

SWITZERLAND 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of faith and conscience, and the penal code prohibits discrimination against any religion or religious adherents. There is no official state church; the constitution delegates religious matters to the 26 cantons. The construction of minarets is banned. Local governments denied an application by the Islamic Central Council of Switzerland (ICCS) to hold its annual conference in Fribourg on the grounds of seeking to limit the possible spread of radical Islam, and also refused permission to establish a private Islamic nursery school in Zurich. Courts overturned efforts by some cantons to enforce bans on head coverings, but local governments in other cantons proceeded to impose such bans. The municipality of St. Gallen approved the allotment of Muslim burial grounds. In a widely publicized case, a court ruled a man's performance of the Hitler salute at a right-wing gathering was an expression of his opinion and not the promotion of National Socialist ideology.

There was an increase in anti-Semitic statements and acts during the conflict in Gaza, including one physical assault. Swiss retailer Migros apologized for dairy creamer packets that appeared bearing portraits of Adolf Hitler and Benito Mussolini. Islamic organizations reported an increase in anti-Muslim sentiment, which they attributed to the rise of the Islamic State in Iraq and the Levant (ISIL). Moderate Muslims said they also faced hostility from Islamic fundamentalists.

The U.S. embassy promoted religious freedom in discussions with the government, nongovernmental organizations (NGOs), civil society officials, and religious leaders from the Christian, Muslim, and Jewish communities that focused primarily on access to religious education and religious services and the extent of governmental and societal acceptance of religious groups.

Section I. Religious Demography

The U.S. government estimates the total population at 8.1 million (July 2014 estimate). According to the Federal Statistics Office, as of 2012, the latest year for which figures are available, 38.2 percent of the population is Roman Catholic, 26.9 percent Protestant, 5.7 percent other Christian groups, and 4.9 percent Muslim. Of the other Christian groups, various sources estimate approximately 1.8 percent are Orthodox Christians, 1.5 percent are Evangelical "Free" Christians and other

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independent Christian groups, approximately 0.15 percent are Christian Catholic (also known as Old Catholic, who do not recognize the pope as head of the Catholic Church), and approximately 0.9 percent are other Christian groups, such as Jehovah's Witnesses and The Church of Jesus Christ of Latter-day Saints (Mormons). Over 21 percent belongs to no religious group, of which 11 percent self identifies as atheist. Religious groups constituting 1.3 percent of the population include Buddhists, Hindus, and Jews.

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. A majority of the Muslim community is Sunni; the minority includes Shia, Alevis, and Ahmadis. Most of the Muslim population lives in more urban cantons, such as Zurich, Bern, Aargau, and St. Gallen. More than 75 percent of Jewish households are located in Zurich, Geneva, Lausanne, Basel, and Bern.

Section II. Status of Government Respect for Religious Freedom

Legal/ Framework

The constitution guarantees the freedom of faith and conscience and states that each person has the right to choose his or her religion. The federal penal code prohibits any form of "debasement," which is not specifically defined, 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, which includes discrimination based on religion. The law also penalizes anyone who refuses to provide a service because of someone's 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, which regulate the activities of religious communities, including the issuance of licenses and property permits. The cantons offer legal recognition as public entities to religious communities that fulfill a number of pre-requisites, including: the recognition of the right of religious freedom; the democratic organization of the community; respect for the cantonal constitution and rule of law; and financial transparency. The cantons of Basel, Zurich, and Vaud also offer

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a religious community legal recognition as a private entity that gives the recognized religious community the right to teach its religions in public schools as well as other rights that vary from canton to canton. Procedures for obtaining private legal recognition vary; for example, in Basel the approval of the canton's Grand Council is required.

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, Christian 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, while in all others an individual who chooses not to pay the church tax may have to leave the church formally. The canton of Vaud is the only canton that does not collect a church tax; however, the Protestant and Roman Catholic denominations are subsidized directly through the cantonal budget. Islamic and other unrecognized religious groups are not eligible to receive funding collected via the church tax.

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.

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

The constitution sets education policy 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/or Protestant doctrines with the precise offering varying from canton to canton and sometimes from school to school; a few schools provide instruction on other religious groups in the country. 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, such as in Zurich and Fribourg, they form part of the mandatory curriculum at the secondary school level; however, waivers are routinely granted for children

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whose parents request them. Children from minority religious groups may 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.

Most cantons either complement or replace traditional classes in Christian doctrines with more general classes about religion and culture. There are no national guidelines for waivers on religious grounds from classes other than religious instruction, and practices vary.

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

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 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; that he/she will be financially supported by the host organization; that he/she is willing to participate in mandatory integration courses; and that the number of the organization'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 recognized 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. The assessment may vary from one canton to another, although proficiency in one of the three national languages is generally required in all cantons. In some instances the cantons may approve an applicant lacking this proficiency by devising an "integration agreement" that contains certain goals the applicant must try to meet. 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.

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 "radicalized" or has engaged in "hate preaching." By law, immigration authorities

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are authorized to 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 immigrant clerics, regardless of religious affiliation, to attend mandatory language courses as well as related specialist training 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.

Government Practices

On grounds of limiting the possible spread of radical Islam, local governments denied an application by the ICCS to hold its annual conference in Fribourg and refused permission to establish a private Islamic nursery school in Zurich. Courts overturned efforts by some cantons to enforce bans on head coverings, but local governments in other cantons proceeded to impose such bans.

In a widely publicized case, a court ruled that a man’s performance of the Hitler salute at a right-wing gathering was an expression of his opinion and not the promotion of National Socialist ideology.

In early November the authorities of Saane District rejected the ICCS’s application for hosting its yearly conference in Fribourg. Authorities said they rejected the application because a final list of participants was not included, and the speakers could have included Islamic preachers who wished to spread radical messages. The ICCS subsequently submitted a complaint to the cantonal court of Fribourg. The federal court backed the ruling of the Fribourg authorities and rejected the ICCS’s complaint. Following this decision, the cantonal authorities approved an application by the Islamic Youth of Switzerland and the Islamic Youth of Lucerne to hold a demonstration to protest against the ban of the ICCS’s yearly conference.

On March 5, 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 had 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. The court acquitted the couple of the charges due to the irreconcilability between the headscarf ban and the constitutional guarantee of freedom of faith and conscience. On November 11, the administrative court of the

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canton of St. Gallen approved a complaint submitted by the same couple regarding the cantonal education department's headscarf prohibition. The case was pending in federal court at year's end.

On September 29, 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. The 2013 case was the result of a legal complaint filed by the fathers of two Muslim girls with Thurgau school authorities in 2011 against a school regulation prohibiting items covering the head, including caps, headscarves, and sunglasses. Following the federal court's verdict, the right-wing Swiss People's Party of Thurgau submitted a motion to create such a legal basis, which was ultimately rejected by the Thurgau cantonal parliament by 62 to 51 votes in September.

On November 12, a local government requested the federal parliament approve the canton of Ticino's vote to impose a ban on head coverings (defined as facial coverings for religious reasons or facial coverings aimed at maintaining anonymity while perpetrating violent acts in public) dating back to a cantonal referendum in September 2013. 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. The federal parliament is expected to address the issue in early 2015.

On March 11, the city parliament of St. Gallen approved the city government's request to adapt the legal regulation on cemeteries to allow for the creation of up to 450 Muslim gravesites. The new regulations took effect in July. This brought the number of municipalities providing land for Muslim burials to 16.

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

In July the al Huda Islamic Association appealed the Zurich education authority's decision to reject its application to establish a private Islamic nursery school to educate children in Arabic and on the teachings of the Quran. Zurich's education authority rejected the application due to al Huda's reported connection to the

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ICCS. The education authority stated that the objectives of the ICCS could lead to the teaching of biased values contravening the guiding principles of tolerance and openness in the cantonal schools. The education authority also said it doubted whether the nursery school could achieve the goals set by the cantonal school curriculum. The case was pending with Zurich's cantonal government at year's end.

Muslim groups said the obtaining of licenses for establishing Muslim meeting venues or mosques occasionally proved difficult and often required direct appeals to members of the local community to secure approval for requests.

In December the cantonal government of Aargau approved a complaint by the Islamic Albanian community of Gebenstorf regarding the municipal council's decision to prohibit a restaurant from being converted into an Islamic meeting space. The local Gebenstorfer community reportedly feared the site would create too much noise in the neighborhood and clash with the municipality's rural environment. The cantonal government called on the municipal council to grant a building license to remodel the restaurant into a prayer room, a recreation room, several classrooms, and office spaces. The Gebenstorfer mayor said the municipality would appeal the cantonal government's verdict and bring the case to the cantonal administrative court.

According to the Swiss Israelite Association (SIG), the ban on minarets, the obligation for girls to participate in swimming lessons organized by schools, and the ongoing discussions about banning head coverings were all signs of a continuing trend toward limiting religious freedom.

In a well-publicized case, the high court of the canton of Uri in July acquitted a man of racial discrimination, a charge that included discrimination on religious grounds, and compensated him with 3,800 Swiss francs (CHF) (\$3842) after the federal court's earlier verdict that the man's performance of the Hitler salute during a gathering of a right-wing extremist group in 2010 was an expression of his opinion and not the promotion of National Socialist ideology.

Religious civil society representatives said the integration of Muslim migrants into society was sometimes hindered by a lack of information about integration programs despite the recommendation of a 2013 government study that the integration of Muslims be handled through cantonal migrant integration programs.

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The civil society groups said more resources and better qualified personnel were required for communicating essential integration information to migrants.

The government granted visas primarily to religious workers who intended to replace individuals serving in similar functions in the same religious community. In addition to meeting all of the legal requirements for visas, Turkish nationals applying for short- and long-term religious worker visas needed to show they were associated with the Turkish Central Authority for Religious Affairs. There was no fixed number of residence permits allocated to Turkish imams. The decision whether to grant a permit depended on the applicant's ability to prove that he had sufficient financial means to stay in Switzerland during the course of his assignment.

According to the courts, missionaries of certain denominations such as Mormons were ineligible for religious visas because they did not possess a theology degree. Mormon missionaries from Schengen Area countries were allowed to work in the country, however, because they did not require visas to enter the country.

As of the end of October, the most recent date for which data was available, the Federal Service for Combating Racism provided funding for 51 projects, some of which focused on religious freedom issues, including religious discrimination, inter-religious learning, and the Holocaust. The available subsidies for all projects conducted during the year stood at approximately CHF 850,000 (\$859,000).

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

There was an increase in anti-Semitic statements, especially on social media, as well as at least one physical assault during the conflict in Gaza. Swiss retailer Migros apologized for dairy creamer packets that appeared bearing portraits of Adolf Hitler and Benito Mussolini. Islamic organizations reported an increase in anti-Muslim sentiment, which they attributed to the rise of ISIL. Moderate Muslims said they also faced hostility from Islamic fundamentalists. Vandals, reportedly conservative Muslims, broke into a Bern mosque and defaced pictures of the imam. Because ethnicity and religion are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

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On August 11, an elderly man yelling “Out with the Jews” physically assaulted an Orthodox Jew who was vacationing in Davos. The victim sustained minor injuries. Police questioned the elderly man, who later admitted to his actions and statements. The victim pressed charges, and the police treated the incident as a potential case of racial discrimination. The case was pending as of the end of the year.

Representatives of various Islamic organizations told local media that anti-Muslim sentiment had noticeably increased among the public since the rise and growing media presence of ISIL. Muslim representatives stated that many Muslims felt pressured into defending Islam and their religious practices in the face of a minority Muslim group pursuing a radical Islamist doctrine. The Coordination of Islamic Organizations in Switzerland and the Federation of Islamic Umbrella Organizations of Switzerland reported that their respective institutions regularly received hate mail. Muslim civil society and religious representatives stated women with headscarves were often victims of verbal abuse and threats, and Muslims (including women and youth) were frequently discriminated against when seeking employment. While Muslim representatives noted that societal discrimination against Muslims was a reflection of broader intolerance towards foreigners, many Muslims felt they suffered discrimination to a greater degree.

While many Muslims complained of societal discrimination by the local, non-Muslim population, some members of the Muslim community also voiced concern over moderate Muslims facing increasing denigration by other Muslims. The president of the Forum for a Progressive Islam told local media she experienced the greatest hostility from radical Muslims who accused moderate Muslims of betraying Islam, and who issued regular threats via social media, e-mail, phone calls, or during personal interactions on the street. Many Muslim groups refused to recognize Ahmadis as fellow Muslims, and attempted to exclude them from opportunities to engage in joint dialogue with the government.

SIG noted a steep increase in anti-Semitic statements and acts during the year. In July and August alone, SIG documented more than 60 anti-Semitic incidents in the German-speaking part of the country, compared to 21 anti-Semitic incidents in all of 2013. The majority of incidents consisted of verbal and written attacks. A separate report published by the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation recorded 151 anti-Semitic incidents in the French and Italian-speaking parts of the country in 2013, the last year for which data was available, representing a 57 percent increase from 2012.

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The report stated violent attacks against Jews were rare, as were denials of the Holocaust. SIG explained the increase in anti-Semitic discourse as a result of the conflict in Gaza.

In July anti-Semitic statements circulated on several social media sites in the lead-up to a pro-Palestine demonstration in Zurich. Social media postings included comments like “We must annihilate the Jews,” or “The only good Jew is a dead Jew.” According to SIG, anti-Semitic comments like these received over 1,000 “likes” on a social media site. The Zurich state prosecutor’s office launched proceedings against at least one of the perpetrators while continuing investigations against others. SIG pressed charges against 15 individuals. All cases were pending as of the end of the year.

According to media and NGO reports, during the year the main groups responsible for engaging in anti-Semitic rhetoric were Geneve Non Conforme, Europaeische Aktion, the Lega dei Ticinesi, the Party of Nationally Oriented Swiss (PNOS), and Parti Nationaliste Suisse (PNS), the French-speaking branch of PNOS.

In October the Swiss retailer Migros apologized for an “unforgivable blunder” after the company’s dairy creamer packets appeared bearing portraits of Adolf Hitler and Benito Mussolini. The company promptly withdrew approximately 2,000 packets from approximately 100 cafes in the German speaking part of the country and severed ties with Karo-Versand, its supplier. A Karo executive reportedly issued a statement to the local media to the effect that the images were “unproblematic.”

Also in October unknown persons broke into a Bern mosque and destroyed an architectural model of a new mosque to be built in an interreligious house of worship. The perpetrators also defaced several pictures of the mosque’s serving imam. The imam blamed the vandalism on conservative Muslims, who he believed disapproved of his liberal views and rejection of radical extremism. Police investigations were ongoing as of the end of the year.

On December 7, unknown persons set fire to an Albanian Islamic cultural center in Flums in the canton of St. Gallen. The perpetrators set the building ablaze with two Molotov cocktails. Police investigations into the identities of the offenders and the motive behind the attack were ongoing as of year’s end.

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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 over 130 interfaith events, including exhibitions, music and dance concerts, roundtables, and communal dinners. The SIG, the Institute of Dialogue and Intercultural Cooperation, and other NGOs continued to support the “Respect” project to address and eliminate misconceptions between Muslims and Jews. The Dialog Institute also organized interfaith events ranging from movie nights to panel discussions, student exchanges, and lectures.

According to media reports, on December 14, thousands of individuals visited the newly opened, privately-funded “House of Religions” offering prayer rooms for five religious communities, including a Christian church, an Alevi dergah, a Hindu temple, and a Buddhist center that already are operational and a Muslim mosque to be completed in early 2015. Prayer space will also be available for Jews, Bahais, and Sikhs.

Section IV. U.S. Government Policy

U.S. embassy officers engaged the government in discussions of access to religious education and services. Embassy officers met with NGOs, representatives from civil society, and leaders from the Christian, Muslim, and Jewish communities to discuss potential discrimination against religious groups as well as religious education and services.

U.S. embassy staff also participated in events promoting religious tolerance, such as the Noah Fest, an Ashura dinner hosted by the Dialog Institute to support religious tolerance, the Night of Religions in Bern, a forum on common Christian and Muslim values in Altstetten in Zurich, and a meeting with the Alevi Muslim community in Basel to promote religious freedom and integration.