DIGNITY VS. SECURITY:

ADDRESSING RELIGIOUS, SOCIAL & GENDER SENSITIVITIES IN PASSENGER SCREENING

We are all too familiar with the daily challenges involved in keeping flights and passengers secure, while ensuring throughput rates remain high and providing good quality customer service. But what can we do when the measures designed to keep flights and passengers safe are perceived to be offensive, inappropriate or are prohibited by certain cultures and belief systems? **Alexandra James** will address a number of culturally sensitive issues that often pose challenges for screeners, and present some helpful advice from religious authorities, community representatives and aviation security professionals to help ensure that the dignity of every individual is respected as they pass through our security systems.

RELIGIOUS SENSITIVITIES

Modesty and Head Coverings

As advances are made in threat-detection technology, the aviation security industry is becoming increasingly dependent on it to identify individuals who pose a threat. Both the public and many in the industry are guilty of assuming that because a person has 'gone through security' (typically, that they have walked through a metal detector and had their bag X-rayed) they do not pose a risk.

Technology still has its limitations – metal detectors can only detect metal and an X-ray machine is only as effective as its operator – and those with malintent towards the industry are coming up with increasingly sophisticated ways to thwart the system. By far the most effective method of screening is by combining new technology with our own original threat detection equipment: our eyes and our ears.

Yet policymakers are faced with a serious dilemma: the conflict between a person's right to wear whatever they wish and the industry's need to observe the behaviour and facial expressions of passengers as they pass through security. Simultaneously, many Muslims are reporting that they feel they are being forced into making difficult decisions, with some feeling pressured to forfeit wearing articles of faith when travelling, or to avoid travelling altogether.

Of course, the issue is not restricted to the aviation security domain. Some European countries have imposed either partial or general bans of the full Islamic veil (*burqas* and *niqabs*, but not *hijabs*). A full ban, such as those imposed in Belgium and France in 2011, prevents the wearing of any face-covering (including balaclavas) in any public space, and a partial ban, such as that approved in The Netherlands in November last year, forbids face veils from being worn in certain public spaces, such as on public transport and in schools and government buildings. Thus far, the UK and Germany have not taken steps to ban *burqas* and *niqabs*, but Angela Merkel has spoken in favour of such a move, and a poll in August 2016 found that 57% of the British public would support a *burqa* ban.

In China, things have been taken a stage further where, in the province of Xinjiang, the authorities (through the 'Xinjiang Uyghur Autonomous Region Regulation on De-extremification', dated 29 March 2017) banned both veils and 'abnormal' beards in response to the threat of Islamic fundamentalist attacks.

"…all persons whose faces are covered or obstructed must be stopped, including those with hair covering their face, large hats, scarves, face masks, oxygen masks, and the like…"

So what protocols are in place with regards to screening those wearing veils and other head coverings?

In countries where travellers are still permitted to wear the *burqa* and *niqab* at airports, passengers wearing face veils should be screened in exactly the same way as any other passenger, and the wearing of a face veil does not itself justify stopping the passenger for further searches.

"One important aspect of airport screeners engaging in best practice is consistency," said Dr. Tara Lai Quinlan, a qualified New York lawyer and Lecturer in Law at University of Sheffield. "If the bona fide security basis for the stop is the need to observe passengers' behaviour and facial expressions, then all persons whose faces are covered or obstructed must be stopped, including those with hair covering their face, large hats, scarves, face masks, oxygen masks, and the like. Inconsistencies in execution of these stops will inevitably create an atmosphere of distrust and erode public confidence in screeners."

If it is determined that a passenger wearing a veil is required to undergo further screening – because an alarm has sounded or because she will not submit to being checked via body scanner – then a screener of the same gender should perform a pat-down. A private screening area should be made available and a witness should be allowed to accompany her.

It is important to remember that people of a range of different faiths and ethnicities often wear head coverings but it may not always be obvious that the item is being worn for religious reasons, e.g. hats, wigs and headscarves. Therefore, screeners should always be prepared to offer a private room when requesting the removal of any type of head covering.

With regards to Jewish men removing *kippot* (skull caps), Marcelle Palmer, the Government Affairs Officer of The Board of Deputies of British Jews, advises us that, "Removing a *kippah* briefly for a security check is not a specific problem, but removing for a longer period of time/moving around the airport, if needed, would be problematic."

Far more complicated is the issue of requesting a Sikh to remove his or her turban. Usually worn by men, but sometimes by women too, turbans are used to cover Sikhs' uncut hair (known as *kesh*) and are long pieces of cotton, typically between three and six metres long by around one metre

Poster indicating restricted clothing and dress in the Chinese province of Xinjiang

wide. It usually takes between ten and fifteen minutes to tie a turban (twenty minutes for a particularly large or intricate one), during which time no part of the fabric may touch the floor.

Mr Gurmel Singh of The Sikh Council UK offered the following advice on screening turbans: "For Sikhs, the removal of *dastaar* (turbans) or touching/patting down of it is highly offensive, especially as it can be avoided through the use of body scanners, swab tests and hand held scanners. It is only after these tests have been conducted that patting down should be considered if there are adequate grounds for concern."

In most European and US airports, the process for screening a turban is as follows: If it is determined that an individual warrants further investigation due to an alarm having gone off or other suspicion, then searches should initially be conducted using a Hand Held Metal Detector (HHMD) and Explosive Trace Detection (ETD). If the individual refuses to allow the screener to touch the turban, they may pat it down themselves and have their hands tested using ETD. If the individual is

happy for the screener to touch the turban, a fresh pair of gloves and fresh ETD swab should be used. If the tests prove inconclusive and further investigation of the turban is warranted, then the traveller may be taken to a private screening area (the individual is entitled to bring a witness of their choice and a supervisor should be called). HHMD and ETD tests should be repeated, and it is only after these tests prove inconclusive that the individual should be requested to remove their turban. At all times throughout this process, both the individual and their turban should be treated with dignity, respect and sensitivity. A mirror should also be provided as well as plenty of time to re-tie the turban after it has been investigated.

Handling of Religious Items

As an industry, we are excellent at screening items and individuals that are familiar to us, but it can often be challenging when we are confronted with someone or something that does not fulfil our expectations. Regular readers of ASI may remember this Air Watch story from last year:

8 FEBRUARY: OTTAWA, CANADA
Grand Chief Derek Nepinak of the Assembly of Manitoba Chiefs has lodged a human rights complaint against the national airport authority after sacred objects, including ceremonial pipes and tobacco, were removed from his hand luggage and mishandled by security staff at Ottawa International Airport. Nepinak claims he had clearly informed staff that the bundle in his hand luggage was sacred, but they had insisted on removing the contents without his consent after his bag had passed through an X-ray scanner.

According to Chris Bala, managing director of CJ Security Consulting Group in Singapore, if an individual explicitly tells screening staff that they

have a religious, culturally significant or ceremonial item in their hand luggage, officers must respect this. Referring to the example above, Bala comments: "The officers should have asked the passenger to remove [the items] to inspect them rather than doing it themselves". He added, "Currently there is an exemption list of sacred items that are not required to be screened, but this may vary from country to country. Perhaps this can be standardised by ICAO, however, it must also be clearly stated that although exempted, such items can still be examined if thought to be suspicious."

On a day-to-day basis, screening staff should be aware of religious holidays and the types of religious items that may be transported during these times.

Jewish Articles of Faith

Jewish religious items can include religious books and texts, *kippot* and prayer shawls. Of particular note are the *tefillin* (phylacteries). These are small black leather boxes, which come in pairs and are often contained in a bag, often of velvet. Each box is fastened to a leather strap, which is wound around the head or arm during some prayers. These boxes are filled with religious texts, written on parchment paper, and should not be opened, however they can go through a security scanner. Less commonly carried, but also noteworthy, are *mezuzot*, which are small parchment scrolls with Hebrew writing on them, often contained inside small rectangular containers (to be affixed to doorposts as a blessing on the home).

Sikh Articles of Faith

Sikhs who have been formally initiated into their religion (known as the Guru Panth – about 10-15% of Sikhs) are required to have five items – known as 'the five K's – at all times. They are *kesh* (unshorn hair), *kangha* (a small wooden comb, usually kept inside the turban or dastaar), *kashera* (shorts usually worn under regular clothing), the *kirpan* (a small ceremonial knife) and the *kara* (an iron or steel bangle that the wearer's hand grows into over time, and often cannot be removed).

> "...screeners can request that the person raise their arm horizontally in front of them and allow the wrist with the kara to pass through the scanner first, triggering the alarm..."

The Sikh Council UK recommends a simple but effective technique to help screeners deal with individuals wearing a *kara*: "Screeners can request that the person raise their arm horizontally in front of them and allow the wrist with the *kara* to pass through the scanner first, triggering the alarm. After a pause the rest of the body can pass through."

In most countries, *kirpans* must be packed in hold luggage, but some do allow them to be transported in the cabin if they are under a certain size.

Phylacteries worn during daily prayers by Jewish men

Muslim Articles of Faith

Unlike Sikhs and Jews, followers of Islam are generally not concerned with sacred objects, with the exception of the Quran, which should always be handled with care and respect.

Screener Prejudice

Unfortunately, there are far too many stories circulating of individuals who feel as though they have been singled out by airport security staff, treated with undue suspicion, and harassed – reportedly because their outward appearance identifies them as members of a faith.

Dr Omer El-Hamdoon, the deputy secretary general of the Muslim Council of Britain, highlighted the issue of a lack of communication between the aviation security industry and the Muslim community, and cited screeners' own fears and bias as being a major issue: "When a person is requested to undergo further screening because they are speaking a 'strange' language, or perhaps are reading something that looks like it might be Arabic, that is stereotyping, and it's a problem," he said.

Similarly, within the Sikh community, Gurmel Singh, secretary general of the Sikh Council UK cited examples of individuals being pulled aside for unjustified 'special searches': "Work colleagues travelling for a business meeting were simply flabbergasted to witness their professional work colleague being singled out and asked to remove their turban."

Law Lecturer Dr. Tara Lai Quinlan agrees that there is an issue of mistrust, particularly towards Muslim travellers, within our airports: "This blanket suspicion of Muslims is flawed logic on several levels. Most significantly, terrorism is not a Muslim issue and is erroneously conflated with the religion. The data from leading research centres including the University of Maryland's Global Terrorism Database and Duke University's Triangle Center clearly show that most terrorism in countries like the US is perpetrated by non-Muslims, despite frequent media reports to the contrary."

So what measures are in place to ensure individuals are not subject to screeners' own individual bias?

Educating screeners in a variety of cultural awareness issues might be

considered the ideal (and perhaps the only) solution. However, some professionals have commented that while basic cultural awareness is a part of both *ab initio* and refresher/recurrent training, many screeners at airports internationally are paid minimum legal wages and therefore expecting them to be thoroughly versed in cultural and religious diversity could be 'asking too much'.

Perhaps, then, (without wishing to appear to pass the buck here) we should also be thinking about better educating travellers on their rights and responsibilities while at the airport. Often, disputes arise from individuals not being aware of or not fully understanding why certain procedures need to be carried out. Better educating travellers will not only help prepare them for their journeys, but will also make them more willing to assist screeners in carrying out their jobs. As the Sikh Council UK has demonstrated through its work to change the regulations on the searching of headgear at European airports, the forging of relationships between aviation authorities and religious organisations can be an effective way to integrate religious sensitivities into the security culture.

Body Scanners

Body scanners (or rather Advanced Imaging Technology) were introduced in 2010 as a reaction to the failed attempt to blow up a Northwest Airlines flight by Umar Farouk Abdulmutallab (AKA 'The Underpants Bomber').

At the time of writing, there are no formal EU-issued guidelines or protocols with regards to the use of body scanners. A report on the security, health and privacy issues relating to body scanning technologies will be presented to the EU Parliament by Vice President Kallas in April 2017, which will inform a discussion on whether or not the EU should integrate body scanners into the existing aviation security framework. Currently, however, EU member states have the right to decide whether or not to use the technology, and under what conditions.

The UK Code of Practice (2016) states that passenger privacy must be protected through the use of Automatic Threat Recognition (ATR) software, meaning that neither passengers nor

Sikh man wearing a turban

screening staff can see the images produced by the machine, and any anomalies are displayed as highlighted zones on a cartoon representation or 'avatar' on the screen.

While ATR addresses concerns relating to modesty, there is one particular community for whom body scanners still pose an issue. Currently, every passenger that passes through a body scanner must be defined as being either 'male' or 'female'. So when a person is presented who does not fit these binary definitions, for example a person going through a gender transition (perhaps a person with breasts and a penile implant or a person with a penis and breast implants), an alarm will sound. Some readers may remember this Air Watch story from 2015:

21 SEPTEMBER: ORLANDO, FLORIDA
Television writer and transgender woman Shadi Petosky tweeted her humiliation and anger after being held by the Transportation Security Administration due to an advanced imaging technology system picking up an 'anomaly' and therefore resulting in her being classed as a suspicious individual; the anomaly was her penis. Petosky's tweets claimed she was asked to go through the scanner a second time 'as a man', and was asked what sex she was. She missed her flight as a result and, despite American Airlines telling her she would receive a free First Class ticket, Petosky's credit card was allegedly still charged for the new flight.

Shadi Petosky
@shadipetosky

I am being held by the TSA in Orlando because of an "anomaly" (my penis)
9:08 PM - 21 Sep 2015
962   487

Referring specifically to screening transgender passengers using AIT, TSA asserts that, 'If there is an alarm, TSA

officers are trained to clear the alarm, not the individual.' Therefore, officers' only concern should be whether or not the individual poses a risk, and not whether the individual's presented gender matches their physical anatomy. However, consultant Chris Bala, says that in Petosky's case, "The screeners were definitely following protocol". He added that in order to avoid such a situation, "It may be necessary for such categories of people to carry a certificate from a medical officer or from any authorised agency to state their gender, which should have been given to the screeners before screening, so they are aware, just like those who have a pacemaker or any other medical problem that does not allow them to be subjected to technological screening."

> "…as perceptions of sexuality change, perhaps there needs to be a debate around developing software that could cope with a range of transgender situations…"

Currently, there are no settings on scanners to account for transgender passengers. As perceptions of sexuality change, perhaps there needs to be a debate around developing software that could cope with a range of transgender situations. However, while this could certainly help from a technical perspective, we would also need to think about how such settings could be applied without the screener needing to publicly ask a passenger what gender 'category' they fit into, as doing so would not only impact upon processing speed, but could also force transgender passengers into a position of 'outing' themselves in an uncomfortable or even unsafe environment.

SCREENING SOCIALLY SENSITIVE ITEMS

Cremated Remains

Credit: Une Belle Vie Memorial Urns

"Cremated remains do need to be checked carefully and with due consideration," says Paul Quellin of Quelltex, a security training and consultancy provider. "Even without lead-lined containers they are not always easy to X-ray. The ashes may include pulverised bone and tend to appear quite dense in an X-ray image, so even if the operator is able to screen them effectively by X-ray, it may entail removing a box from the cabin baggage, or other outer packaging, and screening it separately, possibly from more than one angle." Screeners should also remember that the process of removing a container of ashes from outer packaging may be stressful and even upsetting for the person carrying them. The individual may not want to see the contents of the container, and sensitivity towards the passenger should be always be a priority, as well as respect towards the item being screened.

> "…ashes may include pulverised bone and tend to appear quite dense in an X-ray image…"

Expressed Breast Milk

Many women go to a great deal of trouble to ensure that their infants do not go without breast milk, even when travelling. Once again, we will turn to the Air Watch archives for a case study. This story appeared in the last issue of ASI:

> **4 JANUARY: LONDON, ENGLAND**
> Katie Langan, 33, was reported to have been forced to throw away five days worth of breast milk at Heathrow, despite offering to check it in as hold luggage or decanting it into appropriate containers. Langan had pumped two to three times a day in order to ensure her baby could have breast milk while she was away. She claimed she had travelled a lot throughout the year and had never had a problem taking breast milk through security before. However, the rules concerning travelling with breast milk in the UK stipulate that the passenger should be travelling with their infant.

Katie Langan's story was widely covered by press, and the public outrage that followed led to a prompt review and subsequent alteration of the UK's Liquids, Aerosols and Gels (LAGs) regulations. As of 8th February 2017, an unlimited amount of expressed breast milk may be carried in hand luggage, providing each container holds no more than 2,000ml of milk in liquid form (frozen breast milk is not permitted). Perhaps most significantly, people carrying expressed breast milk no longer need to be travelling with an infant. The guidelines issued on the UK government website also remind

Katie Langan's expressed breast milk which she was allegedly asked to ditch at Heathrow Airport (Credit: Katie Langan)

passengers that the containers may need to be opened by airport staff in order for the liquids to be screened.

While new regulations have been put in place to ensure that the item can get from A to B, when presented with breast milk, screeners should bear in mind the energy and care that has gone into producing, storing and travelling with it. It goes without saying, therefore, that screeners should treat both the item and the individual travelling with it with due sensitivity and respect.

CONCLUSION

As is so often the case in other settings, a significant number of disputes at the airport occur because of poor communication and a lack of understanding, on the parts of both the screeners and the travelling public.

Living as we do in an age of intense public scrutiny, where incidents are regularly recorded and uploaded for the world to judge, screeners are under an immense amount of pressure to make complex and potentially life-saving decisions while also being aware of how their actions, demeanour and choice of words could impact on the people they encounter.

It is the responsibility of airports, contractors and authorities to ensure that screeners are supported in this highly visible role by providing them with adequate training with regards to social and religious sensitivities. Likewise, better communication with gurdwaras, temples, synagogues and other organisations would also help to ensure that travellers of various faiths and other communities are made aware prior to arriving at the airport of the security procedures that need to be carried out in order to keep them safe.

With regards to legislation, the UK DfT has demonstrated its willingness to promptly review and amend policies with regards to socially sensitive topics, such as passengers wishing to travel with expressed breast milk. However, "Information sharing needs to be better," says Paul Quellin, "Complaints from passengers need to be well documented and subject to subsequent reviews at local and national levels, then we can determine if a policy change is justified, or if changing it would undermine aviation security."

The security industry is reactive by nature; we already know that we must focus on emerging threats, but we must also be mindful of how we operate within our environment and with regards to the ever-developing communities that we serve. ◾
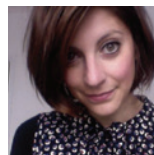
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