

SWITZERLAND 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of faith and conscience, and it and the penal code prohibit discrimination against any religion or its members. The constitution delegates regulation of the relationship between government and religious groups to the 26 cantons. Voters in St. Gallen Canton approved a referendum on new legislation barring the wearing of facial concealments in public. Basel Canton prohibited all court officials from wearing publicly visible religious symbols in court. Lausanne authorities denied a Muslim couple Swiss citizenship after they refused to shake hands with officials of the opposite sex during their citizenship interview. The Federal Court upheld a 2017 ruling by the Cantonal Parliament of Valais that invalidated a referendum that called for a ban on wearing headscarves in schools. The number of Muslim burial plots and sites increased, as did funding for education and awareness efforts aimed at improving the protection of religious minorities, notably Jews and Muslims.

The government, nongovernmental organizations (NGOs), and Jewish and Muslim groups reported religiously motivated incidents against Jews and Muslims increased in 2017, the most recent year for which data were available. There were four physical altercations against Jews and a rise in anti-Semitic incidents by right-wing individuals and on social media. Incidents against Muslims were primarily verbal. Muslim representatives attributed an increase in anti-Muslim sentiment to the increasing politicization of Islam and negative media reporting. Two research studies reported evidence of anti-Muslim sentiment and discrimination in society and media. There was repeated vandalism of a kosher butchery in Basel, and an activist in Ticino Canton established a “Swiss Stop Islam Award,” giving a prize of 2,000 Swiss francs (\$2,000) to each of the first three recipients.

U.S. embassy officials discussed religious freedom with the federal government, focusing on its projects aimed at promoting religious freedom and tolerance, and with cantonal government officials regarding cantonal recognition of minority religions, especially Islam. Embassy officials met with NGOs and civil society and with religious leaders from the Christian, Muslim, and Jewish communities and other religious minorities, eliciting their views on the nature and extent of religious discrimination. The embassy hosted an iftar and a Rosh Hashanah celebration that included discussions of religious tolerance and religious diversity. The embassy cohosted a Holocaust Remembrance Day ceremony with the chair of

the International Holocaust Remembrance Alliance and the embassy of Israel on January 29. Embassy staff spoke about the importance of religious freedom and tolerance at an iftar organized by an association working to strengthen religious dialogue, at a Baha'i festival, and during a visit to a Hindu temple.

Section I. Religious Demography

The U.S. government estimates the total population at 8.3 million (July 2018 estimate). According to the Federal Statistics Office, as of 2016, the latest year for which figures are available, 37.2 percent of the population older than 15 is Roman Catholic, 25.0 percent Reformed Evangelical, 5.8 percent other Christian groups, and 5.1 percent Muslim. There are approximately 18,000 Jews. Persons identifying with no religious group constitute 24.0 percent, and the religious affiliation of 1.3 percent of the population is unknown. According to the Federal Statistics Office, of the population older than 15 belonging to other Christian groups, 2.3 percent is Orthodox Christian or Old-Oriental Christian and 2.2 percent is other Protestant, including evangelical, Pentecostal, and charismatic Christian. The remaining 1.3 percent includes Jehovah's Witnesses and members of The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ). The Federal Statistical Office estimated the number of Christian Catholics (also known as Old Catholics) at 13,000 in 2013. Religious groups together constituting 1.4 percent of the population include Buddhists, Hindus, Baha'is, and Sikhs.

Approximately 95 percent of Muslims are of foreign origin, from more than 30 countries. Media report most come from countries of the former Yugoslavia, predominantly from Kosovo, Macedonia, Serbia, and Bosnia and Herzegovina, while others come from Albania, Turkey, North Africa, the Middle East, and sub-Saharan Africa. According to a 2017 Bertelsmann Foundation report, 51 percent of the Muslim community is Sunni; the remainder includes 6 percent Alevis, 5 percent Shia, 7 percent others, including Ahmadis, and 19 percent who do not identify with a particular Muslim group. According to the Gfs Bern polling and research institute, approximately 80 percent of Muslims live in cities, with the largest populations found in Zurich, Aarau, Bern, St. Gallen, Solothurn, Lausanne, and Geneva. Approximately 50 percent of Jewish households are located in Zurich, Geneva, Basel, Lausanne, and Lugano.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

In its preamble, the constitution states it is adopted in the name of “Almighty God.” It guarantees freedom of faith and conscience, states each person has the right to choose his or her religion and to profess it alone or with others, and prohibits religious discrimination. It states the confederation and cantons may, within the scope of their powers, act to preserve peace between members of different religious communities.

The federal penal code prohibits any form of “debasement,” which is not specifically defined, or discrimination against any religion or religious adherents. Inciting hatred or discrimination, including by electronic means and on the basis of religion, is punishable by up to three years’ imprisonment or a fine. The law also penalizes anyone who refuses to provide a service because of someone’s religion; organizes, promotes, or participates in propaganda aimed at degrading and defaming adherents of a religion; or “denies, justifies, or plays down genocide or other crimes against humanity.”

The constitution delegates regulation of relations between the government and religious groups to the 26 cantons. The cantons offer legal recognition as public entities to religious communities that fulfill a number of prerequisites and whose applications for recognition are approved in a popular referendum. The necessary prerequisites include a statement acknowledging the right of religious freedom; the democratic organization of the religious community; respect for the cantonal and federal constitutions 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 them the right to teach their religions in public schools. Procedures for obtaining private legal recognition vary; for example, Basel requires approval of the Grand Council (the cantonal legislature).

There is no law requiring religious groups to register in a cantonal commercial registry. However, religious foundations, characterized as institutions with a religious purpose that receive financial donations and maintain connections to a religious community, must register in the commercial registry. To register, the foundation must submit an official letter of application to the relevant authorities and include the organization’s name, purpose, board members, and head office location as well as a memorandum of association based on local law, a trademark certification, and a copy of the organization’s statutes.

Tax-exempt status granted to religious groups varies from canton to canton. Most cantons automatically grant tax-exempt status to religious communities that receive

cantonal financial support, while all other religious communities must generally establish they are organized as nonprofit associations and submit an application for tax-exempt status to the cantonal government.

All of the cantons, with the exception of Geneva, Neuchatel, Ticino, and Vaud, financially support at least one of four religious communities that the cantons have recognized as public entities – Roman Catholic, Christian Catholic, Reformed Evangelical, or Jewish – with funds collected through a mandatory church tax for registered church members and, in some cantons, businesses. Only religious groups recognized as public entities are eligible to receive funds collected through the church tax, and no canton has recognized any other religious groups as public entities. 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 formally leave the religious institution. The canton of Vaud is the only canton that does not collect a church tax; however, the Reformed Evangelical and Roman Catholic Churches are subsidized directly through the cantonal budget.

The constitution prohibits the construction of minarets. The prohibition does not apply to the four existing mosques with minarets established before the constitution was amended to include the ban. New mosques without minarets may be built.

The constitution sets education policy at the cantonal level, but municipal school authorities have some discretion in implementing cantonal guidelines. 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 details varying from canton to canton and sometimes from school to school; a few schools provide instruction on other religions. The municipality of Ebikon, in Lucerne Canton, and the municipality of Kreuzlingen, in Thurgau Canton, offer religious classes in Islamic doctrine. 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, although schools routinely grant waivers for children whose parents request them. Children from minority religious groups may attend classes of their own faith during the religious class period. Minority religious groups must organize and finance these classes and hold them outside the public schools. Parents may also send their children to private religious schools at their expense or homeschool their children.

Most cantons require general classes about religion and culture in addition to classes in Christian doctrines. There are no national guidelines for waivers on religious grounds from religion classes not covering doctrine, and practices vary.

A federal animal welfare law prohibits ritual slaughter of animals without prior anesthetization, effectively banning kosher and halal slaughter practices. Importation of traditionally slaughtered kosher and halal meat is legal, and such products are available.

Religious groups of foreign origin are free to proselytize, but foreign missionaries from countries not members of the European Union (EU) or the European Free Trade Association (EFTA) must obtain a religious worker visa to work in the country. Visa requirements include proof the foreigner does not displace a citizen from a job, that he/she has completed formal theological training, and that he/she will be financially supported by the host organization. Nonrecognized religious groups must also demonstrate to cantonal governments that the number of their foreign religious workers is not out of proportion to the size of the community when compared to the relative number of religious workers of cantonally recognized religious communities.

Foreign missionaries must also 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. The law requires immigrant clerics with insufficient language skills or knowledge of local culture and customs, regardless of religious affiliation, to attend mandatory courses to facilitate their integration into society. 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 “recognize the country’s legal norms” and pledge it will not tolerate abuse of the law by its 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 that have engaged in “hate preaching,” defined as publicly inciting hatred against a religious group, disseminating ideologies intended to defame members of a religious group, organizing defamatory propaganda campaigns, engaging in public discrimination, denying or trivializing genocide and other crimes against humanity, or refusing to provide service based on religion. The law authorizes immigration authorities to refuse residency permits to clerics the

government considers “fundamentalists” if authorities deem internal security or public order is at risk.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In September voters in St. Gallen Canton approved a referendum on new legislation barring the wearing of facial concealments in public if the concealment posed “a threat to public security or religious and/or societal peace.” Voters petitioned to hold the referendum after the cantonal parliament enacted legislation in 2017 prohibiting the wearing of facial concealments. The law, which states threats will be determined on a case-by-case basis and does not specify penalties for violators, was scheduled to come into effect in January 2019. While the legislation does not specifically mention types of facial covering, political discussions about the law predominantly focused on Islamic garb, including the burqa and *niqab*.

In August Lausanne city authorities denied a Muslim couple citizenship after the couple refused to shake hands with officials of the opposite sex during their citizenship interview. Officials stated the rejection was not based on the couple’s religion, but due to the couple’s failure to integrate and respect gender equality by refusing to shake hands. Lausanne Deputy Mayor Pierre-Antoine Hildbrand told local press that “the constitution and equality between men and women are of greater importance than religious intolerance.”

In May in a nationwide first, the canton of Basel’s Council of Courts, which represents all cantonal courts, prohibited all judges, law clerks, and court trainees from wearing publicly visible religious symbols in court after a female Muslim lawyer submitted an application for a traineeship at the cantonal court that contained a photo of herself wearing a headscarf. Cantonal authorities stated the decision was based on the court’s “obligation to independence and religious neutrality.” The Muslim applicant remained on a waiting list for a traineeship as of May. A Basel-based lawyer objected to the ruling in June by submitting a complaint to the Federal Court, where the case remained pending at year’s end.

According to the justice department of Ticino Canton, the city of Locarno had not fined any Muslim women for wearing the *niqab* since the 2016 enactment of the canton’s law banning face coverings in public.

In September the Federal Court rejected an appeal by the Swiss People's Party (SVP) of a December 2017 ruling by the Cantonal Parliament of Valais that declared a people's initiative (a type of referendum) by the SVP that called for a ban on the wearing of headscarves in schools invalid. The Federal Court held regulations aimed at prohibiting the wearing of headscarves in public schools violated religious freedom.

In June the Liebenfeld cemetery of Baden in Aargau Canton inaugurated 170 new Islamic burial plots in coordination with the Aargau Muslim Association. As of September the Witikon cemetery in Zurich city allowed Muslims of neighboring municipalities to bury their deceased in its Islamic burial sites. Muslims were able to bury their dead according to Islamic rites in 10 of the 26 cantons.

In July the federal government allocated 500,000 Swiss francs (\$508,000), and stated it would do so annually, to education and awareness efforts aimed at improving the protection of religious minorities, primarily the Jewish and Muslim communities. The decision followed an October 2017 report by the Ministry of Interior, in which the government described the protection of Jewish institutions as an "issue of national importance." An interdepartmental working group the government established to assess potential security gaps in the protection of religious groups and prepare an action plan had not issued the protection plan by year's end.

In March the High Court of Adelfingen in Zurich Canton sentenced the former President of the Swiss Democrats Party, Willy Schmidhauser, to a suspended fine (i.e., he was found guilty but did not have to pay the fine) of 1,400 Swiss francs (\$1,400) after he published several texts critical of Muslims in the magazine *Schweizerzeit* and on the website of the Swiss Democrats between 2009 and 2011. In one of the publications, he called for the "mass deportation of Muslims," who he said would otherwise "destroy our people." The Adelfingen High Court ruled that the statements accused Muslims and Islam of having "a compulsion towards crime." Schmidhauser appealed the verdict. The case was pending in the Federal Court at year's end.

The government continued to grant visas primarily to religious workers who intended to replace individuals serving in similar functions in the same religious community. 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.

Pursuant to past court decisions, the government continued not to issue religious visas to missionaries of certain denominations, such as members of the Church of Jesus Christ, because they did not possess a theology degree. Church of Jesus Christ missionaries from EU and EFTA countries could work, however, because they did not require visas to enter the country.

As of November the Federal Service for Combating Racism, which is responsible for matters related to religious discrimination, had provided 40,000 Swiss francs (\$40,700) to fund three projects focusing on religious freedom, including combating religious prejudice against Muslims, particularly Muslim women, and educating the public about the history of the Holocaust. One project, titled “Different Customs, Different People? – Muslims Belong to Switzerland,” encouraged greater cultural awareness and understanding between Zurich police and the Muslim community to prevent what it described as racial profiling by hosting meetings and maintaining a continuing dialogue.

Although not a requirement, schools continued to include Holocaust education as part of their curriculum and to participate in the annual Holocaust Day of Remembrance on January 29.

On January 29, Federal Chancellor Walter Thurnherr, then-Chair of the International Holocaust Remembrance Alliance Benno Baettig, and the head of the Ministry of Foreign Affairs Historical Services, Francois Wisard, again attended an official Holocaust Remembrance Day ceremony at the Yehudi Menuhin Forum in Bern. In a speech at the ceremony, Baettig stated the accounts of remaining Holocaust survivors were central in keeping alive the memory of the atrocities of the Holocaust and in raising awareness of the consequences of racism, discrimination, and anti-Semitism.

The government is a member of the International Holocaust Remembrance Alliance and chaired the organization during the year ending in March. In January at the federal government’s initiative, Lausanne’s University of Teacher Education introduced Holocaust study topics in its curriculum.

Section III. Status of Societal Respect for Religious Freedom

The *2017 Anti-Semitism Report*, produced jointly by the Swiss Federation of Jewish Communities (SIG) and the NGO Foundation against Racism and Anti-Semitism, cited 39 anti-Semitic incidents (excluding anti-Semitic hate speech online) in the German-speaking part of the country in 2017, compared with 25

incidents in 2016. The SIG said the increase in recorded incidents could be due to improved reporting by the public. The report documented four physical altercations involving Jews, compared with two in the previous year. In one incident, a woman spat on and insulted a Zurich-based rabbi as he walked with his family around Lake Zurich. In 2017, the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD), an NGO, reported 150 anti-Semitic incidents in the French-speaking region, compared with 153 cases in 2016, of which it deemed three “grave” (involving acts against the integrity and wellbeing of a person, including aggression, harassment, or destruction of property), and five “serious” (involving acts such as anti-Semitic letters, insults, or graffiti). The report cited an increase in right-wing extremist activities and anti-Semitic incidents motivated by a belief in global Jewish domination in business and politics, as well as a rise in anti-Semitic incidents on social media and a growing banalization of the Holocaust.

In April the Consulting Network for Racism Victims, a collaboration between the NGO humanrights.ch and the Federal Commission Against Racism that provides consulting and counseling services related to racism and religious discrimination, released its report for 2017. It stated there were 54 anti-Muslim incidents in that year (the third-highest number in the categories it tallied), compared with 52 in 2016. According to the report, anti-Muslim incidents were predominantly verbal, involving threats or derogatory remarks, and occurred mainly in public spaces, at work, at school, and in neighborhoods. In one incident, unknown persons smeared pig’s blood on the shell construction of a mosque in Solothurn Canton and wrote “[Expletive] Islam” on the construction’s facade.

In July a German national armed with a knife yelled anti-Semitic statements while following three Jews on their way to a Zurich synagogue. Police arrested the man the same evening and released him shortly afterwards.

In August the leadership of the centrist Conservative Democratic Party (BDP) expelled a Thurgau cantonal politician from the party after he tweeted that Adolf Hitler could not have been “endlessly bad” and that he did not just see an “evil tyrant” in Hitler. He later apologized for his tweet. The BDP stated any minimization of Nazi atrocities was unacceptable.

Muslim representatives, such as the Federation of Islamic Organizations in Switzerland (FIDS) President Montassar BenMrad, said the growing discourse on Islam by right-leaning political parties and predominantly negative media narratives about Muslims led to growing anti-Muslim sentiment.

In October unknown persons vandalized a kosher butcher shop in Basel on four separate occasions in the same month. In one of the attacks, the vandals shattered the shop's window display. In another incident, the perpetrators removed the letter 'J' from the German-language word for Jewish from a metal sign hanging over the shop and two of the Hebrew-language letters for the word kosher. Leopold Stefansky, President of the Basel Jewish Community, described the incidents as anti-Semitic attacks and said the community was considering hiring a security firm and using a video surveillance system. At year's end, police investigations were ongoing.

In November the initiator of the canton of Ticino's ban on facial coverings, former journalist Giorgio Ghiringhelli, awarded three recipients 2,000 Swiss francs (\$2,000) each under the inaugural "Swiss Stop Islam Award," which he said he established to honor "patriots who resist the new conquerors in the spirit of William Tell." Recipients were National Councilor Walter Wobmann (SVP), for launching an initiative to ban the burqa nationally; Mireille Vallette, author of the book *Islamophobia or Legitimate Defiance?*; and SVP National Councilor Lorenzo Quadri, for advocating against religious extremism and calling for more transparent financing of mosques and Islamic associations. Ghiringhelli told local press he was not against Muslims but considered Islam "a dangerous religion."

At least two studies issued during the year reported evidence of anti-Muslim sentiment and discrimination. A nonrepresentative study published by the Gfs Bern research institute in January found 55 percent of surveyed Muslims self-identified as victims of discrimination or knew of Muslims affected by discrimination in 2017. According to the study, 35 percent of surveyed Muslims had been victims of hate crimes, and 57 percent said they behaved reservedly in public so as not to attract attention. The study especially cited Muslim women as victims of discrimination and harassment, including being spat on in the supermarket or having their headscarves forcibly removed by strangers. A government-commissioned study by the University of Zurich published in September concluded that local media rarely gave voice to Muslims and that, as a result of divisive print and online media content, 69 percent of persons preferred to distance themselves from Muslims, compared with 22 percent who expressed that preference in 2009. The study attributed the increase in divisive content to the media's growing focus on radicalization and terrorism.

Ahmadi Muslims again said many Muslim groups refused to recognize them as followers of Islam and excluded them from opportunities to engage in joint

dialogue with the government. Some Ahmadis stated that, when visiting mosques, other Muslims told them they were not Muslims and made them feel unwelcome.

According to media and NGO reports, the main groups responsible for engaging in anti-Semitic rhetoric were Geneva Noncompliant, European Action, the Party of Nationally Oriented Swiss (PNOS), and the Swiss Nationalist Party (the French-speaking branch of PNOS). CICAD reported a resurgence of activities by right-wing individuals in all French-speaking cantons.

Jewish groups, such as the SIG and CICAD, reported a rise in anti-Semitic incidents on social media. According to CICAD, 46 percent of anti-Semitic incidents recorded in 2017 in the country's French-speaking regions took place on social media. The SIG stated online hate speech motivated by the conflict between Israel and the Palestinians often originated from users with Muslim backgrounds.

In January the Lausanne state prosecutor suspended criminal proceedings against unknown persons who in October 2017 desecrated several Islamic gravesites in the Bois-de-Vaux cemetery, because, he said, authorities were unable to identify the perpetrators. The vandals uprooted plants, overturned headstones, and sprayed messages that called on Muslims to leave the country.

Many NGOs and representatives of the religious community coordinated interfaith events to promote tolerance locally and nationwide. In November the Week of Religions, sponsored by religious communities, civil society groups, and the cantons, featured more than 100 interfaith events nationwide, including exhibitions, music and dance concerts, film screenings, roundtables, panel discussions, and communal dinners. The SIG and FIDS continued to support a project to encourage tolerance and address misconceptions between Muslims and Jews. The independent Zurich Institute for Interreligious Dialogue continued to provide a platform to study the religious histories and cultures of Christianity, Judaism, and Islam, as well as to discuss contemporary developments related to the religions, by organizing educational courses, speeches, panel discussions, and excursions. The institute hosted courses on the history of religions and a seminar on the musical elements of the script of the Torah, among other programs.

Section IV. U.S. Government Policy and Engagement

U.S. embassy officials discussed with the government's Service for Combating Racism federal government-supported projects for promoting religious freedom

and tolerance. Embassy representatives also met with cantonal government officials to discuss cantonal recognition of minority religions, especially Islam.

Embassy officials met with FIDS and other religious associations; representatives from civil society; leaders of the Christian, Muslim, and Jewish communities; and representatives of other religious minorities, including the Baha'i, Alevi Muslim, Sikh, and Hindu communities, to discuss discrimination against religious groups and availability of religious education for religious minorities.

On January 29, the embassy cohosted with the embassy of Israel and then-Chair of the International Holocaust Remembrance Alliance Baettig a Holocaust Remembrance Day ceremony at the Yehudi Menuhin Forum in Bern.

U.S. embassy staff participated in events promoting religious tolerance, including an iftar at Bern's House of Religions (a community-funded association working to strengthen religious and cultural dialogue), the Ridvan Baha'i festival, and a visit to a Hindu temple. U.S. embassy staff spoke about the importance of religious freedom and tolerance at these events. U.S. embassy staff organized an iftar and a Rosh Hashanah celebration to discuss religious tolerance, diversity, and inclusion with Muslim and Jewish representatives.