Max Planck Institute
for Social Anthropology
Department 'Law & Anthropology'

The Headscarf Ban in Schools: A Multidimensional Matter

Question(s) at stake:

Whether a student could be forbidden from wearing a headscarf (hijab).

Outcome of the ruling:

The Federal Court considers a headscarf ban in public schools to be unjustified because the student's fundamental right to freedom of religion and conscience prevails over the public interests at stake.

Topic(s):

- Education

Keywords:

- Hijab
- State neutrality

Tag(s):

- Islam
- Public school

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Country:

Switzerland

Official citation:

Federal Supreme Court of Switzerland, Decision of 11 December 2013, 2C_121/2015 (Bundesgericht, Urteil vom 11. Dezember 2015, 2C_121/2015)

Link to the decision:

https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?lang=de&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=2C_807%2F2015&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F18-10-2016-2C_807-2015

ECLI:

No ECLI number / ECLI number unknown

Date:

11 December 2015

Jurisdiction / Court / Chamber:

Federal Supreme Court (Second Public Law Division)

Remedy / Procedural stage:

Complaint in matters of public law (Beschwerde in öffentlich-rechtlichen Angelegenheiten)

Previous stages:

- Administrative Court of the Canton of St. Gallen (11 November 2014)
- Department of Education of the Canton of St. Gallen (12 March 2014)
- Administrative Court of the Canton of St. Gallen (7 November 2013)
- Department of Education of the Canton of St. Gallen (date unknown)
- Primary School Board (date unknown)

Subsequent stages:

None.

Branches / Areas of law:

Public law, Administrative law

Facts:

D. attended the sixth grade in St. Margrethen during 2013/2014. On the first day after the summer vacation, she came to school wearing an Islamic headscarf covering her hair and neck (*hijab*). She was accompanied by her mother. As D. stated that she would attend class with the *hijab* in the future, the teacher pointed out the school regulations, which prohibit wearing head coverings of any kind during classes. Confronted with these regulations, the girl and her mother left the school. During a meeting held on the evening of the same day between the President, the Vice President, the Secretary of the School Board, and the father of D., the latter received a school instruction stating that his daughter was not exempt from the ban on head-covering. The parents insisted on their daughter's wish to attend class with the headscarf, and the school administration insisted on the enforcement of the ban on head-covering. D. no longer participated in the classes and worked on the school materials at home.

D.'s parents appealed to the Department of Education of the Canton of St. Gallen. The Department of Education rejected the request to be allowed to attend classes with the Islamic headscarf until the end of the procedure. The parents appealed this decision. The President of the Administrative Court of St. Gallen approved the appeal on 7 November 2013. From 12 November 2013 onwards, D. – now in secondary school – attended class wearing her Islamic headscarf. However, on 12 March 2014, the Department of Education rejected the request definitively. The Administrative Court upheld an appeal against this decision on 11 November 2014. It overturned the decision of the Department of Education on 12 March 2014 and allowed D. to wear the Islamic headscarf in class.

On 2 February 2015, the St. Margrethen School Board appealed to the Federal Court to overturn this ruling and to confirm the School Board's decision.

The Federal Supreme Court heard the case publicly on 11 December 2015.

Ruling:

The Federal Supreme Court addressed a wide array of legal questions, which cannot all be discussed in the present publication. The following is thus a

summary of the issues affecting the freedom of religion and conscience.

The Federal Supreme Court held that in line with today's understanding, freedom of religion and conscience has three main functions: first, it should ensure religious peace (requirement of tolerance). Second, it should guarantee that all people can express and live out their deepest convictions on transcendental questions in everyday life alone and in community with others (protection of freedom). Third, it should prevent the exclusion of religious minorities and facilitate the integration of all people into the community regardless of their belief (integration function). The latter function is based on a religious-pluralistic understanding of society. The guarantee of religious tolerance, freedom, and integration of people is implemented in most constitutional countries with a Western character through the ideological and religious neutrality of the state. The state's duty to be neutral and tolerant arises from freedom of religion and the requirement not to discriminate against people based on their ideological or religious beliefs (Art. 8 para. 2 Federal Constitution (FC)). While religious-ideological state neutrality often finds expression in a strict separation of state and religion (secular state tradition), it can also take the form of an approach that is equally open to different worldviews and creeds (state neutrality). Switzerland's cantonal constitutional law contains both concepts: the confessionally neutral and (occasionally) secular traditions.

The freedom of religion and conscience is guaranteed by constitutional law (Art. 15 para. 1 FC). It grants every person the right to freely choose their religion and ideological beliefs and to profess them alone or in community with others (Art. 15 para. 2 FC). Everyone has the right to join or belong to a religious community and to follow religious instruction (Art. 15 para. 3 FC; so-called positive freedom of religion and conscience). Conversely, nobody may be forced to join or belong to a religious community, to carry out religious practices, or to follow religious instruction (Art. 15 para. 4 FC; so-called negative freedom of religion and conscience). Therefore, religious freedom encompasses the inner freedom to believe, not to believe, or to change one's religious beliefs and the outer freedom to express, practise, and spread corresponding beliefs within certain limits – or

not to share them. It contains the right of the individual to base their behaviour on the teachings of the faith and to act according to the beliefs – or not to follow the beliefs. Every individual has (positive and negative) freedom of religion and conscience, and all religions, as well as atheistic worldviews, are under protection, regardless of their quantitative distribution in Switzerland.

Furthermore, the duty of neutrality generally prohibits the state from taking a side in favour of or against a particular religion and therefore prohibits any special treatment of members of a religion that has a specific connection to their beliefs. The practice of religion guaranteed by Art. 15 paras. 2 and 3 FC protects the observance of religious customs and precepts as well as other expressions of religious life, insofar as such behaviour forms an expression of religious conviction. This protection also applies to religiously motivated clothing regulations. The resulting principle of equal treatment consequently also includes clothing associated with religions, such as – in addition to the headscarf – the Jewish kippah or the habit of Christian nuns and monks, or symbols such as visibly worn crosses.

The school performs the public duties assigned to it by federal and cantonal law (Art. 62 FC; Art. 10 Constitution of the Canton of St. Gallen (CSG)); fundamental rights also bind the school (Art. 35 para. 2 FC). Particularly in the context of a public school and its duty of neutrality, the behaviours and clothing regulations protected by freedom of religion and conscience – both in the national and international arena – have led to a variety of cases. Regarding students, this initially concerned disputes about exemptions from individual subjects due to religious practice or the use of religious symbols. The case law also dealt with the issue of the presence of religious symbols in public school rooms, or the wearing of such symbols by the teachers. The Federal Supreme Court has always distinguished the admissibility of restrictions on students from those on teachers.

It was initially disputed whether the area of protection of the freedom of religion and conscience covered this case. State bodies exercise restraint in examining the content of religious beliefs; they have to take the convictions of the persons concerned as a basis. The decisive factor for the assumption of an encroachment

on the protection of freedom of religion and conscience by the Federal Supreme Court is that the behaviour exhibited by the student is an immediate expression of her religious conviction and that she demonstrates this in a credible manner. The area of protection of freedom of religion and conscience is thus essentially determined according to subjective criteria. It is therefore irrelevant for the examination of the encroachment on their freedom of religion and conscience whether and to what extent the respondent and her child pursue other religious practices known to the school board. For the encroachment on the scope of protection of fundamental rights, it cannot be argued that the majority of followers of the Islamic faith in Switzerland do not wear head coverings, and the encroachment cannot be ruled out on the ground that the rules of Islam about the veiling of women are themselves controversial.

It should be noted that minors are protected in their freedom of religion and conscience (Art. 11 para. 2 FC; Art. 18 para. 4 International Covenant on Civil and Political Rights (UN Pact II; Art. 3 and 14 para. 1 Convention on the Rights of the Child (CRC)). The rights of minors are exercised by the parents (Art. 304 para. 1 Swiss Civil Code (CC)). Parents also have the right to determine their children's religious upbringing up until the age of 16 (Art. 303 paras. 1 and 3 CC; see also Art. 18 para. 4 UN Pact II). The student was less than 16 years of age at the time of the first instance judgment. The parents and the student stated that she wore the headscarf for religious reasons. The student's wearing of the headscarf as an adolescent woman who is committed to Islam is therefore – contrary to the appellant's claims – an expression of a religious confession and falls under the protection of religious freedom. The ban on wearing the headscarf affects the scope of protection of the student's freedom of religion and conscience or that of her parents as legal guardians.

Restrictions on religious freedom are only permitted if they fulfil the requirements for restricting fundamental rights (Art. 36 FC). They must be based on a legal basis, which in the case of serious interferences requires clear and explicit regulation in a formal law. The restriction must be proportionate and justified by a public interest or by the protection of fundamental rights of third parties.

However, the essence of fundamental rights is sacrosanct. In this regard the Federal Supreme Court states that the wearing of a headscarf for religious reasons does not concern the essence of religious freedom and may be restricted after passing the proportionality test.

The first step is to check whether there is a sufficient legal basis. The sufficiency of the legal basis depends on the seriousness of the interference with a fundamental right: if it is serious, a formal law is required. Whether an interference with fundamental rights is serious is generally assessed according to objective criteria. A headscarf ban at school would place the student in the dilemma of having to violate either a state or a religious requirement, the latter being mediated by her origin and her family. According to the case law of the Federal Supreme Court, a general prohibition of wearing a headscarf to school is a serious encroachment on the fundamental right of freedom of religion and conscience. In line with what has been said, the prohibition required a basis in a formal law, which is available here in the form of the school regulations.

The second step is to verify whether the restriction of the student’s freedom of religion and conscience is justified by a public interest or the protection of fundamental rights of third parties. According to the appellant, the restriction is justified by the public interests of safeguarding religious peace and protecting the fundamental rights of third parties, such as the negative religious freedom to stay away from a faith that is not shared. In this respect, there is a public interest in ensuring that the wearing of religious symbols by individual students does not put any pressure on classmates to also wear them. However, the protection of fundamental rights vis-à-vis third parties does not go so far that it could justify a claim not to be confronted with any foreign creeds.

The school continues to appeal to the public interests of the integration function and neutrality of the school. Insofar as the school wants to optimally support the students and prepare them for everyday work, both aspects are to be recognized as a public interest.

The third step is to examine whether the public interests – the integration function and neutrality of the school – at stake can justify the interference with fundamental rights. The requirement of proportionality demands that an official measure be suitable and necessary to achieve the goal. Furthermore, the measure has to be in the public or private interest, and it must be reasonable for the person concerned in view of the severity of the restriction of fundamental rights.

The Federal Supreme Court did not consider the headscarf ban to be suitable for achieving the goals of integration and the neutrality of the school. First, students are not subject to any neutrality obligation – at least as long as they do not unduly impair the fundamental rights of third parties. The headscarf ban has therefore nothing to do with the school's obligation to be neutral. Second, the special status of the students whereby they are required to follow the instructions of the school authorities and the teaching staff as well as to behave in a decent and considerate manner does not justify the headscarf ban. After all, a head covering that does not cover the entire face does not impair the communication between the student and the teachers. In this respect, the headscarf ban is not suitable to achieve the obligations resulting from the special status – the cooperative and considerate behaviour of the student to fulfil the educational mandate. Third, there is no compulsion for other students to be involved in a religious act because a classmate is wearing a head covering. Fourth, a general head-covering ban cannot be derived from the fact that jurisprudence of the Federal Supreme Court grants exemptions from subjects only very cautiously. A head-covering does not prevent a student from taking part in lessons such as swimming classes (that are possible in religiously mandated clothing) or school camps. Fifth, in the present case, there were no indications that the student understood the dress code differently or that she was subjected to a corresponding constraint by her parents. The consulted paediatrician spoke of the student as having a very mature personality considering her age and regarded her decision as independent. The school's arguments – that the student needed to be protected from her father's patriarchal legal concept in order to improve her

chances of being integrated into society; that the student was taught that the sharia (interpreted by her family) was above the Swiss legal system, which was supposedly also shown by the fact that her father was unable to work because of his strict belief; and that the student would not be able to integrate into everyday work by wearing a headscarf – were therefore unfounded.

Overall, the right to freedom of religion and conscience protects the ability of the student to express her religious creed. It has not been credibly demonstrated here that the student pressured other students to wear a headscarf or other religious insignia. Wearing the head covering alone – and this also applies to other religious symbols, such as the Jewish kippah, the habit of Christian religious nuns and monks, or a visibly worn cross – does not have an advertising or even missionary effect. In particular, a ban on wearing the Muslim headscarf is not necessary to convey the learning content that is so important for the preservation of equal opportunities or to maintain efficient school operations.

Finally, there are no indications that the student wore the religious symbol under compulsion from the parents or from a religious community, which would conflict with the interests of the child in a way that would interfere with the parents' legal guardianship. Regarding all asserted public and private interests, the student could not be reasonably expected to refrain from complying with the religious requirement to wear a head covering, which is perceived as religiously mandatory. In a public school that is open to atheistic and various religious beliefs, the headscarf ban – as the lower court rightly states – proved to be disproportionate.

The complaint was dismissed.

Main quotations on cultural or religious diversity:

"Ultimately, freedom of religion and conscience should also prevent the exclusion of religious minorities and facilitate the integration of all people into the community regardless of their belief". (para. 3.2)

"The state's duty to be neutral and tolerant arises from freedom of religion and the requirement not to discriminate against people on the basis of their

ideological or religious beliefs”. (para. 3.3)

“Religious freedom […] encompasses both the inner freedom to believe, not to believe, or to change one’s religious beliefs, as well as the outer freedom to express, practise, and spread corresponding beliefs within certain limits – or not to share them”. (para. 3.4)

“Teaching in public schools should be religiously neutral […]. If the state provides financial support for religious schools, it must do the same for all religions […]. In this respect, the obligation to be neutral generally prohibits the state from taking sides in favour of or against a particular religion and, consequently, any special treatment of members of a religion that has a specific connection to their beliefs”. (para. 3.5)

“[The Federal Supreme Court] considered the public interest and the task of the school to enforce the social inclusion process through participation in the subjects including physical education to be of higher priority [compared to an encroachment on the student’s protection of freedom of belief and conscience]”.(para. 4.2)

“At the same time, the Federal Supreme Court always rated the public interest in school attendance and the integration of schoolchildren as being of particular importance, so that requests for general exemption from individual subjects for religious reasons, particularly in recent times, have generally been rejected”. (para. 4.3)

“The respondents argue that their daughter wears the headscarf for religious reasons”. (para. 5.1)

“State bodies exercise restraint in examining the content of beliefs; they have to take the convictions of the persons concerned as a basis”. (para. 5.2)

“In addition to the perspective of religious upbringing, an inner, personal area of freedom of religion and conscience must also be observed, which must be considered for every child capable of judgment”. (para. 5.3)

“[F]or the student as an (adolescent) woman who professes Islam, wearing the headscarf is – contrary to the appellant’s claims – an expression of a religious creed”. (para. 5.4)

“Interference with freedom of religion and conscience and interference with religious customs are only permitted if they meet the requirements for restricting fundamental rights”. (para. 6)

“In the area of freedom of religion and conscience, this is difficult insofar as religious feelings and beliefs are always subjectively founded; state bodies have to take the convictions of the persons concerned as a basis”. (para. 7.1)

“A headscarf ban at the school would place the student in the dilemma of having to violate either a state or a religious requirement, the latter being mediated by her origin and her family. Such tensions can put a heavy strain on the affected children and run counter to the child’s best interests”. (para. 7.2)

“From the point of view of both equal treatment and integration, it seems neither necessary nor appropriate to make the student’s access to education dependent on her renouncing a religious symbol”. (para. 9.6.2)

“[I]t is important to allow a religious student to participate in class in order to realise the school’s own stated interests of equal opportunity and inclusion […]”. (para. 9.6.2)

Main legal texts quoted in the decision:

Domestic law

- 1907 Swiss Civil Code
- 1983 Elementary School Law of the Canton of St. Gallen
- 1999 Federal Constitution of the Swiss Confederation
- 2001 Constitution of the Canton of St. Gallen
- 2023 Federal Act on the Ban on Covering the Face

International law

- 1950 Convention for the Protection of Human Rights and Fundamental Freedoms
- 1966 International Covenant on Civil and Political Rights (UN Pact II or ICCPR)
- 1989 Convention on the Rights of the Child

Cases cited in the decision:

Relevant Federal Supreme Court case law

- BGE 117 Ia 311;
- BGE 119 Ia 178;
- BGE 123 I 296;
- BGE 125 I 347;
- BGE 139 I 280;
- BGE 134 I 49;
- Urteil 2C_1079/2012 of 11 April 2013;
- BGE 125 I 369;
- Urteil 2C_897/2012 of 14 February 2013;
- BGE 139 I 292;
- BGE 134 I 56;
- BGE 135 I 79;
- Urteil 2C_666/2011 of 7 March 2012;
- Urteil 2C_724/2011 of 11 April 2012;
- Urteil 2C_132/2014 of 15 November 2014;
- BGE 134 I 114;
- BGE 116 Ia 252;
- BGE 114 Ia 129

European Court of Human Rights (ECHR)

- *Aktas v. France* (2009);
- *Dahlab v. Switzerland* (2001);
- *Dogru v. France* (2008);
- *Ebrahimian v. France* (2015);

- *Eweida and others v. The United Kingdom* (2013);
- *Grzeleak v. Poland* (2010);
- *Kervanci v. France* (2008);
- *Köse and others v. Turkey* (2006);
- *Lautsi v. Italy* (2011);
- *Osmanoğlu and Kocabaş v. Switzerland* (2017);
- *Refah Partisi and others v. Turkey* (2003);
- *Sahin v. Turkey* (2005);
- *S.A.S. v. France* (2014)

United Nations Human Rights Committee (UNHRC)

- *Hudoyberganova v. Uzbekistan* (2005)

Commentary

The Headscarf Ban in Schools: A Multidimensional Matter

Wearing a headscarf in public schools remains a sensitive issue in Switzerland, as in the neighbouring countries. In France, where great importance is attached to the strict separation of state and religion, there is a general ban on the wearing of headscarves and veils in public service and in schools. Accordingly, students are not allowed to wear headscarves, kippahs, or larger crosses in the classroom. Only minor religious signs are allowed. Germany has different regulations depending on the federal state, and there are also headscarf bans in the public sector. In Italy, there is no general ban on religious clothing. A general dress code applies to Italian government employees, but it says nothing about religious clothing. Public schools can, however, decide independently on their affairs (e.g. dress codes).

Regarding Switzerland, the situation is somewhat different. Since the headscarf issue is not regulated at the national level, the cantons are generally competent (Art. 3 FC).

The first Swiss case concerning religious head-covering dates back to 1997. A primary school teacher in the laicist Canton of Geneva converted from

Catholicism to Islam in 1991, after having worked in state school service for one year. Due to the conversion, she started wearing an Islamic head covering and continued to do so for three years until the authorities prohibited her from wearing a head covering in 1996. The Federal Supreme Court upheld this decision in 1997 because as a teacher and therefore as a representative of a public institution she was bound by the state's duty of neutrality (see BGE 123 I 296; cf. Kälin 1999: 119 et. seq.). The teacher petitioned to the European Court of Human Rights. The ECtHR declared that the petition was inadmissible (*Dahlab v. Switzerland* (2001)). Although both teachers and students are in a special legal relationship with the state (a *Sonderstatusverhältnis*), only teachers represent the state and hence must respect the state's duty of neutrality.

A later case in the Canton of Thurgau, where two Muslim schoolchildren were prohibited from wearing the headscarf in the school building, was factually different. The school had referred to the rules in the school regulations. In this case, the Federal Supreme Court ruled in 2013 that these represented an insufficient legal basis for a headscarf ban but did not comment on the question of public interest at the time (see BGer 2C_794/2012 of 11 July 2013). In the St. Margrethen case presented here, the directive concerned was subject to an optional referendum – which had not been taken – and therefore served as a sufficient legal basis for a serious restriction of the fundamental rights of the students.

According to the current understanding of the Federal Supreme Court and the Swiss academia, this fundamental right essentially has three functions: the guarantee of religious tolerance, the protection of freedom of religion, and the integration function (BGE 117 Ia 331, para. 4a; BGE 119 Ia 178, para. 7a; BGE 123 I 296, para. 4b/bb; BGE 125 I 347, para. 4d; Kiener et al. 2024: no.1315; Karlen 1982: 51 et seq.; see BGE 139 I 280, para. 4.1; BGE 134 I 49, para. 2.3; BGer 2C_1079/2012 of 11 April 2013, para. 3.1). The guarantee of religious tolerance, freedom, and integration of people is implemented through the principle of ideological and religious neutrality of the state.

Religious freedom thus encompasses both the inner freedom to believe, not to believe, or to change one's religious beliefs, and the outer freedom to express, practise, and disseminate corresponding beliefs within certain limits – or not to share them (Pahud de Mortanges 2025: no. 43 et seq.). In addition, the neutrality obligation generally prohibits the state from taking sides in favour of or against a particular religion.

According to the Federal Supreme Court, prominent religious symbols in classrooms violate the religious neutrality of the state (see BGE 116 Ia 252). This argument was also put forward in the headscarf case of the Geneva teacher (see BGE 123 I 296). The neutrality of the school was rated higher than the teacher's desire to dress according to Islamic dress codes. In order to comply with the requirement of denominational neutrality, the modern constitutional state has to weigh up various interests against one another. In the present case, the right to freedom of religion and conscience protects the ability of the student to express her religious beliefs. The ban on students wearing the headscarf (*hijab*) is not compatible with the fundamental right of freedom of religion and conscience, according to the Federal Supreme Court (see Pahud de Mortanges 2025: no. 66; Ramaj 2016: 98).

The Federal Supreme Court follows clear lines of reasoning with regard to religious freedom and the enforcement of denominational neutrality in schools: in cases of religious conflict, exemptions are always issued if orderly and efficient school operations can be maintained. In this sense, exemptions from teaching or classes were granted in cases of religious holidays. The Federal Court also decided before 2008 to grant exemptions in mixed-sex swimming lessons. However, since then it has changed case law in this area and considers it permissible to declare mixed-sex education mandatory. This is justified with the high priority of integration (see BGer 2C_132/2014 of 15 November 2014 and *Osmanoğlu and Kocabaş v. Switzerland*). The European Court of Human Rights held that "a child's interest in attending those lessons lies not merely in learning to swim and doing physical exercise, but above all in participating in that activity with all the other students (*Osmanoğlu and Kocabaş v. Switzerland*, no. 98). Since

in the St. Margrethen case the student could participate in all activities with her classmates while wearing the *hijab,* a ban was not necessary to ensure her integration.

The Federal Supreme Court specifically stated that the motivation of Muslim women to wear a headscarf is very heterogeneous and does not as such contradict the Federal Constitution, in particular the equality of men and women. Wearing a headscarf does not prevent the student from being integrated into society or into the labour market. On the contrary, integration would be promoted if a religious student were also allowed to attend school. This would also contribute to equal opportunities.

In the present case, the Federal Supreme Court examined whether the student was forced to wear a headscarf by her parents. There was no evidence of this. According to the paediatrician she had made the decision independently. The paediatrician also confirmed that, in her opinion, there was no pressure or coercion from the parents. In the proceedings before the cantonal court, the student herself was heard by the court and confirmed that she had decided to wear a headscarf of her own accord (Judgment of the Administrative Court of St. Gallen B 2014/51 of 11 November 2014, consid. c; consid. 3.2). Therefore, there was neither a violation of the student’s religious freedom nor of the principle of equal treatment.

The appellant’s other arguments were also ineffective: the student is not bound by state neutrality. Nor does she endanger the religious freedom of her classmates by wearing a headscarf. Other questions that may arise due to the student’s religiosity, such as exemption from swimming lessons or school camps, must be examined separately and independently of the headscarf ban. In order to ensure that lessons can be held, it is therefore not necessary for students to refrain from wearing religious symbols. Since the appellant could not assert any significant interests in a headscarf ban, the Federal Court considered the student’s interests in following the rules of her religion to be more important.

The Federal Supreme Court decisions mentioned here also have had political consequences. Inspired by the ban that has been in force in France since 2010, Ticino issued a ban on veiling the face in public spaces in 2013 as the first Swiss canton. In 2019, the Canton of St. Gallen became the second Swiss canton in which wearing a burqa in public space was prohibited. Nevertheless, attempts to introduce a ban on face-covering failed in the cantons of Basel-City, Bern, Glarus, Schwyz, Solothurn, and Zurich. Furthermore, the existing prohibitions are rarely or never applied (Kley et al. 2023: no. 2 et seq.).

However, following a popular initiative, Switzerland introduced a ban on covering the face in public spaces in 2021 (Art. 10a FC). The ban does not apply to places of worship (Art. 10a FC and Art. 2 para. 2 let. a Federal Act on the Ban on Covering the Face (BCFA)). A fine of up to CHF 1,000 may be imposed for violating the ban on face coverings (Art. 3 para. 1 BCFA).

Literature related to the main issue(s) at stake:

Specific legal literature on the topic

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- Joller, Elisabeth. 2019. “Darf Justitia ein Kopftuch tragen?”. *Schweizerisches Zentralblatt für Staats- und Verwaltungsrecht* 120: 115–137.
- Minder, Liliane Denise. 2024. “Kinderrechtliche Aspekte religiöser Kleidung an öffentlichen Schulen”. *Zeitschrift für Kindes- und Erwachsenenschutz:* 5–15.
- Tappenbeck, Christian and René Pahud de Mortanges. 2007. “Religionsfreiheit und religiöse Neutralität in der Schule”. *Aktuelle juristische Praxis:* 1401–1414.

General legal literature on the topic

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- Pahud de Mortanges, René. 2025. “Art. 15”. In Bernhard Waldmann, Eva Maria Belser, and Astrid Epiney (eds), *Basler Kommentar Bundesverfassung*. Basel: Helbing Lichtenhahn.
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