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## **Swiss region of St Gallen votes to ban 'burqa' in public places**

### ***Northeastern canton of St Gallen bans face veils in what critics call an Islamophobic move.***

Al Jazeera (23.09.2018) - <https://bit.ly/2DmnWdQ> - The Swiss region of St Gallen has voted in favour of a "burqa ban", prohibiting all face-covering garments in public spaces, a decision that a local Islamic organisation has termed "Islamophobic".

In a referendum on Sunday in the northeastern canton of St Gallen, nearly 67 percent of voters approved the ban, the second region in Switzerland to do so after Ticino two years ago.

Three other Swiss cantons - Zurich, Solothurn and Glarus - have rejected introducing such bans in recent years.

The referendum was held after local parties, Green Party and Young Socialists, demanded a vote following the passage of a law in St Gallen parliament last year.

That law stated that "any person who renders themselves unrecognisable by covering their face in a public space, and thus endangers public security or social and religious peace will be fined".

Drafted following an uproar in the canton over a girl who wore a face veil to school, the law, critics said, does not define when a woman wearing veil constitutes a danger. They also warn of arbitrary sanctions.

The Islamic Central Council of Switzerland slammed the ban as "Islamophobic". Other opponents argued the ban was "useless" since very few women wear "burqas" or other face-covering veils in St Gallen.

### ***National referendum***

Last year, the Swiss government opposed a nationwide "burqa ban", saying it should be up to the regions to determine if such measures were appropriate.

A national referendum on the issue is expected next year after the right-wing Swiss People's Party gathered 100,000 signatures required to put any subject to vote under Switzerland's famous direct democratic system.

In 2009, Switzerland banned the construction of minarets at mosques in a similar referendum, attracting worldwide attention.

Earlier this year, a survey by two Swiss papers found that an emphatic 76 percent of respondents favoured a ban on face veils, while 20 percent opposed it.

Several other European countries including Belgium, Bulgaria, Denmark, France and the Netherlands have introduced full or partial bans on face veils and head coverings in recent years.

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## **A Christian convert under threat of being deported back to Iran**

ADF (13.09.2018) - <https://bit.ly/2MYGU9R> - According to the European Court of Human Rights (ECtHR), L.B. is a Christian convert from Iran. For him, being a Christian means believing in Jesus Christ and telling others about Christ's message of salvation. He has been baptised, studies and recites the Bible, and considers the members of his church to be his family<sup>1</sup>.

L.B. is also an asylum seeker in Switzerland. If he is returned to his home country, he will likely face ill-treatment and possibly death under Iran's apostasy laws.<sup>2</sup>

Yet the Swiss authorities recently denied L.B.'s asylum request finding that the "applicants who practice their faith discreetly, do not face real ill-treatment upon their return"<sup>3</sup> to Iran. The ECtHR affirmed that ruling thereby undermining the scope of Article 9 of the European Convention on Human Rights (ECHR).<sup>4</sup>

My name is Jennifer Lea. I represent ADF International, a legal organization dedicated to protecting the right to freedom of religion, assembly, and expression.

For ADF International the rule of law is essential for the protection of human rights. In this case, the various courts' decisions all fell short of the standard written in law. The legal standard is not whether L.B. can exercise his religion privately and discreetly. According to Article 9 of the ECHR, and OSCE Guidelines, the standard grants L.B. the right to freely and publically manifest his religion in a broad range of ways.<sup>5</sup>

At the supplementary HDIM meeting in Vienna, in 2017, Professor Marco Ventura rightly underscored that religious freedom is in danger of becoming an "empty' right, not taken seriously."<sup>6</sup> Indeed, the scope of religious freedom is increasingly eroded here in Europe.

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<sup>1</sup> A. v Switzerland, (2017) Application No. 60342/16 § 13.

<sup>2</sup> Ibid., § 11.

<sup>3</sup> Ibid., § 36. Emphasis added.

<sup>4</sup> ECHR, Article 9. See also International Covenant on Civil and Political Rights (ICCPR), Articles 4(2), 18(1) and OSCE Guidelines on the Legal Personality of Religious or Belief Communities, (2014), pages 15-17.

<sup>5</sup> Ibid.

<sup>6</sup> OSCE Press Release, Ensuring FoRB and tolerance and non-discrimination for all is vital to security, (22 June 2017), available at <https://www.osce.org/chairmanship/324851>.

Religious freedom is a fundamental human right, and a positive cornerstone of democracy, that cannot be derogated even in times of public emergency.<sup>7</sup> ADF International is therefore dedicated to supporting the right of individuals to freely and publicly manifest their religion or belief, in worship, practice, and observance.<sup>8</sup>

Indeed, religious freedom is a key OSCE objective. Ambassador Clemens Koja recently remarked, "The right to freedom of religion provides an indispensable contribution toward promoting stability and security [...] respect for religious freedom is a clear indicator for the respect of other, closely interlinked, human rights: freedom of association, assembly, and freedom of expression."<sup>9</sup>

Without adequate respect for the legal standard of religious freedom, OSCE member states will continue to return many individuals like "L.B." to countries where they will face discrimination, persecution, and the constant threat of death.

ADF Internationally therefore strongly urges the OSCE to clearly reject a standard of religious freedom that would require individuals to live their faith privately and discreetly and recommit itself to the recognized standard in law – that is the right to freely and publicly manifest one's religion.

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## **Three-quarters of Swiss back a burka ban**

Swissinfo (08.01.2017) - <http://bit.ly/2Fyf7uz> - A nationwide ban on face-coverings - a de facto burka ban - would currently get the thumbs-up from 76% of Swiss voters, according to a poll in the SonntagsZeitung and Le Matin Dimanche. Around half also support the idea of Islam becoming an official Swiss religion.

Six out of ten respondents said they would definitely back the ban on face-coverings, put forward by the rightwing Swiss People's Party. Some 16.5% said they were leaning towards a ban, 7% were leaning against it, 13% were definitely against it and 3% said they had yet to decide.

Almost 70% of respondents also wanted to see headscarves banned from schools.

But while the Swiss appear to be against burkas and niqabs, that is not the case for Islam as a religion: 48% backed official recognition of Islam as a state religion, like Christianity. This idea has been proposed by the leftwing Social Democratic Party, on condition that the Islamic communities adhere to a moderate form of Islam and organise themselves transparently.

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<sup>7</sup> ICCPR, Article 4(2).

<sup>8</sup> European Convention on Human Rights, Article 9.

<sup>9</sup> OSCE Press Release, previously cited.

The online surveyexternal link by market researchers Marketagent asked 1,264 Swiss aged 18-75 in German- and French-speaking Switzerland between December 7-18.

Ticino is the only canton so far to introduce a total face-covering ban in public places. St Gallen has a less restrictive form of ban, but voters have rejected the idea in Zurich, Solothurn, Schwyz, Basel City and Glarus. Valais lawmakers recently outlawed a cantonal vote on the wearing of headgear on the grounds that it would violate the constitution.



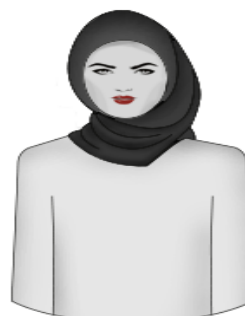
### BURKA

The **burka** is the strictest interpretation of this religious dress prescription. It covers the entire body from the top of the head to the feet and is worn in Afghanistan. There is a grille or mesh window of cloth or horsehair over the eyes for women to see out of.



### NIQAB

The **niqab** is a face veil covering the hair, neck, and face, but not the eyes. The niqab is worn mainly by women from the Gulf states, but also in other countries.



### HIJAB

The **hijab** is a scarf covering the hair and neck but not the face. In some regions it is worn in combination with a niqab.