CAGE INTERNATIONAL

SWITZERLAND BRIEFING

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Attempt to Ban Headscarves for Schoolgirls

After a number of failed attempts in the past, the right-wing Swiss People's Party (SVP) which forms the largest parliamentary group in the National Council, has recently submitted a series of legislative proposals to the federal parliament targeting the issue of a headscarf ban in schools. These initiatives aim to prohibit the wearing of the hijab by school-girls under the age of sixteen at school and recommend sanctions ranging from school exclusion and financial penalties to the withdrawal of residence rights for non-citizen parents in extreme cases. The proposals explicitly target Muslim girls while exempting other religious symbols such as Christian crosses and the Jewish kippah, thereby raising significant concerns regarding equal treatment and exposing the selective, Islamophobic logic underpinning the initiative. Although the Federal Council as well as academic experts have rejected such measures as incompatible with constitutional guarantees in the past, the proposals have attracted support among the ranks from various political parties, indicating an increasing resonance within the political landscape. At the same time, critics have warned that such restrictions risk deepening social divisions and undermining integration by disproportionately affecting a specific religious minority, namely Muslims.

The recent resurgence of the headscarf debate shows the persistence of a political and legal controversy that has long exceeded the boundaries of educational policy but is rather fuelled by Islamophobic resentments.

From a constitutional perspective, the legal position appears relatively well established. Article 15 of the Swiss Federal Constitution guarantees freedom of religion, including the right to manifest religious beliefs through dress. This principle was reaffirmed in the landmark ruling concerning the St. Margrethen case, in which the Federal Supreme Court held that a prohibition on a Muslim schoolgirl wearing a headscarf constituted an unjustified infringement of religious freedom in 2015. The Court found that no sufficient public interest existed to justify such a restriction, stating in particular that the wearing of a headscarf neither disrupted

school order nor threatened religious peace, nor did it violate principles of equality. Importantly, the judgment also rejected arguments that framed the headscarf as inherently incompatible with integration or gender equality, emphasising instead the educational inclusion of the pupil concerned. As such, the St. Margrethen ruling established a high threshold for any limitation of religious expression in schools, effectively precluding blanket bans in the absence of concrete and demonstrable harm.

Despite this clear jurisprudence, politicians, mainly from among the SVP, have repeatedly sought to reintroduce restrictive measures, often by reframing the issue in terms of child protection, gender equality or state neutrality. The current proposals exemplify this strategy. Proponents argue that prohibiting the headscarf would protect young girls from social pressure or prevent the sexualisation of minors, while also safeguarding the neutrality of the public education system. However, such arguments are undermined by their selective application. The explicit exemption of non-Muslim symbols reveals that neutrality is invoked not as a universal principle but as a mechanism for regulating a specific religious minority. This asymmetry raises fundamental concerns regarding equal treatment and suggests that the debate is driven less by legal necessity than by Islamophobia.

The role of key political actors further underscores this dynamic. The SVP, which was also the driving force behind the bans on minarets and face coverings, which were enshrined in the Swiss Constitution following a referendum, has consistently positioned itself as the principal driver of headscarf bans, framing the issue within a broader discourse on migration, integration and national identity. Yet support for such measures is not confined to a single party. As noted in recent reporting, politicians from the FDP and the Centre have also expressed sympathy for restrictive approaches. The endorsement across political borders indicates that the debate taps into wider societal narratives, in which Islam and Muslim presence is constructed as problematic or incompatible within the public sphere, if not Swiss society as a whole.

The persistence of legislative initiatives despite clear constitutional constraints furthermore suggests a deliberate strategy of political signalling. Even where proposals are unlikely to withstand judicial scrutiny, they contribute to the normalisation of exclusionary narratives and shift the boundaries of acceptable discourse. The legal framework established by the Federal Supreme Court thus coexists with a political environment in which fundamental rights are repeatedly contested and reinterpreted in ways that disproportionately affect Muslim minorities.

Whilst the final word has not yet been spoken in the hijab debate, the cantonal parliament of Geneva passed another law which is specifically targeted at Muslim women: the Burkini-Ban. Although the text of the law does not explicitly mention the burkini, as this would otherwise constitute a breach of the Federal Constitution, the debate clearly centred on the clothing habits of Muslim women in public swimming pools. In future, swimming in the Canton of Geneva will only be permitted in swimwear that reaches no further than the knees and leaves the arms uncovered. It remains to be seen how UV-protective clothing for children will be handled in future.This decision is likely to lead to further legal disputes, particularly with regard to compulsory swimming lessons in state schools

The revision of the Intelligence Service Act - A Threat to Civil Rights

In 2022 the Swiss Federal Council has initiated a major revision of the *Nachrichtendienstgesetz* (Intelligence Services Act, NDG), seeking to update and expand the legal framework governing the Nachrichtendienst des Bundes (NDB, Swiss Intelligence Service) in response to evolving security threats, including terrorism, violent extremism, espionage and cyberattacks. With its message on the amendment to the Intelligence Services Act dated 28 January 2026, the Federal Council has now entered the final phase of the revision. In this message the Federal Council presented the key elements of the planned reform to the Parliament, emphasising the need to strengthen the intelligence service's capacity for early detection and defence against emerging threats. The stated intention is to modernise the legal basis for key intelligence activities, update provisions on information gathering, data use, and oversight mechanisms, and ensure that Switzerland's internal security apparatus remains effective in a rapidly changing geopolitical and technological environment.

At the core of the proposed changes are adjustments to the statutory basis for authorisation-required information collection measures, enhanced mechanisms for interagency cooperation, and updated supervisory structures intended to improve the independent oversight of intelligence operations. In addition to the main NDG revision, a supplementary package is expected to address cyber-specific threats and the legal conditions for surveillance in the context of digital communications. The Federal Council's message frames the changes as necessary to close legal gaps identified by recent jurisprudence and to align Swiss intelligence capabilities with contemporary security needs, while also signalling that safeguards and oversight will be strengthened.

However, the Federal Council's proposals and related claims have been met with sustained and structured criticism from Human Rights Organisations such as Amnesty International and an alliance of civil society organisations that includes Demokratische Jurist*innen Schweiz, Digitale Gesellschaft, grundrechte.ch and Public Eye. They argue that the planned expansion of surveillance powers and data collection authority goes far beyond what is necessary for legitimate state security objectives and risks severe interference with fundamental rights and civil liberties. Amnesty International has described the proposed enhancements as "massive" and urges substantial revisions to ensure that surveillance practices fully respect human rights obligations. A central concern raised by Amnesty and others is that the draft law would permit the routine gathering of information about individuals' political activities and the exercise of basic rights, including freedom of expression, assembly and association, without adequate legal safeguards or meaningful oversight.

Criticism of an expansion of the NDB's powers at the expense of fundamental rights is particularly valid in light of the ruling handed down by the Bundesverwaltungsgericht (BVGer, Federal Administrative Court) in November 2025 regarding the NDB's blanket interception of cross-border telecommunications. The court ruled that the practice was unconstitutional and

incompatible with the European Convention on Human Rights, as it did not provide sufficient safeguards against abuse and amounted to mass surveillance without any suspicion.

Among the key criticisms of the current revision proposed, is the expansion of powers to collect and process biometric data and the lack of clear legal definitions and limits for such use.

Furthermore, surveillance measures requiring authorisation – such as the monitoring of postal and telecommunications traffic, the tracking of individuals using GPS transmitters, or the intrusion into physical and digital spaces – which were previously permitted only in cases of threats to national and international security, mainly terrorism, will in future also be able to be applied to individuals whom the NDB suspects of "violent extremist activities". This measure was ruled out by the NDB as early as 2021, as it could potentially affect political and ideological movements, but now became part of the proposed revision. It is particularly worrying that law lacks a clear legal definition of the term 'violent extremism', thereby opening the door to abuse by the NDB. Through an overly broad definition of extremism, the intelligence service could interpret its mandate expansively, undermining proportionality and the rule of law.

Beyond specific legal critiques, many civil liberties advocates frame the NDG revision within a broader debate about the balance between security and personal freedoms. They argue that Switzerland's tradition of strong privacy protections and respect for human rights should temper any expansion of surveillance powers, and that enhancing the capacity of law enforcement and judicial authorities to investigate crimes through existing procedural law might be preferable to creating extensive new intelligence prerogatives.

This is particularly noteworthy given that Switzerland was downgraded in the latest Civicus Monitor for the first time in years. According to the international network of organisations and activists dedicated to protecting freedom of expression, especially in the context of civil society engagement, specifically mentioned several examples of problematic behaviour on the part of the police and other state actors in connection with pro-Palestinian activism, such as the disproportionate use of force, restrictions on freedom of movement and random identity checks.

The debate over the NDG revision in Switzerland illustrates a fundamental tension in contemporary democratic governance where individual rights and civil liberties are being restricted and curtailed increasingly in the name of security and a threat scenario that remains largely unspecified

While the Federal Council's 28 January 2026 message to Parliament frames the reform as a necessary modernisation of intelligence law, critics led by Amnesty International argue that the proposed framework goes well beyond what is necessary, posing serious risks to privacy, freedom of expression and transparent oversight. The continuing controversy underscores the importance of careful legal drafting and robust political debate in shaping the future architecture of Swiss intelligence and civil rights protections.

Pro-Zionist lobbying under the guise of international understanding

Following a 2024 call by the Gesellschaft Schweiz–Israel (GSI, Society Switzerland-Israel) to monitor pro-Palestinian groups, organisations and individuals, including the SRF (Swiss Radio and Television), universities, human rights organisations, the federal administration and humanitarian agencies, issued by the former FDP politician and current member of its central executive committee, Walter L. Blum. The organisation again attracted public attention when a post was published on the GSI Instagram page declaring, among other things, that "may Palestinian identity soon belong to the past". Although the GSI deleted the post shortly after and formally distanced itself from the statement, this retraction appears less indicative of substantive reconsideration than of an awareness of the potential criminal liability associated with such rhetoric.

The GSI is an association founded in the 1950s within a Zionist environment "to strengthen friendly relations between Switzerland and Israel by raising awareness among its members and the wider public of the cultural, political, economic and social conditions in Israel" but ever since advocates for a pro-Zionist perspective. It maintains direct links with Israeli state structures through its connection to the Israeli embassy and its relationship with other pro-Zionist organisations within Israel. GSI has repeatedly attracted attention for its uncritical reproduction of Israeli governmental narratives, particularly related to the ongoing genocide against the Palestinian people. As such, it may be characterised as an established pro-Zionist political actor that seeks to shape both public discourse and political decision making in Switzerland. This influence is facilitated not only through advocacy and communication strategies but also through overlapping personal networks, as there are both current and former politicians from across the political spectrum among its members.

While the most widely cited example of direct political influence exerted by the GSI dates back to 1975, when it contributed to the reduction of Swiss financial support for UNESCO following a resolution critical of Israel, its role in more recent political developments should not be underestimated. The organisation has consistently advocated against Swiss recognition of a Palestinian state and has contributed to shaping the public and political opinion surrounding this topic. Moreover, its discursive alignment with criticisms of the UNRWA coincided with and might have reinforced the decision under the Head of the Federal Department of Foreign Affairs, Ignazio Cassis, to suspend Swiss contributions to UNRWA, thereby illustrating the indirect yet comprehensible effects of its advocacy. In this context, Ignazio Cassis likewise attracted attention for statements that appear to be direct adoption of the Israeli government's narrative, including the unsubstantiated claim that Hamas was obstructing the delivery of humanitarian aid to the civilian population in Gaza.

The GSI has furthermore shown both willingness and capacity to intervene in media discourse through public campaigns and formal complaints directed at journalists and media companies. While legally permissible, such actions raise important concerns regarding the boundaries between legitimate interest representation and undue pressure on independent media. Taken together, these patterns of acting suggest that the GSI operates as a politically

engaged actor whose activities extend beyond the promotion of bilateral relations into the realm of active agenda setting within Swiss society and silencing of opposing voices.