



Statement of the Swiss Council of Religions on the Popular Initiative for a ban on face covering

The Swiss Council of Religions (SCR) rejects the Popular Initiative “Yes to a Ban on Face Covering”. The Council instead welcomes the indirect counterproposal of the Federal Council and Parliament.

1. Freedom of religion in a liberal democratic state under rule of law

Personal freedom constitutes a value central to our liberal constitutional democracy, and is protected by the Federal Constitution. In Switzerland, all people are free to choose and shape their lifeways, lifestyles, and orientations, whether for themselves individually or as part of a community. Liberal society is principally open to the diversity of individual and collective lifeways. The citizens themselves provide the framework for the protection and limits of freedoms through the legal order. The state ensures that individual and collective freedoms are able to coexist and be upheld throughout the entire legal order.

The central importance of religious freedom is reflected in it being guaranteed as a fundamental human right (Art. 15 Swiss Const.; Art. 9 ECHR; Art. 18 ICCPR). According to the decisions of the Federal Court, this includes religious practices and precepts as well as any other expressions of religious and everyday life, inasmuch as this involves the manifestation of religious convictions. Clothing rules, including the covering of the head and face, are thus included among protected religious practices. While religious freedom may be restricted in the public interest or to protect the freedoms of others, this would have to occur in a judicious balance of the competing interests at hand (Art. 36 Swiss Const.). Fundamental rights must not be played off against fundamental rights.

The SCR underscores the validity of the civil liberties of every person individually and in a community with others, as well as gender equality based in law and the prohibition of all forms of discrimination. Inasmuch as face covering is an expression of religious conviction, the SCR views a ban of face covering as a disproportionate restriction on religious freedom.

2. Face covering from a religious perspective

The covering of the body due to religious conviction is an expression of human reverence for the holiness of the divinity as well as a sense of shame before the divinity and before other people. It constitutes an external symbol of worshipping God. Religious convictions and forms of piety – whether individual or collective – are deserving of respect as they are inseparable from the personal identity of believers and are thus to be protected as major personal rights. They stand removed from any external religious judgement or scrutiny.

Prescriptions on covering face and body differ both with regard to tradition and culture, and are interpreted and carried out differently inside and outside of the religious communities. While they exist for both males and females, the rules for women generally extend much further. They undeniably lend expression to traditional views on gender that have been increasingly rejected throughout the Western world. The SCR recognizes the right to self-determination for every individual person and supports gender equality, rejecting any form of gender discrimination. While the covering of the head and face of women can be an expression of disparagement due to gender, this is not the only possible view on the matter and cannot be generalized as such, nor does it do justice to the diversity of women's own religious views.

The SCR supports a nuanced view on the matter and a dialogue with the members of the various religious communities. It rejects all politically motivated attempts to interfere with the freedom, beliefs, interpretations, and expressions of religious communities. In our open society, religious freedom enables and promotes religious and cultural plurality and protects religious communities and their members from pressures both internal and external. On this basis, the SCR also rejects any ideologically or socio-politically motivated compulsion for covering.

3. In support of the indirect counterproposal and in opposition to the initiative

While the wording of the initiative is directed against all forms of face covering, it actually targets and has a particularly strong impact on Muslim women. The conditions that would justify restricting fundamental rights are not fulfilled here, as the Federal Council and civil society organizations for the protection of human rights have both maintained. The SCR submits the following points in particular:

1. Seeking a constitutional amendment is disproportionate as a measure regarding the few completely veiled women living in Switzerland.
2. There are no good reasons for such a legal step. The religious motivations for face covering must not be equated with the motives for covering one's face as a means of disguise to escape prosecution. Furthermore, a legal prohibition on face covering provides no guarantee for a lack of violence.
3. The concealment of female identity in the public sphere is frequently viewed as an expression of gender inequality. This perception is not, however, shared by all of the women concerned. There are competing interpretations of this in the academic discussion on the matter.
4. The women concerned can be faced with a burdensome dilemma and placed under two conflicting forms of pressure: the religious requirement to cover the face and compulsion exerted by the state to refrain from doing so. The religious requirement to cover the face originates both from a respect for the norms of the religious and social milieu and from a woman's own religious conscience.
5. The indirect counterproposal of the Federal Council only requires the removal of face covering for the purpose of identification on the part of state authorities. This limitation of religious freedom is reasonable and proportionate. The Federal Council, moreover, proposes appropriate measures to strengthen women's rights.

4. Promoting religious peace

The initiative claims to have public security as a goal. In reality, it is directed towards an exceedingly small minority of the population. The initiative does not resolve any problems, whether on behalf of the women concerned or with regard to the challenges posed by radical religious ideologies to our society. Cantonal law, moreover, provides sufficient provisions so that no further federal legislation is necessary.

Ideologies that call for violence are a threat to public security, regardless of whether or not they hide behind a veil. The SCR therefore calls for an open dialogue in a free and plural society. Common solutions need to be found that neither disproportionately restrict freedoms nor raise particular values to the status of general norm. The diverse forms of public religious expression render this plurality and freedom visible and thus make a decisive contribution to the identity of a vibrant and liberal society.

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Evangelisch-reformierte Kirche Schweiz
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