

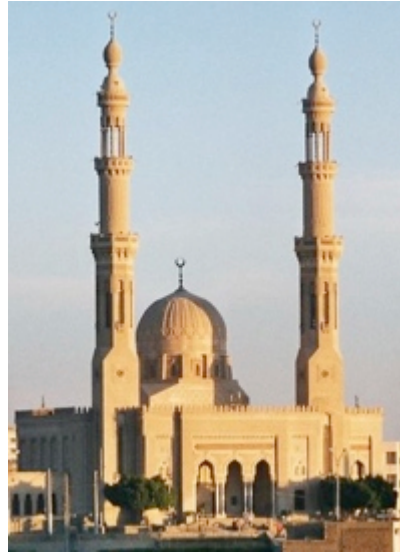


Written by [James Heiser](#) on July 14, 2011

Court Upholds Swiss Ban on Minarets

Twenty months have passed since the citizens of Switzerland voted to amend their constitution and ban the future construction of Muslim minarets, but only in recent days has it become clear that the will of the Swiss people may be allowed to stand.

A clear majority of 57 percent of Swiss voters approved the constitutional change in November 2009, but it was only on July 8 that the European Court of Human Rights issued a ruling that allows the constitutional change to remain in place. A story at [SwissInfo.ch](#) ("[Strasbourg minaret ruling causes no surprise](#)") reports on the action of the European Court, which rejected two appeals from Muslims living in Switzerland who had sought to overturn the will of the majority of that nation's citizens:



Silvia Bär, deputy secretary-general of the right-wing People's Party, which supported the minaret ban, told [swissinfo.ch](#) that the party had expected that the Strasbourg ruling would go the way it did.

"As we have always said, the minaret initiative does not affect either the freedom of religion nor the right to practise a religion," she said. The party expects to see the same ruling in the cases that are still pending.

Walter Wobmann, the chairman of the committee that launched the anti-minaret initiative, told the Swiss News Agency that he was "naturally pleased" at the ruling — but added that the court could hardly have decided otherwise. "We are a sovereign state, the people voted clearly in favour of the minaret initiative and the initiative had been declared valid," he said.

Wobmann's point regarding the rights of sovereign states would once have seemed obvious; the notion that foreign populations could simply impose their culture or religion on their hosts would have been absurd. The bureaucrats of the European Union seem driven to obliterate any semblance of national sovereign from continent, but the Swiss have a degree of resistance to such efforts because the Swiss people [rejected](#) the European Economic Area (EEA) in December 1992 — and therefore the Swiss government indefinitely suspended negotiations for EU membership. However, the European Court of Human Rights is not directly connected to the EU's legal system; as a member state of the Council of Europe, Switzerland is a part to the European Court of Human Rights — and thus subject to the court's potential meddling in something as fundamental as an amendment to the Swiss constitution.

As [reported for *The New American* in November 2009](#), Switzerland has one of the smallest Muslim communities in Europe: "The significance of the Swiss vote thus begins to come into view: It is not that the ban on minarets will necessarily have a significant effect on the future skyline of Geneva — the number of practicing Muslims in Switzerland may be as low as 45,000. What is profoundly significant is the reaction the vote has provoked." There is no sign that an end to that reaction is in sight. According



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to the story at [SwissInfo.ch](#):

Although the Strasbourg ruling is definitive, and other similar cases will certainly be thrown out on the same grounds, the plaintiffs are not downhearted.

“We suspected that it would be ruled inadmissible, but it was necessary to take this step,” said Hafid Ouardiri, co-president of the Interknowing Foundation, and former spokesman for the Geneva mosque, who submitted one of the appeals to the Strasbourg court.

Ouardiri had included in his case the claim that “he had no effective remedy available to seek a ruling that the constitutional amendment was in breach of the European Convention on Human Rights”.

He told the Swiss News Agency that he felt “positive and calm” after the ruling: the European court had “set a process in motion”, and reminded the Swiss state of its duty.

He was apparently referring to the judges’ statement that the Swiss courts “would be able to examine the compatibility of a possible refusal to authorise the construction of a minaret with the [European Human Rights] Convention”.

In other words, there is still “hope” that some level of government will be able to overturn the will of the Swiss people. Opponents to the constitutional amendment have even weighed whether or not Switzerland might withdraw from the Human Rights Convention in order to reassert their national sovereignty — a prospect which they find unlikely. As Walter Kälin, an international human rights lawyer, told SwissInfo: “There have always been certain circles that have called for Switzerland to withdraw from the Human Rights Convention. Thought is free, and politicians can demand this kind of thing if they want to. But withdrawal would not be a matter for a nationwide vote; it would need a majority in parliament. And I really can’t imagine such a thing.”

In 1998, Recep Tayyip Erdogan, the man who would one day become Prime Minister of Turkey [declared](#), “The mosques are our barracks, the domes our helmets, the minarets our bayonets and the faithful our soldiers...” Four years later, his party was swept to power, and now [Erdogan urges Turks](#) living in Europe to actively resist assimilation into Western civilization. Given the history of a series of brutal Turkish invasions which reached the heart of Europe (most famously, the Battle of [Vienna](#) in 1683), is it any wonder that the Swiss would want to ban “Turkish bayonets” from being raised within their borders?

Photo: Mosque in Aswan, Egypt, with minarets.



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