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Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Call for international support against Norway's requirement for the wearing of religious headgear for ID photographs

Introduction

We are a NGO that specializes in the freedom of religious minorities. This statement reports to the UN on the urgent need for international support to protect the religious freedom of minorities in Norway. We make this statement jointly with Unge Sikhe and UNITED SIKHS. Unge Sikhe is an organisation that is registered with the Brønnøysundregistrene (Registration number: 813 179 172), which has the support of all three Gurdwaras (Sikh place of congregational prayer) in Norway, namely, the Gurduara Sri Guru Nanak Dev Ji Oslo, Gurdwara Shri Guru Nanak Niwas Lier and Bergen Singh Sabha Gurdwara. UNITED SIKHS is an international humanitarian and advocacy NGO that has been associated with the Department of Public Office of the United Nations, since 2007.

In 2014, the Norwegian Ministry of Justice and Public Security introduced Regulations on passports photographs that adversely impacts the wearers of religious headgear. On 7th March 2019, the Norwegian Government published a consultation paper to review the said regulations and is proposing that the 2014 Regulations be maintained and that they be extended to National ID Cards, when they are introduced.

One of the requirements in the 2014 Regulations is that ears must be fully visible on the passport photograph. Article 4 of the Regulations sets out this requirement, which says that the photograph shall show the face of the holder as he or she appears without headgear, and that "both eyes and ears should be fully visible." Under Article 4, exceptions can be made for the wearing of a headgear for, among other things, religious reasons: "Persons may, for religious or other special reasons, for example, in the case of illness, wear a headgear on the photograph when there is reason to believe that they will wear similar headgear in the future. The headgear must not cover any of the face or more of the head than is necessary. Both ears should be visible."

Under the Regulations, a Sikh and Muslim woman is exempted and is allowed to wear the Sikh turban and Hijab, respectively. However, a Sikh and Muslim woman must still bare his/ or her ears for their passport or ID card photographs. The Sikh turban is traditionally worn covering the ears and a Muslim woman is required to cover her ears under the hijab. If Sikhs or Muslim women comply with the Regulations they will be required to remove their turban or hijab to show their ears each time they show their passport at border control or anywhere else when these requirements are implemented for the proposed National ID cards. This repeated removal of the turban or hijab to show bare ears would be a violation of the individuals dignity and religious faith and it violates articles 2, 12, 18 and 26 of the International Covenant on Civil and Political Rights (ICCPR).

Norway is the only country, in addition to France, that imposes a requirement of this type. The Regulations violate freedom of religion, the right to respect for private life, freedom of movement and the right to democratic participation for not only the Sikhs, but also Muslim women and other religious minorities in Norway. In addition, it is discriminatory. The Government says that the bare ears on a photograph improves identification of individuals. However, the Norwegian authorities have not proved that the requirement for bare ears is necessary or even relevant to achieve the set aims, namely to prevent misuse of passports and ID cards and to increase security in Norway. The distinct Norwegian requirement for bare ears is based on an inaccurate claim that visible ears are important in secure identification of individuals. In fact, ears can easily be manipulated through surgical intervention and the photos are taken from a front view and therefore the information value is very small. There are many other biometric markers available that can be used for identification – such as fingerprints, signature, height and eye colour. The Norwegian authorities have not showed that manual identification is necessary today in relation to ears. Since the proposed national ID card is intended to ensure identification in all daily situations - such as the delivery of packages or signing of contracts - the photograph requirements for bare ears has very far-reaching consequences for Norwegian religious

minorities (such as Sikhs and Muslim women). However, these, consequences have not been assessed and/or identified in the consultation paper.

Further, Norway is adopting changes to the Citizenship Act, which will come into force in January 2020, making it possible to have multiple citizenships. Many Norwegian Sikhs, Muslims and other religious minorities have a close relationship with their country of origin, and will acquire dual citizenship, and obtain passports from Norway, in addition to the passports of their country of origin. In this way many Norwegian Sikhs and Muslim women will not be covered by the distinct Norwegian headgear requirement. These Regulations will, therefore, have little effect as a large number of minorities wearing religious headgear crossing Norwegian borders who will be traveling with the passports of their country of origin, which do not require one to remove one's religious headgear or bare one's ears for the passport photos.

The safest and most effective identification scheme is automated biometric control. Norwegian authorities are far behind other countries for introducing automated biometric control, which implies that the risk of misuse of Norwegian passports is higher than it needs to be. The continuation of the headgear requirement contributes to obscuring this. At the same time, the delayed introduction of automatic biometric identification implies that the religious minorities have to carry the burden of this delay.

Perhaps the most problematic aspect of the requirement on the wearing of Sikh turban and Muslim hijab is that a review of the case shows that there are several doubts regarding the reasonableness of the reasoning of the authorities. The Regulations contradict the Norwegian policies on promoting freedom of religion or belief and fighting hate-crime and racism.

There is no reason for Norway not to use other methods that help prevent passport and ID misuse, and thus protect the Norwegian population, and simultaneously safeguard the rights of Norwegian religious minorities – as other countries in the world have managed to do.

The Norwegian religious minorities are highly concerned and have for several years tried to find a solution through dialogue with the Norwegian authorities and through information exchange and other democratic means. Even though it is a desperate situation for religious minorities, the Norwegian authorities have not made much effort to find a solution. It is very unfortunate that the consultation paper neither considers the impact of a continuation of the headgear requirement nor adequately addresses the relevant issues, especially considering that the ban will affect a minority like Sikhs and Muslims, and that it affects and violates several fundamental human rights.

United Sikhs Unge Sikhe, an NGO without consultative status, also shares the views expressed in this statement.