



Swiss minaret ban violates basic human rights and threatens religious peace in Europe

Statement of the President of the International Progress Organization

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In a statement issued yesterday, the President of the International Progress Organization (I.P.O.), Dr. Hans Köchler, strongly condemned the amendment to the Constitution of the Swiss Confederation, which bans the building of minarets.

The provision of Art. 72, Par. 3 of the amended Federal Constitution – “Der Bau von Minaretten ist verboten” / “The building of minarets is prohibited” – constitutes a clear and open violation of Switzerland’s legal obligations as a State Party to the *International Covenant on Civil and Political Rights* (to which Switzerland acceded on 18 June 1992) and of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (which Switzerland ratified on 28 November 1974).

Art. 18 of the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966, provides that everyone shall have the “freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Art. 9 of the European Human Rights Convention contains an identical provision; Art. 14 of that Convention furthermore prohibits discrimination on the ground of religion.

Because the minaret ban has been enacted by means of an amendment to the Federal Constitution – through Federal Popular Initiative and Referendum –, a judicial review within the Swiss constitutional system appears unlikely. The Swiss citizens have to be reminded, however, that even they – as the “sovereign people” and supreme

political authority under the country’s Constitution – cannot abrogate basic human rights norms, which (a) form part of *jus cogens* and (b) are international treaty obligations of the Swiss Confederation. It makes



• Mahmood Mosque in Zürich, Switzerland
(Photo credit: © Adrian Michael/Wikimedia Commons)

no difference whether decisions have been made by way of direct or representative democracy: the principle of *pacta sunt servanda* applies in all circumstances.

The President of the International Progress Organization appealed to the UN Human Rights Council to address, on the basis of its mandate as subsidiary organ of the United Nations General Assembly,

the situation resulting from Switzerland’s violation of the right to freedom of religion.

Dr. Köchler further stated that, by virtue of Art. 33 of the European Human Rights Convention, any State Party to the Convention may refer Switzerland’s breach of her obligations under Arts. 9 and 14 of the Convention to the European Court of Human Rights in Strasbourg. Irrespective of individual applications by Swiss citizens whose rights have been violated by the ban, it is to be hoped that at least one Member State of the Council of Europe will raise the issue before the Court.

He further said that the minaret ban has seriously damaged Switzerland’s reputation as host country of United Nations human rights bodies and as depositary State of the Geneva Conventions. Switzerland must not engage in a policy of double standards, preaching respect of human rights abroad and violating one of the most basic rights at home.

The President of the International Progress Organization also condemned the incitement to hatred and the anti-Islamic campaign that preceded the referendum in Switzerland. The blatant and discriminatory interference by the Swiss electorate into the Muslim community’s exercise of religious freedom not only threatens inter-religious peace in Switzerland and Europe, but seriously undermines efforts at a better understanding between Christians and Muslims worldwide. Regrettably, the Swiss electorate’s decision has further emboldened anti-Islamic groups and

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Kobia decries Israeli plan to build 900 houses on Palestinian land

The WCC general secretary called on the Council's member churches, ecumenical partners, specialised ministries and agencies to "mobilise their members and the public" to resist Israel's approval of the construction of 900 new housing units in the Gilo settlement located in traditionally Palestinian land in East Jerusalem.

In a [public statement](#) issued on November 19, WCC General Secretary Rev. Dr. Samuel Kobia expressed "great disappointment" at this development, saying the WCC "strongly condemns the decision of the government of Israel to expand the illegal Gilo settlement as we believe that this decision will hinder attempts now in process to restart the peace negotiations."

"At a time when Palestinians—many of them impoverished—are routinely denied legitimate applications to build homes on their own land, the decision to approve construction of 900 new four- and five-bedroom housing units that will bring relatively affluent Israelis to occupied land is deplorable", Kobia said.

Quoting a position adopted by the WCC Central Committee at its meeting in September 2009, Kobia warned that "the continuous settlement of lands beyond Israel's internationally recognised borders (the 1949 Green Line borders) is almost universally rejected and met with widespread incredulity because it is illegal, unjust, and incompatible with peace and antithetical to the legitimate interests of the state of Israel."

The September 2009 statement noted that "if settlements continue to expand and proliferate, they will further complicate negotiations and may destroy any chance for peace", Kobia added.

"People of conscience and good faith around the world are looking to the government of Israel now to move toward the resolution of an

interminable conflict rather than continue with decades-old policies that have driven it toward the point of no return", said Kobia.

In a related development, Kobia also urged the UN Secretary-General to make sure that the recommendations of a key report about war crimes committed during the conflict between Israeli and Palestinian armed forces in Gaza at the beginning of 2009 are followed through.

In a [letter to Ban Ki-moon](#) on 18 November, Kobia cited "growing anxiety" amongst members of the international community that the UN Security Council could come up with "a resolution that dilutes the intent and scope of the Goldstone report".

The Goldstone Report, released in September 2009 by a UN fact-finding mission on the Gaza conflict led by Justice Richard Goldstone, found evidence that both the Israeli government and Hamas committed actions amounting to war crimes and, possibly, crimes against humanity during the three-week long war on Gaza.

The report asked the UN Security Council to give both Israel and concerned Gaza authorities six months to report on the investigations and independent proceedings conducted to address the violations identified in



◆ Bassel Araj lives with his parents and siblings in a house 100 metres from the pictured construction site in the illegal settlement of Gilo. (Photo credit: ©Joe O'Brien/EAPPI)

the report. If these were not carried out in good faith, the Security Council would refer the situation in Gaza to the prosecutor of the International Criminal Court.

"During the Gaza War, civilians on both sides suffered and yet atrocities were significantly higher among the Palestinian population", Kobia stated. "The people of Gaza have suffered enough, and they deserve a respite in the knowledge that the perpetrators of indiscriminate violence against them will be brought to book."

As "durable peace, reconciliation and healing between Palestinians and Israelis should be based on justice", Kobia added, "the need of the hour is an unequivocal affirmation of the highest principles of justice, human rights and humanitarian practices". ■

Reference:
 "Gilo settlement expansion." *World Council of Churches*, Nov 19, 2009.
 "Letter to the UN Secretary-General on the Goldstone report." *World Council of Churches*, Nov 18, 2009.

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politicians, and has strengthened racist and anti-foreigner sentiments everywhere in Europe.

Domestic peace and political stability in the larger Europe will depend on how the peoples of the continent will deal with the multicultural realities of our time. Religious discrimination and double standards in the application of human rights may bring Europe one step closer to a "clash of civilizations" that will

endanger the continent's future, the President of the I.P.O. concluded. ■

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