

2980 Drew Road unit 223B
Mississauga, ON
L4T 0A7 Canada
Ph: 905-672-2245



Recognise the Human Race as One

To transform underprivileged and minority communities and individuals into informed and vibrant members of society through civic, educational and personal development programmes.

www.unitedsikhs.org
unitedsikhs-canada@unitedsikhs.org

The Right Hon. Stephen Harper
Prime Minister of Canada

10th March 2013

Cc: Members of Parliament of Canada

Your Excellency,

It is not very often that the people of a nation would write directly to their Prime Minister about the threat of their identity in another sovereign state. Today, this letter sets out a summary of the Sikh nation's treatise that unless France allows Sikhs to wear a turban in schools and on ID documents photographs, the Sikh turban would be deemed to be banned in France, which will be a betrayal of France's motto - *Liberté, égalité, fraternité*.

This ban, we contend, affects the identity of Sikhs everywhere, including Canada. Hence, we request that you convey your objection to the ban when you meet the French Prime Minister, Jean-Marc Ayrault, during his visit to Canada next week.

In your Government, you have six National Members of Parliament who are Sikhs, namely, Tim Uppal, Bal Gosal, Nina Grewal, Parm Gill, Jinny Sims and Jasbir Sandhu. However, you should raise the issue of the turban ban with your French counterpart not only because it is close to the hearts of Canadian Sikhs, but also because a right to identity is a global human right. Globalization in the 21st century has made human rights a border-less right. It is now no longer acceptable to say that we cannot interfere with the 'internal affairs' of a sovereign state (France) The precedent was set in the previous century when the world joined the Blacks of South Africa to fight apartheid – an 'internal affair' of a sovereign state. Just as the Blacks of South Africa could not remove the color of their skin, Sikhs cannot remove their turban.

UNITED SIKHS (www.unitedsikhs.org) is a U.N. affiliated international non-profit NGO, which protects civil and human rights of minorities, whose lawyers had filed three cases in 2008 against the French turban ban in schools and ID photos, before the UN Human Rights Committee (UNHRC).

We won both cases before the UNHRC for Bikramjit Singh and Ranjit Singh, respectively and we are awaiting the outcome of Shingara Singh's case. If there was any doubt about the legality of France's action, the eminent jurists of the UNHRC recently pronounced unequivocally that France had violated the human rights of both Bikramjit Singh and Ranjit Singh by denying them their religious right to wear a turban. You may read our press releases about the UNHRC's decisions at <http://unitedsikhs.org/PressReleases/PRSRLS-14-12-2012-01.html> and <http://www.unitedsikhs.org/PressReleases/PRSRLS-12-01-2012-00.html>

However, France has, to date, refused to pay heed to the UNHRC decision.

Background

Sikhs are a nation of people who reside all over the world and over the last three decades some 10,000 Sikhs have made France their home, where they serve their country through hard work, loyalty and dignity.

The turban is an intrinsic part of the Sikh identity and a French General, Jean-Francois Allard, recognized this in the 18th century, when he wore a turban and beard when he was a general in the army of the Sikh Raj, headed by Maharaja Ranjit Singh.

The French government has been protesting that secularity has to be defended at all costs and hence it has taken an intransigent stand against the Sikh need to wear a turban at all times. It is being economical with the truth when the French government says that the turban is not banned in France. Sikh students cannot wear it at least 10 daylight hours a day when they travel and study at public schools. It is also banned at any time on the street when a Sikh is being asked to remove his turban to prove that he is the person on his ID photo. It is banned at all times for Shingara Singh and Ranjit Singh, who in adherence to their faith, refused to remove the turban for the ID photo, resulting in them not being able to travel, earn a living or obtain health care because of the lack of an ID document.

The global Sikh community says that France is able to reverse the turban ban for a photo ID because France has since adopted biometric ID documents, in compliance with EU regulations, which rely on facial features and fingerprints and do not require a bare head for the photo on the ID documents. France introduced biometric passports in Nov 2008 and biometric driver's licence in January 2013. It should be a matter of time before biometric residence ID cards will also be issued.

It is important to stress that the European Union (“EU”), of which France is a founding member, sets the minimum standards for its common border security policy. Nowhere in the minimum standards set by the EU are there any requirements that a passport photo display a bare head.¹ The passport needs only include a “portrait of the holder”² or a “facial image.”³ As a result, no member state other than France requires that the head be uncovered for passport photographs. It is difficult to see how a person wearing a turban could be deemed sufficiently identifiable in other countries but not so in France, particularly given the closely integrated and coordinated nature of security policy and freedom of movement within the European Union.⁴

Equally, the nub of our argument against the turban ban in schools is that when a Sikh schoolchild removes his turban, his jooora (top knot), which denotes that he is a Sikh, is visible. Hence, the French law that purports to ban the ostensible display of religious signs in schools should not apply to the Sikhs because it does not serve its purpose as a Sikh's religious sign (unshorn hair tied as a jooora) will be ostensibly visible when the turban is removed. Further, the two main reasons put forward by the French government when it proposed the ban on religious signs in schools was that the wearing of religious headgear had caused tension in schools and some female students had been forced to wear religious headgear. The Sikh turban has neither caused any tension in schools nor has any Sikh student been forced to wear it.

We hope that the French Prime Minister enjoys his stay in Canada.

Yours truly,



Ranbir Singh

Director

UNITED SIKHS (www.unitedsikhs.org/rtt)

law@unitedsikhs.org

¹ See Council Regulation (EC) No. 2252/2004 of 13 Dec. 2004 on standards for security features and biometrics in passports and travel documents issued by Member States; European Parliament legislative resolution on the proposal for a Council regulation on standards for security features and biometrics in EU citizens' passports, COM(2004) 0116, OJ 208 E, 25/08/2005 P. 0050-0054; Commission of the European Communities Proposal for a Council Regulation on standards for security features and biometrics in EU citizens' passports, COM(2004) 116 Final, 2004/0039 (CNS), 18/02/04.

² Council Regulation (EC) No. 2252/2004 of 13 Dec. 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, para. 2.

³ European Parliament legislative resolution on the proposal for a Council regulation on standards for security features and biometrics in EU citizens' passports, COM(2004) 0116, OJ 208 E, 25/08/2005 P. 0050-0054, Amendment 5.

⁴ Moreover, the EU has also announced plans for a pan-European driving license scheme designed to improve security and fight fraud, which will require a standardization in the requirements for photos take for driving licences. It is highly unlikely that the vast majority of EU member states which have established policies of permitting religious headgear in driving license photographs would accept to adopt France's policy of prohibiting them, thus creating a problem in harmonisation unless France accepts to bring its policy in line with other EU countries.

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Le Très Hon. Stephen Harper
Premier Ministre du Canada

10th March 2013

CC : Membres du Parlement du Canada

Votre Excellence,

Rares sont les occasions lorsque le peuple d'une nation écrit directement à leur Premier Ministre à propos de menaces à leur identité dans un autre état souverain. Aujourd'hui cette lettre résume le traité de la nation Sikh, qu'à moins que la France permette aux Sikhs de porter le turban dans les écoles et sur les photos de leur carte d'identité, les Sikhs seront considérés interdit en France, ce qui sera contre la devise Française - Liberté, égalité, fraternité.

Cette interdiction affectera l'identité des Sikhs partout, incluant au Canada. Donc, nous vous demandons que vous transmettez votre objection à l'interdiction du turban lors de votre rencontre avec le Premier Ministre de la France, Jean-Marc Ayrault, durant sa visite au Canada la semaine prochaine.

Dans votre Gouvernement, vous avez six membres du Parlement National qui sont des Sikhs, soi, Tim Uppal, Bal Gosal, Nina Grewal, Parm Gill, Jinny Sims et Jasvir Sandhu. Cependant, vous devez soulever la question de l'interdiction du turban avec votre homologue Français, non seulement car ce sujet nous tient au cœur, mais également parce que le droit à l'identité est un droit global. La globalisation du 21^{ème} siècle, a fait des droits de l'homme un droit sans frontières. Il n'est maintenant plus acceptable de dire que nous ne pouvons pas interférer dans les affaires internes d'un état souverain (France). Un précédent a été établi dans le siècle passé lorsque le monde entier s'est joint aux Noirs Sud-Africain à combattre la ségrégation raciale - une affaire interne d'un état souverain. Tout comme les Noirs Sud-Africains ne pouvaient pas enlever la couleur de leur peau, les Sikhs ne peuvent pas enlever leur turban.

UNITED SIKHS is associated with the United Nations and is registered: as a non-profit tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code in the USA; as a Registered Charity in England and Wales under the Charities Act 1993, Charity Number 111 2055; as a registered NGO in Australia, Belgium, Kenya and Pakistan ; as a non-profit organization in Canada; under the Societies Registration Act 1860 in Panjab and under the French Association Law 1901.

UNITED SIKHS (www.unitedsikhs.org) est une ONG international sans but lucratif affilié aux Nations Unies, qui protège les droits civils et les droits de l'homme des minorités, dont les avocats ont déposé trois procès en 2008 contre interdiction de la France de porter le turban dans les écoles et sur les photos des cartes d'identification, devant le Conseil des Droits de l'homme des Nations Unies (CDH).

Nous avons gagné deux procès devant la CDH pour Bikramjit Singh et Ranjit Singh et attendons les résultats du procès de Shingara Singh. S'il y avait quelque doute sur la légalité de l'action de la France, les éminents juristes de la CDH ont récemment prononcé sans équivoque que la France a violé les droits de l'homme de Bikramjit Singh et de Ranjit Singh en niant leurs droits religieux de porter leur turban. Vous pouvez consulter nos communiqués de presse concernant la décision de la CDH.

<http://unitedsikhs.org/PressReleases/PRSRLS-14-12-2012-01.html> et
<http://www.unitedsikhs.org/PressReleases/PRSRLS-12-01-2012-00.html>

Cependant, la France, jusqu'à date, a refusé de porter attention à la décision du CDH.

Historique

Les Sikhs habitent partout au monde et durant les trois dernières décennies, environ 10,000 Sikhs on choisit la France comme domicile où ils servent leur pays grâce à leur travail acharné, loyauté et dignité.

Le turban est une partie intrinsèque de l'identité des Sikhs comme le General Français Jean-François Allard a reconnu au 18e siècle lorsqu'il a porté un turban et une barbe alors qu'il était General dans l'armée durant le temps de Majoraja Ranjit Singh.

Le Gouvernement Français proteste que la laïcité doit être défendue à tout prix et donc une position intransigeante a été prise contre le besoin des Sikhs de porter le turban en tout temps. Le gouvernement diminue la vérité en disant que le turban n'est pas interdit en France. Les étudiants sikhs ne peuvent le porter au moins 10 heures quotidiennement durant la journée lorsqu'ils voyagent et étudient dans des écoles publiques. Il est également interdit en tout temps dans les rues lorsque les sikhs doivent enlever leurs turbans pour prouver qu'ils sont bel et bien l'individu sur la photo. Il est interdit en tout temps pour Shingara Singh et Ranjit Singh qui, dans le respect de leur foi, ont refusé d'enlever leur turban pour la photo d'identification, résultant en impossibilité de voyager, de travailler et d'obtenir des soins médicaux dus à l'absence d'un document d'identification.

La communauté Sikh dit que la France peut renverser l'interdiction du turban pour la photographie d'identification puisque la France a adopté les documents d'identification biométrique en conformité avec les réglementations Européennes qui sont basées sur les traits du visage et les empreintes digitales et ne nécessite pas une tête découverte pour la photographie d'identification. La France a introduit les passeports biométriques en Novembre 2008 et les permis de conduire biométrique en Janvier 2013. Ce n'est qu'une question de temps avant que les cartes de résidence aussi deviennent biométriques.

Il est important de souligner que l'Union Européen (UE), dont la France est membre fondateur, définit la norme minimale en sa politique commune de la sécurité des frontières. Nulle part dans la norme minimale fixée par l'UE, il y a indication de l'exigence d'une photo de Passeport affichant une tête découverte . (1) Le Passeport doit seulement include un "portrait du titulaire" (2) ou une "photo du visage".(3) Ainsi, aucun état autre que la France exige que la tête soit découverte pour les photos de Passeport. Il est difficile de comprendre comment une personne portant un turban peut être suffisamment identifiable dans d'autres pays mais pas en France, compte tenu notamment de la nature étroitement intégrée et coordonnée de la politique de sécurité et de liberté du mouvement dans l'Union Européen. (1)

Le nœud de notre argumentation contre l'interdiction du turban dans les écoles est que lorsqu'un enfant Sikh enlève son turban, son jooira (chignon), qui indique qu'il est un Sikh, est visible. Ainsi, la loi Française qui vise à interdire l'affichage ostensible de signes religieux dans les écoles ne devrait pas s'appliquer aux sikhs car elle ne remplit pas sa fonction puisque le signe religieux des Sikh, cheveux non coupés et attachés en chignon, sera ostensiblement visible lorsque le turban est enlevé. De plus, les deux raisons principales, proposées par le Gouvernement Français lorsqu'il a proposé d'interdire les signes religieux dans les écoles étaient que le port du couvre-cheveux religieux avait causé des tensions dans les écoles et quelques étudiantes avaient été forcées de porter des couvre-cheveux religieux. Le turban des Sikh n'a causé aucune tension dans les écoles et aucun étudiant Sikh n'a été forcé de le porter.

Nous espérons que le Premier Ministre Français apprécie son séjour au Canada.

Sincèrement,



Ranbir Singh

Directeur

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law@unitedsikhs.org

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