



## **SIKH HUMAN RIGHTS GROUP (SHRG) UK**

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### **THE SIKHS AND THE WORLD CONFERENCE AGAINST RACISM, XENOPHOBIA AND RELATED INTOLERANCE BEING HELD IN SOUTH AFRICA IN AUGUST/SEPTEMBER 2001**

**Presented during the PrepCom II, 21 May-1 June, Geneva2001.**

This United Nations conference will result in a Declaration that will influence anti-racism discriminatory policies around the world. While the Declaration focuses on general statements, the Member States are also demonstrating consideration of specific groups that are either most vulnerable or face particular types of discrimination. The Sikh Human Rights Group is promoting the concept of cultural diversity throughout the Declaration and Programme of Action, but is also looking for specific support for Sikhs as general statements leave Sikhs in an ambiguous situation.

This became evident in the United Kingdom with reference to its Race Relations Act of 1976, during the *Mandla Case*. A young Sikh student was given admission to school conditional upon his cutting his hair and removal of turban. At all levels of the lengthy legal proceedings, the courts ruled that there was no discrimination on grounds of race or ethnic group as the courts considered the matter to be of religious rather than racial origin. This was the view of the Court of Appeal in 1983. However, the House of Lords, the highest court in the United Kingdom, decided that the boy belonged to an ethnic group with distinct cultural identity. Following the Judgement, Sikhs came under the protection of the Race Relations Act, for they were considered a 'racial group'. According to British law a 'racial group' is determined either on the basis of 'ethnic origin' or 'nationality.' The United Kingdom's flexibility in legal interpretation to include the Sikhs has also been taken by the legislatures and the judiciary in Canada.

A constructive alternative to having the resolve recognition of Sikhs as a distinct group through the courts would be for Governments to support inclusion of any or all of the following paragraphs in the draft Declaration and Programme of Action with a view to promoting cultural harmony and diversity.

- **Draft Declaration.** An additional paragraph following 18, so that existing 19 becomes 20 and so on, "We recognise that certain ethnic and cultural groups within society, such as the Sikhs, face particular problems of discrimination by reason of their cultural and ethnic practices which are part of their distinctive identity. Such groups need accommodation within anti-discriminatory legislation, policies and education programmes to promote better inclusion within society as a whole."
- **Draft Programme of Action,** page 7. The following paragraph inserted as 50, so that existing 50 becomes 51 and so on, under sub-title Vulnerable Persons/Groups, "The World Conference urges States to ensure that certain ethnic groups whose distinctive cultural practices are intrinsic to their life and ethnicity, such as the Sikhs, be included as protected by legal measures enacted against racism."
- **Draft Programme of Action,** page 46. The following words in italics added to New 1 under Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism and related discrimination. "Request States to [double] make all possible efforts to reassert their commitment to eradicating racism, racial discrimination, xenophobia and related intolerance in order to improve human well-being, promote more inclusive and participatory societies, *accommodate distinctive ethnic and cultural identities such as that of the Sikhs,* and eradicate poverty, etc."