

SWITZERLAND 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom.

There were isolated reports of societal discrimination based on religious affiliation, belief, or practice. Members of Muslim and Jewish minority religious groups were typically the victims in such incidents.

The U.S. embassy raised religious freedom in discussions with government officials and religious leaders. Embassy officers engaged nongovernmental organizations (NGOs) and civil society officials in discussions on religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population is 8 million (July 2013 estimate), of which 41.8 percent is Roman Catholic, 35.3 percent Protestant, 4.3 percent Muslim, and 1.8 percent Christian Orthodox. Over 11 percent self identifies as atheist. Religious groups constituting less than 1 percent of the population include Old Catholics, other Christian denominations, Buddhists, Hindus, and Jews.

Most immigrants are members of religious groups different from native-born citizens. Over 90 percent of Muslims are of foreign origin, with approximately 26 countries represented. Most come from Bosnia-Herzegovina, Kosovo, Albania, Turkey, and North Africa. A majority of the Muslim community is Sunni; the minority includes both Shia and Alawites. Most of the Muslim population lives in urban areas. Over 75 percent of Jewish households are located in Zurich, Geneva, Basel, and Bern.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The constitution provides for freedom of religion and conscience, and the federal

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penal code prohibits any form of debasement of or discrimination against any religion or religious adherents.

The law penalizes with up to three years imprisonment or a fine anyone who incites racial hatred or discrimination, including anyone who “refuses to provide a service because of someone’s race, ethnicity, or religion,” or who “denies, justifies or plays down genocide or other crimes against humanity.”

There is no official state church; the constitution delegates religious matters to the cantons. Most of the 26 cantons, with the exception of Geneva and Neuchatel, financially support at least one of the three traditional religious communities – Roman Catholic, Old Catholic, or Protestant – with funds collected through a church tax. Each canton observes its own regulations regarding the relationship between church and state. In some cantons the church tax is voluntary, while in others an individual who chooses not to pay the church tax may have to leave the church formally. In some cantons, private companies are required to pay a church tax. Some cantons also allow the church tax to be collected on behalf of the Jewish community. Islamic and other “nontraditional” religious groups are not eligible to receive money from the church tax.

The law states there are no special requirements for any religious group to register with the government to receive tax-exempt status. Applications are routinely granted.

Religious groups of foreign origin are free to proselytize, but regulations set specific standards for foreign missionaries to enter the country. Immigration and labor laws impose tighter employment restrictions on non-European Union (EU) nationals. Foreign missionaries must obtain a “religious worker” visa to work in the country. Visa requirements include proof that the foreigner does not displace a citizen from a job; that he/she has formally completed theological training; and that he/she will be financially supported by the host organization. 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. The host organization must also acknowledge the country’s legal order and pledge it will not tolerate abuse by members. If an applicant is unable to meet these requirements, the government may deny the residency and work permits.

According to the courts, missionaries of certain denominations, such as The Church of Jesus Christ of Latter-day Saints (Mormons), do not meet these

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requirements. Mormon missionaries from non-EU countries are ineligible for religious visas because they do not possess a theology degree. Mormon missionaries from EU countries are allowed to work in the country.

The government may also refuse residency and work permits if a background check reveals an individual has ties to religious groups deemed “radicalized” or has engaged in “hate preaching.” Immigration authorities may refuse residency permits to clerics considered “fundamentalists” by the government, if the authorities deem internal security or public order is at risk.

The law requires mandatory training for immigrant clerics regardless of religious affiliation in order to facilitate their integration into society. Among other provisions, the training program aims to ensure immigrant clerics can speak at least one of the three main national languages.

Education policy is set at the cantonal level, but municipal school authorities have some discretion in its implementation. Most public cantonal schools offer religious education, with the exception of schools in Geneva and Neuchatel. Public schools normally offer classes in Catholic and Protestant doctrines; a few schools provide instruction on other religious groups in the country. Two municipalities in the canton of Lucerne offer religious classes in Islamic doctrine. In some cantons religious classes are voluntary, while in others they form part of the mandatory curriculum; however, waivers are routinely granted for children whose parents request them. Children from minority religious groups are free to attend classes for their own religious group during the class period. Parents may also send their children to private religious schools and to classes offered by religious groups, or they may homeschool their children.

A number of cantons either complement or replace traditional classes in Christian doctrines with non-confessional teachings about religion and culture. There are no national guidelines for waivers on religious grounds from classes other than religious instruction, and practices vary.

The construction of minarets is banned. The ban does not apply to the four existing mosques with minarets. New mosques may be built without minarets.

A federal law prevents local ritual slaughter for kosher and halal meat; however, importation of such meat is legal and it is available.

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Fifteen municipalities provide land for Muslim burials, including Geneva, Basel-Liestal, Zurich, Bern, Thun, Lugano, Lucerne, Biel, Chaux-de-Fonds, and Winterthur.

The Federal Department of Foreign Affairs Human Security Division includes the Task Force for Dealing with the Past, responsible for developing a government strategy to prevent atrocity and genocide. The task force also addresses religious conflict issues.

The government is a member of the International Holocaust Remembrance Alliance, formerly the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

Government Practices

Minority religious groups, mostly Muslims, complained of discrimination at the local governmental level.

On April 11, the Supreme Court ruled that a fourteen-year-old Muslim girl from Aargau had to participate in mandatory swimming lessons during school hours, even though the swimming teacher was male. The court stated the girl could wear a modest bathing suit (burkini) to shield her from being observed by men. The court also ruled the overwhelming need to promote integration, equal education, and socialization justified the minor violation of the freedom of religion.

The parents of two girls who had lost a 2012 Supreme Court case requiring their daughters to participate in mandatory swimming lessons appealed the case to the European Court of Human Rights. The case was pending at the end of the year.

A July 11 ruling by the Supreme Court blocked schools from issuing regulations prohibiting students from wearing headscarves at school. The court stated such a restriction of fundamental rights had to have a legal basis, be proportional, and be justified by the public interest or a fundamental right of a third party. The case was the result of a legal complaint the fathers of two Muslim girls filed with Thurgau school authorities in spring 2011 against a school regulation prohibiting items covering the head, including caps, headscarves, and sunglasses. The Thurgau school authorities had initially rejected the complaint, but the Thurgau Administrative Court later overturned that decision and upheld the complaint. In 2012 the school authorities appealed that decision, which the Supreme Court confirmed in its judgment.

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On September 22, 65.4 percent of voters in the canton of Ticino endorsed a ban on head coverings. Although the referendum language did not explicitly mention Islam, referendum supporters stated the legislation targeted Muslim women wearing burkas as well as the individuals forcing them to do so. The referendum results must be approved by the federal parliament prior to implementation. In September 2012, the lower house of parliament rejected a burka ban proposed in 2010 by the cantonal parliament of Aargau.

Muslim groups complained of discrimination by cantonal and municipal authorities who refused to approve zoning applications to build mosques or establish Islamic cemeteries. While mosques were built and cemeteries established in Zurich, Lucerne, and St. Gallen during the year, Islamic organizations stated these were not sufficient and they continued to have difficulty getting new applications approved.

On June 23, the Schlieren city parliament voted against allocating a new part of the cemetery to Muslims. The majority of the parliament argued that cemeteries devoted to certain religions contradicted the principle of tolerance and were contrary to the goal of social integration.

On October 31, the city council of Grenchen announced it would facilitate the construction of a new mosque by dropping criteria requiring proof of bank financing. The council required, however, that the Albanian-Islamic Fellowship, which had been trying to build the mosque since 2010, prove it had the entire estimated cost for construction in a dedicated bank account. As of October the group indicated it had raised one million Swiss francs (CHF) (\$1.1 million) of the estimated CHF 2 million (\$2.2 million) required to build the mosque.

Muslim cleric Muhammad al-Arifi remained prohibited from traveling in the countries that are party to the Schengen Agreement after the government declared him to be a threat to external and internal security in December 2012. In July St. Gallen authorities dismissed a construction manager for the canton from his position and fined him CHF 1,200 (\$1,350) for a July 2012 e-mail he had sent to the Israeli Embassy in Bern. The e-mail glorified terrorist attacks on Israeli tourists in Bulgaria, stating, “11 Jews killed in Bulgaria, great, very great – a good day in my life, a good day for the free and good world. I am very proud of the heroes who killed the Jews. Death to all Jewish terrorists all over the world.”

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After a preliminary investigation, the Zurich cantonal prosecutor's office announced December 18 that it would press charges under the country's anti-racism law against a former member of a conservative political party for a post on his social media account that "maybe we need another Kristallnacht...this time, for mosques" in June 2012. After the posting of the statement and its subsequent coverage in the media, he lost his position on the party's governing board for Zurich and was asked to leave the party. He was subsequently dismissed from his job in the private sector.

In response to concerns raised during the country's October 2012 UN Human Rights Council Universal Periodic Review, on February 27, the government said it would continue to facilitate dialogue among religious groups, particularly through immigrant integration programs, at the cantonal level. The government also said legislative measures to improve the compatibility of popular initiatives with international law were under discussion.

On May 8, the government released a study examining the situation of Muslims in Switzerland. The study had been commissioned based on a request from several parliamentarians following the successful 2009 people's referendum to ban the construction of minarets. The study found most Muslims were either non-practicing or viewed religion as a private matter and therefore posed little danger of creating a "parallel society." The report recommended the integration of Muslim individuals be handled through cantonal migrant integration programs rather than statutory regulations on religious communities.

The Federal Service for Combating Racism continued to provide funding for 52 projects focusing on religious freedom and the promotion of intercultural understanding. The budget for the year was CHF 903,900 (\$1.01 million).

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal discrimination based on religious affiliation, belief, or practice. Most incidents were directed against Muslims and Jews. Because ethnicity and religion were often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance.

According to the Swiss Jewish Association, the ban on minarets, the obligation for girls to participate in swimming lessons organized by schools, the discussion about a ban on head coverings that was rejected by the Supreme Court, and a discussion

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by the parliament of a ban on male circumcision, were all signs of a continuing societal trend toward limiting religious freedom.

The Foundation against Racism and Anti-Semitism (GRA) registered 40 incidents of religious discrimination up to December 9, 15 of which were pro-Nazi marches in German-speaking cantons. The GRA had recorded 25 anti-Semitic incidents in the German-speaking part of the country in 2012 among 81 cases of “racism” in the country. These cases mostly involved instances of verbal and written attacks rather than physical assaults. The foundation reported two court convictions for spreading anti-Semitic propaganda.

A separate report published by the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation and the Swiss Federation of Jewish Communities recorded 87 anti-Semitic incidents in the French and Italian-speaking parts of the country in 2012 (a 33 percent decline from 2011). This report stated violent attacks against Jews were rare, as were denials of the Holocaust.

A criminal case for violating the laws against racism remained pending at year’s end against German lawyer Sylvia Stolz, who spoke at a 2012 rally in Chur, calling Holocaust denial laws an assault on freedom of speech and a hindrance to attorneys charged with defending clients in such cases. She reportedly encouraged the audience of 2,000 to learn from the Nazis and stated the Holocaust had not been legally defined.

Many NGOs and representatives of the religious community coordinated interfaith events to promote tolerance both locally and nationwide. The “Week of Religions” in November featured approximately 100 interfaith events, including soccer games, music evenings, roundtables, and communal dinners. In June the Swiss Federation of Jewish Communities held an interfaith Shabbat event for refugees. During the year, the Dialog Institute organized interfaith events ranging from movie nights to panel discussions, student exchanges, and lectures.

Section IV. U.S. Government Policy

U.S. embassy officers engaged NGOs, civil society officials, and religious leaders in discussions of religious freedom and participated in events promoting religious tolerance such as Noah Fest, an Ashura (Shia Muslim holy day) dinner hosted by the Dialog Institute to support religious tolerance. At the invitation of local

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religious groups, embassy representatives visited a Sikh temple and an historic Roman Catholic church.