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June 23, 2021

Ms. Georgina Harrison,
The Secretary - NSW Department of Education,
GPO Box 33, Sydney NSW 2001
Email: DoE.consultation@det.nsw.edu.au

Cc: Kirpan@asaltd.org.au
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Subject: UNITED SIKHS' Feedback on proposed guidelines for wearing the Kirpan in New South Wales schools.

Dear Madam,

UNITED SIKHS is a UN-associated, international, non-profit, non-governmental, humanitarian relief, human development, and advocacy organization that aims to empower those in need, especially disadvantaged and minority communities around the world. UNITED SIKHS is registered in 10 countries, including Australia. We have been handling civil and human rights advocacy campaigns for the Sikh community globally, for the past 20 years. We would like to provide our comments and suggestions on the changes proposed by the NSW Department of Education for the wearing of the Kirpan in New South Wales schools.

Background:

An Amritdhari (initiated/baptised) Sikh is mandated to wear five articles of faith, called Kakaar or 5 Ks, at all times. The Kirpan is one of these articles. It is worn freely wherever Sikhs live, including in the UK, USA, Canada, Singapore, Malaysia, India and Australia. An initiated Sikh is expected to wear the Kirpan respectfully and responsibly, mindful of its spiritual significance and the responsibility associated with wearing it. The Control of Weapons Act 1990 (Victoria), which mirrors similar such legislation passed in the UK, has provided a statutory exemption to allow an initiated Sikh to wear a Kirpan.

We welcome efforts to lift the temporary ban on the Kirpan in public schools on NSW and we are mindful of the need to balance the right of Sikh students to practise their faith and the safety of all students and staff.

However, we do not accept the following aspects of the proposed changes and we request you to consider our suggestions below:

1. A Kirpan is not ceremonial as it is worn at all times and not only for ceremonies. Therefore, kindly replace the word 'ceremonial' with 'religious'.

2. To refer to a Kirpan as a 'knife' is offensive. Please use 'Kirpan' as a proper noun (which we note and appreciate you have done so for the most part). We would propose the following changes to your text:

"...there has to date been a legal exemption for knives carried for religious purposes, and this has been applied to the carrying of the Kirpan by initiated Sikhs."

"A Kirpan is one of the five distinguishing articles of the Sikh faith, carried and worn by initiated Sikhs on their person at all times, and comprises a curved blade."

3. Attaching a chain to a Kirpan would require the Kirpan to be physically modified. This would be inappropriate. Conversely, the proposal to sew into the Kirpan Gaatra a "sturdy fabric loop" does not require physical modifications to the Kirpan. We request that the chain option be removed.

4. To wear a Kirpan is a matter of religious piety and dedication. Requiring it to be 'concealed' sullies the wearing of the Kirpan. We propose that the text be modified to requiring that the Kirpan be worn under one's outer clothing.

5. If the Kirpan is worn under outer clothing and is secured by a sewn-in fabric loop such that the Kirpan cannot be removed easily, we do not understand why it is necessary to require that the

Kirpan have a blunt blade. If it is accepted that a Kirpan may be worn if it cannot be removed easily, then whether or not it is blunt is a moot point. It does not appear to us to be a proportionate or necessary requirement in light of the other requirements.

6. The Summary Offences Act 1988 (NSW) does not stipulate a limit to the size of the Kirpan because it recognises that the length of a Kirpan is not a significant factor. Hence, we request that you do not specify a length for the Kirpan in the proposed guidelines.

7. A Kirpan is always carried within a scabbard and held in position by a loop, whilst being carried securely in a cloth Gaatra, a shoulder strap worn across one's torso. This would secure it from falling or being removed with ease. During sports, the Kirpan may be further secured to prevent it from falling and causing injury during a sporting activity. There should be no further reason or method used to secure it.

The Sikh community, like many other migrant communities, have made Australia their home since over a hundred years ago. Hence their religious freedom rights should be protected without prejudice.

We look forward to hearing from you.

Kind Regards,



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