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Promoting pluralism and human rights around the world irrespective of race, ethnicity, religion or political opinion.

SHRG and the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) took place in Durban, South Africa, from 31 August to 8 September. It provided a unique opportunity for the world to engage, for the first time in the new millennium in a broad agenda to combat racism and discrimination, giving thousands of victims of racism and discrimination the chance to voice their experiences, views and suggestions for a better future.

The Conference was the result of two years of regional meetings, expert seminars and NGO meetings that were held in Europe, Asia, Africa, and the Americas as well as three Preparatory Committee sessions held in Geneva. In these meetings, discussions were conducted around five main themes: sources, causes, forms and contemporary manifestations of racism; victims; measures of prevention, education and protection aimed at the eradication of racism, racial discrimination and related intolerance at the national, regional and international levels; provision for effective remedies, recourse, redress (compensation) and other measures at all levels; and strategies to achieve full and effective equality, including international cooperation and enhancement of United Nations and other international mechanisms.

About 14,000 delegates attended the conference. More than half were members of NGOs (Non-Governmental Organisations) from all different continents.

The Sikh Human Rights Group (SHRG) has been actively participating in the process leading to the WCAR through the organisation of workshops and seminars, composition and reading of statements to the UN assembly, publication of position papers and constructive dialogue with government delegates and NGOs.

In this conference we struggled to ensure that the particular forms of discrimination faced by Sikhs, especially in the western countries (e.g. discrimination in employment on the basis of wearing the turban or maintaining unshorn hair) are addressed as part of national and international policy and legislation. Moreover, we also contributed to the general debate on diversity and 'race', based on Sikh philosophy and bring to the attention of the conference the issues of institutional racism and discrimination towards refugees and asylum seekers. SHRG vigorously campaigned on these issues.

In the pages that follow we present you with a brief report on SHRG's involvement in the conference:

- I. The short version of the SHRG position paper.
- II. Some of the SHRG statements during the preparatory process leading to the conference in Durban.
- III. Information about the SHRG workshops that were organised as part of the SHRG Consultation Process with academics, practitioners, members of the Sikh community, state and NGO delegates.
- IV. The document that SHRG worked on together with other European NGOs for the combat of racism and discrimination on a European level.
- V. The SHRG achievements in the conference.
- VI. Some of the SHRG's points in the final conference governmental documents.
- VII. Members of the SHRG team that worked towards the WCAR and costs

For more information on SHRG's work in relation to the conference and it's follow-up process, please contact the SHRG London office at 2 Chignell Place, London W13 OTJ, United Kingdom, Tel: 0208 840 3222 Fax: 0208 579 7439, E-mail: shrg@shrg.org.

I. BRIEF VERSION OF THE SHRG POSITION PAPER

The Draft Declaration and Programme of Action for the World Conference are commendable documents, which reflect many of the Sikh Human Rights Group's previously expressed concerns and proposals. However the Draft Declaration needs to address further the affirmation of the concept of diversity.

SHRG supports the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the use of cultural and political designs to exclude and dominate. We question the current basis of terms such as 'race', 'racism' and 'racial discrimination' and consider that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms.

To this end, we propose that the Draft Declaration include a statement recognising that race as a concept has for too long been defined by reference to colonial attitudes and reactions to those attitudes, including reactions by the victims of racism whose struggle for equality has been defined in terms of achieving equality with the perpetrators in terms defined by the perpetrators, and that there is a need to refocus our understanding of race in terms of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures. Such an approach better recognises the importance of cultural identity to the fulfilment of individual freedoms. Only if individuals are fully able to give expression to their cultural identity will their spiritual and social development as individuals within a world community be fully achieved.

Nevertheless we acknowledge, with some reservation, that the classical terminology of 'race' has come into common usage and states and communities have adopted it as a language of classification and social interaction. We therefore address our concerns and proposals with all this in mind.

There exists considerable literature on cultural diversity and culture as an integral part of racial distinction, but very little has been done to incorporate this knowledge into the legal practices of states. Legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active protection of people's cultural identities. Indeed, many ethnic groups, refugees, asylum seekers and trafficked people around the world still experience discrimination in their everyday life and minimal or no protection against such violations. In particular, cultural practices of many groups are treated as religious matters outside the scope of the discourse on race.

If we are to adopt the current terminology of 'race' in common usage we have to accept that race and culture are intimately related. **Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes such as those that label people with a distinct cultural identity as 'orthodox' or 'fundamentalist'. Without a remedy against acts of discrimination on grounds of culture and exclusion, in places of social interaction, institutions and the media, these types of abusive practices become institutionalised. In this way they become legitimate.**

Discrimination on grounds of culture concerns a wide range of people's and cultures around the world. It is often argued that individuals' cultural identity can be protected through legislation on freedom of religion. However, one should bear in mind that such legislation exists in only a few countries while even when it does, because it does not directly concern people's cultural characteristics, it often requires months if not years of legal proceedings before it eventually protects victims of cultural discrimination. That is of course if it ever reaches that point. In the meantime, groups such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly the kara, kirpan, and the kesh. Also, one has to remember that although religion and culture are indeed closely related they do not always overlap. In this sense, cultural practices are not necessarily religious. Furthermore, legislation against racism and discrimination on grounds of ethnic origin does not necessarily protect the rights of ethnic groups or individuals' with distinct cultural identity for, as it is often interpreted in national legislation, the term 'ethnic' is legally connected to a groups' common language, literature,

religion, history, geographic origin or descent but very rarely people's culture and cultural practices as such. For all these reasons, it is of imperative importance that cultural discrimination is directly addressed in national and international legislation so that people's rights and freedoms are effectively protected.

Discrimination and racism occur primarily because people are fearful of 'the different' or because they wish to preserve particular relations of power by exclusion or exploitation. In this sense, people that come from different cultures are perceived as a threat to what is thought to be a 'homogenous national culture'. Diversity is perceived as a threat because homogeneity is treated as an indication of 'normality' while diversity is seen as a result of the 'invasion' of the different into the 'homogenous' whole. However, a thorough look into human history and today's world can convince people that diversity and not homogeneity is the starting point of a dynamic process that involves a wide variety of perspectives, ways of life, individual and communal identities and economic-political circumstances that blend together and change through time. If such an approach is adopted, diversity will cease to be labelled as a threat and will be approached as an opportunity for the equal and peaceful co-existence of different peoples. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political recognition and accommodation of different ways of being while still presupposing cultural homogeneity of the 'nation-state' and integration of the minority cultures into the 'tolerant' majority culture. We suggest, as an alternative to the passive practice of 'tolerance', that there be active implementation of the more inclusive and dynamic concept of 'diversity' that promotes respect for diverse cultures and communities and protection of their rights on the basis of the human rights principles.

SHRG maintains the belief that recognition of cultural diversity is the key to future peace and prosperity amongst peoples and states. It emphasises the need to actively promote cultural diversity in state policies as a way of dealing with racial discrimination, intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity.

SHRG further feels that the discourse on racism has an implicit problem that continues to lock it in the colonial experience. It suggests that some race/s have assumed the position of political, cultural and economic superiority and the battle is to both defuse that assumption as well as to promote equality without prejudice. SHRG however feels that this is a narrow and relentless struggle which concedes the assumed superior status of some race/s by imploring them to accept the equality of all others. SHRG instead suggests that the language and concepts be changed to reject this by concentrating and developing language and concepts of diversity.

These points illustrate SHRG's main argument concerning racism and discrimination, which is further explored through the investigation of the issues of cultural and institutional racism and discrimination as well as discrimination towards migrants, refugees asylum seekers and trafficked people.

Discrimination on Grounds of Culture

- The practice and effects of cultural prejudice are often subtle and ignored in the discourse on racism. Whereas colour and physical features are usually identifiable differences, cultural differences are rarely sharply contrastable. Moreover, issues relating to culture are generally assigned to religion or nationalism, depriving their serious address in the everyday experiences of racial prejudice.
- Political, social and economic imperatives tend to influence cultural prejudice. It usually manifests itself through language preferences, practices of social exclusion or marginalisation, restrictive employment opportunities or the enforcement of an exclusive and inflexible 'national cultural identity'. Consequently, in some cases, ethnic or religious groups and minority communities who retain their own cultural identities and practices are often termed traditionalists, orthodox or fundamentalists. Presupposed in all such labels is a sense of 'otherness'. Further, there tends to be an immense pressure of an overt and covert nature on the communities concerned to assimilate and conform with the majority cultural norms.

- Economic pressures and commercial interests often encourage uniformity and undermine cultural diversity, discriminating against those who wish to retain their distinct cultural identity.
- In pursuit of genuine pluralism and an end to prejudice of any form, the discourse on race needs to accommodate and address discrimination based on culture.

Discrimination Towards Refugees Migrants and Trafficked People.

- As the numbers of refugees, asylum seekers, 'internally displaced' and trafficked people increase world-wide, states become more and more reluctant to deal effectively with displacement and related discrimination. Restrictive migration and asylum policies; promotion of policies of 'safe third country' and 'voluntary repatriation'; narrow interpretation of the 1951 Convention; public discourse's portrayal of refugees, asylum seekers and trafficked people as 'a threat to national security'; abuse, discrimination and criminalisation of refugees, migrants and trafficked people in the host country, during deportation and upon their return to the country of origin; are only a few manifestations of intolerance and unequal treatment of people labelled as 'non-nationals'.
- This growing worldwide intolerance reflects and further reinforces the imposed homogeneity of the modern 'nation-state' that creates a 'national' identity on the basis of a pre-existing fixed 'natural' connection between people, place and culture (i.e. territorialisation of national identity and culture) where refugees, migrants, 'internally displaced' and trafficked people are perceived as 'out of place' (i.e. 'dis-placed') and therefore excluded from the presupposed national unity of the state territory.
- Different types of 'displacement' (i.e. "Forced and 'Voluntary' Migration" and "Trafficking"), are the result of complex and inter-related causes that go beyond the neat distinctions of 'political' or 'economic' factors that countries tend to adopt. Each one of them relates to discrimination in both cause and effect terms.
- There is a need for a new inclusive national, regional and international approach to 'displacement' and related discrimination practices. Co-operation and participation of all actors on specific national and international policies that transcend all areas that affect 'displaced' people is the way forward.

Institutional Racism

- Institutional racism manifests itself in a wide variety of ways in all types of economic, political and social structures; yet very little has been done to tackle it. The few attempts to address the issue have been heavily concentrating in the areas of employment and services. There is a need to analyse this phenomenon further by identifying, examining and tackling its different forms, multiple causes and its serious effects on the lives of its victims.
- Institutional racism concerns the retaining and perpetuation of deep social, economic and political divisions that set out terms of the inclusion of certain people and the exclusion of usually minority ethnic people. Furthermore, even in apparently good practices and policies to address institutional racism, there exist implicit assumptions and terms that are discriminatory in content and effect.
- A powerful ingredient of operational institutional racism is its dependency on stereotypes, which become institutionalised and in turn legitimised. Such stereotypes tend to be of a negative nature leading to the continuous discrimination of certain groups of people – usually the ones with distinct ethnic, religious or cultural identity. It is in this way that negative stereotypes become part of the discourse of everyday life, resulting in detrimental effects for the people concerned.
- While the record on dealing with institutional racism in the UK can be improved substantially, it is however considered to be much better than in most European countries – i.e. Race Relations Act 1976, Race Relations Amendment Bill, Race Relations (Amendment) Act 2000 and the Human Rights Act 1998. The setting up of regional umbrella bodies can facilitate exchange of good practice and learning. Country specific and international law would encourage consistency across countries.

Diversity

- *A drawback in the current discourse on racism is its implicit recognition of the superiority assumed by some White European translated into racism. It then promotes strategies to eradicate this by proposing the equality of all human beings in relation to the 'racist'. Despite efforts to relate racism by groups of people other than 'whites' as racism needing equal attention, the discourse in the popular mind has failed to make that impression. Consequently the discourse is subtly racist by its very nature giving the impression that the rest of the world wants to be treated equal to or equally by the 'White European.'*

- Anti- racism also recognises the existence of races as a distinct entity. Race as a concept was promoted during the colonial period and has little scientific and natural basis. Race as a distinction has become even less significant in today's world of mass communication, travel and migrations.
- The natural state of the world is diversity in its various forms rather than conformity. The way forward therefore would be to develop concepts of diversity with concurrent language of discussion, legislation and promotion of this concept thus moving on from the colonial period. SHRG feels that this is the concept that the Sikh philosophy holds and a concept that the humanity is increasingly moving towards anyway.

Recommendations

General

- SHRG strongly recommends that discrimination and intolerance on grounds of culture be considered at the WCAR as a contemporary form and manifestation of racism, racial discrimination and related intolerance.
- SHRG encourages states to approach cultural and national diversity not as a threat but the key to prosperity and peace. To this end, it is important for all states to recognise the existence of different ethnic, cultural or religious groups within their national boundaries, respecting and protecting their civil, economic, political, social and human rights. It is also crucial that they acknowledge the importance of the cultural heritage of racial and ethnic communities, promote respect and protection for these cultures. Furthermore, it is of outmost importance that states recognise and address racism, xenophobia and discrimination on the basis of race, culture, religion, ethnicity or political opinion. No society is immune to such practices. Denial of their existence by certain governments serves only to preserve and perpetuate them.
- Racism, discrimination and xenophobia are multifaceted phenomena with a mixture of economic, political and social causes, rooted in social conceptions and practices that have been formed on the basis of highly unequal relations of power. Change of policy and perception will require acknowledgment and thorough study of these causes as well as the formation of a multidisciplinary and long-term approach to tackle them on the basis of the principle of equality of all human beings regardless of race, culture, religion, ethnicity or political opinion. In this, the effects of globalisation, and Structural Adjustment Programmes on migration trends and the resurgence of racism and discrimination should be thoroughly addressed and tackled.
- Concepts of Diversity need to be developed and the discourse on diversity needs to be promoted in the future with the tools of language, political and legislative measures to eventually replace the current emphases on anti-racism.
- States are recommended to recognise the cause and effect relationship between discrimination, racism and social exclusion on the one hand and poverty and vulnerability on the other. Respecting the right to development and providing for the equal access of all social groups to economic, political, social and legal resources and services is of imperative importance.
- Respect of human rights and the right to development can reduce refugee flows by combating its causes and creating a sustainable environment for those remaining in the country of origin or repatriate.
- States, regional and international organisations need to recognise and promote the role of non-governmental organisations and grass-roots organisations as active partners in addressing and tackling racism, xenophobia and discrimination.

Legal Remedies and Legislative Provisions

- SHRG suggests that priority consideration should be given, on the part of the states, to ratify without reservation The International Convention on the Elimination of All Forms of Racial Discrimination; The International Covenant on Civil and Political Rights; The International Covenant on Economic Social and Cultural Rights; The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities – UN General Assembly Resolution 47/135, 1992; The Convention on the Elimination of All Forms of Discrimination against Women; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; The 1951 Convention relating to the Status of Refugees together with the 1967 Protocol relating to the Status of Refugees; The 1969 OAU Convention Governing Specific

Aspects of Refugee Problems in Africa by States parties; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; The ILO Migration for Employment Convention (Revised) (No. 97), 1949; The ILO Migrant Workers Convention (Supplementary Provisions) (No. 143), 1975 and the accompanying Migrant Workers Recommendations (No. 151), 1975; The ILO Worst Forms of Child Labour Convention (No. 182), 1999.

- Furthermore, we recommend the incorporation of regional and international agreements into the national legal system as well as the nullification and/or amendment of any policies or regulations that have the effect of creating or perpetuating racism, xenophobia, discrimination or prejudice. This is a continuous process for it involves frequent updates of national legislation according to the conclusions and recommendations of the Conventions' institutions. To this end, states are urged to set up independent monitoring bodies to ensure that anti-racist and anti-discriminatory legislation is effectively implemented; conduct regular and comprehensive reviews of this legislation against all forms of racism and discrimination; submit regular reports due under the Conventions; and establish adequate and effective legal and institutional links amongst agencies involved in the formation and/or implementation of anti-racist/anti-discriminatory practices i.e. national and local authorities, ethnic and religious communities, refugees, migrants, asylum seekers and trafficked people, ensuring the continuous and dialogic flow of information.
- Impunity for the violation of human, cultural, economic and civil rights of people belonging to specific ethnic or religious communities, refugees, internally displaced and migrants, impedes political stability and sustainable development, fostering insecurity and displacement. We therefore urge states to ratify the statutes establishing an International Criminal Court, develop and implement national legal policies and procedures according to the *Vienna Declaration on Crime and Justice : Meeting the Challenges of the Twenty-First Century (A/CONF.187/4/Rev.3)* adopted in April 2000 by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
- SHRG also suggests that states should develop economic and social policies which encourage social institutions in general, public commercial and social services in particular, to accommodate in their practices essential features of individual cultural identity. In the UK for instance, this has occurred to some extent with the legal recognition of the essential cultural features of Sikh identity.
- Negative stereotyping of individuals or groups of people with distinct ethnic, religious or cultural characteristics as well as the reinforcement and perpetuation of such stereotypes through their institutionalisation results in discrimination against them. SHRG urges states to effectively legally address institutional racism and discrimination adopting a definition that considers all forms of institutional racism and discrimination in economic, political and social structures i.e. education, police, media. In this, the definition provided at the April 2000 McPherson Report on the UK Metropolitan police investigation into the death of Stephen Lawrence, a teenager killed by a gang of white youths in East London, could perhaps be considered. According to this report institutional racism is defined as ".....the collective failure of an organisation to provide an appropriate and professional services to people because of their colour, culture or ethnic origin. It can be seen or detected in the processes, attitudes and behaviour which amount to discrimination through (unwitting) prejudice, ignorance, thoughtlessness, and racial stereotyping which disadvantage minority ethnic people' (McPherson Report 200, para 6.34. Parenthesis added).
- Moreover, we recommend that states identify and tackle modern forms of racism, discrimination and xenophobia as well as new methods of their circulation and reproduction i.e. internet. To this end, states are advised to establish codes of conduct with the view to eliminate and control the circulation of racist and discriminatory material. Independent civil society committees should be established in order to monitor compliance with such codes of conduct.
- Transnational corporations are more often than not involved in violations human, economic, civil and political rights. States are encouraged to establish codes of conduct that regulate the business practices of all transnational corporations on the basis of human rights principles and ethics. Independent monitoring mechanisms should also be established as well as processes whereby perpetrators are prosecuted and charged.
- States are encouraged to include domestic work in the national labour laws so that domestic workers, who are mainly women, are recognised as legal workers with access to social security and legal assistance. This way domestic workers can be also protected against any form of discrimination.

- States are also encouraged to support the establishment of associations of migrant workers by removing all impediments to their freedom of association, as identified in the Universal Declaration of Human Rights.
- SHRG also suggests that legal migration procedures are made more human and efficient, in both sending and receiving States so that the rights of refugees, migrants and asylum seekers are protected and the demand for alternative methods of migration such as trafficking be reduced. To this end, inclusion of anti-discriminatory legal provisions in immigration laws is strongly recommended.

Victims of Racism, Discrimination, Xenophobia and Other Forms on Intolerance

- SHRG urges states to ensure the prosecution and punishment of persons responsible for racist and discriminatory acts as well as trafficking practices. Independent specialised monitoring bodies should be established and allowed to bring legal action in their own name and on behalf of victims of racism, xenophobia and other forms of discrimination. Also, independent public inquiries should be automatically initiated when law enforcement agencies and government institutions - such as the police – are allegedly involved in discriminatory or racist practices. In this, law enforcement officers should not be exempt from prosecution or criminal charges.
- Furthermore, we suggest that states dedicate resources and direct specific actions to the very people who are or have been exposed to racist or discriminatory practices. To this end, we advise states to ensure that victims of discrimination can seek from tribunals just and adequate reparation for any damage suffered as a result of such discrimination. The right to individual petitions to the Human Rights Commission should be established and respected.
- We strongly recommend the formation, ratification and implementation of regional legal provisions for the protection of victims of racism, xenophobia and discrimination along the lines of the Protocol 12 of the European Convention on Human Rights (ECHR) which strengthens Article 14 - on 'non-discrimination' - of the ECHR. Further, we strongly encourage all European governments to ratify Protocol 12 of the ECHR. Moreover, we strongly support all EU Directives and Communications relating to the issue of 'EU Citizenship' whereby every individual present in the territory of the EU should be accorded citizenship and therefore treated as equally to EU nationals. This way the concept of citizenship is linked to residence and not nationality tackling discrimination towards non-EU nationals.
- We also encourage states to formulate and implement special legal provisions for the protection of people that fall victims of multiple and intersecting forms of discrimination and racism. We also suggest that states establish special units in the law enforcement and monitoring agencies, which would include female police officers, dealing with issues concerning women and children victims of racism, discrimination, xenophobia and other forms of intolerance. Special legal provisions and anti-discriminatory policies need to be in place in order to protect stateless people that have been denied nationality and/or citizenship rights, children of women asylum seekers, migrants or refugees that have been raped; children of mixed parentage and children of asylum seekers born in the destination/host country.

General/International Support

- Arms trade is undoubtedly fuelling inter-state conflicts that lead to displacement. It is thus of imperative importance for the governments to initiate regional and international negotiations facilitating limitations on arms manufacturing, export and import.
- The World Conference should call on the international financial institutions, including the IMF and the World Bank, and regional financial institutions to further integrate human rights principles and norms into their policies and programmes.
- Both the High Commissioner for Human Rights and the High Commissioner for Refugees – as well as other international institutions such as, the ILO, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Programme (UNDP) and the OHCHR - have been actively involved in many of the issues outlined above. Yet it is of imperative importance that they continue to do so with the co-operation of other UN bodies, intergovernmental, international, regional and national institutions, as well as NGOs and human rights organisations. In particular, it is crucial that they continue supporting the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (as well as the rest of the above mentioned Conventions), inviting states to comply with those Conventions and support procedures that allow

victims of discrimination to appeal against any such practices; monitoring states compliance with the above mentioned conventions; encouraging and perhaps financially supporting national or regional programmes that actively promote cultural diversity and tolerance.

- Moreover, SHRG recommends that financial support mobilised by the High Commissioner for Human Rights and the High Commissioner for Refugees together with other intergovernmental, international, regional and national organisations towards studies and research programmes concerning the economic, legal, cultural and institutional manifestations of racism, xenophobia and discrimination and other forms of intolerance.

Education/Awareness Raising

- SHRG urges states to introduce educational courses that inform students of all ages about other cultures. Such courses should be part of the school curricula with a view to provide for an understanding, respect and protection of different cultures, customs and religions.
- With the support of the High Commissioner for Human Rights, UNESCO, the International Bureau of Education and the ILO, states are recommended to introduce training programmes in the fields of human rights, trafficking, refugee issues and cultural diversity for all public or private sector employees, people in the media and politicians.
- Increased public awareness is vital to the fight against racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels. Thus, SHRG encourages states and NGOs to launch national, regional and international information campaigns with the view to educate the public about the international human rights norms and cultural diversity. Information campaigns should also be directed to potential migrants or trafficked individuals. Aiming at increasing those individuals' knowledge on visa and other migration procedures, self-protection and legal assistance, as well as the positive aspects of following legal procedures and the risks involved in illegal alternatives such as trafficking; such information campaigns could ensure individuals make well-informed decisions regarding their future migration. In this, co-operation amongst NGOs, national governments, media, grass-roots specialised organisations and research institutions is crucial.
- We encourage states to finance the study of the needs of people belonging to marginalised ethnic and religious communities, refugees, asylum seekers, migrants and trafficked people.
- SHRG suggests the compilation of country specific best practices/models resulting from projects and programmes undertaken by both governments and NGOs in combating racism. This code of conduct should include model legislation, educational and training materials, and examples of successful media campaigns.

Co-operation/Participation

- For the effective combat of racism, xenophobia, discrimination and other forms of related intolerance; co-operation, participation and continuous dialogue amongst all the parties involved during all stages of formation, implementation and monitoring of all policies, is of imperative importance. In this, understanding and active promotion of cultural diversity is crucial.

II. SHRG STATEMENTS

1. Tehran Regional Meeting, 19-21 February 2001

Sstatement was sent but not read

Thank you Madam/Mister Chairperson

I thank you for giving me the opportunity to speak in this important forum. Race cannot be dissociated from culture. A great deal of racial discrimination involves cultural prejudices and or cultural hegemony. History has seen many examples where people have attempted to create unitary cultures. When communities have resisted assimilation, they have found themselves victimised, prejudiced against and marginalized.

Mr Chairperson history has shown that these attempts have failed to destroy the indomitable diversity of human beings time and again. Communities, which can be categorised as distinct races, have resisted assimilations into the culture of a new wave of a powerful race. Often the price paid has been immense with thousands and sometimes millions of casualties.

Regrettably little has changed. Despite the tenacity of racial and cultural diversity to survive the worse ravages of uniformity crusades in history, we continue to live in a world where such attempts are made relentlessly. Surely uniformity is the death of the creative spirit of human intellect.

These attempts to create a uniform society and dominant race seem to exist in all parts of the world. There are daily threats from western civilisations to negate or ridicule the cultures of other races as 'orthodox', un modern, even primitive and fundamentalist.

We are faced with intolerances in some regions of the Middles East. We observe the dangerous and misplaced ideas of racial and cultural superiority that have led to the unfortunate wars in the Balkans. We are distressed to read of prejudices against minority races and cultures in North Eurasian regions. The Far East has is not any more different than the rest of the world as some parts of it revel in their technological advances as evidence of racial superiority.

We hear with sadness that some races within Africa continue to assert their dominance over others by assuming their own right to rule and access to resources.

Similarly we note the problems of race in the Americas, from North to South where the cultures of indigenous people are being decimated and the cultures of different races being pushed towards general conformity.

We see similar problems in South Asia where the drive towards assimilation and erosion of the distinct cultural characteristics of different races is being pursued relentlessly. The religiously distinct communities and races are being denied to celebrate, enjoy and advance their own distinctive cultures.

Mr Chairperson, the rhetoric of Unity in diversity remains just that, rhetoric used in politics but never believed in earnest or applied in reality.

We the Sikhs believe in all humanity to be seen as equal without prejudice. We believe that a pluralistic world full of diverse racial cultures is a gift that we should cherish. Different races have developed different cultural characteristics and philosophies, which both add to the mosaic of a rich, colourful and creative humanity as well as broaden the intellectual treasure of human beings.

We at the Sikh Human Rights Group hope that the world conference will acknowledge that colour and physical features are not the sole principles of racial distinctions but that we appreciate that different races have developed different cultures.

We further hope that the World Conference will resolve to denounce policies of assimilation of cultures into one and discourage the persistent attempts to create conformity and uniformity in some countries.

We suggest that the World conference resolve to promote pluralism as a cornerstone of a diverse and rich world where different races are encouraged to retain and develop their distinctive cultures without pressures or efforts to assimilate.

We consider that the World Conference has a unique opportunity to endorse the diversity of human race and enfranchise the cultures of different races in the spirit of a plural and constructive co-existence of all races.

We at the Sikh Human Rights Group request the World Conference to denounce the practice by certain majority and dominant groups to create disinformation, prejudices and destabilisation of culturally distinct races in an effort to assimilate them into a homogenous majority culture.

In the end let me say that we would like to bequeath to the world conference one of the most profound statements of Sikh philosophy, *Manas ki Jat sub ek hi pehachaneo*, Recognise all of humanity as equal. Let diversity flourish and equality dominate.

I thank you for your attention.

2. Inter-Sessional Open-Ended Working Group on The World Conference Against Racism. Geneva, 6-9 March 2001.

Thank you Madam Chairperson,

SHRG commends the High Commissioner for a far reaching and exhaustive Draft Declaration and Programme of Action for the World Conference. We can state with satisfaction that many of our concerns and proposals are reflected in this Declaration. The Sikh Human Rights Group supports the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the use of cultural and political designs to exclude and dominate. We question the basis of terms such as race, racism and racial discrimination and feel that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms and their usefulness to human society. Nevertheless we acknowledge, with some reservation, that the terminology has come into common usage and states and communities have adopted it as a language of classification and social interaction. We therefore address our concerns and proposals with all this in mind.

There exists considerable literature on cultural diversity and culture as an integral part of racial distinction, but very little has been done to incorporate this knowledge into the legal practices of states. *The International Convention on the Elimination of All Forms of Racial Discrimination* states, "... 'Racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, employment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

Nevertheless, the legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active protection of people's cultural identities. Indeed, Sikhs, Hindus and Muslims in Europe, Aborigines in Australia, Afro-Brazilians, Ismailis in Pakistan, Sikhs and Muslim groups in India, Mayas in Central America, and many other minority ethnic groups, refugees, asylum seekers and trafficked people around the world still experience discrimination in their everyday life and minimal or no protection against such violations. In particular, cultural practices of many minority ethnic groups are treated as religious matters outside the scope of the discourse on race.

With the creation of an ambiguous definition of race, there follows an attempt to tailor it in a manner that suits political interests. Cultural discrimination is usually pursued under legislation for protection of religion rather than Race legislations. In some countries however, such protection does not exist. Hence, ethnic groups such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of *kara*, *kirpan* and the *kesh*.

If we are to adopt the term race in common usage we have to accept that race and culture are intimately related and cannot be segregated. Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes such as the ones that label people with a particular cultural identity as exceedingly religious, orthodox or fundamentalists. Without a remedy against acts of cultural discrimination and exclusion, in places of social interaction, institutions and the media, this type of abusive practices become institutionalised through their inclusion in the official discourse on culture. In this way they become legitimate.

Discrimination and racism occur primarily because people are fearful of 'the different'. In this sense, people that come from different cultures are perceived as a threat to what is thought to be a 'homogenous national culture'. Diversity is perceived as a threat because homogeneity is being treated as an indication of 'normality' while diversity is approached as a result of the 'invasion' of the different into the 'homogenous' whole. However, if a thorough look into human history and today's world can convince people that diversity and not homogeneity is the starting point of a dynamic process that involves a wide variety of perspectives, ways of life, individual and communal identities and economic-political circumstances that blend together and change through time; then diversity will cease being perceived as a threat and it will be approached as an opportunity for the equal and peaceful co-existence of different peoples. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political 'recognition and accommodation' of different ways of being while it still presupposes cultural homogeneity of the 'nation-state' and assimilation of the minority cultures into the majority, 'tolerant' one. An alternative to the passive practice of 'tolerance' would be the active promotion of the more inclusive and dynamic concept of 'cultural diversity' that promotes respect for different cultures and protection of their rights on the basis of the human rights principles.

In summary, SHRG supports the Draft Declaration and Programme of Action for the World Conference yet expresses its reservation on the use of the terms race, racism and racial discrimination. SHRG maintains the belief that race and culture are intimately related and that cultural diversity is the key to future peace and prosperity amongst peoples and states. It emphasises the need to actively promote cultural diversity in state policies as a way of dealing with racial discrimination, intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity. We again commend the High Commission's office for a thought provoking and exhaustive declaration.

I thank you for your attention

3. Forum of the Americas for Diversity and Pluralism, Quito, Ecuador, 13-16 March 2001.

Thank you Mister/Madam Chairperson,

The Sikh Human Rights Group supports the position that all humanity is equal and classifications are mostly constructed against a background of imperialist, cultural and political designs to exclude and dominate. In considering the sources of racism, we have to examine the genealogy of the current discourse. Had the classification of race evolved as a means of seeking better co-existence and real understanding, we may not be having this conference in the first place. We question the basis of terms such as race, racism and racial discrimination in the conventional discourse. We feel that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms and their utility to human society. We think that the conceptualising of race needs to be changed so as to encourage diversity, dignity and equality rather than discrimination in our serious journey to end discrimination.

When we talk of equality we have to ask equality relative to what and whom. Is it equality to end western bred racism and discrimination, in which instance we assume that everyone wants to be equal to western white races. Or is it equality without reference to any specific group or culture, in which case

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we accept that all races and their cultures have equal dignity, however different they may be fundamentally. The Sikh Human Rights Group's position is the latter. We feel that all races and cultures bring something valuable and enriching to the world. We feel that diversity is the natural order of things. We further assert that integration rather than assimilation should be our guiding principle in pursuing an end to centuries of intolerance and discrimination that has invaded the lives of a large percentage of the world population.

It is in this context we feel that culture and race are integral and that a drive for recognition, acceptance and promotion of cultural diversity is a response that can significantly end classical forms of discrimination. It is after all the assumption by individuals of a discriminating group that its culture and values are superior that contributes substantially to the development of racism, flawed theories and creative evidence to sustain it. In order to deal with racism, we propose a greater focus and emphasis on cultural diversity and promoting this concept through education, legislation and political initiatives.

Although classically literature adopts a close linkage between race and culture and usually in a demeaning way, in challenging racism the legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active protection of people's cultural identities. In particular, cultural practices of many minority ethnic groups are treated as religious matters outside the scope of the legal discourse on race.

In my own example, I am lucky to be living in a country, Canada, that has actively pursued a policy of multiculturalism. But I know many people from our and other communities in other countries who have felt the need to abandon their culture in order to be 'accepted' in their adopted countries. So while they may have gone some way to overcoming discrimination based on colour and physical features, they cannot avoid the prejudices that are attached to their racial culture because of a lack of legislative protection. We therefore need an all inclusive legal definition of race that will reflect and challenge the literary assumptions that have led to discrimination.

Institutions are often the worse offenders in the field of racism. They create a culture of assimilation, conformism and bonding to form a team of 'like minded' people. In the past this used to be achieved by excluding people of 'other' races. Now it is by excluding 'other' cultures while accommodating different colours and physical backgrounds and encouraging assimilation into the majority culture. We need to encourage Institutions to accommodate and work with diversity of cultures.

In the media, racism based on cultural prejudice manifests itself with the use of stereotypes such as the ones that label people with a particular cultural identity as exceedingly religious, orthodox or fundamentalists. There is no attempt to understand the variable dynamics, concepts and passions of different cultures. Without a remedy against acts of cultural discrimination and exclusion, in places of social interaction, institutions and the media, this type of abusive practices become institutionalised through their inclusion in the official discourse on culture and thus legitimising them.

Diversity is perceived as a threat because homogeneity is usually treated as an indication of 'normality' while diversity is approached as a result of the 'invasion' of the different into the 'homogenous' whole. We have to challenge the tendency towards a homogenous culture and conformist trends. Infact diversity rather than homogeneity is natural. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

There is also a great stress on the act of 'tolerance'. The Sikh philosophy which guides the Sikh Human Rights Group, however considers tolerance a mere political accommodation. We need to accept, not tolerate. Tolerance does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political 'recognition and accommodation' of different ways of being as a concession by a majority to its otherwise desire for uniformity. An alternative to the passive practice of 'tolerance' would be the active promotion of the more inclusive and dynamic concept of 'cultural diversity' that promotes respect for diverse cultures on the basis of human rights principles. This would negate the proposition of one race assuming right of dominance suspended through 'tolerance'.

In summary, SHRG emphasises the need to actively promote cultural diversity in the United Nations philosophy, State policies and cultural attitudes as a way of dealing with racial discrimination,

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intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity. We wish to thank the organisers of this excellent forum and hope that others will join us in our approach.

I thank you for your attention

4. Geneva 16 April 2001

Thank you Madam Chairperson,

The Draft Declaration and Programme of Action for the World Conference are commendable documents, which reflect many of the Sikh Human Rights Group's previously expressed concerns and proposals. However the Draft Declaration needs to address further affirmation of the concept of diversity.

SHRG supports the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the use of cultural and political designs to exclude and dominate. We question the current basis of terms such as race, racism and racial discrimination and consider that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms.

To this end, we propose that the Draft Declaration include a statement recognising that race as a concept has for too long been defined by reference to colonial attitudes and reactions to those attitudes, including reactions by the victims of racism whose struggle for equality has been defined in terms of achieving equality with the perpetrators in terms defined by the perpetrators, and that there is a need to refocus our understanding of race in terms of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures. Such an approach better recognises the importance of cultural identity to the fulfilment of individual freedoms. Only if individuals are fully able to give expression to their cultural identity will their spiritual and social development as individuals within a world community be fully achieved.

Nevertheless we acknowledge, with some reservation, that the classical terminology of race has come into common usage and states and communities have adopted it as a language of classification and social interaction. We therefore address our concerns and proposals with all this in mind.

There exists considerable literature on cultural diversity and culture as an integral part of racial distinction, but very little has been done to incorporate this knowledge into the legal practices of states. Legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active protection of people's cultural identities. Indeed, many ethnic groups, refugees, asylum seekers and trafficked people around the world still experience discrimination in their everyday life and minimal or no protection against such violations. In particular, cultural practices of many groups are treated as religious matters outside the scope of the discourse on race.

With the creation of an ambiguous definition of race, there follows an attempt to tailor it in a manner that suits political interests. Cultural discrimination is usually considered under legislation for the protection of religion rather than legislation designed to combat race discrimination. In many countries however, such protection of culture has not existed. Hence, ethnic groups such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly kara, kirpan, and the kesh. Such limited protection as they have received against discrimination as in the U.K. has not been through discourse of cultural rights but in the straitjacket of race.

If we are to adopt the current terminology of race in common usage we have to accept that race and culture are intimately related. Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes such as those that label people with a distinct cultural identity as 'orthodox' or 'fundamentalist'. Without a remedy against acts of cultural discrimination and exclusion, in

places of social interaction, institutions and the media, these types of abusive practices become institutionalised. In this way they become legitimate.

Discrimination and racism occur primarily because people are fearful of 'the different' or because they wish to preserve particular relations of power by exclusion or exploitation. In this sense, people that come from different cultures are perceived as a threat to what is thought to be a 'homogenous national culture'. Diversity is perceived as a threat because homogeneity is treated as an indication of 'normality' while diversity is seen as a result of the 'invasion' of the different into the 'homogenous' whole. However, a thorough look into human history and today's world can convince people that diversity and not homogeneity is the starting point of a dynamic process that involves a wide variety of perspectives, ways of life, individual and communal identities and economic-political circumstances that blend together and change through time. If such an approach is adopted diversity will cease to be labeled as a threat and will be approached as an opportunity for the equal and peaceful co-existence of different peoples. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political recognition and accommodation of different ways of being while still presupposing cultural homogeneity of the 'nation-state' and integration of the minority cultures into the 'tolerant' majority culture. We suggest, as an alternative to the passive practice of 'tolerance', that there be active implementation of the more inclusive and dynamic concept of 'diversity' that promotes respect for diverse cultures and protection of their rights on the basis of the human rights principles.

SHRG maintains the belief that cultural diversity is the key to future peace and prosperity amongst peoples and states. It emphasises the need to actively promote cultural diversity in state policies as a way of dealing with racial discrimination, intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity.

In support of these aims we propose in particular:

- That the numbered para 4 of the Draft Declaration be amended whether by renumbering or other suitable device so as to include the italicised words immediately before and after the current text:

We also note that 'race' has for too long been defined by reference to colonial attitudes and reactions to those attitudes and there is a need to refocus our understanding of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures.

For too long diversity has been treated as threat rather than gift, and too often that threat has been expressed in racial contempt and conflict, in exclusion, discrimination and intolerance. We must refocus our understanding, discern in diversity of race and culture the potential for mutual enrichment, and realize that it is the interchange between great traditions of human spirituality that offers the best prospect for the human spirit itself. **Vision Statement**

Realisation of such potential requires the recognition and protection of the cultural identities through which individuals find fulfilment and personal development, always bearing in mind that cultures should not themselves be allowed to erode or limit the development of individual rights.

- That the numbered para 18 of the Draft Declaration include discrimination on the basis of culture.
- That the numbered para 22 of the Draft Declaration be amended to read:

We recognise *the particularly damaging effects of institutional discrimination to the development of an equal and diverse society and the corresponding* importance of national institutions for the promotion and protection of human rights and ombudsman institutions in the

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struggle against racism, racial discrimination, xenophobia and related intolerance, and reaffirm the need for such entities to be established where they do not exist. *We further* call upon the authorities and society in general in those countries where they are performing their tasks of protection and prevention to co-operate to the maximum extent possible; **Regional Conference, Santiago Cf. Regional Conference, Tehran.**

I thank you for your attention

5. Preparatory Committee II, 21 May-1 June, Geneva 2001

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.

6. Preparatory Committee II, 21 May-1 June, Geneva 2001

Cultural Diversity – A Response to Racism and Discrimination **Discrimination on Grounds of Culture**

Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes against people with distinct cultural identity, such as the Sikhs, whereby they label them as 'orthodox' or 'fundamentalist'. Without a remedy against acts of cultural discrimination and exclusion, in places of social interaction, institutions and the media, these types of abusive practices become institutionalised. In this way they become legitimate.

Cultural discrimination concerns a wide range of people's and cultures around the world. It is often argued that individuals' cultural identity can be protected through legislation on freedom of religion. However, one should bear in mind that such legislation exists in only a few countries while even when it does, because it does not directly concern people's cultural characteristics, it often requires months if not years of legal proceedings before it eventually protects victims of cultural discrimination. That is of course if it ever reaches that point. In the meantime, ethnic groups with distinct cultural identity such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly the kara, kirpan, and the kesh. Also, one has to remember that although religion and culture are indeed closely related they do not always overlap. In this sense, cultural practices are not necessarily religious.

Moreover, legislation against discrimination on grounds of ethnic origin does not necessarily protect the rights of ethnic groups or individuals' with distinct cultural identity for, as it is often interpreted in national legislation, the term 'ethnic' is legally connected to a group's common language, literature, religion, history, geographic origin or descent but very rarely people's culture and cultural practices as such. For all these reasons, it is of imperative importance that cultural discrimination is directly addressed in national and international legislation so that people's rights and freedoms are effectively protected.

Cultural Diversity

We encourage states to approach cultural and national diversity not as a threat but the key to prosperity and peace. To this end, it is important for all states to recognise the existence of different ethnic, cultural or religious groups within their national boundaries, respecting and protecting their cultural, civil, economic, political, social and human rights. It is also crucial that they acknowledge the importance of the cultural heritage of racial and ethnic communities, promote respect and protection for these cultures. Furthermore, it is of outmost importance that states recognise and address racism, xenophobia and discrimination on the basis of race, culture, religion, ethnicity or political opinion. No society is immune to such practices. Denial of their existence by certain governments serves only to preserve and perpetuate them.

Cultural Diversity concerns the harmonious and dialogic co-existence of majority and minority cultures on the basis of principles of equality, dignity and human rights. In this, the individual's cultural identity is protected and respected to the fulfilment of their individual freedoms.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. We suggest, as an alternative, the active promotion – through legal protection, education etc – of cultural diversity: respect for diverse cultures and protection of their rights on the basis of the human rights principles.

7. Preparatory Committee II, 21 May-1 June, Geneva 2001. Background material prepared for lobby.

The House of Lords (UK) decision in the Mandla v Dowell Lee case which made it easier for Sikhs to participate in public life without compromising their identity.

The Decision

The term Ethnic in s 3 of the 1976 Act was to be construed relatively widely in a broad cultural and historic sense. For a group to constitute an 'ethnic group' for the purpose of the 1976 Act it had to regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics, two of which were essential.

- (a) (i) First it had to have a long shared history, of which the group was conscious as distinguishing it from other groups, and the memory of which it kept alive
- (ii) it had to have a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.
- (b) either a common geographical origin or descent from a small number of common ancestors
- (c) a common language, which did not necessarily have to be peculiar to the group
- (d) a common literature peculiar to the group
- (e) a common religion different from that of neighbouring groups or from the general community surrounding it
- (f) the characteristic of being a minority or being an oppressed or a dominant group within a larger community.

Applying those characteristics, the Sikhs were a group defined by reference to 'ethnic origins' for the purpose of the 1976 Act even though they were not racially distinguishable from other people living in the Punjab. The no turban rule was not a requirement with which the applicant boy could, consistently with the custom of being a Sikh, comply. The no turban rule was not justifiable

Lord Fraser

I recognise that 'ethnic' conveys a flavour of race but it cannot, in my opinion, have been used in the 1976 Act in a strict racial or biological sense. For one thing it would be absurd to suppose that Parliament can have intended that membership of a particular racial group should depend on scientific proof that a person possessed the relevant distinctive biological characteristic. For another thing, the briefest glance at evidence in this case is enough to show that, within the human race, there are very few, if any distinctions which are scientifically recognised as racial.

The evidence in my judgment shows that Sikhs are a distinct and self-conscious community. They have a history going back to the fifteenth century. They have a written language which a small proportion of Sikhs can read but which can be read by a much higher proportion of Sikhs than Hindus. They were at one time politically supreme in the Punjab. The Sikhs are a group defined by reference to ethnic origins for the purpose of the 1976 Act.

Lord Templeman

In my opinion, for the purpose of the 1976 Act a group of persons defined by reference to ethnic origins must possess some of the characteristics of a race, namely group descent, a group of geographical origin and a group history.

The evidence shows that the Sikhs satisfy these tests. They are more than a religious sect, they are almost a race and almost a nation.

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.

9. Preparatory Committee III, 30 July-10 August, Geneva 2001 - DIVERSITY

Thank you Madam Chairperson,

The Sikh Human Rights Group applauds the hard work being put by many governments towards making the World Conference Against Racism a realistic way forward to break the scourge of racism that has inflicted the world for a number of centuries.

It is now well recognised that racism developed in its present form during the period of colonialism when some European philosophers consolidated colonial adventures by categorising human beings into races and justifying some races to be superior to others. The attitudes that resulted from these theories have led to numerous miseries in many parts of the world affecting large populations in some regions. Racism created barriers and prejudices on a scale that had not been experienced in history before.

With the decolonisation process started an earnest attempt to break down racism around the world. However despite more than 50 years of efforts, racism still manifests in many forms. The scars of racism through history continue to affect many communities while many previously racist communities are still coming to terms with prejudicial past. We can only move forward by repairing the past and take bold steps for the future.

However anti-racism is a reaction to racism and consequently a counter-product of colonialism. Programmes to combat racism need to be put in place to ensure the triumph of humanity over evil practices and to promote an inclusive and equal human society.

But these programmes cannot form the basis of a future world for they assume that racism will be a permanent affliction in human society needing programmes to eradicate it in perpetuity. While we must recognise the ills of the past and put them right, we must look forward to a world when racism is no longer a word in our deliberations and in common use. We have to look forward to a world when the human race will accept and respect the rich diversity in human beings that nature has promoted through the ages.

Towards this the Sikh Human Rights Group proposes the following statement for inclusion in the Declaration.

“While the World Conference Against Racism recognises that racism in its present form emerged from colonial attitude and that Antiracism is informed by reaction to racist activity, there is also a need to move forward after the resolution of remaining issues of racism. The World Conference proposes the need to explore, investigate and formulate ideas promoting the principle of natural diversity as the foundation for a world free of discrimination based on racism and related issues.”

Alternatively “The United Nations will explore, develop, and promote the concept and principle of diversity through research, consultation, dialogue and proposals for future action.”

I thank you for your attention.

**10. World Conference Against Racism, Racial Discrimination and Related Intolerance,
Durban, South Africa, 31 August – 7 September 2001
SHRG Plenary Statement**

Thank you Mr Chairperson

The Sikh Human Rights group applauds the hard work of many governments towards making the World Conference Against Racism a realistic way forward. Racism developed in its present form during colonialism when the European philosophers consolidate colonial adventures by categorising and creating a hierarchical classification of races, inflicting numerous miseries around the world.

Despite fifty years of decolonisation process, racism still manifests itself in many forms and its scars still affect many countries. Racism has imposed itself in a hegemony of concepts and engagement of language which is largely European in origin. Policies and Practices based on anti-racism and anti-discrimination remain an important part of the strategy to combat racism. However, they remain a reaction to and consequent counter product of colonialism assuming that humanity will be permanently locked in this battle, needing repeated programs to eradicate racism.

While we must recognise the ills of the past and put them right, we must look to a future where 'racism' is no longer a term in our deliberations or in common use, nor does it submit to the hegemony of one set of concepts and linguistic boundaries. The human race will need to accept and respect the rich diversity of human beings that nature has cultivated and strengthen. Policies and practices need to be out in place in order to promote an inclusive an equal human society based on the concept of its various civilisations. SHRG would like to see further exploration, development and promotion of the concept and the principle of diversity through research, dialogue and proposals for future action.

We also wish to bring to the attention of the WCAR the complex discriminatory practices faced by Sikhs. Sikhs are a community with a distinct identity that has always challenged pressures of conformity and defended the freedom of conscience. However, in many countries, Sikhs face discrimination in employment, education and in places of social interaction because of their practice of wearing a turban and maintaining unshorn hair as an expression of their respect of nature and their distinct identity. It is not always active prejudice that Sikhs face, but the invisibility within legislation and public policy regarding Sikhs that leads to discriminatory practices.

Existing national legislation and policies fall short of protecting the intertwined racial/cultural/ethnic/religious identity of the Sikhs. Very few other groups fall into this sort of category. Sikhs, a very visible community, become and continue to be invisible within the national legal systems of some countries. For this reason Sikhs have to resort to the highest of courts in the land to protect the right of expression of their distinct identity. However in many countries the possibility of exclusion remains. The category of religion does not adequately protect Sikhs. We call ourselves 'Qaum' that has no translation in English.

We are grateful to the WCAR and countries that have introduced paragraph 73 in the Declaration in an attempt to include Sikhs. We hope that states will ensure that a global approach is taken towards the fight against racism and discrimination. It will be a shame if states, particularly in regionalised contexts, failed to draw on measures, policies, programmes which embody the best and most inclusive approach amongst those countries.

We ask the WCAR to built foundations of the future on principles of diversity understood around the world and to fully include the Sikhs in its deliberations.

Thank you for your attention.

III SHRG WORKSHOPS

1. SHRG Workshop, 17 February 2001, London, UK - *Cultural Diversity: A Response to Racism. Main Points.*

On 17 February 2001, the Sikh Human Rights Group held a day long workshop on Cultural Diversity. This was the third workshop in a series of consultative meetings. The aim of the workshop was for a broad range of experts in the field to exchange ideas and experiences as part of SHRG's preparations towards the United Nations World conference on Racism, Xenophobia and other forms of Intolerance. The workshop addressed three themes: response to cultural racism; response to institutional racism; and response to racism affecting refugees, migrants and traffickers. Academics, practitioners, community leaders and representatives, and students participated in the workshop which produced rich exchange of ideas on moving forward.

Key points from the workshop are summarised below. The full summary report is available from SHRG at the above address.

A. Response to cultural discrimination

1. The concept of 'race' emerged from western philosophers. With the increasing knowledge of the diversity of human kind, and the increasing knowledge of the antiquity of cultures from other places than Europe, a framework for ordering cultural diversity was developed. The concept of 'race' took the form whereby there was the stem genesis which is essentially white and Caucasian, and was to have off shoots to explain the other 'races'. Race and culture were conflated and passed on to the programme of humanities in universities which influences modern thinking. The overt emphasis on race and racial differences now dissolve into a culture of diversity. It is important to unpack the genealogy of the term 'race' and what it denotes in order to make relevant interventions to bring about equality for all people. A way forward is to promote cultural diversity, which requires addressing of the underlying antagonisms which have links with the invention of the concept of 'race'.
2. Selective adoption or appropriation (e.g. curry being a national dish in the U.K) of minority cultural ways does not mean that there is multicultural or cultural diversity based on principles of equality. Cultural diversity needs to operate from a position of equality where the majority and the minority cultures or groups can speak from one space instead of speaking through the space defined by the majority culture.

B. Response to institutional racism

3. Tackling institutional racism is crucial if equality is to be promoted. To this end, provision of adequate legislation and power to address institutional racism is vital. Following the inquiry into the death of Stephen Lawrence in the U.K., the resulting report has defined institutional racism. The definition needs to be legally workable so as to include direct and indirect institutional racism and be capable of application at all stages. A comparative approach across states would be beneficial.
4. Practical and effective measures are required to address institutional racism. The formation and re-formation of identities evokes emotional contestations. But there is a need for concerted action on the part of the institutions to deconstruct the perpetual negative stereotyping of ethnic minority people. These are often based on misconceptions of cultures. Thus institutional cultural discrimination is an important consideration in order to promote equality in cultural diversity.

C. Response to racism affecting refugees, migrants and trafficked people

5. There is much evidence to show that governments and the media are powerful forces in shaping public attitudes towards refugees, migrants, asylum seekers and trafficked people. These public attitudes can be welcoming or hostile resulting in racial and cultural discrimination towards specific groups of people. Governments and the media need to act responsibly in the interests of human rights and protection.

6. Intra-state conflicts are often the result of external forces (for example, conditional arms and economic trade). Bodies like the UN should be able to mediate in internal conflicts which give rise to millions of people fleeing their countries to seek protection.

2. SHRG Workshop on Cultural Diversity, Geneva, 8 May 2001 – Summary Points

History of the Concept of 'Race'

- The creation of the concept of race emerged from German philosophers, in particular from Immanuel Kant, a leading figure among western philosophers and the founder of modern cosmopolitanism - the very concept that underlies universal rights. Kant's interest in race was fuelled by the wider crisis within Christian Europe – essentially a crisis of the Christian identity. He introduced the concept of race much as a case against polygenesis, a broad natural genesis of the unity of man from which there are deviations of races. Races were considered to be the offshoots from the stem genesis -which was essentially white and Caucasian - a physical or empirical system for understanding (faculty of mind), therefore necessary for the understanding of mind in order to reduce this diversity of races to be of the same genesis.
- In 1785, Kant, writing on 'what is race?' notes that there is a reason for race and racial differences. Race and the possession of reason on the one hand and race and thinking about reason on the other are intrinsically connected.
- The main problem with Kant's approach to identifying race is that he allowed Caucasian and Oriental (Indians and Egyptians) identities to be conflated. Following Kant, Hegel considered race synonymous with culture, people, religion and civilisation. Race became a way of imagining, a way of constructing images and words about the progression of mind, that is, the 'culturedness' or civilisation. The overt emphasis on race and racial differences now dissolved into a culture of diversity.

What Do We Mean By Cultural Diversity?

- Cultural Diversity concerns the harmonious and dialogic co-existence of majority and minority cultures on the basis of principles of equality, dignity and human rights. In this, the individual's cultural identity is protected and respected to the fulfilment of their individual freedoms.

How Can We Actively Promote Cultural Diversity?

- Through the formation and implementation of anti-racism and anti-discrimination legislation as well as legal policies and practices that protect people's cultural, social, economic, civil and political rights. Also prosecution and punishment of persons responsible for racist and discriminatory acts as well as protection and dedication of resources and direct specific actions to the very people who are or have been exposed to racist or discriminatory practices.
- Address and tackle cultural discrimination. Cultural discrimination concerns a wide range of people's and cultures around the world. It is often argued that individuals' cultural identity can be protected through legislation on freedom of religion. However, one should bear in mind that such legislation exists in only a few countries while even when it does, because it does not directly concern people's cultural characteristics, it often requires months if not years of legal proceedings before it eventually protects victims of cultural discrimination. That is of course if it ever reaches that point. In the meantime, ethnic groups with distinct cultural identity such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly the kara, kirpan, and the kesh. Also, one has to remember that although religion and culture are indeed closely related they do not always overlap. In this sense, cultural practices are not necessarily religious.
- Furthermore, legislation against discrimination on grounds of ethnic origin does not necessarily protect the rights of ethnic groups or individuals' with distinct cultural identity for, as it is often interpreted in national legislation, the term 'ethnic' is legally connected to a group's common language, literature, religion, history, geographic origin or descent but very rarely people's culture and cultural practices as such. For all these reasons, it is of imperative importance that cultural discrimination is directly addressed in national and international legislation so that people's rights and freedoms are effectively protected.
- Education, public awareness and training of public officials on the dangers of racism and discrimination and the importance of embracing and promoting cultural diversity. Also, research on cultural diversity and the ways to promote and incorporate it into national and international policies

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and practices. In all this, the importance of active involvement of NGOs and community organisations is imperative.
- Formulation and implementation of policies that encourage economic and social national and local institutions and authorities including public commercial, employment, occupation, and social services to accommodate in their policies and practices essential features of individual cultural identity.

3. SHRG CONSULTATION- SIKH COMMUNITY

1st Consultation meeting 4th February 2001 for South United Kingdom Sri Guru Singh Sabha, Southall, Middlesex

About 40 people attended this consultation session. The theme of the World conference was explained and the position taken by the Sikh Human Rights Group was put forward for discussion.

The majority of Sikhs agreed with the proposals put forward and the strategy deployed. Several organisations and individuals agreed to assist. The consensus reached was taken on board.

2nd Consultation meeting 26th February 2001 for idlands and North United Kingdom Guru Nanak Nishkam Sewak Jatha, Soho Road , Birmingham

About 30 people attended this session. Consensus was reached again on the issues that were being taken up by the Sikh Human Rights Group. Again the comments made were taken on board although the majority of the people agreed with the position taken by SHRG.

3rd Consultation Session 8th March 2001 for North America Sri Guru Singh Sabha , Richmond Hill, New York

About 20 people attended this session as representatives of various Gurdwaras and organisations. The points made were taken on board and the consensus of opinion reached was in agreement with the Sikh Human Rights Group position.

4th Consultation process Small meetings in Punjab, India. Through SHRG, South Asia

This consultation process was held informally by discussion with various individuals known to be active in the field of community relations. Generally there was agreement with the approach taken by the Sikh Human Rights Group. It was also agreed to send one person to the World Conference.

IV. SHRG ACHIEVEMENTS

SHRG's Achievements

The Sikh issue

The WCAR in Durban was attended by eleven members of SHRG, five from the U.K., five from Canada, and one from India. A small group of people in each of the countries met regularly for over a year prior to the conference to prepare the nature of its participation. The group participated in the three UN preparatory meetings in Geneva and one in Quito, Ecuador. Views from the Sikh community were sought informally and formally, through various consultation forums, in the UK, Canada, USA, and European countries (e.g. France, Belgium, Germany) during the preparations. A seminar on cultural diversity was held with UK based NGOs, academics, and practitioners at the Commission for Racial Equality. SHRG also held a seminar with some government representatives at UN in Geneva.

The material gathered from consultations and seminars contributed to SHRG's preparatory work for the conference. The expertise of SHRG members attending the conference and the group's strategy of intensive lobbying of governments at the preparatory meetings in Geneva and at the conference led to very successful results for the Sikh community overall.

The Declaration agreed at the world conference in Durban adopted the following paragraph, which is para 67 in the document, following intensive lobbying by SHRG members and lengthy discussions amongst states. It is in generic language. It was introduced by Canada who stated that the para would ensure the prevention of specific forms of discrimination against Sikhs. The para was supported and negotiated by India with the help of Australia. Both countries mentioned Sikhs as the subjects of this para.

“We recognise that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors as well as their traditions and customs and call upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates.”

The para represents a collective recognition by the UN states of the particular problems of discrimination faced by Sikhs across the globe and a collective willingness to deal with those problems. It recognises that those problems are due to a complex range and interplay of factors. They are not just to do with issues of a racial identity or a religious identity or a cultural identity; they are to do with an amalgamation of these and related factors. National laws which concern only race or religion or culture may not necessarily protect Sikhs in all instances. The resolution recognises and implicitly calls upon States to address these problems by looking at the interaction of all these factors that affect Sikhs.

The Importance of Para 67

The resolution is of vital importance in ensuring that Sikh communities are able to co-exist and thrive on an equal basis with other communities. Having supported the resolution, States are now politically and morally obliged to act upon it. They will now have to look at their national laws, policies and practices and consider whether and to what extent they fail to provide adequate protection for the rights of Sikhs or fail to ensure their full and effective participation in all spheres of life.

Definitions of race and other ways of categorising people will have to be re-assessed to ensure that certain groups, such as the Sikhs, who cannot be defined purely in racial or religious or cultural terms are indeed protected. For example, many European states which fail to recognise the rights of turban-wearers will have to examine their laws and consider what can be done to modify those laws to give effect to the spirit of para 67.

What Next?

SHRG has begun the process of discussing the implementation of the resolution with the UK government, the European Council, and with European Parliamentarians in Europe. Plans are in place

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to take similar steps in Canada. SHRG is working with Sikhs in Europe, Canada and USA to progress the work.

SHRG is planning two conferences in the UK, in 2002, on follow-up on the world conference against racism. One conference will focus on the Sikh issue, while the other will address wider issues, including cultural diversity and diversity.

It is crucial that Sikhs across the globe lobby States to act on the resolution. And it is critical that the lobbying is co-ordinated to achieve maximum effect. SHRG welcomes the support and efforts of Sikhs in this endeavour. Contact details are provided at the top of the leaflet.

NGO Forum and Youth Summit World Documents

SHRG played a very active and successful role in the preparation of these documents prior to and at the world conference in Durban. The NGO Forum Declaration contains two paragraphs citing particular forms of discrimination faced by Sikhs, and the Youth Summit document contains three paragraphs.

NGOs and Youth bodies across the world are expected to continue lobbying governments to address issues raised in these documents. The inclusion of Sikhs in these documents gives Sikhs a strong foundation to work with NGOs and Youth organisations across the world to raise specific issues of discrimination against Sikhs and to have them addressed with wider support.

SHRG and Diversity, Cultural Diversity, Institutional Racism and Discrimination Towards Asylum Seekers and Refugees.

SHRG's lobbying and interventions on the address of institutional discrimination, discrimination towards asylum seekers and refugees and most importantly diversity and cultural diversity produced positive results as found in the Declaration and Programme of Action (For more detailed information contact the SHRG London office).

Diversity and Cultural Diversity

Throughout the process leading to the WCAR SHRG supported the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the view to exclude and dominate. The discourse on racism and discrimination has for too long been defined by reference to colonial attitudes and reactions to those attitudes. There is a need to refocus our attention towards the exploration of the concept and practice of diversity is reflected in the essential equality and dignity of all human beings and their protection on the basis of the human rights principles. Within this, embracing cultural diversity is of particular importance especially for UK and the people of Asian descent where culture seems to be a crucial aspect of their identities. Cultural diversity concerns the harmonious and dialogic co-existence of majority and minority cultures on the basis of principles of equality, dignity and human rights. In this, the individual's cultural identity is protected and respected to the fulfilment of their individual freedoms.

Institutional Racism and Discrimination

In the McPherson Report on the inadequacy of the Metropolitan police investigation into the death of Stephen Lawrence, a black teenager killed by a gang of white youths in the UK, defines institutional racism as '.....the collective failure of an organisation to provide an appropriate and professional services to people because of their colour, culture or ethnic origin. It can be seen or detected in the processes, attitudes and behaviour which amount to discrimination through ... prejudice, ignorance, thoughtlessness, and racial stereotyping which disadvantage minority ethnic people.' (McPherson Report 2000, para 6.34).

Institutional racism or else indirect discrimination detrimentally affect a wide range of people belonging to minorities or ethnic, racial and religious groups. A powerful ingredient of institutional racism and discrimination are their dependency on negative stereotypes that are being reinforced through various social, economic and political structures, becoming this way institutionalised and thus legitimised. Most importantly, through this process, negative stereotypes are acted upon leading to the introduction and/or reproduction of discriminatory acts towards certain groups of people – usually the ones with distinct ethnic, religious or cultural identity.

With this in mind, SHRG pointed to the need to analyse this phenomenon further by identifying, examining and tackling its different forms, multiple causes and its serious effects on the lives of its victims.

Discrimination Towards Asylum Seekers and Refugees

As the numbers of asylum seekers and refugees increase world-wide, states become more and more reluctant to deal effectively with displacement and related discrimination. Restrictive migration and asylum policies; promotion and highly problematic implementation of policies of 'safe third country' and 'voluntary repatriation'; narrow interpretation of the 1951 Convention; public discourse's portrayal of asylum seekers and refugees as 'a threat to national security' and their discrimination and abuse in the receiving country, during deportation and upon their return to the country of origin; are only a few manifestations of intolerance and unequal treatment of people labelled as 'non-nationals'.

A mixture of complex and inter-related causes force people to flee and seek refuge. Instead, they are stigmatised, discriminated against, abused and criminalized. Throughout the WCAR, SHRG argued for a better system of protection of asylum seekers and refugees.

* Two booklets were specially prepared by SHRG for the UN World Conference Against Racism. The booklets are entitled 'State Legislation Affecting Sikhs' and 'Discrimination and Diversity', which were sponsored by Sri Guru Singh Sabha, Hounslow, UK and Punjab Times, UK. These and other SHRG publications are available at the SHRG London office.

V. REFERENCES TO THE WCAR GOVERNMENTAL DOCUMENTS

All the SHRG statements together with the position paper were translated into specific language amendments for the WCAR documents, the Declaration and the Programme of Action. These consisted the SHRG lobby documents that SHRG used as a basis for negotiation (often together with other NGOs) on the SHRG points.

At the end of the Conference the documents had incorporated a lot of paragraphs referring to Sikhs, diversity, cultural diversity, institutional racism, migrants, refugees and asylum seekers.

'Sikhs', 'Cultural Diversity', 'Diversity', 'Migrants, Refugees and Trafficked People', 'Institutional Racism and Discrimination' in the Governmental WCAR Documents - WCAR Declaration and Programme of Action (31 August – 8 September 2001).

➤ Sikhs

Declaration, Victims

67. We recognize that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and call upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

➤ **Cultural Diversity**

Declaration

Reaffirming that **cultural diversity** is a cherished asset for the advancement and welfare of humanity..

Declaration, General Issues

11. We note that the process of globalization constitutes a powerful and dynamic force which should be harnessed/utilized for the benefit, development and prosperity of all countries...We further express our determination to maximize the benefits of globalization through.. promotion of **cultural diversity**..

Declaration, Measures

97. We underline the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance and the essential/crucial role of education, including human rights education and education which is sensitive to and respects **cultural diversity**..

Programme of Action, Victims.

30. Urges States: (c) To implement specific measures involving the host community and migrants in order to encourage respect for **cultural diversity**...

Programme of Action, Measures.

61. Urges States to work to ensure that their political and legal systems reflect the **multicultural diversity** within their societies and where necessary to improve democratic institutions...

Programme of Action, Measures, Human Rights Education

128. Urges States, ... to support and implement public formal and non-formal education, programmes designed to promote respect for **cultural diversity**;

Programme of Action, Measures, Human Rights Education for Children and Youth

132. Recommends to States to ... support public formal and non-formal education programmes designed to promote respect for **cultural diversity** and self-esteem of victims;

Programme of Action, Measures, 3. Information, Communication and the Media, Including New Technologies

141. Draws attention to the potential to increase the use of...the Internet to promote universal respect for human rights and also respect for the value of **cultural diversity**;

Programme of Action, Measures, B. International level.

148. Urges all actors on the international scene to build an international order based on...equity, human dignity, mutual understanding and promotion of and respect for **cultural diversity**...;

Programme of Action, V. Strategies to Achieve Full and Effective Equality. General International Instruments.

179. Endorses efforts of the international community, in particular steps taken under the auspices of UNESCO to promote respect for and preserve **cultural diversity**... ;

➤ **Diversity**

Declaration

Welcoming the decision of the General Assembly to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, which underlines tolerance and respect for **diversity** ..;

Declaration, General Issues

6. We further affirm that all peoples and individuals constitute one human family, rich in **diversity**..;

Declaration, Victims

32. We recognize the value and **diversity** of the cultural heritage of Africans...;

40. We recognize the value and **diversity** of the cultures and the heritage of indigenous peoples..;

Declaration, Measures.

88. We recognize that the media should represent the **diversity** of a multicultural society...;

95. We recognize that education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and...to promoting tolerance and respect for **diversity** in societies;

Programme of Action, Measures....

58. Urges States to adopt and implement the benefits of **diversity** within and among all nations in working together...to raise awareness and understanding of the benefits of **cultural diversity** ;

Programme of Action, Measures, Action-oriented Policies and Action Plans.

99. Recognizes that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to promote **diversity**...;

Programme of Action, Measures, 3. Education and Awareness-Raising Measures

117. Urges States, .. to commit financial resources..and to media campaigns promoting the values of acceptance, tolerance, **diversity** and respect for the cultures of all indigenous peoples..;

Programme of Action, Measures, 3. Education and Awareness-Raising Measures Access to Education Without Discrimination

121. Urges States to commit themselves to ensuring access to...lifelong learning and education, based on respect for human rights, **diversity** and tolerance, without discrimination of any kind;

Programme of Action, Measures, 3. Education and Awareness-Raising Measures, Human Rights Education

126. Encourages all States, in cooperation with the United Nations, UNESCO and other relevant international organizations, to promote respect for the values of **diversity**, pluralism.. ;

Programme of Action, Measures, 3. Education and Awareness-Raising Measures, Human Rights Education for Children and Youth

130. Calls upon States to...respect and appreciation of **diversity**... ;

Programme of Action, Measures, 4. Information, Communication and the Media, Including New Technologies

144. Urges States and encourages the private sector to...(b) Promoting the fair, balanced and equitable representation of the **diversity** of their societies...;

Programme of Action, Measures, 4. Information, Communication and the Media, Including New Technologies

147. Calls upon States .. h). to encourage the reflection of the **diversity** of societies...;

➤ **Asylum Seekers, Refugees and Migrants**

Declaration

Acknowledging that **xenophobia**, in its different manifestations, is one of the main contemporary sources and forms of discrimination and conflict...;

Declaration, General Issues

12. We recognize that interregional and intraregional **migration** has increased as a result of globalization..;

Declaration, Sources.

16. We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers..;

Declaration, Sources.

30. We affirm the urgent need to prevent, combat and eliminate all forms of **trafficking** in persons..;

Declaration, Victims

38. We call upon all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against **migrants**, including Asians and people of Asian descent;

47. We reaffirm the sovereign right of each State to formulate and apply its own legal framework and policies for **migration**..;

48. We note with concern and strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against **migrants** and the stereotypes often applied to them; reaffirm the responsibility of States to protect the human rights of **migrants** under their jurisdiction and reaffirm the responsibility of Governments to safeguard and protect **migrants**..;

49. We highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between **migrants** and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against **migrants**...;

50. We are mindful of the situation of vulnerability in which **migrants** frequently find themselves..as well as economic and social difficulties and obstacles to the return of **migrants**..;

51. We reaffirms the necessity of eliminating racial discrimination against **migrants**, including **migrant** workers in relation to issues such as employment, social services..;

52. We note with concern that .. racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from their countries of origin as **refugees and asylum-seekers**;

53. We recognize with concern that..various forms of racism, racial discrimination, xenophobia and related intolerance against **refugees, asylum-seekers and internally displaced persons**..;

54. We underline the urgency of addressing the root causes of displacement and of finding durable solutions for **refugees and displaced persons**..;

55. We affirm our commitment to respect and implement humanitarian obligations relating to the protection of **refugees, asylum-seekers, returnees and internally displaced persons**..;

65. We recognize the right of **refugees** to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return;

Declaration, Measures.

89. We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable groups and individuals, particularly of **migrants** and **refugees**, have contributed to the spread of xenophobic and racist sentiments among the public..;

Declaration, Strategies.

111. We reiterate that the international response and policy, including financial assistance, towards **refugees** and **displaced persons** in different parts of the world should not be based on discrimination

on the grounds of race, colour, descent, or national or ethnic origin of the **refugees** and **displaced persons**..;

Programme of Action, Victims, Migrants.

24. Requests all States to combat manifestations of a generalized rejection of **migrants** and actively to discourage all racist demonstrations and acts that generate xenophobic behaviour and negative sentiments towards, or rejection of, **migrants**;

25. Invites international and national non-governmental organizations to include monitoring and protection of the human rights of **migrants** in their programmes and activities and to sensitize Governments and increase public awareness in all States about the need to prevent racist acts and manifestations of discrimination, xenophobia and related intolerance against **migrants**;

26. Requests States to promote and protect fully and effectively the human rights and fundamental freedoms of all **migrants**, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments, regardless of the **migrants'** immigration status;

27. Encourages States to promote education on the human rights of **migrants** and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and **migration** issues, including the positive contribution of **migrants** to the host society and the vulnerability of **migrants**, particularly those who are in an irregular situation;

28. Calls upon States to facilitate family reunification, in an expeditious and effective manner which has a positive effect on integration of **migrants**..;

29. Urges States to take concrete measures that would eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace, against all workers, including **migrants**..;

30. Urges States:

(a) To develop and implement policies and action plans, and to reinforce and implement preventive measures, in order to foster greater harmony and tolerance between **migrants** and host societies.. ;

(c) To implement specific measures involving the host community and **migrants** in order to encourage respect for cultural diversity, to promote the fair treatment of **migrants** .. ;

(e) To ensure that the police and immigration authorities treat **migrants** in a dignified and non-discriminatory manner.. ;

(f) To consider the question of, with a view to promoting the recognition of the educational, professional and technical credentials of **migrants**, with a view to maximizing their contribution to their new States of residence;

(g) To take all possible measures to promote the full enjoyment by all **migrants** of all human rights.. ;

31. Urges States, in the light of the increased proportion of women **migrants**, to place special focus on gender issues, including gender discrimination..;

32. Urges States to recognize the same economic opportunities and responsibilities to documented long-term migrants as to other members of society;

33. Recommends that host countries for **migrants** consider the provision of adequate social services, in particular, in the areas of health, education and adequate housing, as a matter of priority.. ;

Programme of Action, Victims, Refugees.

34. Urges States to comply with their obligations under international human rights, **refugee** and humanitarian law relating to **refugees, asylum-seekers and displaced persons**.. ;

35. Calls upon States to recognize the racism, racial discrimination, xenophobia and related intolerance that **refugees** may face as they endeavour to engage in the life of the societies of their host countries and encourages States to develop strategies to address this discrimination and to facilitate the full enjoyment of the human rights of **refugees**, in accordance with their international obligations and commitments. State parties should ensure that all measures relating to **refugees** must be in full accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

36. Urges States to take effective steps to protect **refugee** and **internally displaced** women and girls from violence..;

Programme of Action, Victims, Other Victims.

37. Urges States to take all possible measures to..reduce the incidence of **trafficking**;

38. Recognizes that victims of **trafficking** are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States shall ensure that all measures taken against **trafficking** in

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persons, in particular those that affect the victims of such **trafficking**, are consistent with internationally recognized principles of non-discrimination.. ;

Programme of Action, Measures.

64. Urges States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of **trafficking** in women and children..;

65. Encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the "Guiding Principles on **Internal Displacement**" (E/CN.4/1998/53/Add.2), particularly those provisions relating to non-discrimination,

Programme of Action, Measures, A. National level, 1. Legislative.

67. Urges States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are victims of racism, racial discrimination, xenophobia and related intolerance. Special attention should be given to protecting people engaged in domestic work and trafficked persons, from discrimination and violence, as well as to combating prejudice against them;

69. Urges States to enact and implement, as appropriate, laws against **trafficking** in persons, especially women and children and smuggling of **migrants**...to combat this trafficking in persons and smuggling of **migrants**;

Programme of Action, Measures, Ratification of and Effective Implementation of Relevant International and Regional Legal Instruments on Human Rights and Non-Discrimination.

78. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

- (b) International Labour Organization **Migration** for Employment Convention (Revised), 1949 (No.97);
- (c) Convention for the Suppression of the **Traffic** in Persons and of the Exploitation of the Prostitution of Others, 1949;
- (d) Convention relating to the Status of **Refugees** of 1951, and its 1967 Protocol;
- (i) International Labour Organization **Migrant Workers** (Supplementary Provisions) Convention, 1975 (No. 143);
- (k) International Convention on the Protection of the Rights of All **Migrant Workers** and Members of Their Families, 1990;
- (m) United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention and the Protocol against the smuggling of **Migrants** by Land, Sea and Air, supplementing the Convention, 2000;

It further urges States Parties to these instruments to implement them fully;

81. Urges all States to prohibit discriminatory treatment against foreigners and **migrant** workers..;

Programme of Action, Measures, Prosecution of Perpetrators of Racist Acts.

88. Calls upon States to criminalize all forms of **trafficking** in persons, in particular women and children and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of **trafficking** with full respect for their human rights;

Programme of Action, Measures, 2. Policies and Practices, Data Collection and Disaggregation, Research and Study.

96. Invites States to promote and conduct studies and adopt an integral objective and long-term approach to all phases and aspects of **migration** which will deal effectively with both its causes and manifestations. These studies and approaches should pay special attention to the root causes of **migratory** flows, such as lack of full enjoyment of human rights and fundamental freedoms, the effects of economic globalization on migration trends;

97. Recommends that further studies be conducted on how racism, racial discrimination, xenophobia and related intolerance may be reflected in laws, policies, institutions and practices and how this may have contributed to the victimization and exclusion of **migrants**, especially women and children;

Programme of Action, Measures, 2. Policies and Practices, Action-oriented Policies and Action Plans.

105. Urges States to give special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of the lack of protection, and in some cases, exploitation, as in the case of **trafficked** persons and smuggled **migrants** .. ;

Programme of Action, Measures, 3. Education and Awareness-Raising Measures, Human Rights Education for Public Officials and Professionals.

133. Urges States to develop and strengthen anti-racist and gender-sensitive human rights training for public officials including personnel in the administration of justice, particularly in law enforcement, correctional and security services as well as among health-care, schools and **migration** authorities;

138. Urges States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of **migrants, refugees and asylum seekers**.. ;

139. Urges States to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of **trafficking** in persons. The training should focus on methods used in preventing such **trafficking**, prosecuting the traffickers and protecting the rights of victims.. ;

Programme of Action, Measures, 4. Information, Communication and the Media.

144. Urges States and encourages the private sector to promote the development by the media..of a voluntary ethical code of conduct and self-regulatory measures, of policies and practices aimed at:

(e). Avoiding stereotyping in all its forms, and particularly the promotion of false images of **migrants**, including **migrant** workers, and **refugees**..

Programme of Action, Provision of Effective Remedies.

158. Recognizes..the need to develop programmes for the social and economic development of these societies and the Diaspora within the framework of a new partnership based on the spirit of solidarity and mutual respect in the following areas:

-
- **Trafficking** in persons, particularly, women and children

Programme of Action, Strategies, Regional/International Co-operation.

182. Encourages States to participate in regional dialogues on problems of **migration** and..protect the rights of **migrants**;

183. Urges States, in consultation with civil society, to support or otherwise establish, as appropriate, regional, comprehensive dialogues on the causes and consequences of **migration** that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of **migrants** and on the relationship between **migration** and development;

184. Encourages international organizations having mandates dealing specifically with **migration** issues to exchange information and coordinate their activities on matters involving racism, racial discrimination, xenophobia and related intolerance against **migrants**, including **migrant** workers, with the support of the Office of the United Nations High Commissioner for Human Rights;

185. Expresses its deep concern over the severity of humanitarian sufferings of affected civilian populations...difficulties of populations expelled from their homes and calls for sufficient safeguards to enable **refugees** to exercise freely their right of return to their countries of origin voluntarily, in safety and dignity;

186. Encourages States to conclude bilateral, subregional, regional and international agreements to address the problem of **trafficking** in women and children, in particular girls, as well as the smuggling of **migrants**;

Programme of Action, Strategies, Office of the High Commissioner for Human Rights.

196. Requests the Office of the High Commissioner for Human Rights to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, in particular **migrants**, including **migrant** workers..;

➤ **Institutional Racism and Discrimination**

Declaration, Sources

25. We express our profound repudiation of the racism, racial discrimination, xenophobia and related intolerance that persists in some States in the functioning of the penal systems and in the application of the law, as well as in the actions and attitudes of institutions and individuals responsible for law enforcement, especially where this has contributed to certain groups being over-represented among persons under detention or imprisoned;

Declaration, Victims

35. We recognize that in many parts of the world, Africans and people of African descent face barriers...prevailing in public and private institutions..;

36. We recognize that in many parts of the world, Asians and people of Asian descent face barriers...prevailing in public and private institutions..;

Declaration, Measures.

94. We reaffirm that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices, and which must be condemned;

Programme of Action, A. National level, 1. Legislative.

68. Urges States to adopt and implement, or strengthen, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance whether direct or indirect, in all spheres of public life..;

71. Urges States, including their law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel which is motivated by racism, racial discrimination, xenophobia and related intolerance and to prosecute perpetrators of such misconduct;

72. Urges States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling" and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity.

VI. SHRG AND THE EUROPEAN NGOS

1. Introduction

This paper has been produced by the European Caucus of NGOs attending the Second and Third Preparatory Committees (Prep Coms) of the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Its purpose is to identify concrete actions that states should adopt to combat racism, racial discrimination, xenophobia and related forms of intolerance more effectively at the national level. The guidelines provided have been drafted in the European context, but should be used in a global framework as applicable.

We call on the Prep Com to recommend participating States to adopt the following National Plans of Action (NPAs) as based upon Article 3a in section "A. National Level – I. Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism and related discrimination", "III. Measures of Prevention..." of the government Draft Programme of Action as proposed by the group 21. We recommend that each state appoint a special body with an explicit mandate to implement the NPA and monitor its progress. In addition, the United Nations High Commissioner for Human Rights is requested to review progress of the NPAs as part of follow to the World Conference against Racism (see point 3 below)

2. Overall Strategies for National Plans of Action

2.1. Legislative, and Administrative Issues:

States should achieve the following objectives:

- Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) without reservations, withdraw any existing reservations, and make a declaration under Article 14 ICERD allowing individuals or groups to submit communications to CERD.
- Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC), Convention on the Elimination of Discrimination Against Women (CEDAW) and its optional protocol, the Rome Statute of the International Criminal Court of Justice as well as other relevant international instruments.
- Undertake a comprehensive review of existing national legislation and its compliance with universal and regional human rights standards.
- Revise, integrate and enforce national legislation, regulations and administrative practices in accordance with ICERD, MWC, CEDAW and other relevant international instruments.
- Systematically and routinely collect gender and disaggregated data on the forms, manifestations and effects of racism, racial discrimination, xenophobia and related intolerance.
- Create effective human rights institutions, such as specialised bodies and ombudsmen. Those institutions should possess, among others, the following functions and responsibilities: to monitor the implementation of anti-discrimination legislation, to provide aid and assistance to the victims, to have recourse to judicial authorities, to have investigative, enforcement and recommendations power.
- Those institutions should reflect in their composition society at large and its diversity. They should be funded appropriately and function without interference from the State and with all the guarantees necessary for their independence.
- Design or revise and effectively implement national anti racial discrimination legislation which would address direct discrimination, indirect discrimination and institutional racism.

2.2 Special Issues for Targeted Groups:

States should achieve the following objectives:

2.2a Definitions of Direct and Indirect Discrimination

- Adopt a definition of direct and indirect discrimination. This could be provided by the EC Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin where "direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been, or would be treated in a comparable situation on grounds of racial or ethnic origin, ... indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

- Adopt a definition that considers all its forms in economic, political and social structures. In this, the definition provided by the April 2000 McPherson Report on the UK Metropolitan police investigation into the death of Stephen Lawrence, a teenager killed by a gang of white youths in East London, could perhaps be considered and institutional discrimination could be defined as "...the collective failure of an organisation to provide appropriate and professional services to people because of their colour, culture or ethnic origin. It can be seen or detected in the processes, attitudes and behaviour which amount to discrimination through prejudice, ignorance, thoughtlessness, and racial stereotyping which disadvantage minority ethnic people'.

- Take concrete actions to counter and prevent residential segregation.

2.2b Discrimination on the Grounds of Culture and Active Promotion of Diversity, in Particular Cultural Diversity:

- Formulate and implement concrete public policies to ensure the institutional development of racial, ethnic, cultural and religious groups identities as equal values of an inclusive society.

- Develop cultural institutions (i.e. museums, cultural centres, etc...) that reflect the diversity of their populations and the benefit of migration to society as a whole.

- Recognize that people belonging to ethnic groups with distinct cultural identity, such as the **Sikhs**, face particular forms of discrimination on a complex interplay of religious, racial, cultural and ethnic grounds and therefore may not be covered by legislation and policies protecting ethnicity, and/or religion and/or race. Ensure the protection of those people.

- Create a special independent body/centre that will be able to conduct research on how diversity in general and cultural diversity in particular can be incorporated/reflected in national legislation; public, economic, social and commercial institutions and authorities; national and local policies and practices.

2.2c Roma, Sinti, Gypsies and Travellers:

- Denounce the anti-Roma racism and discrimination against Roma, Gypsies, Sinti and Travellers and to implement national policy programmes promoting institutional development of the Roma identity and special measures to ensure Roma, Gypsies, Sinti and Travellers' equal enjoyment of their civil, political, social and cultural rights to include quality education and equal justice, their equal access to development resources and their full participation in decision-making processes at all levels of authority, as well as to further to the recognition and promotion of Roma, Gypsies, Sinti and Travellers non-territorial nation.

2.2d Refugees, Documented and Undocumented Migrants, Non-Nationals, Victims of Trafficking, Internally Displaced Persons and Asylum Seekers:

- Establish, review, monitor and enforce legislation and asylum and immigration policies that ensure conformity with each State's obligations under universal and regional human rights standards.

- Review and ensure implementation of national legislation and policies to be in accordance with the 1951 Geneva Convention on Refugees and its 1967 Protocol, particularly Article 13 on 'non-refoulement', and must refrain from denying refugees and asylum seekers protection through visa regimes, carrier's sanctions and 'safe third country' practices.

- Revise and update their definition of refugee to include gender based violence and must recognize gender-based violence as a form of persecution and as grounds for asylum under the Geneva Convention and its protocols.

- Enable free and direct access to compensatory measures and reparations.

- Eliminate discriminatory treatment by public authorities, in particular, the police, other law enforcement officers, immigration officers as well as de facto immigration officials.

- Abolish all administrative, institutionalised, and legally differentiated practices such as arbitrary and custodial detention of refugees and asylum seekers who have committed no crime, physically, psychologically and mentally abusive methods of restraint during deportation and detention, sexual abuse and violence, as well as restrictions on freedom of movement, speech and association.

- Recognize that undue stress on restrictive admission/immigration policies may produce negative stereotyping and thus adversely affect persons belonging to targeted groups and the integration of non-nationals.

- Review current immigration policies to provide for the reunification of family, irrespective of legal status as well as provide specific protection against racial discrimination for women, children and youth migrant workers. Also provide equal access to services such as housing, health, employment, and labour and wage conditions for migrant workers and non-nationals.

- Adopt concrete measures to fight the phenomenon of trafficking of persons by enforcing appropriate legislation and by developing preventive measures in the countries of origin. In particular, governments

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should sign, ratify and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organized Crime (adopted at Palermo, Italy, December 2000).

- Grant independent legal status and work permit to the spouse of the migrant worker and develop legislation aiming at protecting migrants, in particular women, employed as domestic workers from exploitative working conditions and sexual abuse.

2.2e Children and Youth

- Sign and ratify the Convention on the Rights of the Child (CRC) and its optional protocols, without reservations.
- Ensure that the fundamental rights, as recognised and articulated by the UN Committee on the Rights of the Child, are realised for all children and youth within the jurisdiction of the state regardless of the child or youth's legal status.
- Improve reporting on racial discrimination against children and youth by actively collecting detailed statistical data on issues that affect children and youth. States should also support the involvement of children and youth in such a process. In addition, states to encourage national and international human rights institutions and NGOs to do the same and make such information available to CERD and other relevant bodies.
- Utilise existing structures such as the United Nations Youth unit to create effective new networks that encourage, develop and sustain the talents of young black people. Support and provide more access, whether this is financial or otherwise, to exchange programmes that allow young black people to work with their peers from all over the world in order to enhance international bonds of solidarity.

2.2f Women

- Mainstream gender dimension in the Plan of Action and the NAPs, in particular the elaboration of gender-sensitive and gender-specific guidelines and indicators and the use of sex-disaggregated data at all level
- Develop a method to examine the interaction of ethnicity/colour and gender and to identify multiple discrimination and the effects on women; this method should serve as a basis when designing and implementing legal instruments, policies and programmes aiming at the elimination of racism, racial discrimination, xenophobia and related intolerance.

2.3 Education, Training and Public Information:

States should achieve the following objectives:

- Research on cultural diversity and the ways to promote and incorporate it into national and international policies and practices.
- Promote positive aspects of immigration amongst the general public by stressing the value of diversity and the contribution made by migrants to society.
- Formal and non-formal education, public awareness and training of public officials, police, media administrators, journalists, the judiciary and educators on the dangers of racism and discrimination and the merits of a culture of diversity as well as the importance of embracing and actively promoting cultural diversity and human rights principles.
- Guarantee equal access to and same quality of education for all, especially children and youth. Also consult and allow children and youth to contribute to the racial equality aspects of teacher training.
- Introduce human rights education in schools and the workplace, including anti-racism programs in the school curriculum and institutions of higher learning.
- Review textbooks and curriculum in schools to ensure that they promote cultural and ethnic diversity, do not contain derogatory representations of minorities, and eliminate gender and ethnic based discrimination. In addition, States should promote positive images of all cultures and ethnic groups in textbooks and curricula and incorporate the issues of historical as well as contemporary slavery, colonization, the Holocaust/Porajimos [Nazi extermination of Roma] and other genocides and crimes against humanity.
- Promote formal and non-formal education for identity assertion and self-confidence building.
- Provide multi-lingual education in order to enable students to benefit fully from the education and, in relevant cases, provide the study of minority languages for those groups who so wish.
- Promote training and employment of teachers belonging to minorities and indigenous peoples.
- Actively involve minority children, youth and their parents in decision-making in schools and in the development of curriculum.

- Make information on the education system available to ethnic minority and migrant women at the grassroots level and promote campaigns aimed at raising awareness in ethnic minority communities of the importance of girls and women's education regardless of the different religious background.

2.4 Media issues:

States should achieve the following objectives:

- Criminalize the dissemination of racist messages through the media and those organisations which promote racial discrimination, xenophobia or any form of intolerance and discrimination
- Set up a national consultation body and a monitoring body to oversee racism disseminated via new technologies (Internet, multimedia, etc)
- Encourage the media, Internet Service Providers and publicity agencies to adopt self-regulatory tools, such as codes of conduct, in relation to racism, racial discrimination, xenophobia and related intolerance.
- Encourage the media to adopt employment policies that reflect the diversity of the societies.
- Support initiatives undertaken by civil society to provide accurate and objective information in response to racist propaganda (e.g. quick response services, anti-racist homepages, newsletters...)
- Provide a state sponsored public-access internet site which provides information on combating racism, promotes positive images of racial, ethnic, cultural and religious groups to counter negative images and stereotypes and provides web links to national NGOs that are active in eliminating racism, discrimination, xenophobia and related intolerances.
- Undertake specific and urgent measures to end the very damaging effects of pornography, which promote racist stereotypes against Black, Migrant, ethnic minority women and women of colour who are projected as 'exotic' sexual objects.

2.5. Remedies, Recourse, Redress, Compensatory and Other Measures:

States should achieve the following objectives:

- Acknowledge that the Trans-Atlantic slave trade and the Holocaust/Porajimos, as well as other genocides that have arisen due to racism, discrimination, xenophobia and related intolerances are crimes against humanity.
- Acknowledge that the all slave trades and colonization are important contributing factors to contemporary racism.
- Use reparations and other measures to redress the past and continuing impact of slavery, colonization and apartheid.
- Acknowledge and condemn contemporary forms of slavery, forced and bonded labour, genocide and ethnic cleansing.
- Adopt effective anti-discrimination clauses in public procurement contracts to ensure the elimination of discrimination on the grounds of race, nationality, culture, ethnic origin, religion or belief, gender, as well as other grounds, from all levels of their commercial and economic activities.

2.6. Strategies to Achieve Full and Effective Equality:

States should achieve the following objectives:

- Undertake concrete legal action to combat institutional discrimination on such grounds as race, nationality, ethnic origin, religion or belief, gender, age, sexual orientation, disability, social status and culture within national economic, political, social and cultural structures i.e. education, health and social services, justice, law enforcement, media, labour markets, housing and access to goods, immigration agencies, refugee councils and other state agencies. When tackling discrimination, states should identify and change discriminatory institutional policies and practices, including individual discriminatory attitudes and behaviours, on such grounds as race, colour, nationality, ethnic origin, religion or belief, gender, age, sexual orientation, disability, social status and culture.
- Ensure that positive action is taken immediately to prevent and redress racial discrimination
- Guarantee the rights laid down in ILO Convention (No. 169) concerning Indigenous and Tribal Peoples and implement the recommendations of the UN Declaration on the Rights Persons of Belonging to National or Ethnic, Linguistic and Religious Minorities.
- Mainstream the issue of combating racism into all national policies and practices and all spheres of public life, including all stages of decision-making. Mainstreaming involves the application of equality proofing, guidelines, benchmarks, good practices, participation of groups experiencing racism, positive actions, data collection, proactive monitoring and impact assessment.

- Adopt legislation ensuring that all residents enjoy full political, social, economic, civil and cultural rights.

2.7. Involvement of Civil Society:

States should achieve the following objectives:

- Ensure that NGOs, trade unions and other interested groups of civil society are actively consulted during the elaboration, implementation and evaluation of the national plans of action.
- Have an open dialogue with NGOs and other interested parties of civil society prior to and during the preparation of national reports to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD), as well as in the follow-up on the Concluding Observations adopted by CERD.
- Ensure that all groups, especially children and youth, are consulted, and involved in all decisions concerning anti-racist and anti-gender policies at a consultative and implementation level.

2.8. Local Authorities and Communities:

States should achieve the following objectives:

- Formulate and implement, within the framework of NPAs, local plans of action with the consultation and participation of local communities.
- Councils and other local authorities should facilitate co-ordination and monitoring of local plans of action.

3. Implementation and Monitoring of the NPAs at the National and International Level

3.1 NPA's

- A national executive body, composed by representatives of relevant ministries, representatives of civil society and particularly representatives of target groups, should be charged with the task of implementing the national plan of action.
- Annual review of the NPA should be done by an independent body in consultation with NGOs and other interested parties of civil society. National Parliaments should discuss this annual review.

3.2 Role of the United Nations in Following Up the Results of the World Conference Against Racism Racial Discrimination, Xenophobia and Related Intolerance

- The UN High Commissioner for Human Rights should be provided with a regular budget and charged with review and evaluations of the NPAs by the year of 2005.
- The Human Rights Commission must be adequately financed in order to oversee the implementation of and review this plan of action post World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3.3 Follow-up

- A follow-up Conference should be organised by the United Nations by 2005 in order to evaluate progress made in the fight against racism and to adapt national action plan to the results achieved.

Budget/Funding Allocation

- National governments must establish specific budgets aimed at effectively implementing the NPA'S. Furthermore, financial support must be provided by governmental agencies to NGO's active in eliminating racism, racial discrimination, xenophobia and related intolerances on a Pan-European as well as global level.

VIII. SHRG/WCAR Team Involved at various stages

Head of the delegation
Manjit Singh Gill QC (UK)

Director
Jasdev S. Rai (UK)

Co-ordinator
Elina Stamou (UK)

SHRG Team from UK, US, Canada and India

UNITED KINGDOM

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Navtej Singh
Gurjinderjt S. Hayer
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Kanwar Ranvir Singh
Manjit Singh
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Angela K. Aujla
Pardeep Nagra
Ranjit Singh
Colleen Beaumier

US

K. S. Ahluwalia

India

Arunjeev S. Wallia

The estimated cost of the preparatory meetings and participation in the regional meetings as well as Durban was £42500, most of the funding was from the Sikh Welfare Research Trust

ASSISTANCE

FINANCIAL ASSISTANCE WAS GIVEN BY THE FOLLOWING INSTITUTIONS

UNITED NATIONS FUND
PROVIDED FOR ONE PERSON FROM INDIA TO TRAVEL TO SOUTH AFRICA

UNITED KINGDOM
SRI GURU SINGH SABHA, HOUNSLOW
PUNJAB TIMES
GURU NANAK GURDWARA SMETHWICK
CENTRAL GURDWARA , SHEPHERDS BUSH, LONDON
Dr PARVINDER SINGH GARCHA
AMARJIT SINGH KHAMBAY
KHALSA AID
GURDEEP SINGH GUJRAL
UNITED KINGDOM HOME OFFICE PROVIDED FOR ONE PERSON'S TRAVEL TO DURBAN
SIKH WELFARE RESEARCH TRUST

CANADA
ONTARIO GURDWARAS COMMITTEE

UNITED STATES
GURVINDER SINGH MANNA

OTHER ASSISTANCE WAS ALSO GIVEN BY SEVERAL INSTITUTES INCLUDING
FACILITIES FOR CONSULTATION SESSIONS
SRI GURU SINGH SABHA, SOUTHALL
GURU NANAK NISHKAM SEWAK JATHA, BIRMINGHAM
COMMISSION FOR RACIAL EQUALITY, LONDON OFFICES
RIHCMOND HILL GURDWARA

SPECIAL ASSISTANCE WAS GIVEN BY
SUKHDEV SINGH DHINDSA, GEN SECRETARY AKALI DAL IN INDIA AND CABINET MINISTER IN
THE UNION GOVERNMENT
HERB DHALIWAL, CABINET MINISTER IN CANADA

THE FOLLOWING COUNTRIES GAVE IMMENSE SUPPORT AND HELPED TO GET THE
PARAGRPHS THROUGH

CANADA
INDIA
AUSTRALIA
PAKISTAN
KENYA
SOUTH AFRICA
EGYPT
MEXICO
IRAN
BELGIUM
FRANCE
UNITED KINGDOM

Several NGO's gave help as advice and supported the various paragraphs promoted by SIKh Human rights Group.
SHRG worked in conjunction with several NGO's on common paragraphs.