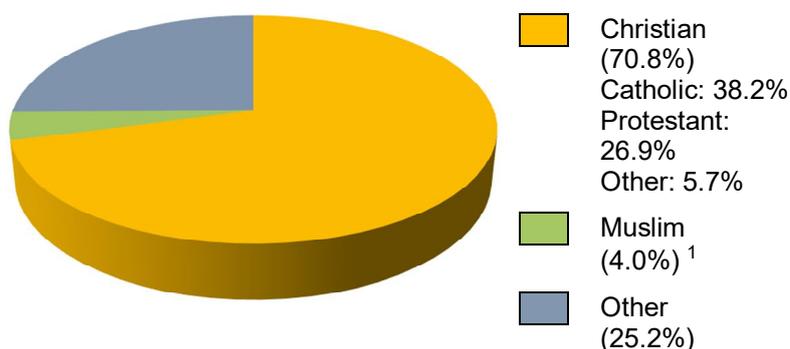


SWITZERLAND



Area:
41,284 km²

Population:
8.1 million

Political system:
Democracy

Major Language(s):
German; French; Italian;
Romansh

Legal framework on freedom of religion and actual application

There is no official state church. The constitution delegates religious matters to the cantons, which regulate the activities of religious communities. The cantons offer legal recognition as public entities to religious communities that fulfil a number of pre-requisites such as: the recognition of the right of religious freedom; respect for the cantonal constitution and rule of law; and financial transparency. The cantons of Basel, Zurich, and Vaud also offer religious communities legal recognition as private entities, this gives the recognised religious communities the right to teach their religions in public schools as well as other rights that vary from canton to canton.

All of the 26 cantons, with the exception of Geneva, Neuchatel, Ticino, and Vaud, financially support at least one of four religious communities – Roman Catholic, Old Catholic, Protestant, or Jewish – with funds collected through a mandatory church tax for registered church members, and, in some cantons, businesses. The church tax is voluntary in the cantons of Ticino, Neuchatel, and Geneva. In all others an individual who chooses not to pay the church tax may have to leave the church. The canton of Vaud is the only canton that does not collect a church tax; however, the Protestant and Roman Catholic denominations are subsidised directly through the cantonal budget. Islamic and other unrecognised religious groups are not currently eligible to receive funding collected via the church tax but this idea is being discussed in some cantons.

There is no law requiring the registration of a religious group. The granting of tax-exempt status to a religious group varies from canton to canton. Most cantons automatically grant tax-exempt status to those religious communities that receive cantonal financial support, while all other religious communities must generally submit an application for tax-exempt status to the cantonal government.

In November 2009 a referendum, passed with 57.5 percent of the popular vote, introduced a ban on the construction of new minarets but the four existing minarets were not affected by the ban. New mosques may be built but they must not have minarets.

Religious groups of foreign origin are free to proselytise, but regulations lay out specific standards that foreign missionaries must meet before entering the country. Foreign missionaries must obtain a religious-worker visa to work in the country. Visa requirements include proof that the foreigner will not displace a citizen from a job; that he/she has formally completed theological training; that he/she will be financially supported by the host organisation; that he/she is willing to participate in

mandatory integration courses; and that the number of the organisation's religious workers is not out of proportion to the size of the community when compared to the number of religious workers from the cantonally recognised religious communities.

To obtain a work permit, the applicant must have sufficient knowledge of, respect for, and understanding of Swiss customs and culture; be conversant in at least one of the three main national languages; and hold a degree in theology. If an applicant is unable to meet these requirements, the government may deny the residency and work permits.

The law also allows the government to refuse residency and work permits if a background check reveals an individual has ties to religious groups deemed "radicalised" or has engaged in "hate preaching." By law, immigration authorities are authorised to refuse residency permits to clerics considered "fundamentalists" by the government if the authorities deem internal security or public order is at risk.

Most public cantonal schools offer religious education, with the exception of schools in Geneva and Neuchatel. State schools normally offer classes in Catholic and/or Protestant doctrine with the precise course varying from canton to canton and sometimes from school to school. The municipalities of Ebikon and Kriens in the canton of Lucerne offer religious classes in Islamic doctrine, as does the municipality of Kreuzlingen in the canton of Thurgau. In some cantons religious classes are voluntary, while in others they form part of the mandatory curriculum at the secondary school level; however, waivers are routinely granted for children whose parents request them.

Incidents

Related to Islam

Headscarves

Courts overturned efforts by some cantons to enforce bans on head coverings, but local governments in other cantons proceeded to impose such bans.

On 5th March 2014, the Rheintal district court in the canton of St Gallen acquitted the parents of a Muslim girl of charges brought against them by the state prosecutor, who indicted the couple for breaching the cantonal education law after their daughter refused to go to school without a headscarf, despite the school's imposition of a headscarf ban.

On 29th September 2014, the canton of Thurgau declared there was no legal basis for banning headscarves at schools. The decision followed a federal court ruling in 2013 that stated schools had no power to prohibit the wearing of headscarves in the absence of a legal or constitutional basis.

Swimming pools

In October 2015, after several years of controversy, local authorities in Basle decided to change the rules relating to a women-only area in the city swimming baths frequented by Muslim women and their children (boys up to the age of 6 years).² Looser-fitting burqinis were banned and only women over 16 were allowed to access the area, but topless swimming was allowed. Tensions had erupted with complaints about bathers wearing bikinis or going topless and male attendants in the area reserved for women. Officials stated the changes had nothing to do with religion.³

*Osmanoglu and Kocabas v. Switzerland (no. 29086/12)*⁴

The applicants submitted that the obligation to send their daughters to mixed-sex swimming classes, as part of the compulsory schooling in the canton of Basle, goes against to their religious

convictions. They also claimed that the fine imposed on them for failing to comply with that obligation had no valid legal basis, did not pursue a legitimate aim and was disproportionate.

The court gave notice of the application to the Swiss Government and put questions to the parties under Article 9 (freedom of thought, conscience and religion) of the Convention. As of 1st July 2016, the case was still pending.

Shaking hands with a woman

In April 2016, two male Muslim students from Therwil secondary school in the canton of Basle refused to shake hands with their female teacher on religious grounds. The school tried to find a compromise, and decided that the two pupils should not greet either men or women with a handshake.

Headteacher Juerg Lauener said the school had no reason to adjust its policy, unless the local authorities ruled against its decision. Local education officials said the school had taken a pragmatic approach, but agreed it was not a permanent solution as rules should be the same for all pupils. The justice minister said shaking hands was part of Swiss culture, adding that such dispensation for Muslim children was not her idea of integration.

There was no reference in the Qur'an that would justify a refusal to shake a woman teacher's hand, said the Swiss Federation of Islamic Organisations. However, the small Islamic Central Council of Switzerland said that a handshake between a man and a woman was prohibited.

According to legal experts, the religious motivation referred to by the students does prevail over public interest, such as the equality between men and women or social integration.⁵

Controversies about the Museum for Islamic Culture in La Chaux-de-Fonds, Neuchâtel canton

The Islamic museum, which intended to offer exhibitions, debates, workshops and other activities, was the target of a motion by the Swiss People's Party entitled "Today a museum, tomorrow a Qur'an school?". The party also questioned the source of the museum's funds.

Most of the c.CHF4 million (US\$4.05 million) needed for the museum, which is housed in a former watch factory, came from Muslim women in French-speaking Switzerland – but funds also came from foundations based in Kuwait and Qatar.

After Jean-Charles Legrix, a city councillor from the right-wing Swiss People's Party, posted anti-Muslim comments on social media, a related cross-party resolution, "No to the incitement of hatred by a city councillor", proposed by the left-wing Social Democratic Party, was passed by city government.

High-profile attempts to block the opening of the Swiss Centre for Islam and Society in Fribourg

For a number of years, the proposal to create a Swiss Centre for Islam and Society at the University of Fribourg has generated controversial political debate. An effort by the conservative right-wing Swiss People's Party to force a vote on the Centre failed after it was ruled unconstitutional by the cantonal parliament. The Swiss People's Party has appealed the decision to the Federal Court.

The Centre, which is part of the University of Fribourg's theology faculty, is meant to promote dialogue among societal groups and contribute to debates surrounding Islam. It will focus on research and inter-religious issues.

The Centre was officially inaugurated and opened to the public on 13th June 2016.

Related to Judaism

According to the Swiss Israelite Association, more than 60 anti-Semitic incidents were documented in the German-speaking part of the country in 2014, compared to 21 anti-Semitic incidents in 2013. The majority of incidents consisted of verbal and written attacks. A separate report published by the Geneva-based Intercommunity Coordination against Anti-Semitism and Defamation recorded 151 anti-Semitic incidents in the French and Italian-speaking parts of the country in 2014 (the last year for which data was available at time of writing) representing a 57 percent increase compared with 2012.

In May 2016, the Art School of Saxon (EPAC) excluded one of its students before his final exam for publishing anti-Semitic drawings on Facebook. A criminal case has been opened. This move had been recommended by the director of the Federal Commission Against Racism, Patrizia Abderhalden, who commented on the incident “even if the drawings were made outside the school, they go beyond the Swiss penal standards.”

Related to Christianity

The Catholic Church is very active (at parish level as well national and cantonal level) in the promotion of religious freedom and dialogue with other confessions and religions (including Islam). Conferences and workshops are regularly organised by parishes and dioceses, often with the participation of imams and Muslim scholars. Since 2001, the Swiss Bishops' Conference has had a commission for dialogue with Islam. In 2016, the commission sent a delegation to Turkey to meet various Muslim representatives. The objective of the visit was to hear first-hand about the different challenges and changes taking place in Turkey and to understand the consequences that these might have for the Christian community in the country. The commission regularly publishes brochures about Islam for those working in parishes or teaching religion in schools. These brochures are intended to promote religious freedom, and understanding of, and respect for, other religions.

Prospects for Freedom of Religion

There has been an increase in both anti-Muslim sentiments and anti-Semitic statements. While Muslim representatives note that societal discrimination against their community is a reflection of broader intolerance towards foreigners, many Muslims feel they suffer greater discrimination. Religious freedom is a right which is respected and protected in Switzerland, but is confronted with different challenges coming from the expectations of some Muslim communities.

Private initiatives are being taken to promote inter-religious harmony. A newly opened, privately funded “House of Religions” in Bern offers prayer rooms for five religious communities, including a Christian church, an Alevi dergah, a Hindu temple, a Buddhist centre and a Muslim mosque. Prayer space will also be available for Jews, Baha'is, and Sikhs.

¹ Approximately 95 percent of Muslims are of foreign origin, with over 30 countries represented. Most come from countries of the former Yugoslavia, including Kosovo, Macedonia, and Bosnia and Herzegovina. Many Muslims also come from Turkey, North Africa, and Somalia. The majority of the Muslim community is Sunni; the minority includes Shia, Alevis, and Ahmadis.

² “Lorsque la meilleure des communautés empoisonne les baigneuses bâloises”, *Dreutz.info*, 11th October 2015. See <http://bit.ly/28TXqUy?>

³ “Anger as Basel pool bans ‘maxi burkinis’”, *The Local*, 29th April 2016. See <http://www.thelocal.ch/20160429/anger-as-basel-pool-bans-maxi-burkinis>

⁴ See judgment at <http://www.strasbourgconsortium.org/portal.case.php?pageld=10#caseld=1011>

⁵ See <http://www.bbc.com/news/world-europe-35967349>