



SWITZERLAND

ACCESS TO GOODS AND SERVICES

In October, the Grand Council of Friborg asked the State Council to allow for gender-neutral bathrooms in the canton.

On 16 December, the City of Luzern parliament voted in favour of gender-neutral bathrooms, changing rooms and showers in schools and sports facilities.

BIAS-MOTIVATED SPEECH

Opponents of marriage equality mobilised voters throughout the year, calling the day of the gender-neutral marriage referendum a “black day” [sic!] for children. Some political parties were against marriage equality - for instance, the Schweizerische Volkspartei (SVP) argued that sperm donation is controversial and harmful for children.

A number of anti-trans articles were also published this year.

A National Council member called the organisers of a feminist demonstration “lesbian association” in June, in an effort to insult. The organisers and lesbian organisations denounced (and mocked) the statement.

In June, the Federal Chancellery banned the use of language explicitly inclusive of non-binary persons (such as gender_gap) in any German texts issued by the Federation.

BIAS-MOTIVATED VIOLENCE

Anti-LGBT attacks continued to be an issue in 2021. On the eve of IDAHOBIT on 17 May, 100 rainbow posters were torn down in the city of Buchs.

The joint report by TGNS, LOS, and Pink Cross, published on the same day, documented 61 anti-LGBTQ hate crimes in 2020 - more than one each week. In 18% of the cases, the victims were physically assaulted. Less than 20% of the victims reported the case to the police. Civil society warned that prevention and awareness raising measures are sorely missing across the country and continued to lobby.

Six cantons and the city of Zurich, based on parliamentary initiatives, decided to collect data about LGBTI based discrimination and hate and some have already started this year.

In its first state report on the implementation of the Istanbul Convention, Switzerland officially recognised that the Convention applies to trans persons.

BODILY INTEGRITY

On 5 May, an interpellation on the legality of parental consent to medical changes on sex characteristics of intersex children not yet able to consent themselves was handed in in the National Council. The Federal Council replied in September, clarifying the current law and affirming that treatment can only be administered if it is medically necessary and cannot be postponed; that medical associations are to explain what this means in practice; all decisions should be made on a case-by-case basis.

EDUCATION

In March, a vast majority of the Bern parliament (111:27) voted against a proposal to ban educational programs by lesbian and gay organisations in public schools.

On December 13, the Canton of Vaud minister of education signed into law a directive on supporting trans and non-binary pupils in obligatory and post obligatory schools.

EQUALITY AND NON-DISCRIMINATION

In February, the Council of States law commission launched a public consultation on revising the sex offences legislation, which could incorporate gender-neutral definitions.

The first parliamentary LGBTI intergroup was set up in June, with members from all parliamentary groups.

During the fall session, the parliament approved a law to establish Switzerland's first National Human Rights Institution.

The Constitutional Council of the canton of Appenzell Ausserrhoden presented its draft constitution, which would make it the first canton to explicitly prohibit discrimination on grounds of GIESC (SO is also covered).

In February, the City of Zurich presented its new Equality Action Plan (2019-2022), including a campaign against gender-based and anti-LGBT violence.



In May, the Basel-Stadt government council elected long-time TGNS volunteer and trans rights expert Étienne Rembold as a member of the Equal Opportunities Commission, who was later appointed its president. In August, the government council presented a revision of the cantonal equality act to make it explicitly inclusive of SOGIGESC and launched a public consultation on the law proposal.

In June, the Luzern government council launched for public consultation its planning report 2022-2025 to promote gender equality and LGBTI rights, the first of its kind.

In December, the City of Lausanne presented its first LGBTIQ+ strategic plan.

FAMILY

On 16 April, the Federal Supreme Court ruled that non-gestational parents can continue to have visitation rights of their children even after the dissolution of their registered partnership, despite not being legal parents. Same-sex female partners have to go through second parent adoption, which at the earliest could start once a child turned one and could take several years of legal procedure. During this time, non-gestational parents did not enjoy parental rights on paper and their relationship with the child was not protected in the case of a breakup. Civil society welcomed the judgement.

On 26 September, Switzerland held a referendum on a law granting marriage and full adoption rights to same-sex couples. Almost two-thirds (64%) of voters supported the reform and all 26 cantons voted in favour. The Swiss Civil Code will from July 2022 use the gender-neutral language “the engaged” and “two people”. In terms of rights, the most important change is that same-sex couples will be able to jointly adopt, and that medically assisted reproduction and sperm donation will be available to same-sex female couples, leading to the gestational mother’s spouse being automatically recognised as parent at the birth of their child. The law also allows for same-sex spouses to get expedited residence rights, on an equal basis with heterosexual couples. Surrogacy is banned by the Constitution and therefore not covered in the law. Those in a civil partnership will be able to choose whether to retain that legal status or switch to marriage. Pink Cross published an FAQ about the changes. The government welcomed the result and the fact that Switzerland became

the 17th European country to have marriage equality.

Leading up to the referendum, tens of thousands held demonstrations in support of marriage equality, with the slogans “Ja, ich will” [Eng: “Yes, I do”] and “You can do it. Marriage for everyone now.” Several other events were held across the country to show support.

In reaction to the vote, two motions (here and here) were tabled to make sure that “paternity leave” will become gender-neutral “parental leave”, in order to benefit all parents.

HEALTH

An association, established this year to block trans minors’ access to trans healthcare, sued two doctors.

LEGAL GENDER RECOGNITION

The new legal gender recognition procedure, consisting of a simple self-determination based declaration and approved by the Council of States and the National Council in December 2020, will be available from 1 January 2022 onwards. The People’s Party had tried to push for a referendum on the issue, but failed.

In a landmark judgment on 29 March, the Aargau Higher Court ruled in favor of a Swiss non-binary trans person, whose gender marker is struck out in the German register, but the Swiss authorities refused to make the same change to the person’s Swiss papers. The case was appealed by the federal administration and is currently at the Federal Supreme Court. TGNS launched a crowdfunding campaign to fund this strategic case and raise awareness about non-binary people.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Several exhibitions took place this year in major museums, including on gender and queerness.

In August, Rainbow House Zurich was opened with several members of the city and the cantonal governments present.



POLICE AND LAW ENFORCEMENT

The Swiss Competence Center for Prisons published guidance and recommendations on LGBTIQ+ prisoners, marking the first time the cantons worked on this issue.

PUBLIC OPINION

A representative study found that 53% of the Swiss population are (rather) in favour of introducing non-binary gender markers on official documents.



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