

Table of Contents

- ***Australia moves on head-covering laws***
 - ***School knife ban 'discriminatory'***
-

Australia moves on head-covering laws

UPI.com (06.07.2011) / HRWF (12.07.2011) - <http://www.hrwf.net> – A second Australian state is considering a law that would require a woman wearing a burqato remove it when requested by police.

Western Australia's Police Minister Rob Johnson will propose a law to the WesternAustralia Cabinet that makes it an offense to not remove headgear, including motorcycle helmets as well as burqas, when asked to do so by police.

"I don't think that's unreasonable, it's going to happen in New South Wales, it happens in other countries," he said. Johnson said Western Australia police have no power to request people to remove head coverings -- even a veil over the face -- when they are pulled over in their vehicle.

However, as the law stands, someone under arrest must remove head-coverings if requested.

"If someone commits a serious crime, they are arrested and can be taken back to the police station and then be forced to identify themselves by removing a face covering," he said. "But if somebody is pulled over for a road traffic offense, they can't be ... they cannot be forced to remove their facial covering or indeed a crash helmet." Johnson said the proposed law amendment had nothing to do with banning any headgear, in particular burqas.

"We need to be sensitive and I'm not going to get into the argument of whether burqas should be banned or not."

The Western Australia initiative comes after New South Wales approved a similar law this week. That move divided various groups -- but not in predictable ways. The New South Wales government beefed up legislation that already said a person must remove their head-covering but only when suspected of a serious crime and not when asked to do so for simple identification purposes.

What forced the state government's hand was a recent high-profile case in which a Muslim woman, wearing a burqa, had a 6-month jail sentence overturned on appeal because of doubts about her identity.

Anyone refusing a police request to remove a head-covering faces a fine of up to \$5,500 or a yearlong jail sentence. Civil liberties groups in New South Wales are up in arms over the law but many Muslim groups are relaxed about it.

NSW Council for Civil Liberties Vice President David Bernie said it was overkill resulting from one special situation. "But overall I can't see a case made out where there has been a problem that needs new laws, in traffic situations or beyond," he said.

Ikebal Patel, president of Muslims Australia, an umbrella body for Islamic councils, said the New South Wales government may have overreacted because of the case where the

woman won her appeal. However, religious freedom and the right to pursue criminality unfettered can coexist, he told The Australian newspaper.

"A crime-free environment is paramount for a civilized and harmonious society and so is freedom of religious expression. There is no reason for these not to coexist in a nation such as Australia, which is renowned for its culture of generosity."

Police officers should be able to do their work unhindered. As long as they show sensitivity toward a Muslim woman wearing a burqa or other covering, "and if there is a woman officer present to show their face to her, or if not just a quick identification of the face and not asking her to expose her hair, that would be acceptable," Patel said.

Islamic Council of NSW Chairman Khaled Sukkarieh agreed with Patel, saying there is nothing in the Koran that says women shouldn't remove facial coverings for identification if a crime were suspected.

"It's got to be done sensitively but we trust our police officers," Sukkarieh told The Australian.

Muslim groups in Western Australia are equally unperturbed by that state's proposed new law.

Ethnic Communities Council former President Suresh Rajan said he had no problem with the law. But he didn't believe it was necessary to introduce specific legislation to deal with the issue. In the interest of health and legal reasons there is no issue about a woman removing her burqa in front of a male.

"I don't see that there is any need for changing legislation; that could have been done within the existing legislation," Rajan told the Western Australian newspaper in Perth. "You would have to really struggle to find somebody who would be so dogmatic as to insist to keep the veil on if a police officer asks them to remove it."

School knife ban 'discriminatory'

By Daniel Hurst

Brisbane Times (23.05.2011) / HRWF (30.05.2011) - <http://www.hrwf.net> - Brisbane, Australia - A ban on carrying knives at school discriminates against members of the Sikh religion, according to Queensland's Anti-Discrimination Commission.

The Sikh religion requires baptised members to carry a kirpan, a small blunted sword, under their clothing.

The Weapons Act bans people from carrying knives in public places or schools unless they have a reasonable excuse.

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Planned changes to the law will clarify that this reasonable excuse exception includes "genuine religious purposes", with Sikhs allowed to carry the ornamental sword in public.

However, the government has made it clear the religious excuse will not apply in schools as the safety of children is "of paramount importance".

Queensland Anti-Discrimination Commissioner Kevin Cocks has raised concern over the total ban on knives in schools in a submission to a parliamentary committee.

"The 'reasonable excuse' exception has not been extended to the physical possession of a knife for genuine religious purposes in a school," Mr Cocks wrote in a submission tabled in Parliament today.

"This has the effect of discriminating against students, teachers, contractors and members of the school community who are of a religion that requires the carrying a knife, such as the Sikh religion.

"It means that people of the Sikh religion cannot be teachers, or perform other work, or attend schools in Queensland, unless they compromise their religion."

Mr Cocks said discrimination on the basis of religious belief or activity was unlawful under the Anti-Discrimination Act.

He argued the government had provided no evidence any school knife attacks had involved a kirpan or other religious knife.

Mr Cocks' submission said Police Minister Neil Roberts should "clarify and expand on the reasons for not extending the 'reasonable excuse' exception for genuine religious purposes to schools".

According to explanatory notes accompanying the proposed bill, Education Queensland policies already ban students from bringing knives or weapons to school.

The explanatory notes defend the possible breach with anti-discrimination rules.

"While the potential breach has the capacity to interfere with an individual's freedom to undertake genuine religious practices, the safety and welfare of children attending Queensland schools is of paramount importance," the notes say.

"Between 2009 and 2010 there were 164 offences involving knives (including one homicide) committed on Education Queensland premises.

"In March 2011, a student was stabbed in the stomach with a knife at a Gold Coast school while attending the school's administration building."

The notes also point out that restrictions on the possession of knives already exist on commercial flights, with Sikhs required to place the knife in checked luggage.

The Scrutiny of Legislation Committee has invited the minister to provide more information on whether the wording of the bill "would have sufficient regard to rights of individuals to freedom of belief and religion".

Sikhs believe the kirpan is a religious symbol of the struggle of good and evil.

The issue of kirpans in schools has hit the headlines in Australia and overseas in recent years.

Last year, Britain's first Asian judge, Sir Mota Singh, called for Sikhs to be allowed to wear the ceremonial daggers to school.

"I see no objection to a young Sikh girl or boy, who's been baptised, being allowed to wear their kirpan if that's what they want to do," Sir Mota said at the time.

In New South Wales last year, the education department defended its decision to ban butter knives and small fruit knives while allowing Sikhs to carry kirpans.

In 2008, an exclusive private school on Brisbane's bayside was forced to apologise to a Sikh student it refused to enrol because of its strict uniform rules.

Ormiston College told the 12-year-old student he could only attend school if he cut his hair and did not wear his turban, in breach of his religious requirements.
