

8. Preparatory Committee III, 30 July-10 August, Geneva 2001 - The Sikh Issue. Statement

Thank you for this opportunity to address the 3rd Prep Com. We have been gratified by the support we have been receiving from various government delegations. Many expressed willingness to specifically include the term "Sikh" on the basis that we are not covered by generalities, whereas others were concerned about the principle of inclusion of specific groups. In order to facilitate the progress of this meeting, we deferred to the desires of the latter group, but now face the problem that no formula can be arrived at which is satisfactory to the different regional groupings. Furthermore while we understand the need for legally enforceable categories, we the Sikhs seem to remain outside the limits of clear classifications thus facing the possibility of being invisible in the scope of legal language.

This difficulty at the international level mirrors failure at national levels which have only been overcome by specific reference to the Sikhs. The right to education and right to employment are fundamental human rights. In the United Kingdom the right of a Sikh child to attend school as a Sikh, i.e. without a school cap, was not provided under religious rights, but by a House of Lords judgement which defined Sikhs as an ethnic group. In Canada, the right to serve society in the police force was ensured under a different definition. These examples serve to demonstrate how the Sikhs slip between the cracks of anti-discrimination machineries.

We have been asked whether we regard ourselves as a religious, ethnic, linguistic, cultural or racial group. Different states obviously have different ideas about which category we occupy and about how best to achieve inclusion within society. This has not been a problem in Asian and African countries where Sikhs have enjoyed equal status without the need for judicial clarifications. However we have faced problems in western countries where classification and categorisation is a norm. The Sikhs pose a challenge to such organisational practices in legal and social structures in human society.

In our own terms, using a language common to south and south-west Asia we are a "qaum" or people. However, this term has specific legal meanings in the discourse of international law which we do not wish to address in this forum. We are looking for anti-discriminatory protection within states. The only mechanism which has successfully been applied in a range of states appears to be specific inclusion. We support any attempt to cover our position under general statements and legal classifications. We merely request that should this not prove possible, specific mentions which have proved necessary at the national level are not excluded from the deliberations here merely because the Conference wishes to stick to general language.

We wish to thank the Canadian delegation for its hard endeavours in finding some form of wording that will extend to us the privilege of enjoying equality with all others. However they like some other countries also appreciate that so far no language satisfactorily offers us the absolute protection that most other groups can take for granted, except by specific reference. We will continue to work with the various delegations eager to make this conference inclusive to find a suitable solution. We wish to thank the 3rd prep com again for its understanding and effort to keep us inclusive within its scope.

I thank you for your attention.