶

Religious Demography: Protestant 36.6% (Zionist Christian 11.1%, Pentecostal/Charismatic 8.2%, Methodist 6.8%, Dutch Reformed 6.7%, Anglican 3.8%), Catholic 7.1%, Muslim 1.5%, other Christian 36%, other 2.3%, unspecified 1.4%, none 15.1%.⁷

General Civil & Human Rights: In South Africa, police use of lethal and excessive force, including torture, against suspects and detainees, results in numerous deaths and injuries.⁸ One reason is that the country has a high crime rate, and criminals are often better armed than police.⁹ According to the government Independent Complaints Directorate (ICD), there were 294 deaths in police custody and 566 deaths as a result of other police action last year.¹⁰ Police officers also reportedly tortured, beat, raped, and otherwise abused suspects.¹¹ Corroborated cases of torture

included the use of electric shock and suffocation.¹² In April 2011, images of the brutal, public murder by the police of Andries Tatane during a peaceful protest in Ficksburg to demand better service delivery elicited public ire regarding police brutality.¹³

The Constitution provides for freedom of speech and of the press, and the government generally respected these rights.¹⁴ However, several laws remained in effect that posed a potential threat to media independence.¹⁵ Following year-long deliberations, the Ad-Hoc Committee on the Protection of Information Bill tabled a new draft for parliamentary approval in September 2011.¹⁶ The bill is designed to regulate classification procedures of state information and proposes prison sentences of 15 to 20 years for publishing information deemed to threaten national security.¹⁷ Public engagement on the bill has been vociferous, with civil society arguing that, if promulgated, the bill would silence the media and whistleblowers and condone overreaching state secrecy.¹⁸

Rape and domestic violence remain serious problems in the country. There were 55,097 cases of rape and indecent assaults during the year of 2009-2010.¹⁹ According to NGOs, about one in four women are in an abusive relationship, but few report it.²⁰ Pregnancy-related deaths are pervasive, with HIV play a role in many of the cases.²¹

The Constitution and other laws and policies protect religious freedom, and in practice, the government generally enforced these protections.²²

Sikh Civil & Human Rights: The South African Constitution provides extensive protections for civil liberties and religious freedom.²³ Sikhs in South Africa are able to practice Sikhism freely and have not experienced societal discrimination based on their identity, culture or articles of faith. In February 2010, Gurudwara Sahib, the first Sikh temple in Cape Town, was established and started functioning.

¹ Wikipedia, the free encyclopedia: Sikhism by Country (last accessed Mar. 14, 2012)
http://en.wikipedia.org/wiki/Sikhism_by_country.

² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2010 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (Apr. 8, 2011) <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154370.htm> [hereinafter “U.S. DEPT. OF STATE HR 2011”].

³ *Id.*

⁴ U.S. DEPARTMENT OF STATE, BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE: SOUTH AFRICA (Jan. 30, 2012) <http://www.state.gov/r/pa/ei/bgn/2898.htm> [hereinafter “Background Note”].

⁵ *Id.*

⁶ *Id.*

⁷ CIA World Fact Book, *supra* note 1.

⁸ U.S. DEPT. OF STATE HR 2011, *supra*, note 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Human Rights Watch, World Report 2012: South Africa,

<http://www.hrw.org/world-report-2012/world-report-2012-south-africa> [hereinafter “HRW 2012”].

¹⁴ U.S. DEPT. OF STATE HR 2011, *supra* note 3.

¹⁵ *Id.*

¹⁶ HRW 2012, *supra* note 14.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ U.S. DEPT. OF STATE HR 2011, *supra* note 3.

²⁰ *Id.*

²¹ HRW 2012, *supra* note 14.

²² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, JULY-DECEMBER, 2010 INTERNATIONAL RELIGIOUS FREEDOM REPORT (Sep. 13, 2011)

http://www.state.gov/j/drl/rls/irf/2010_5/168431.htm [hereinafter “IRF 2011”].

²³ *Id.*

²⁴ Harpreet Singh, *New Gurudwara Sahib in Cape Town, South Africa (Mar. 4, 2010)*

<http://www.sikhnet.com/news/new-gurudwara-sahib-cape-town-south-africa>.

SPAIN

Head of State: Juan Carlos I

Head of Government: Mariano Rajoy

Population: 47,190,493

Sikh Population: 9,000¹

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 democracy headed by a constitutional monarch.² The country has a bicameral parliament: the General Courts (National Assembly), and the Senate.³ The head of the largest political party or coalition is usually named to head the government as president of the Council of Ministers, the equivalent of a prime minister.⁴ In 2010, the country's real estate bubble started to collapse, which led to the defeat of the previous president, José Luis Rodríguez Zapatero from the Spanish Socialist Workers Party in the November 2011 election.⁵ The government is currently led by President Mariano Rajoy from the Popular Party.⁶

Religious Demography: The religious demography of Spain is 73.2% Roman Catholic (although 53.1% of these persons stated that they almost never attend mass), less than 10% other Christian (including Protestant and evangelical denominations, etc), and less than 10% other religious groups (including Islam, Judaism, Buddhism, Hinduism, and the Bahai Faith).⁷ There are about 9,000 Sikhs living in Spain.

General Civil & Human Rights: Human rights have been well protected despite instances of abuse of power by the authorities. A wide variety of domestic and international human rights groups generally operated without government restriction.⁸ There are allegations of torture and other ill treatment by law enforcement officials, but no measures were taken to compile and publish data on cases that have involved violations of human rights of people in police custody.⁹

As a member of the European Union, Spain, in addition to other EU member nations, failed to

protect fundamental rights of migrants, as upheaval in North Africa brought thousands of migrants and asylum seekers to European shores.¹⁰ In July 2011, one hundred migrants spent five days at sea because the governments of Spain, Italy and Malta refused to take them.¹¹ In September 2011, Spain rejected the recommendation by the Universal Periodic Review working group to sign and ratify the UN Migrant Workers Convention.¹²

The government generally respects religious freedom in law and in practice.¹³ There were some reports of societal abuses or discrimination against Jews and Muslims based on religious affiliation, but fortunately prominent societal leaders took affirmative steps to promote religious freedom.¹⁴ The authorities failed to take steps to combat discrimination against foreign nationals and to support freedom of religion.¹⁵

Sikh Civil & Human Rights: The Spanish government provides for general legal protection against religious discrimination through its laws and policies.¹⁶ However, there have been instances where Spanish police issued warnings to cut *Gurudwara* water supply.¹⁷

ARTICLES OF FAITH & RACIAL/RELIGIOUS PROFILING

On April 29, 2010, the European Union passed a regulation that requires hand searches, and discourages hand-held metal detectors if walk-through metal detectors suggest a passenger may be carrying a prohibited article.¹⁸ This regulation presents a major difficulty for turban wearing Sikhs as the walk-through metal detectors will almost always go off because Sikhs will be wearing a Kara (iron bangle).¹⁹ As a result, Sikhs are almost always required to take off their turbans, which is an integral part of the Sikh faith.²⁰

There have been several instances of discrimination against Sikhs at the airport. On March 12, 2012 at a Barcelona airport, Jaswant Singh Judge from London was denied boarding and forced to remove his turban by a Spanish security guard.²¹ In September 2011, thousands of Sikhs gathered across Europe (in UK, Italy, and Spain) to voice their concerns with challenges of the Sikh turban in some parts of Europe.²² This turban awareness event was called D-Day, abbreviation for Dastaar Day.²³ The Spanish police finally apologized to Mr. Judge and issued instructions to consider the religious feelings of Sikhs during security checks at airports.²⁴

¹ Wikipedia, the free encyclopedia: Sikhism by Country (last accessed Mar. 14, 2012)
http://en.wikipedia.org/wiki/Sikhism_by_country.

² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2010 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: SPAIN (Apr. 8, 2011) <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154452.htm> [hereinafter "U.S. DEPT. OF STATE HR 2011"].

³ *Id.*

⁴ *Id.*

⁵ Background Note, *supra* note 1.

⁶ *Id.*

- ⁷ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, JULY-DECEMBER, 2010 INTERNATIONAL RELIGIOUS FREEDOM REPORT (Sep. 13, 2011) http://www.state.gov/j/drl/rls/irf/2010_5/168340.htm [hereinafter “IRF 2011”].
- ⁸ U.S. DEPT. OF STATE HR 2011, *supra* note 3.
- ⁹ Amnesty International, Annual Report 2011: The State of World’s Human Rights, <http://www.amnesty.org/en/region/spain/report-2011> [hereinafter “Amnesty 2011”].
- ¹⁰ Human Rights Watch, World Report 2012: European Union, <http://www.hrw.org/world-report-2012/world-report-2012-european-union> [hereinafter “HRW 2012”].
- ¹¹ *Id.*
- ¹² Amnesty 2011, *supra* note 10.
- ¹³ IRF 2011, *supra* note 8.
- ¹⁴ *Id.*
- ¹⁵ *Id.*
- ¹⁶ United Sikhs, 2010 *Global Sikh Civil and Human Rights Report* 112.
- ¹⁷ UNITED SIKHS Community Voice, *Spanish Sikhs Need Urgent Help: Police Issue Warning to Cut Gurdwara Water Supply*, <http://www.unitedsikhs.org/PressReleases/COMVCE-14-10-2006-00.htm>.
- ¹⁸ Ramgarhia Sabha Southall, *Respect for Sikh Turban at European airports*, <http://www.ramgarhia.org/index.php/Latest/respect-for-sikh-turban-at-european-airports.html>.
- ¹⁹ *Id.*
- ²⁰ *Id.*
- ²¹ Spain News - Barcelona Reporter, *Police in Spain Apologises to Sikh for Removing Turban*, http://www.barcelonareporter.com/index.php?news/comments/tpolice_in_spain_apologises_to_sikh_for_removing_turban/.
- ²² The Turban Campaign, *Turbancampaign Supports D-Day: 25th September 2011: London*, <http://www.turbancampaign.com/updates/dastaar-day/>.
- ²³ *Id.*
- ²⁴ *Id.*

THAILAND

Head of State: King Bhumibol Adulyadej

Head of Government: Yingluck Shinawatra

Population: 67,091,089

Sikh Population: 30,000¹

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: Thailand is a constitutional monarchy. The king is revered and exerts strong informal influence.² The government is currently led by Yingluck Shinawatra, who won a landslide victory in July 2011 elections, offering what was hoped would be political stability in Thailand after several years of political upheaval.³

Religious Demography: The religious demography of Thailand is 94.6% Buddhist, 4.6% Muslim, and 0.1% other affiliation.⁴

General Civil & Human Rights: The government may restrict freedom of speech and freedom of the press by law to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism.⁵ Police authorities use the Computer Crimes Act and Article 112 of the Penal Code, *lese Majeste* (insulting the monarchy) to enforce censorship and persecute dissidents.⁶ Individuals charged with “*lese Majeste*” offenses are frequently denied bail, and remain in prison for months awaiting trial. In most cases, the trials are closed to the public.⁷ The Emergency Decree empowers the government to restrict print and broadcast media, online news, and social media networks.⁸ Nevertheless, the media and civil society continues to vocally criticize government authorities throughout the year.⁹

In practice, government forces occasionally arrest and detain persons arbitrarily through Martial Law and the Emergency Decree.¹⁰ Martial Law has been in place since 2006 in 31 border-region provinces and allows for detention without charge for a maximum of seven days.¹¹

The internal conflict in the ethnic Malay, where there is a Muslim majority, continued throughout the year.¹² Separatist insurgents in the loose National Revolution Front-Coordinate (BRN-Coordinate) network continued to attack civilians in the southern border provinces, carrying out almost daily bombings and attacks that caused deaths and injuries.¹³ Insurgents have planted landmines in rubber plantations to spread terror among the ethnic Thai Buddhist population and force them to relinquish ownership of the plantations.¹⁴ Insurgent groups also target teachers in public schools, whom they see as symbols of state efforts to undermine ethnic Malay Muslim identity.¹⁵

Human trafficking remains a serious and widespread problem in Thailand. Refugees are at significant risk of becoming victims of trafficking. The country has been a source, an area of transit, and a destination for victims and perpetrators of human trafficking. Many of the women and children who are trafficked into the country are forced into prostitution. Although prostitution is illegal, there is little regulation and many police officers profit and are paid off by brothels. NGOs have reported as many as 300,000 prostitutes in Thailand, many of whom were forced into prostitution to pay off their debt of bondage.¹⁶

Sikh Civil & Human Rights: There are five officially recognized religious groups in Thailand, including Sikhs.¹⁷ The Secretary-General of the Sikh Council of Thailand estimates there are up to 30,000 Sikhs. Although there are 16 Sikh temples, only 10 or 11 are active.¹⁸

RECOGNITION AS A DISTINCTIVE FAITH

Sikhs are one of the five officially recognized religious groups in Thailand, with the other four being Buddhists, Muslims, Brahmin-Hindus, and Christians. A religious organization must be accepted into one of the five existing recognized religious groups before it can be registered under the Religious Organizations Act. The Constitution protects freedom of religion, with the specific requirement that the government patronizes and protects Buddhism and other religions.¹⁹

The right to wear turban is generally respected in Thailand. Sikhs are allowed to wear their turbans while serving the army.²⁰ Also, a Sikh can drive a motorbike wearing a turban, and need not substitute it with a helmet.



***Dome of Guruwara Shri Guru
Singh Sabha in Bangkok, Thailand.***

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- ¹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, July-December, 2010 International Religious Freedom Report (Sep. 13, 2011) http://www.state.gov/j/drl/rls/irf/2010_5/168377.htm [hereinafter “IRF 2011”].
- ² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2010 Country Reports on Human Rights Practices: Thailand (Apr. 8, 2011), <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154403.htm> [hereinafter “U.S. Dept. of State HR 2011”].
- ³ Human Rights Watch, World Report 2012: Thailand, <http://www.hrw.org/world-report-2012/world-report-2012-thailand> [hereinafter “HRW 2012”].
- ⁴ CIA The World Fact Book, *supra* note 1.
- ⁵ U.S. Dept. of State HR 2011, *supra* note 3.
- ⁶ HRW 2012, *supra* note 4.
- ⁷ *Id.*
- ⁸ U.S. Dept. of State HR 2011, *supra* note 3.
- ⁹ *Id.*
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ HRW 2012, *supra* note 4.
- ¹⁴ *Id.*
- ¹⁶ *Id.*
- ¹⁶ *Id.*
- ¹⁷ IRF 2011, *supra* note 2.
- ¹⁸ *Id.*
- ¹⁹ *Id.*
- ²⁰ Thai Sikh Organization, *Understanding the Sikh Turban*, <http://www.thaisikh.org/sikhism/understandingthesikhturban.php>.

UNITED ARAB EMIRATES

Head of State: Khalifa bin Zayed Al-Nahyan

Head of Government: Muhammad bin Rashid Al-Maktum

Population: 5,314,317

Sikh Population: 50,000¹

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. The rulers of the seven emirates constitute the Federal Supreme Council, the country's highest legislative and executive body. The council selects a president and a 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, to leaders of the individual emirates, and to leaders of the federation. 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.²

Religious Demography: The religious demography of the UAE is 76 % Muslim, 9 % Christian, and 15% other (including Hindu, Buddhist, Baha'is, Sikhs, and Jews).³

General Civil & Human Rights: Although the Constitution prohibits torture and other cruel and inhuman treatment, the government and the courts still employ these practices as punishment.⁴ Sharia courts impose flogging for certain crimes; Canes are used to administer flogging, which often results in substantial bruising, welts, and open wounds on those flogged.⁵

The judiciary lacks independence, as court decisions remain subject to review by the political leadership and suffered greatly from nepotism. There is no functional separation between the executive and judicial branches. In 2011, a court acquitted a member of the ruling family Abu Dhabi, implicated by videotape for the 2004 torture of a foreign national, allegedly over a business dispute. Human rights groups decried the acquittal as a sign of the lack of judicial independence.⁶

The constitutional right to freedom of speech and press is largely restricted in practice. The law prohibits criticism of rulers and speech that may create or encourage social unrest. Journalists and editors practice extensive self-censorship for fear of government retribution, particularly since most journalists are foreign nationals and can be deported.⁷

There continues to be a problem in the government's treatment of stateless persons, refugees, and migrant workers. According to the latest statistics, foreigners account for 85% of the country's residents.⁸ There also exists a range between 20,000 to 100,000 persons without any citizenship (known as "Bidoon").⁹ Most *Bidoon* lack citizenship because they did not have the preferred tribal affiliation used to determine citizenship when the country was established. The *Bidoon* face discrimination in employment and have restricted access to medical care and education.¹⁰

Women are discriminated by law and society. The law in particular discriminates against women by granting men privileged status in matters of divorce, inheritance, and child custody.¹¹ While the law permits Islamic men to have as many as four polygamous marriages, it forbids Muslim women from marrying non-Muslim men. Domestic violence also remains a serious problem; The penal code gives men the legal right to discipline their wives and children, including the use of physical violence. Many female workers also suffer unpaid wages, food deprivation, long working hours, forced confinement, and physical and sexual abuse.¹²

Although the Constitution grants the right to exercise religious worship, in practice the government greatly restricts freedom of religion. The Constitution declares that Islam is the state religion and defines all citizens as Muslims. While the law permits Muslims to proselytize others, it prohibits proselytizing and the public distribution of non-Muslim religious literature. The legal punishment for conversion of a Muslim citizen to another religion is death. There are some reports of societal discrimination based on religious belief. There exists religiously intolerant editorials and opinions in both English and Arabic language electronic and print data.¹³

Sikh Civil & Human Rights: Sikhs currently comprise less than five percent of the population, along with Baha'i, Jews and Parsi populations. While Islam is the official religion of the country, the government generally does not interfere with other religions' practice of their faiths. There is one Sikh temple in Dubai that shares a building with one of the two existing Hindu temples. A freestanding Sikh temple is under construction in Jezebel Ali Village.¹⁴

MIGRANT WORKERS' RIGHTS

There remain serious problems with respect to the treatment of migrant workers within the country, the majority of which are from the South Asian subcontinent, many of whom are Sikh.¹⁵ Immigration sponsorship laws grant employers extraordinary power over the lives of these

workers. Immigrants have no right to organize or bargain collectively, and face penalties for going on strike.¹⁶ Although the law calls for a minimum wage, the Ministry of Labor has yet to implement it.¹⁷ In May Athiraman Kannan, a 32-year-old Indian foreman, jumped to his death from the 147th floor of the Burj Khalifa, the world's tallest building, because his employer denied granting him leave to home.¹⁸ His death was the 26th known suicide by an Indian worker in the country in 2011.¹⁹

DEATH PENALTY AND TORTURE AGAINST SIKHS

On March 29, 2010, seventeen Sikh migrant workers were sentenced to death by a *Shari'a* court in Sharjah for the alleged murder of a Pakistani man. The men were forced to reenact the murder which was then videotaped and later admitted into court as evidence, resulting in their conviction. The Sikh men have complained that they were brutally tortured for five days while in custody, during which 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*, removed and cut their *Kara's* with a hacksaw, and threw them in the garbage. Amnesty International and other human rights groups have demanded that the UAE government investigate the Sikhs claims of torture and provide the Sikhs access to evidence and a fair trial.²⁰

On September 1, 2010, local press reported that the 17 Sikhs claimed in their appeal hearing that their confessions were obtained after a severe beating from police in Dubai. Their convictions were overturned on appeal in December.²¹ A local business man from Punjab, S P Singh Oberoi, who is settled in the UAE and was the president of Indian Punjabi Society, paid 3.4 million dirhams as blood money to the victim's family and secured the release of the 17 Sikhs.

¹ WIKIPEDIA: THE FREE ENCYCLOPEDIA, SIKISM IN THE UNITED ARAB EMIRATES,
http://en.wikipedia.org/wiki/Sikhism_in_the_United_Arab_Emirates.

² U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2010 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: UNITED ARAB EMIRATES (April 8, 2011)
<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154475.htm> [hereinafter "U.S. DEPT. OF STATE HR 2011"].

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, JULY-DECEMBER, 2010 INTERNATIONAL RELIGIOUS FREEDOM REPORT (Sep. 13, 2011),
http://www.state.gov/j/drl/rls/irf/2010_5/168278.htm [hereinafter "IRF 2011"].

⁴ U.S. DEPT. OF STATE HR 2011, *supra* note 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ HUMAN RIGHTS WATCH, WORLD REPORT 2012,
<http://www.hrw.org/world-report-2012/world-report-2012-united-arab-emirates> [hereinafter "HRW 2012"].

⁹ U.S. DEPT OF STATE HR 2011, *supra* note 3.

¹⁰ *Id.*

¹¹ HRW 2012, *supra* note 17.

¹² *Id.*

¹³ IRF 2011, *supra* note 9.

¹⁴ *Id.*

¹⁵ UNITED SIKHS, 2010 GLOBAL SIKH CIVIL RIGHTS REPORT 121 (2011).

¹⁶ HRW 2012, *supra* note 17.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Sikhi Wiki: Encyclopedia of the Sikhs, *Sikhs Sentenced to Death in UAE*, last accessed on Dec. 12, 2010, http://www.sikhiwiki.org/index.php/Sikhs_sentenced_to_death_in_UAE.

²¹ U.S. DEPT. OF STATE HR 2011, *supra* note 3

UNITED KINGDOM

Head of State: Queen Elizabeth II

Head of Government: David Cameron

Population: 62,262,000

Sikh population: 600,000¹

Sikhism as a state recognized religion: Yes²

The Government and Civil Rights: The United Kingdom of Great Britain and Northern Ireland, commonly known as the UK, is a parliamentary constitutional monarchy. It is a unitary state comprising four countries: England, Northern Ireland, Scotland and Wales.



The UK is governed from its capital in London. However, Northern Ireland, Scotland, and Wales each have their own devolved national administrations in their respective capitals: Belfast, Edinburgh, and Cardiff. The UK does not have single legal system and there are three distinct legal jurisdictions: England and Wales, Northern Ireland and Scotland.

The UK is also a signatory of various UN human rights conventions such as the Universal Declaration of Human Rights. The UK is also bound by the European Convention of Human Rights and must ensure that its laws and decisions are compatible with the legislation.

The UK also has a number of domestic laws whose aim is to eliminate discrimination and promote diversity. The Equality and Human Rights Commission³, an independent statutory body, has the power to enforce these laws against organizations who do not respect them.

The Equality Act 2010⁴ prohibits discrimination on grounds of race, religion, sex or gender and provides a redress to anyone who has been discriminated against on grounds of religion.

Within the government and opposition, there are various Sikhs who are Members of Parliament⁵.

Sikhism and Civil Rights in Practice: The UK has long recognized the importance of the Sikh identity ever since it first started recruiting Sikhs into its army and actually made it compulsory for a Sikh recruit to be initiated and to wear the five Ks. During the First and Second World

Wars, Sikhs fighting under the British Crown, were permitted to wear their turbans instead of steel helmets.

Under English law, Sikhs are not only recognized as a religious group but also a race⁶ for the purpose of the Race Relations Act 1976⁷.

Sikhs have a number of specific rights and exemptions in relations to their articles of faith. In respect of the turban, Sikhs have been allowed to wear it in most professions. In situations where a turbaned Sikh has faced a problem, UNITED SIKHS has taken this up as an infringement of a Sikh's religious freedom.

The Equality Act 2010⁸ does not allow for discrimination on grounds of either religion or race and this equally applies within the private and public Sector. There is no legal impediment for Sikhs to wear the 5Ks in public places such as schools, universities, Parliament, government offices and courts. The right to wear the Kirpan, for example, is protected under s139 (5) and s139A(4) of the Criminal Justice Act 1988, which provide that it is a defense to carry a bladed article for religious reasons in public places including schools.

Last year, the Wembley Arena that had previously prevented Kirpan wearing Sikhs to attend events, announced that the Kirpan would be allowed on its premises, after receiving representations from Sikh organizations. Likewise Sikhs would be allowed to wear the Kirpan at the London Olympics and Paralympics this year. However, there continue to be cases where the wearing of the Kirpan continues to be restricted. These are mostly on grounds of security at the UK passport office, for security officers in courts and prisons and on health and safety grounds in schools. UNITED SIKHS continues to knock on the government's door to resolve these issues.

In response to the heightened need for security across European airports the European Union had introduced Regulation 185/2010 that has caused great offence to Sikhs across Europe. This regulation mandatorily requires a hand search and prohibits the use of a hand held scanner as a primary screening device. This has resulted in Sikhs being made to remove their turban at many European airports, often in humiliating and public circumstances.

In February 2011, following strong representations by Sikhs to the UK government, the latter set up a trial of new procedures across some 23 airports⁹ to study if the previous security screening procedures work just as well instead of asking a Sikh to remove his turban to do a hand search as a primary screening technique under the new Regulation 185. The trials end on 13 August 2012. The Sikh community is looking forward to the findings and hope that the UK government would be persuaded to not only revert to the previous procedure of using a hand held scanner as a primary screening technique, but also persuade other EU member states on behalf of the Sikh community who travel through other European airports.

In places, such as construction sites, turbaned Sikhs are exempt from safety helmet requirements and are specifically protected from racial discrimination in connection with such requirements¹⁰. They are also exempt from wearing a helmet whilst riding a motorcycle¹¹.

The right to wear the Kara in a school was upheld in 2008 by the High Court in the case of *Watkins-Singh, R (on the application of) v Aberdare Girls' High School & Anor*.

The human rights group Liberty, assisted by UNITED SIKHS, represented the Sikh school girl, and successfully argued that the school had breached racial and religious discrimination laws by excluding her from school for wearing the Kara.

Famous Sikhs:

Many global Sikh celebrities are of UK origin. These include the cricketer Mudhsuden Singh Panesar (also known as 'Monty'), the marathon runner Fauja Singh¹² who has earned international acclaim as being the oldest marathon runner at the age of 101. With the Olympics around the corner many Sikhs will represent Britain in 2012.¹³



*Marathon Runner Fauja
Singh*

The UK also has prominent Sikh lawyers and judges who represent them across the community. One such example is of Mr Rabinder Singh QC, who has been appointed a High Court judge.¹⁴ The first Sikh judge has also been knighted - Sir Mota Singh. There are also internationally recognized artists such as Amrit kaur and Rabinder Kaur¹⁵ who hail from the UK and have their unique paintings displayed at the London Tate Gallery, in San Francisco, Delhi, University of California and Santa Barbara.

Overall, the rights of Sikhs are generally well respected in the UK and it is yet to be seen whether UK Sikhs can be advocates to assist Sikhs who wish to travel and live in Europe respectably.

¹ http://www.vam.ac.uk/vastatic/microsites/1162_sikhs/sikhism/sikhism.htm

The 2001 census indicated this figure was approximately 336,000, however this vastly under-represented the true number see further: <http://news.bbc.co.uk/1/hi/uk/8535141.stm>

The true figure should be clarified by the 2011 census.

² Specific reference to Sikhs in various statutes e.g. Equality Act 1989, s.1156 with it.

³ *Equality and Human Rights Commission, What We Do:*

<http://www.equalityhumanrights.com/en/aboutus/whatwedo/pages/whatwedo.aspx>

⁴ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

⁵ http://articles.economictimes.indiatimes.com/2011-09-18/news/30169525_1_first-turbaned-sikh-member-sikh-member-sikh-community

⁶ *Mandla v Dowell-Lee* case [1983] 2 AC 548

⁷ <http://www.legislation.gov.uk/ukpga/1976/74>

⁸ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

⁹ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111214/text/111214w0001.htm#1112148700012>

¹⁰ Employment Act 1989, s.11(1)

¹¹ Motor-Cycle Crash Helmets (Religious Exemption) Act 1976, Section 3(2) of the Horses (Protective Headgear for Young Riders) Regulations 1992.

¹² <http://www.dailymail.co.uk/news/article-2049994/Fauja-Singh-100-smashes-world-record-oldest-marathon-runner.html>

¹³ http://www.leedsmet.ac.uk/sport/ashpal_bhogal.htm

¹⁴ <http://www.dailymail.co.uk/news/article-2047645/First-Sikh-High-Court-judge-Rabinder-Singh-QC-sworn-in.html>

¹⁵ <http://www.singhtwins.co.uk/singhtwins.co.uk/WELCOME.html>

SIKH COUNCIL UK

The Sikh Council UK was established in Dec 2010. In Nov 2011 there was a historic meeting in Paris of Sikh Gurudwaras/ Organizations representatives from across most European countries and members of the Sikh Council UK when an Accord was signed for all these Sikh institutions to work under the united banner of SCUUK when dealing with non Sikh external Agencies. UNITED SIKHS as a leading international Sikh Institute and affiliate of SCUUK is part of this exciting coming together of the Sikh community in the European arena.

UNITED SIKHS and other Sikh Institutions such as Sikh Federation UK, BSCF and others have of course been leading the multiple efforts related to Sikh issues in countries like France, Belgium and the UK. It has been an objective of SCUUK to build on these earlier efforts and achievements by creating a renewed focus on dialogue with the lawmaking bodies and enforcement agencies in Europe. The recent ruling from the United Nations and the French Governments response to this unfortunately demonstrates once again the tough challenge for Sikhs to overcome both national predispositions and what can be seen as indirect discriminatory practice within the EU.

SCUUK has strategically sought contacts at the Council of Europe through the European Commission against Racial Intolerance and is building a network of contacts in the appropriate European Commission directorate to build a dialogue of education and influence - the objective is to get into the pipeline for policy making to force change. The route of litigation is of course a resort that cannot be ruled out particularly since current precedents have not yet resolved the position of the Dastaar - the Shammy Puri case of sustained harassment at the Polish Airport again triggered by the lack of proportionate security screening processes for Sikhs shows that the Sikh Community must harness its best efforts to continue the fight constructively.

On the negotiation front SCUUK has begun to see efforts pay off. The summer of 2011 was marred for Sikhs travelling in and out of Italy particularly due to a sustained series of unpleasant confrontations between Sikh travelers and the border control agency on what had begun to look like an ethnic targeting of Dastaar wearing Sikhs. SCUUK managed to secure a meeting with the Italian Foreign Office, Interior Ministry, Border Control Agency and Airport Police which eventually resulted in revised guidelines for border control staff and a significant reduction of reported cases of confrontation.

The fundamental right under the EU Charter of Fundamental Rights to practice religion is safely enshrined - the issue for Sikhs is to continue to argue the case that secularity or concerns for security must not be allowed to interfere with a fundamental freedom if alternative remedies are available. It is clear that with all of the technologies available and advances of bio-medical scanning it ought to become easier in the future for Sikhs to more easily secure freedom of movement and freedom to practice their faith- in the meantime we must preserve our spirit to keep the dialogue open with Western Governments.

SCUUK has secured membership of the Fundamental Rights Platform which is a forum that allows the EU Agency for Fundamental Rights to engage with Civil Society. SCUUK has presented

directly at the 5th Annual meeting of this forum, the first time for a Sikh Institution. A direct outcome of this event is the network with like minded NGOs' and indeed further direct engagement with the EU Commission.

Paramjit Kaur
European and International Affairs Committee
Sikh Council UK

Paramjit Kaur

Paramjit Kaur is an Executive member of the Sikh Council UK leading on European Affairs. She is a Managing Director at JPMorgan Chase Bank responsible for global indirect taxes. She is married with three sons and based in London.

UNITED STATES OF AMERICA



Head of State: Barack Obama

Head of Government: Barack Obama

Population: 313,847,465 (July 2012 est.)

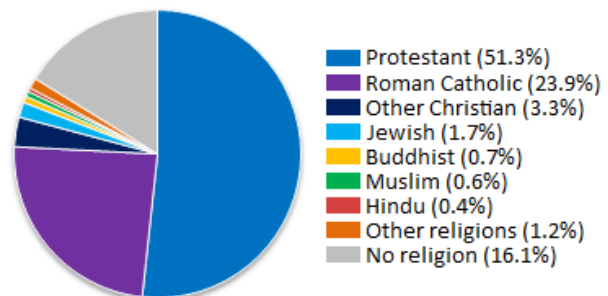
Sikh Population: 500,000 – 1,000,000¹

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.²

Religious Demography: The religious demographic composition of the United States according to the 2010 census is approximately 51.3% Protestant, 23.9% Roman Catholic, 1.7% Mormon, 1.6% other Christian, 1.7% Jewish, .07% Buddhist, 0.6% Muslim, 2.5% other or unspecified, and unaffiliated 12.1%. Self-reporting of religious affiliation by the census is voluntary.³

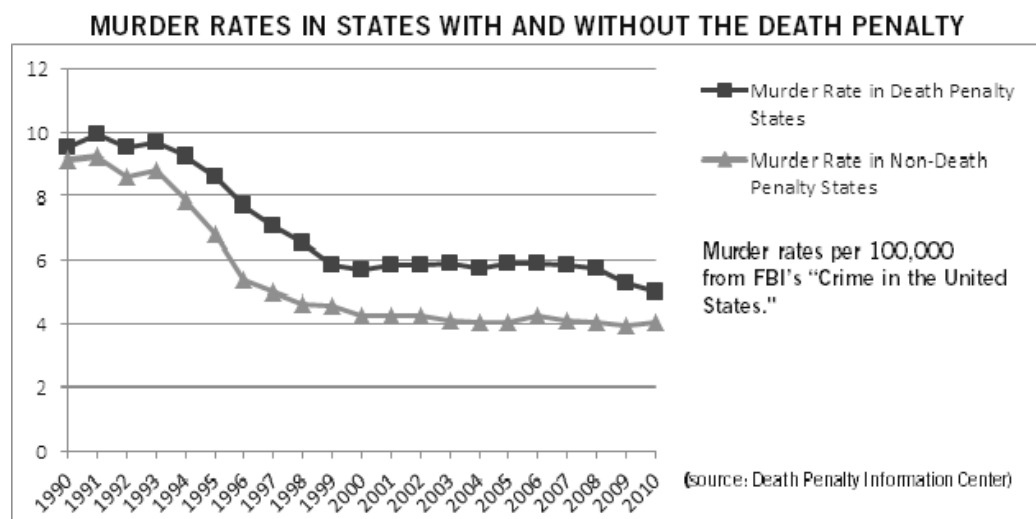


General Civil & Human Rights: Amnesty International has made the following allegations of human rights violations in its 2011 Annual Report of the U.S: lack of prisoner rights and continued detentions and prisoner abuse at Guantanamo Bay, imbalanced trials of Guantanamo detainees, detentions in Afghanistan, continued impunity for international human rights violations under the Bush Administration, excessive use of force by police officers especially against minorities, cruel prison conditions and general ill-treatment of prisoners, violence against women, laws infringing on immigrant rights, human trafficking, and continued use of the death penalty.⁴

There continues to be discrimination in the United States based of religion, socio- economic status, disability, race, and sexual orientation. The United Nations Human Rights Committee was dissatisfied in its 2010 Universal Period Review of the U.S. that a person with disabilities is only one fourth as likely to be employed as a person without disabilities; that fewer than half of African-American and Hispanic families own homes while three quarters of white families do; and that whites are twice as likely as Native Americans to have a college degree.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. Human rights issues aside, continued empirical studies show that although the death penalty is extremely expensive, it does not effectively deter criminals from committing capital offenses. Legal and economic scholars believe that the typical criminal does not properly internalize long term risks for the death penalty to be an effective deterrent. There are currently 137 inmates on “death row” awaiting execution in the United States.⁶

FBI statistics showing similar murder rates between states with and without the Death Penalty



Further, the U.S. is the only country in the world to sentence individuals to life imprisonment without the possibility of parole (LWOP) for crimes they have committed as children. On March 20, 2012 the Supreme Court heard oral arguments over the constitutionality of LWOP for teenage murders.⁷ Most legal sources, however, suggest that a change in policy will only be brought through the legislative process rather than through adjudicative means.⁸

In its 2012 Economic Freedom Report, the Heritage Foundation gave the US government a score of 71 out of 100 in its freedom from corruption index, ranking the government 22nd in the world in terms of alleged corruption. The US score dropped 4 points from last year due to a perceived increase in cronyism among politicians.⁹

Universal Periodic Review

In its 2010 Universal Periodic Review conducted by the United Nations Human Rights Committee, the international community demanded that the United States recognize and ratify a number of essential treaties concerning individual rights. The UN called upon the United States to join a majority of the world community by ratifying without reservations the following conventions and protocols: Committee on the Elimination of Discrimination against Women (CEDAW); the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Statute of the International Criminal Court; those of the ILO; the United Nations Declaration on Indigenous Peoples, and all those from the Inter-American Human Rights System.¹⁰

Sikh Civil & Human Rights: The United States continues to provide 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. Sikhs, however, continue to experience abuse and violations of their basic rights in the form of hate crimes following the September 11 terrorist attacks, racial profiling, bullying, and employment discrimination based on the physical components of the articles of faith. 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. For example, a Sikh juror in California has been told he would have to remove his *Kirpan* for jury duty. He is being forced to choose between his duty to the nation as a juror and his duty to his faith.

UNITED SIKHS has recently worked with Prometric, a technology provider, to devise a comprehensive religious accommodation policy for the Sikh *Kirpan*. In seeking to balance the

legitimate security concerns with the sincerely held religious beliefs of Sikhs, Prometric, with the assistance of UNITED SIKHS, crafted a religious accommodation policy that balanced these equally important interests and revealed Prometric's commitment to fostering an environment that safeguards religious diversity.

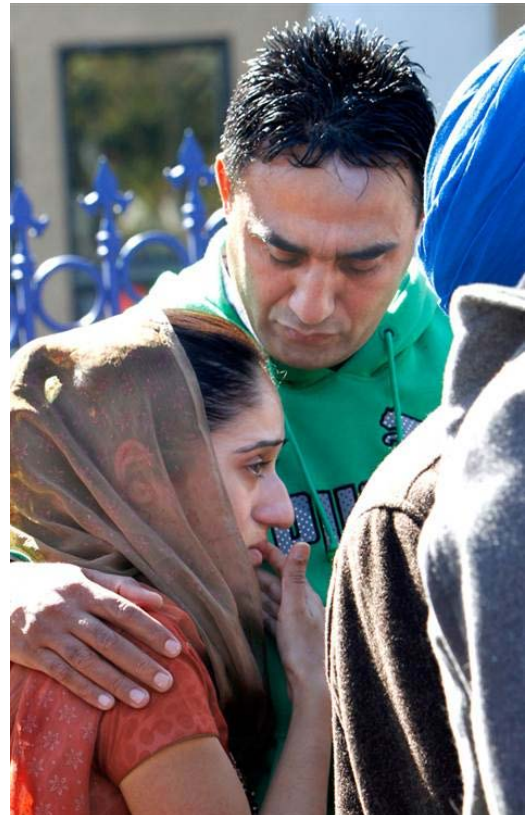
Last year Harjeetkaran Singh, an Indian student, was not allowed to enter the American Center in New Delhi because he wore a *kirpan*, even though as an Indian he has a constitutional right to wear the *kirpan*. UNITED SIKHS wrote to the US ambassador; we have yet to receive a satisfactory response and we are continuing our advocacy in the case.

UNITED SIKHS has partnered with the Equal Employment Opportunity Commission (EEOC) to provide Panjabi and Hindi translations of EEOC materials so that the Sikh community can be better informed about their rights in the workplace.

UNITED SIKHS has been working across the nation to assist Sikh employees who believe they have been discriminated against, in filing complaints with the Equal Employment Opportunity Commission and state administrative bodies.

Hate Crimes

Sikh Americans have continued to be a target of racially motivated violence and discrimination in the past decade following the September 11 terrorist attacks. The Sikh articles of faith have been the main catalyst to these bigoted attacks. 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.¹¹¹² The turban has therefore become a tangible medium for racial attacks in post-September 11th America. Sikh organizations in the U.S., however, have reported that approximately 99% of people who wear turbans in the United States are Sikh.¹³ 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



Family of Sikh man grieving for the loss of their loved one. 146

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 recent as March 7, 2011, a Sikh family in Virginia received death threats in an anonymous letter, charging the family with ties to the Taliban.¹⁴ Referred to as the Turban Family, the family was told to either leave the country or face serious consequences. There was also a tragic occurrence on March 8, 2011 where two elderly Sikh gentlemen, Surinder Singh, age 67, and Gurmej Atwal, age 78 were gunned down from a moving truck in West Sacramento California. Mr. Singh died on the spot while Mr. Atwal received serious permanent injuries. Authorities believed the shooting was a hate crime and the two Sikh men had been mistaken for Muslim.¹⁵

The FBI is currently investigating an incident of vandalism against a *Gurudwara* located in Michigan. On February 6, 2012 a *Gurudwara* under construction in Sterling Heights, Michigan was the target of vandalism; the American Moslem Bekka Center in Dearborn was also a target of the bigoted attack. The FBI is now investigating the two incidents as hate crimes; Federal hate crimes law makes it a felony to deface or destroy places of religious worship.¹⁶

In 2010, the US adopted a bill known as the Hate Crimes Prevention Act of 2009, in which the US federal government bolstered its authority to prosecute hate crimes, including those motivated by animus based on religion and race. The Act allows the Attorney General to provide federal assistance to states to investigate and prosecute violations that are motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim.¹⁷

Discrimination in the Work Place

Sikh men and women have been continually discriminated against at the American workplace due to their articles of faith. These physical components of religious practice should fall under religious beliefs that are protected by the First Amendment of the US Constitution, which protects the free exercise of religion and speech. Typically, laws that are suspected to violate the First Amendment are analyzed by the Supreme Court using a strict scrutiny standard of review. Case law had developed in the 1990s where the Supreme Court established a more relaxed standard of scrutiny in reviewing restrictions on religious attire. Specifically, in the 1990 decision *Employment Division, Department of Human Resources of Oregon v. Smith* and the 1968 case *United States v. O'Brien* the Supreme Court developed a test for content neutral laws restricting rights under the First Amendment. Many laws which regulated the dress of employees were not discriminatory on their face, so these requirements only faced relaxed

standard of scrutiny; many claims of religious discrimination were dismissed by Courts because most dress requirements could be justified as health and safety standards.¹⁸

There has been, however, a move in the other direction; new legislation and case law is moving, although slowly, towards recognizing a Sikh's right to wear articles of faith at work and the right not to be discriminated based on those articles. The Religious Freedom Restoration Act of 1993 was passed during the Clinton Administration to stop this trend of discrimination, and has now given more freedom for individuals to wear religious attire. The Act raised the level of scrutiny used by the Supreme Court in analyzing laws that restrict religious practice to a heightened level.

In addition, Title II on Public Accommodations of the Civil Rights Act of 1964 ("Title II") provides protection for Sikhs from discriminatory action by the government. Title II, however, is limited in scope and does not apply to Courtrooms or airports.¹⁹ Title VII of the Civil Rights Act ("Title VII") prohibits employers from workplace discrimination based on religion, national origin, race, color, or sex in hiring, firing, and other terms and conditions of employment. Title VII also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer.²⁰ An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work. In order to accommodate the Sikh turban on the job, the U.S. Occupational Safety and Health Administration (OSHA) has granted an exemption from citations to employers of employees who, for reasons of personal religious convictions, object to wearing hard hats in the workplace.²¹

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for protecting individuals from discrimination in the work place. Recently, the EEOC brought claims against AutoZone on behalf of a Sikh employee named Mahoney Burroughs. The EEOC charged the corporation with failing to intervene when customers referred to the employee as "Bin Laden" and made terrorist jokes. The EEOC also charged that AutoZone refused to let Mr. Burroughs, a Sikh convert, wear his turban and *kara*. Finally, the EEOC alleged that AutoZone terminated him because of his religion and in retaliation for asking for an accommodation and complaining about discrimination.²² Mr. Burroughs received a seventy five thousand dollar settlement in March 2012 from AutoZone for the violations of workplace



Mahoney Burroughs

discrimination. In addition to the monetary award, AutoZone was required to adopt a new policy on religious discrimination and train their employees on preventing discrimination.²³

On January 19, 2012 Jay Leno made a joke about Republican candidate Mitt Romney, insinuating in a “bit” that the Golden Temple of Amritsar was the candidate’s summer home. The international Sikh community, especially in India, believes the joke was an insult to their religion. The Golden Temple is an extremely holy place for Sikhs and Mr. Leno’s use of the Temple as a joke exemplifies insensitivity to the Sikh community’s beliefs.

UNITED SIKHS CASES: In 2011 UNITED SIKHS has advocated for the following Sikh employee rights cases:

- Security Firm in California
 - In California, two security guards, the only Sikhs at their work site, were without warning told not to return to the work site -under circumstances which led them to believe that they were discriminated against on the basis of their religious identity.
 - UNITED SIKHS assisted them in filing complaints at the state level (which in California is through the Department of Fair Employment and Housing) and the federal level (through the EEOC). Currently their cases are being investigated.
- Fast Food Chain in California
 - An employee at a fast food restaurant was told they must remove their turban in order to work there. Through advocacy and dialogue with the employers, the UNITED SIKHS legal team and a volunteer in California (Manpreet Singh) were able to reach an agreement in which the employee would continue to be allowed to work at that location without sacrificing her religious identity by being forced to remove her turban.
- JFK Airport in New York
 - In New York, a federal employee was told that in order to remain employed, he must remove his *kara* (religious steel bracelet). UNITED SIKHS filed a complaint with the EEOC and is currently working on resolving this case, which has completed the investigatory phase.

Sikhs in the US Military

Specialist Simranpreet Singh Lamba was granted an exception in 2011 by the U.S. Army, allowing him to wear his turban as part of his uniform. Specialist Lamba, who stated it was a lifetime goal to enroll in the army, is the first enlisted soldier to be allowed to wear his turban the U.S. in more than 30 years.²⁴ Lamba claims that he is just like any other soldier in the military, except that in garrison, he wears



a black turban with a flash on the front, similar to soldiers' berets. When Specialist Lamba in the field, he uses a camouflage under-turban that fits under his helmet.²⁵ In March of 2010, Captain Tejdeep Singh Rattan became the first Sikh officer in the U.S. army to be allowed to wear his turban in more than 25 years.²⁶ These recent examples of exceptions could be a future trend for the military, allowing Sikh men to don their articles of faith during training and in combat.

Profiling, Articles of Faith, and the TSA

Sikhs using American airports are continually being subject to racial profiling by the Transportation Security Administration (TSA). The TSA claims that current imaging technology used in airport security is unable to see through “bulky” turbans. The TSA therefore claims that secondary screening measures such as extra pat-downs or use of magnetometer are necessary. This additional screening can occur even if



Sikh sensitivity seminar at Charlotte Douglas Airport

the metal detector does not go off.²⁷ The Sikh Coalition, however, argues that

“[b]lindly singling out turbans . . . is unsafe and un-American.”²⁸ New detectors used in airports labeled Advanced Imaging Technology (AIT) have the capabilities of seeing through all types of cloth material. The secondary screening measures therefore appear to be redundant and burdensome because AIT machines were implemented to reduce the necessity for invasive body searches and pat downs.

Sikhs have the right, if selected for additional screening, to choose from whole body imaging, self pat down, or removal of the individual’s turban in a private area if necessary. If a Sikh refuses the secondary screening measures, airport security must deny transportation to a passenger. There is no religious exception to the TSA screening. TSA does not currently allow *kirpans* to be worn beyond the security area.²⁹

Prisoner Rights

Although the U.S. makes up only 4.5% of the world population, it houses almost 25% of the world’s prison population. Prisoner’s religious rights in the U.S. are protected by RLUIPA,

which protects the religious freedom of persons confined to institutions such as prisons, mental health facilities and state-run nursing homes and which was signed into law in September 2000.

In 2011, the California Department of Corrections and Rehabilitation (CDCR) agreed to amend its grooming policies to allow inmates to maintain beards in accordance with their faith after the ACLU and Sikh Coalition filed lawsuits on behalf of inmate Sukhjinder S. Basra. Mr. Basra was punished for refusing the trim his beard on religious grounds. The decision by the CDCR stands in opposition to a September 2010 court ruling, where Judge Steven McAulliffe held that inmates have no First Amendment right to grow facial hair; the court opinion stated that hygiene and security are more important than the free exercise of religious and expression. The legal director at the ACLU made the statement, “The CDCR has made the right decision to change the regulation so that inmates will not lose their right to practice their faith while they are incarcerated.”³⁰

Bullying

In the Sikh community, children continue to face harassment and bullying in schools because of their religious identity. This reflects a growing trend, as demonstrated by incidents of school bullying outlined in last year’s reports, where one student’s hair was set of fire and another’s was forcibly cut. Sikh boys have been subjected to harassment and school bullying, often at the elementary school level.

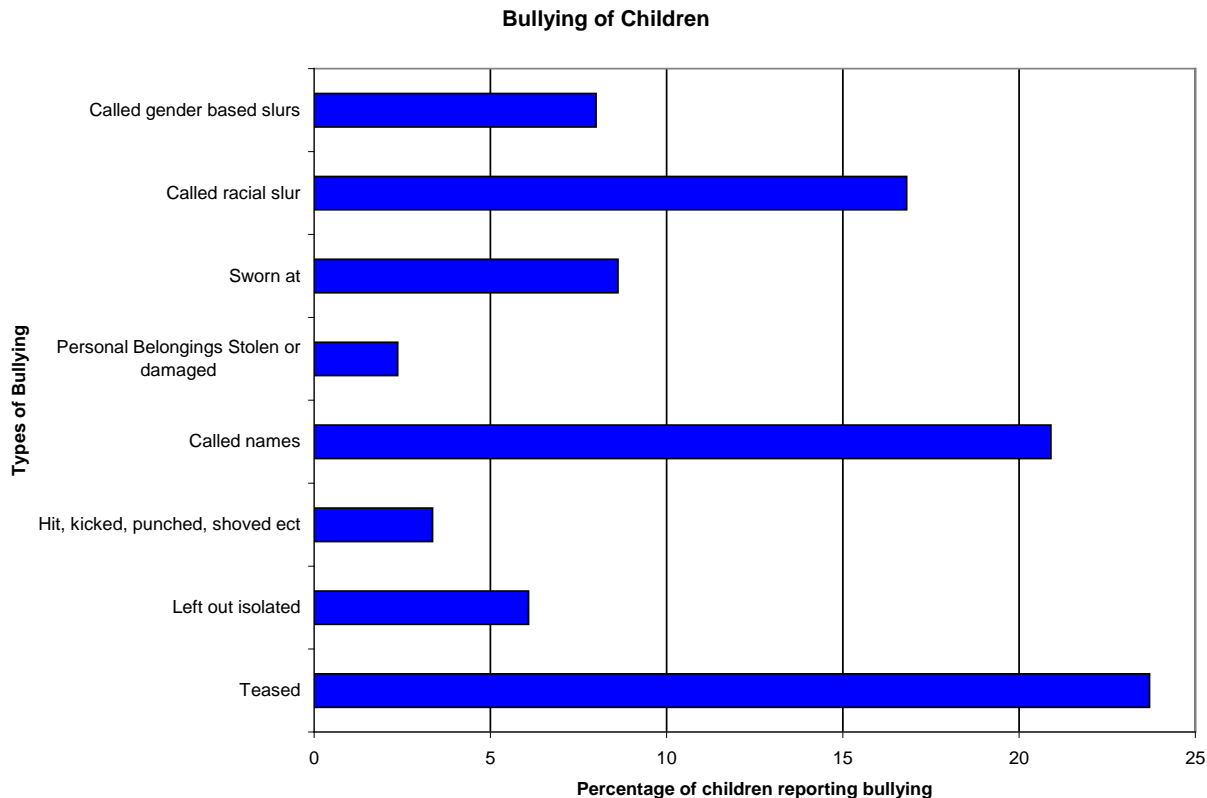
In 2010, the UNITED SIKHS undertook four projects to identify the impact of bullying on Sikh children: 1) Bullying Prevention Survey; 2) Youth Needs Assessment Focus Group; 3) Global Sikh civil & Human Rights Survey and 4) Anti-Bullying Truth Commission. The goal of these projects was to illuminate the pervasiveness of bullying in the Sikh community and the importance of addressing bullying as a civil rights issue.

On June 13, 2011, the New York City Council’s Education Committee, which is chaired by Councilman Robert Jackson, held a public hearing entitled “Hearing on Department of Education’s Efforts to Combat Bullying and Proposed Res. No. 473-A & Proposed Res. No. 474-A.” It was an oversight hearing regarding the Department of Education’s (DOEs) overall efforts to combat bullying, the implementation of the Dignity for All Students Act, and the impact of the Respect for All (RFA) program. At the Committee, Councilman Daniel Dromm mentioned that in his work as an educator he had seen a Sikh boy’s turban pulled off and he felt that the majority of bullying he saw was on the bus or after school. UNITED SIKHS urged that the committee must include in its report:

- Requirements for any data reporting to include categories for Sikhs or have generic categories where Sikhs can be identified so as to get accurate numbers on the impact that bullying is having on Sikh students.

- To require not merely reporting, but diversity training within classrooms so that the teachers will have the tools with which to address reports of bullying when they receive them.

In UNITED SIKHS most recent survey of Sikh children in the United States, there was a significant percentage of Sikh children that had been subject to bullying in public schools. UNITED SIKHS is working with education administrators to prevent bullying of Sikh children.



Census

UNITED SIKHS has petitioned the United States Census Bureau to include Sikhs as its own identification in the US Census. As of the 2010 Census, individuals who wrote down Sikh on the census were categorized as “Asian Indian.” UNITED SIKHS believes that being correctly identified, counted, and recognized by the government are central to protection and equality, and that the Sikh American community supports the idea of self-identification for the Census. Apart from getting an accurate report on the number of Sikhs in the United States, the Census data would allow the Sikh community to promote awareness. Although the State has argued that religious self reporting cannot be mandatory, UNITED SIKHS claims that a person identifying themselves as a Sikh would be declaring their ethnicity rather than religious belief; other countries such as the U.K. already recognize Sikhs as an independent and distinct ethnicity.³¹

- 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 CENTRAL INTELLIGENCE AGENCY, WORLD FACTBOOK 2012: USA (2012), <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html> [hereinafter “CIA”].
- ³ Id.
- ⁴ Amnesty International, (2011). *United States Annual report*. Retrieved from website: <http://www.amnesty.org/en/region/usa/report-2011>
- ⁵ United Nations, Human Rights Committee. (2010). *Universal periodic review*. Retrieved from website: <http://www.state.gov/documents/organization/146379.pdf> [hereinafter UN UPR]
- ⁶ Amnesty International, (2012). *Take action: Death penalty*. Retrieved from website: <http://takeaction.amnestyusa.org/atf/cf/{4abebe75-41bd-4160-91dd-a9e121f0eb0b}/DEATHPENALTYFACTS-FEBRUARY 2012.PDF>
- ⁷ Stimson, C., & Garvey, E. The Heritage Foundation, (2012). *Juvenile life sentences: Constitutionality of life without parole for teenage murderers*. Retrieved from website: <http://www.heritage.org/research/reports/2012/03/juvenile-life-sentences-constitutionality-of-life-without-parole-for-teenage-murderers>
- ⁸ Id.
- ⁹ The Heritage Foundation, (2012). *United states economic freedom report*. Retrieved from website: <http://www.heritage.org/index/country/unitedstates>
- ¹⁰ UN UPR. <http://www.state.gov/documents/organization/146379.pdf>
- ¹¹ Gohil, P. (2010). Integration or discrimination: Legal protections for the sikh turban in western nations. *Legal Protection for the Sikh Turban*,
- ¹² Gohil, N. S., & Sidhu, D. S. (2008). The Sikh turban: Post-911 challenges to this article of faith. *RUTGERS JOURNAL OF LAW AND RELIGION*, 9,2,
- ¹³ Id.
- ¹⁴ Sikh family receives death threats in us. (2012, March 07). *Press Trust of India*. Retrieved from <http://www.ndtv.com/article/india/sikh-family-receives-death-threats-in-us-183543>
- ¹⁵ HOANG, L. (2012, March 08). Mistaken for Muslims, Sikhs hit by hate crimes . *Associated Press*. Retrieved from http://www.msnbc.msn.com/id/41962756/ns/us_news-crime_and_courts/t/mistaken-muslims-sikhs-hit-hate-crimes/
- ¹⁶ Singh, R. M. (2012, February 12). Fbi joins investigation of michigan gurdwara vandalism as possible hate crime. *American Turban*
- ¹⁷ <http://freemenow.wordpress.com/2009/05/02/hate-crimes-prevention-act-of-2009/>
- ¹⁸ US Equal Employment Opportunity Commission, (n.d.). *Types of discrimination*. Retrieved from website: <http://www.eeoc.gov/laws/types/religion.cfm>
- ¹⁹ Gohil, P. (2010). Integration or discrimination: Legal protections for the Sikh turban in western nations. *Legal Protection for the Sikh Turban*,
- ²⁰ Anti-Defamation League, (n.d.). *Religious accommodation in the workplace: Your rights and obligations*. Retrieved from website: [://www.adl.org/religious_freedom/resource_kit/religion_workplace.asp](http://www.adl.org/religious_freedom/resource_kit/religion_workplace.asp)
- ²¹ Dear, J. A. U.S. Department of Labor, Occupational Safety and Health Administration. (1994). *Exemption for religious reasons from wearing hard hats* . Retrieved from website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1789
- ²² U.S. Equal Opportunity Commission, (2012). *Autozone to pay \$75,000 to settle eeoc religious discrimination lawsuit*. Retrieved from website: <http://www.eeoc.gov/eeoc/newsroom/release/3-30-12a.cfm>
- ²³ Id.
- ²⁴ Petrich, M. (2011, June 02). Sikh soldier answers lifelong calling to serve. *Northwest Guardian*. Retrieved from http://www.army.mil/article/58866/Sikh_Soldier_answers_lifelong_calling_to_serve/
- ²⁵ Id.
- ²⁶ Sikhs regain right to wear turbans in U.S. army. (2010, March 24). *NPR*. Retrieved from <http://www.npr.org/templates/story/story.php?storyId=125142736>
- ²⁷ Id.

²⁸ *Id.*

²⁹ SALDEF, (n.d.). *Know your rights: Airport screening*. Retrieved from website: <http://www.saldef.org/know-your-rights/>

³⁰ American Civil Liberties Union, (2011). *California department of corrections agrees to amend policy to allow sikh inmate to freely practice his faith*. Retrieved from website: <http://www.aclu.org/religion-belief/california-department-corrections-agrees-amend-policy-allow-sikh-inmate-freely>

³¹ 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>

2011-2012 Global Sikh Civil and Human Rights Survey

Welcome to the Global Sikh Civil Rights Survey

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

Online survey can be filled at: <http://unitedsikhs.org/globalsurvey> .

A) Personal Information

1) Location (Country and City):

2) Today is: (mm/dd/yyyy):

3) Age:

4) Gender

() Male () Female

5) Occupation:

6) On a scale of 1 – 10, how would you rate your English proficiency?

() 1 () 2 () 3 () 4 () 5 () 6 () 7 () 8 () 9 () 10

7) Contact Information:

NAME:

8) ADDRESS:

9) ADDRESS 2:

10) CITY/TOWN:

11) COUNTRY:

12) ZIP:

13) EMAIL:

14) PHONE (no dashes or spaces)

B. SIKHS IN YOUR COUNTRY:

15) What is the name and location of the Gurdwara you regularly attend, if any (Please state NA if you do not attend)

16) Have Sikhs been elected to public office in your region or country?

() Yes () No

17) If yes, please provide name and position held.

18) Are Sikhs in your country allowed to serve in law enforcement while wearing their turban?

() Yes () No

19) Do you believe that there are enough laws in your country that bring together minority populations and promote diversity?

Yes No

20) If no, please state what you believe needs to be done?

C. ARTICLES OF FAITH

21) Which Kakaars do you maintain? Please check all that apply

Kesh

Kanga

Kachhera

Kirpan

Kara

I do not maintain any Kakaars.

22) Do you wear a turban, patka, chunni or any other religious head covering?

Yes No

23) Do your children, if any, maintain Kakaars? Please check all that apply.

Kesh Kanga Kachhera Kirpan Kara

They do not maintain any Kakaars.

I do not have children

24) Do they wear a turban, patka, chunni or other religious head covering at all times/some of the time?

Yes No NA

25) Have you ever felt, or been, discriminated against for wearing any Kakaars or head covering?

() Yes () No () NA

26) If yes, please explain when?

27) Have you ever faced any of the below because of your Kakaars/head covering?

- 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

28) If other, please specify:

29) Have you ever been harassed or ridiculed by a law enforcement officer, this can include; stop and search, questions regarding immigration status, race, religion, political affiliation?

() Yes () No

30) If yes, please describe your experience with law enforcement officials:

31) 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

32) If yes, 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

33) 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 NA

34) 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 checking for residue; (2) an official patting the turban down and checking for residue; and/or (3) private screening area).

- Yes, all of the time
- Yes, most of the time
- Yes, some of the time
- No, I've never received any options
- NA

35) Are you satisfied with the full body scanners (Advanced Imaging Technology) as a method of security screening at airports?

- Yes No

36) Please provide details:

37) If policies in your country differ for airport security, please state what they are and if they are being followed.

38) Please provide any other details you may wish to tell us about your air travel experience.

39) Do you fear that your country or region will pass religious discrimination legislation similar to France?

Yes No

40) Do you often get mistaken in your country or region to be belonging to some religion or sect other than Sikh, because of your unique identity?

Yes No

41) Have you ever been denied entry into a courtroom or other government office on account of your refusal to remove your Kirpan?

Yes No

D. HATE CRIMES AND DISCRIMINATION

42) Do you know of any hate crimes that have been perpetrated against Sikhs in your country?

Yes No

43) If yes, what kinds of incidents were they?

Physical assault

Verbal Assault/ Name calling

Dastaar touched or snatched off

Bullying in School

Other

I have not heard of any hate crimes against Sikhs in my country

44) Please explain the incident in detail:

45) Were you, as a child, bullied in school by your peers, due to your Sikh identity?

() Yes () No () I don't know

46) If yes, which of the following, occurred? (Check 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/Can't say

47) Were your children ever bullied in school?

() Yes () No () I do not have children

48) If your child was bullied, which of the following, occurred? (Check 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/Can't say
- My children have not been bullied

49) What measures were taken to address the incident? (by school administrators, teachers, and/or parents)

Write NA if your children have not been bullied.

50) Does the school have anti-bullying activities/trainings?

- Yes, my children have participated in them.
- Yes, but my children have never participated in them.
- No, the school does not have anti-bullying activities.
- I don't know if the school has anti-bullying activities.
- NA

51) Is there any law, practice or policy that discriminates against Sikhs or other religious minorities in your country?

() Yes () No () I don't know

52) If yes, what are these laws and practices?

53) Has your local gurdwara ever been desecrated, defaced i.e. graffiti written on its walls, by miscreants?

54) What would be a change in the current law, practice or policy that you would like to see for Sikhs in your country, to enable them to practice their faith and culture freely?

55) Where would you go if you face discrimination or abuse due to your Sikh identity? Name your top 2 sources.

Source 1:: _____

Source 2:: _____

Type NA if you don't know where to go: _____

56) Please answer the following:

	Disagree	Agree
Sikhs who maintain Kakaars/ religious head covering are discriminated against because of them	()	()
Chances of getting a job are affected because, or if, you maintain your Kakaars/ religious head covering	()	()
I am comfortable reporting instances of discrimination against me and/or my community members to law enforcement	()	()
I believe people of all faiths who maintain ethnic identities through clothes or religious symbols tend to be discriminated against	()	()
I feel comfortable being approached by law enforcement while maintaining my Kakaars/ religious head covering	()	()
I feel comfortable traveling while maintaining my Kakaars/ religious head covering	()	()

57) Have you heard of the decision of the UN Human Rights Committee on Ranjit Singh's case (France turban issue)?

(If not, see: <http://www.unitedsikhs.org/PressReleases/PRSRLS-12-01-2012-00.html>)

() Yes () No

58) How do you think it will affect the Sikh community around the world?

E. VIOLENCE AGAINST SIKHS IN 1984

59) Were you, or are you 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.

- Yes, I was directly affected
- Yes, I was indirectly affected
- No, I was not affected

60) Do you know anyone who was a victim or a survivor of the violence against Sikhs in June and November 1984?

- Yes No

61) If yes, please specify who:

62) Do you think justice has been delivered to the innocent victims and survivors of the violence against Sikhs in the 80's and 90's?

- Yes No

63) If no, which of the following, do you think would be the first step toward ensuring 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)

[] NA

64) Please specify any other ways you believe Sikhs may receive justice.

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**



**UNITED
SIKHS**

Recognize the Human Race as One