



## Religion

## Population

## Area

- Christians : **77.5%**
- Agnostics : **14.4%**
- Muslims : **5.7%**
- Atheists : **1.4%**
- Others : **1%**

8.379.000

41.291 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

Article 15 of the constitution ensures freedom of religion and conscience, and Article 8 *inter alia* prohibits discrimination based on religion or belief.<sup>[1]</sup>

The 26 cantons (member states of the Swiss Confederation) have the opportunity to define relationships between religions and the local government.<sup>[2]</sup> For this reason, regulations and requirements for religious registration and activity may differ across the country.

Religious groups are not required by law to register, but if they do, they must do so as public entities on the basis of certain criteria, including recognising the right to religious freedom, organising themselves along democratic lines, respecting the cantonal constitution and financial transparency.<sup>[3]</sup>

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

Registration in the cantonal commercial registry is not required of religious groups. However, as of 1<sup>st</sup> January 2016, religious foundations<sup>[5]</sup> must register in the commercial registry.

There are mandatory Church Taxes for registered Church members. With the exception of the Geneva, Neuchatel, Ticino, and Vaud cantons, all other cantons require businesses to pay taxes that go to support at least one of four religious communities – Roman Catholic, Old Catholic, Protestant, or Jewish.<sup>[6]</sup> In Ticino, Neuchatel and Geneva the Church Tax is voluntary. The canton of Vaud does not collect a Church Tax; however, the cantonal budget provides subsidies for Protestant and Roman Catholic communities.<sup>[7]</sup>

Rules allowing tax-exempt status for a religious group vary from canton to canton. It is common in the majority of cantons for religious communities that receive cantonal financial support to obtain tax-exempt status automatically. Religious communities usually need to apply for tax-exempt status with the cantonal government.

Proselytising by foreign religious groups is allowed if the foreign missionary has met the requirements to enter the country and, if necessary, obtained a religious worker visa to work in Switzerland.<sup>[8]</sup>

There are specific visa requirements, which may include but are not limited to proof of the following<sup>[9]</sup>

- no citizen shall be displaced from their job by the applicant;
- formal completion of theological training;
- financial support by the host organisation;
- willingness to attend mandatory integration courses;
- a proportional balance of the number of the organisation's religious workers 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 national customs and culture; be conversant in at least one of the three main national languages; and hold a degree in theology".<sup>[10]</sup> If an applicant is unable to meet these requirements, the government may deny their residency and work permits.

Residency and work permits are to be refused according to the law if a background check reveals that an individual has participated in preaching hate or has ties to a radicalised religious group, or is someone whom the government considers to be fundamentalist and a risk to internal security or public order.

Religious education<sup>[11]</sup> is taught in most public cantonal schools, except for those in Geneva and Neuchatel. The classes are either mandatory or voluntary depending on the canton; however, if mandatory, parents may request waivers, which are typically granted.

## | Incidents

A ban on face coverings in Ticino went into effect on 1<sup>st</sup> July 2016. Under the ban, Muslim women are not allowed to wear a burqa or niqab. Those found in violation of the law are liable to fines of between 100 francs (US\$102) and 1,000 francs (US\$1,016), and 10,000 francs (US\$10,170) for a second offence. About six people, five of whom are Muslim women, have been fined since the ban took effect.<sup>[12]</sup>

On 28<sup>th</sup> November 2017, the St Gallen cantonal parliament approved a bill to ban face coverings in public. Under the new law, potential violations would be evaluated on a case-by-case basis, looking at whether the person whose face was covered presented a "security risk or threaten[ed] social or religious peace"<sup>[13]</sup>

An initiative to have a national face-covering ban was rejected in March 2017.<sup>[14]</sup>

A case that was first raised in 2013 was brought to a conclusion in January 2017; in the European Court of Human Rights case *Osmanoglu and Kocabas v. Switzerland* (no. 29086/12),<sup>[15]</sup> the applicants submitted to the European Court of Human Rights that the obligation to send their daughters to mixed-sex swimming classes, as part of their compulsory schooling in the canton of Basle-City, was contrary 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. In its 10<sup>th</sup> January 2017 judgement, the court held that there had been no violation of Article 9 in that government had not gone beyond the considerable margin of appreciation (or margin of state discretion) allowed to ensure that the compulsory school curriculum was followed and to facilitate integration. While the court said that the refusal to grant an exemption did interfere with their right to manifest their religion, the interference was lawful and

pursued a legitimate aim, especially considering the importance of schooling in aiding successful integration. It also considered that the authorities had tried to find an arrangement that would respect religious convictions while also fulfilling the curriculum.

In November 2016, Switzerland's Federal Court affirmed the decisions of a lower court in Zurich, denying an operating permit for an Islamic kindergarten to the Al Huda Islamic foundation. Its decision was based on the institution's religious curriculum which did not meet local regulations for private schools.<sup>[16]</sup>

In 2016, about 24 anti-Semitic incidents were documented by the Swiss Federation of Jewish Communities (SIG) and the Foundation Against Racism and Antisemitism (GRA).<sup>[17]</sup> The report, *Anti-Semitism Report 2016: Threats, attempted blackmail, assaults*, details some of the incidents that occurred in the German-speaking part of the country. These incidents include neo-Nazi concerts, death threats and other anti-Semitic behaviour.<sup>[18]</sup>

In 2017, the government condemned a hotel that posted a sign at their pool stating, "To our Jewish Guests, women, men and children, please take a shower before you go swimming," the sign said, adding, "If you break the rules I'm forced to (close) the swimming pool for you."<sup>[19]</sup>

A banner showing a swastika was removed by police on the A3 motorway near Reichenburg heading toward Zurich in July 2017.<sup>[20]</sup> Such symbols are still legal in the country after a 2010 decision by the government not to prohibit the Hitler salute and Nazi symbols.<sup>[21]</sup>

## Prospects for freedom of religion

Switzerland remains a country that upholds religious freedom while balancing humanistic and democratic values. The recent court rulings further reinforce these principles; however, an eye should be kept on the underlying motivations behind the decision to ensure that all religious communities, besides Muslims, are held to the same standards. While some Muslim representatives note that societal discrimination against their community is a reflection of broader intolerance towards foreigners, many Muslims feel they suffer discrimination to a greater degree than other religious groups.

It is important for the government to continue to formally denounce any anti-Muslim or anti-Semitic acts.

Private initiatives are being taken to promote inter-religious harmony. The House of Religions which opened in 2014 and offers prayer rooms for five religious communities: Christians, Alevis, Hindus, Buddhists and Muslims<sup>[22]</sup>

In a contribution to religious literacy, the Centre Intercantonal d'Information sur les Croyances (CIC) created in Geneva several years ago and financed by four cantons keeps a database of several hundred religious or belief groups in the country. It also has an interactive map of 400 religious communities and 270 religious places in Geneva<sup>[23]</sup>

## Endnotes / Sources

[1] Federal Constitution of the Swiss Confederation, The Federal Council [website], 2018, <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>, (accessed January 2018).

[2] Bureau of Democracy, Human Rights and Labor, "Switzerland", International Religious Freedom Report for 2016 US State Department, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, (accessed 19th March 2018).

[3] Ibid.

[4] Ibid.

[5] i.e. A religious institution that receives financial donations and is connected to a religious community.

[6] Other religious groups are not eligible to receive financial support through the Church Tax .

[7] Bureau of Democracy, Human Rights and Labor, op. cit.

[8] A religious worker visa is required if one is not from a member country of the European Union or the European Free Trade Association, *ibid.*

[9] This would typically refer to religious education in Catholic and/or Protestant doctrine. Education on the teachings of Islam and other religions was provided at some schools, depending on the canton, and is less common.

[10] Bureau of Democracy, Human Rights and Labor, op. cit.

[11] "Ticino tourist sector has 'real fears' over effect of burqa ban", *The Local* ch, 11th July 2016, <https://www.thelocal.ch/20160711/ticino-tourism-has-real-fears-over-effect-of-burqa-ban>, (accessed January 2018).

[12] "Four of the five women fined for wearing full veil since start of ban are Swiss", *le News*, 29th March 2017, <http://lenews.ch/2017/03/29/four-of-five-women-fined-for-wearing-full-veil-since-start-of-ban-are-swiss/>, (accessed January 2018).

[13] "St Gallen approves conditional ban on face coverings", *The Local* ch, 29th November 2017, <https://www.thelocal.ch/20171129/st-gallen-approves-conditional-ban-on-face-coverings-burqa>, (accessed January 2018).

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[15] "Osmano?lu and Kocaba? v. Switzerland", ECtHR, 2013, 29086/12; Strasbourg Consortium, <http://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=1011>, (accessed 16th March 2018).

[16] "Court upholds denying permit to Islamic kindergarten", *Swissinfo*.ch, 4th November 2016, [https://www.swissinfo.ch/eng/final-verdict\\_court-upholds-denying-permit-to-islamic-kindergarten/42568454](https://www.swissinfo.ch/eng/final-verdict_court-upholds-denying-permit-to-islamic-kindergarten/42568454), (accessed January 2018).

[17] "Homepage", Schweizerischer Israelitischer Gemeindebund, 2016, <http://www.antisemitisme.ch/vorfaelle>, (accessed January 2018).

[18] "Anti-Semitism Report 2016: Threats, attempted blackmail, assaults", Schweizerischer Israelitischer Gemeindebund, [http://www.antisemitismus.ch/sites/www.antisemitismus.ch/files/downloads/Abericht\\_Zusammenfassung\\_eng.pdf?\\_ga=2.1371754178257639.1517916289](http://www.antisemitismus.ch/sites/www.antisemitismus.ch/files/downloads/Abericht_Zusammenfassung_eng.pdf?_ga=2.1371754178257639.1517916289), (accessed January 2018).

[19] "Swiss Government Denounces Anti-Semitism After Outrage Over Hotel Sign", Jewish Link of New Jersey, 17th August 2017, <https://www.jewishlinknj.com/world-us/20257-swiss-government-denounces-anti-semitism-after-outrage-over-hotel-sign>, (accessed January 2018).

[20] "Swastikas appear on Swiss road bridges", European Jewish Congress, 10th July 2017, <https://eurojewcong.org/news/communities-news/switzerland/swastikas-appear-on-swiss-road-bridges/>, (accessed January 2018).

[21] "Hitler salute and swastika remain legal", *Swissinfo*.ch, 7th July 2010, <https://www.swissinfo.ch/eng/hitler-salute-and-swastika-remain-legal/15791816>, (accessed January 2018).

[22] "Homepage", Haus der Religionen-Dialog der Kulturen, <https://www.haus-der-religionen.ch/willkommen/>, (accessed 16th March 2018).

[23] "D'église en ashram: Cartographie de la diversité religieuse à Genève", Centre Intercantonal d'Information sur les Croyances, <http://info-religions-geneve.ch/>, (accessed January 2018).