

How Swiss law deals with religious minorities

Abstract

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Traditionally Swiss were member of either the Roman-Catholic or the Protestant Church. But in the last decades the country has seen not only a large scale secularisation but also, due to immigration from the non-western world, a strong pluralisation of religious believes. How the Swiss political and legal framework reacts to this phenomenon ? How open is it for the incorporation of religious communities like Muslim, Hindus and Buddhists? Which role plays the constitutional guarantee of freedom of religion and believe (Art. 15 Cst.), the equality before the law as well as the associated principle of non-discrimination (Art. 8 Cst.)? Is the cantonal competency to regulate state-religion relations (Art. 71 Cst.) a help or on the contrary an obstacle ? Can religious minorities obtain in the cantons a recognition under public law and if yes under which conditions ? Which religious communities were with regard to this procedure succesfull so far ? Finally in which way the Swiss Federal Supreme Court has set with its recent rulings important milestones concerning issues relating to religious minorities ? The paper wants to give an overview over the different areas of the Swiss legal and political regime regarding religious communities. The aim is to obtain an answer to the question if the country is fit to meet the challenge of avoiding religious tensions and conflicts not only now but also in the future.