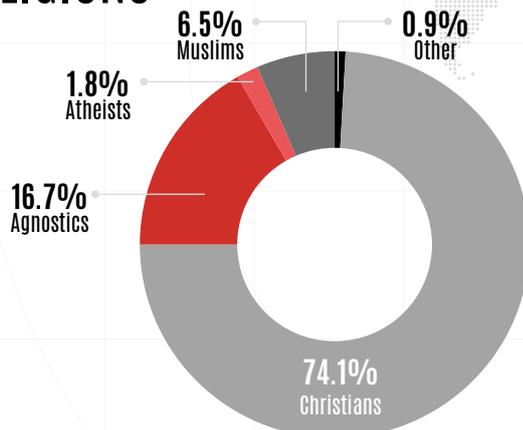




# SWITZERLAND

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Swiss Constitution guarantees freedom of religion and conscience, the right to freely choose one’s religion, to join or belong to a religious community, but no one may be forced to do so (Article 15, 1-4).<sup>1</sup> Everyone is equal before the law, and discrimination based on religion or belief is prohibited (Article 8).

The relationship between Church and state is left to the country’s 26 cantons (federated states). The Swiss Confederation and the cantons may “take measures to preserve public peace between the members of different religious communities” (Article 72). As a result of a 2009 referendum, the construction of minarets is prohibited by the Constitution (Article 72, 3). The four existing mosques with minarets were exempt.<sup>2</sup>

Religious groups are not required by law to register, but to be legally recognised as public entities they must fulfil certain criteria, including recognising the right to religious freedom, organising themselves along democratic lines, respecting cantonal constitutions and accepting financial

transparency.<sup>3</sup>

Religious communities may also register as private entities in the cantons of Basel, Zurich, and Vaud. This gives recognised religious communities the right to provide education about their faith in state schools.<sup>4</sup>

Registration in the cantonal commercial registry is not required for religious groups, but religious foundations (i.e. “institutions with a religious purpose that receive financial donations and maintain connections to a religious community”) must do so.<sup>5</sup>

Rules allowing tax-exempt status for a religious group vary from canton to canton. It is common practice in most cantons for religious communities that receive cantonal financial support to obtain tax-exempt status automatically. Other religious communities usually need to apply for tax-exempt status with the cantonal government.<sup>6</sup>

With the exception of Geneva, Neuchâtel, Ticino, and Vaud, all other cantons provide financial support to at least one of four religious communities – Roman Catholic, Old Catholic, Reformed Evangelical, or Jewish – with church taxes collected from registered church members. The church tax is voluntary in Ticino, Neuchâtel, and Geneva. The Canton of Vaud does not collect a church tax; how-

ever, its budget provides direct subsidies for Reformed Evangelical and Roman Catholic communities.<sup>7</sup>

Proselytising by foreign religious groups is allowed if their members have met the requirements to enter the country. A religious worker visa is necessary for foreign missionaries from outside the European Union and the European Free Trade Association.<sup>8</sup> There are specific visa requirements, such as: applicants must not displace any Swiss from their job, they must have formal theological training, and they must receive financial support by the host organisation. Applicants must have adequate knowledge, understanding, and respect for Swiss national customs, culture, and at least one of its three main national languages; otherwise, they must attend mandatory integration courses. If an applicant is unable to meet these requirements, the government may refuse residency and work permits.<sup>9</sup>

The government may deny residency and work permits if a background check reveals that an individual has participated in “hate preaching” or has ties to a “radicalised” religious group, or is a cleric whom the government considers to be a “fundamentalist” and a risk to internal security or public order.<sup>10</sup>

Cantons are responsible for education.<sup>11</sup> Religious education is taught in most cantonal public schools, except in Geneva and Neuchâtel. Classes, which normally follow Catholic or Protestant doctrines, are either mandatory or voluntary depending on the canton; however, if they are mandatory, parents may request waivers, which are typically granted. Children may attend classes of their own faith during religious class hours. Religious minorities can offer religious instruction at their own expense off school premises. Private religious schools and home schooling are also allowed at parents’ expense.<sup>12</sup>

Swiss federal law requires that animals be stunned before slaughter, but kosher and halal meat may be imported.<sup>13</sup>

Two of the 26 cantons, Ticino and St. Gallen, prohibit wearing face coverings in public. In 2018, the Federal Court ruled that the Ticino ban must be adapted to make exceptions, such as allowing masks at public events. It did not address the issue of the ban’s impact on religious freedom because this was not raised on appeal. In 2018 the Ticino Department of Justice released figures indicating that the ban affected mostly masked football supporters, and not women wearing burkas or niqabs.<sup>14</sup>

In February 2019, an updated secularism law was passed in the Geneva Canton prohibiting public officials from

wearing religious symbols. In November 2019, the Constitutional Chamber of the Geneva Court of Justice annulled this ban for elected politicians, but retained it for government officials, judges, and other public servants who have contacts with the public.<sup>15</sup>

In September 2019, the Swiss Senate rejected a proposed nationwide ban on face covering. The proposal was the result of a citizens’ initiative that received the required 100,000 signatures in 2017.<sup>16</sup> The promoters of the proposal argued that it was not specifically directed at women wearing niqabs or burkas, but would target anyone covering their faces, “such as masked anarchists”.<sup>17</sup> The government submitted a counterproposal requiring stricter identity checks to which the House of Representatives agreed in principle. Parliament was expected to debate the counterproposal and in so doing it delayed the expected referendum to 2021, where the Swiss people will have the final say.<sup>18</sup>

In October 2019 the government announced financial support of up to 500,000 Swiss francs a year to boost security measures for at-risk minorities, like Muslims and Jews. The money would pay for fences, alarm systems, cameras, as well as risk assessment and awareness campaigns. The Cantons are expected to contribute an equal amount. For their part, Jewish communities in Switzerland spend an estimated seven million francs per year to protect synagogues, schools, and other community institutions.<sup>19</sup>

## INCIDENTS AND DEVELOPMENTS

In August 2018, a Muslim couple was denied Swiss citizenship for failing to integrate and respect gender equality after they refused to shake hands with people of the opposite sex. Although the couple was not asked about their faith, it was “apparent” what their religion was. For the authorities, the decision was nevertheless not related to religion, but based on the need to respect Swiss law. The mayor of Lausanne said that freedom of religion is enshrined in local laws, but “religious practice does not fall outside the law”.<sup>20</sup>

Anti-Semitic incidents are monitored annually by three foundations: in German-speaking Switzerland by the Schweizerischer Israelitischer Gemeindebund (SIG) and the Stiftung gegen Rassismus und Antisemitismus (GRA), and in French-speaking western Switzerland by the Coordination Intercommunautaire Contre l’Antisémitisme et la Diffamation (CICAD).

According to the SIG and GRA 2019 report, 523 anti-Semitic incidents were reported in 2019 (compared to 577 in the previous year), of which 485 were online (535 in 2018). Of those online, 190 are related to the dissemination of anti-Semitic conspiracy theories.<sup>21</sup>

The CICAD recorded 114 anti-Semitic acts in 2019, of which 100 were online. The figures for online incidents were higher in 2018 (168 incidents), but incidents targeting people or property were up from 2018 (6 in 2018; 14 in 2019). The CICAD report also indicated a surge in the online dissemination of anti-Semitic conspiracy theories.<sup>22</sup>

The incidents in 2019 targeting people or property include: in January, several cars thought to be owned by Jews were marked with graffiti featuring swastikas and Stars of David;<sup>23</sup> in April, an individual defecated in front of the Holocaust memorial in Geneva; in May, while religious Jewish children were on their way to school, a man passed by in his car and honked the horn before he mimed pointing a gun at them.<sup>24</sup> In June, a young man wearing a kippah was subjected to anti-Semitic insults at a bus stop in Zurich. In November, a man yelled at the Jews gathered in front of a house of prayer, saying among other things, "I am going to kill all Jews!"<sup>25</sup>

The Consulting Network for Racism Victims, a collaborative project of the Federal Commission against Racism (EKR) and humanrights.ch, reported 44 incidents directed against Muslims in 2018, the most recent reporting year.<sup>26</sup> In 2017, 54 incidents were reported. In both years, anti-Muslim incidents occurred most frequently in neighbourhoods, schools, and in the workplace. Most incidents involved verbal threats or insulting remarks.<sup>27</sup> An example depicted in the report was that of a Muslim woman being accused by her government unemployment counsellor of not wanting to work and told that she would have found a job "long ago" if she hadn't worn a headscarf.<sup>28</sup>

In February 2020, the Association of the Ar'Rahman Mosque in Biel removed Abu Ramadan as its imam due to his extremist preaching against "infidels", including Christians, Jews, Hindus, and Shias.<sup>29</sup> The government began criminal proceedings for racial discrimination against him in 2018.<sup>30</sup>

The Observatory on Intolerance and Discrimination against Christians in Europe reported 13 incidents during the reporting period, most of which were acts of vandalism of churches, including arson attacks and destruction of public Christian symbols.<sup>31</sup> The most serious incidents

involved arson in February 2020 at a church in Oetwil am See resulting in damage amounting to several hundred thousand Swiss francs,<sup>32</sup> and a series of eight attacks against Christian religious statues from April to October 2018 in Ticino.<sup>33</sup>

Restrictions on religious gatherings due to the coronavirus pandemic in 2020 instituted by the Federal Council were lifted in May 2020 so long as religious communities implemented protection and contact-tracing plans.<sup>34</sup>

## PROSPECTS FOR RELIGIOUS FREEDOM

Switzerland remains a country that protects religious freedom while balancing humanistic and democratic values. The 2019 rejection of a proposed national face-covering ban, the subsequent counterproposal by the Swiss government, and the expected 2021 referendum will likely continue to fuel the public debate over religious freedom and public expressions of faith.

It will be essential for the government to continue to openly denounce anti-Semitic, anti-Muslim, and anti-Christian acts, as well as to ensure security at religious buildings and sites.

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