



SWITZERLAND

ACCESS TO GOODS AND SERVICES

A lesbian couple was denied service and asked to leave a bar in Baden. The couple filed a complaint.

Unlike Bern and Lucerne, Zurich decided not to introduce gender-neutral bathrooms in restaurants.

BIAS-MOTIVATED SPEECH

Several hate speech cases were recorded this year (see [here](#), [here](#),). In some cases, civil society turned to the Ombudsperson.

In March, several organisations, trans minors and adults, and their loved ones published a joint statement to condemn the RTS Temps Present's report on "detransitioning", which featured harmful, incorrect, and biased information about trans people.

The Valais Media Library received several anti-LGBT letters in response to a drag story hour event they hosted. Another drag story event in Zürich received threats upfront but was supported by 300 persons, including politicians, and went smoothly.

The Federal Democratic Union (EDU) ran a provocative anti-Pride campaign in the summer with posters saying "Father, Mother, Child. For life. #PRIDE".

In October, the Vaud cantonal court sentenced far-right extremist Alain Soral to 60 days in prison without parole for discrimination and incitement to homophobic hatred. Soral said that he would appeal the sentence.

The Federal Chancellery published new language guidelines for the Federal administration. Non-binary inclusive language is prohibited; in French and Italian a male-only language is promoted as being inclusive of all gender identities.

BIAS-MOTIVATED VIOLENCE

Anti-LGBT attacks continued to be an issue (see [here](#), [here](#), [here](#)), and several rainbow flags were set on fire (see [here](#) and [here](#)). The centre for queer young people in Chur was attacked and vandalised several times this year, sparking fear in the community.

The perpetrator in a homophobic assault in 2022 was sentenced to 80 days in prison.

The tribunal of Martigny fined one perpetrator of verbal and physical homophobic violence, citing physical injury, discrimination and hate speech, and another one who spread online hate messages in relation to the first perpetrator's attack. Together, the two had to pay additional 2,500 CHF (2,630 EURO) to the victims for reparation.

The annual joint report by TGNS, LOS, and Pink Cross documented 134 cases of violence and discrimination against LGBTQ people in 2022, the highest number to date. Almost a third of the victims were trans people and among them most were non-binary.

Under the new sexual criminal law, enacted in June, the gender and sex of perpetrators and victims in a case of rape will no longer be relevant.

BODILY INTEGRITY

In December, the Council of States supported a motion asking for ethical medical guidelines on the diagnosis and treatment of children born with variations of sex development. The guidelines shall be developed by the Swiss Academy of Medical Sciences, in consultation with intersex organisations and implement the National Advisory Commission on Biomedical Ethics opinion, published in 2012. In return, a motion to ban irreversible medical interventions on intersex children was withdrawn.

In August, the Legal Affairs Committee of the Council of States positioned itself in favour of a federal ban on so-called 'conversion practices' but postponed the decision on a motion until a report on the subject will be published. The National Council supported the demand for a federal ban in 2022, a motion that the Council of States would have to vote on as well. This vote is pending until after the publication of the report. In the canton of Fribourg, a motion to ban conversion measures was handed in. The parliaments in the Cantons of Jura and Zurich voted on motions to ban so-called 'conversion practices'. The Valais cantonal government started a public consultation on such a ban. The parliaments of the cantons of Geneva and Vaud discussed a ban; the parliament of the canton of Neuchâtel approved a law proposal to ban conversion measures.

EDUCATION

In June, the Federal Court ruled that the firing of a teacher, who refused to address a trans student by the name and gender he determined for himself, was legitimate.



In June, the National Council dismissed attempts to prohibit universities using gender-neutral language.

In the Canton of Ticino, several students changed the cover of their annual calendar, which showed a peace flag, because it could be mistaken for the rainbow flag.

A school in Zurich canton had to cancel their Gender Day event due to serious threats.

The local council in Chur voted against an LGBTIQ-themed day at city schools in March.

In September, the grand council of the Canton Valais supported the demand for a better inclusion of trans and non-binary pupils in public schools.

EMPLOYMENT

A total of 75 businesses now have the LGBTI label, 22 of which received it this year.

The National Council agreed with a motion to ban discrimination in employment based on sexual orientation and gender identity in the Equality Act. Gender identity is already a protected ground. The Council of State will have to vote on the motion as well.

EQUALITY AND NON-DISCRIMINATION

Following several parliamentary requests, the Federal Department of Home Affairs concluded in January that LGBTI rights should be dealt with by the Federal Office for Gender Equality (FOGE) from 2024 onwards. Currently, LGBTI rights are covered by various federal offices, but on an ad hoc basis. The change will ensure more consistent focus. FOGE will hire two new staff members and will work in consultation with cantons, communes, civil society, and other stakeholders. (see more under Bias-motivated Speech)

The Canton of Geneva set into force a new law on equality and the fight against discrimination based on sex, sexual orientation, gender identity and expression, and intersex. The Basel-Stadt parliament revision of the canton's equality act to explicitly include SOGIGESC was delayed this year, after discussions in the parliament and a heated, primarily anti-trans discussion amongst the public. The draft sets out that gender is determined by several factors, including sex characteristics and each person's self-identification. The draft was criticised by some.

The canton of Basel Landschaft decided that its Office for Equal Opportunities will cover LGBTIQ rights in the future, but without additional budget allocation.

Switzerland's National Human Rights Institution was founded in May.

Geneva, Zurich and Bern published updated material about the rights of LGBTI people.

The European Court of Human Rights ruled in Semenya v. Switzerland that intersex athlete Caster Semenya's rights to privacy and effective remedy were violated when the International Association of Athletics Federations banned her from competing when she refused to undergo hormone treatment. The Court also found that there was a violation of the prohibition of discrimination, establishing that sex characteristics are a protected ground in the Convention. The case was referred to the grand chamber, upon request from Switzerland.

Zurich inaugurated a cemetery section for LGBTIQ people; all 'spots' were reserved within a few months.

In December, the National Council supported the prohibition of hate speech and discrimination in the access to goods and services on the basis of sex / gender. The parliamentary initiative also needs the support of the council of states.

FAMILY

The Federal Statistical Office shared in March that a total of 749 same-sex couples got married in 2022, and 2,234 couples converted their registered partnership to marriage. Switzerland introduced marriage equality in 2022.

Geneva introduced additional parental leave in June, without discrimination on grounds of sexual orientation and including where a child was adopted.

FREEDOM OF ASSEMBLY

The police surrounded an unauthorised Women's Day protest in Basel on 8 March and fired rubber bullets at the participants. Amnesty International called for a thorough investigation into the police's actions.

Several Pride events were held throughout the country. This year's Pride in Geneva was held without sponsorship from major brands. Zurich Pride was the largest to date, gathering 55,000 people (2022: 40,000).



St. Gallen held its first Pride march this year – several people were filmed by the Swiss People's Party's youth section and ridiculed online.

The Bern Pride march was attended by 10,000 people, but many expressed concern that the police “intensively” filmed the entire march as a ‘preventive’ measure. The march coincided with Eurogames (see under Participation in Public, Cultural and Political Life).

FREEDOM OF EXPRESSION

Four MPs in Valais tried to ban drag story events; the motion was rejected by a clear majority of the parliament. The Federal Council concluded that libraries are free to organise their own activities and that the story events were fully in line with their mandate.

HEALTH

In May, the National Council unanimously decided to abolish discrimination based on sexual orientation in blood donation. The new rule focuses on individual risky behaviour and entered into force in November.

New Swiss recommendations for gender-affirming health-care focused on physical care and psychiatric care, based on ICD-11 and the WPATH Standards of Care Version 8, have been published.

In December, the Bern Grand Council supported a motion to limit irreversible medical transition to adults (by 76 to 75 votes and one abstention) and to strengthen the support for trans youth. Members of the National Council handed in a demand that guidelines on diagnostics and treatments of youth under 25 with gender dysphoria shall be developed, and another to “protect” at least minors from gender reassignment surgery.

In November, the Federal Council published the next national programme “Stop HIV, hepatitis B and C viruses and sexually transmitted infections” including trans persons as key-population for the first time.

HOUSING

Queer and trans people occupied a house in Basel that has been standing empty for 10 years, in part to draw attention to the housing crisis.

INTERSECTIONALITY

In its annual report, the National Commission on the Prevention of Torture suggests to accommodate incarcerated trans persons according to their gender identity.

LEGAL GENDER RECOGNITION

The Federal Statistical Office shared in March that a total of 1171 people changed their legal gender in 2022. The new procedure, which consists of a simple declaration based on self-determination, became available on 1 January 2022. In practice, access continues to be difficult for many asylum seekers and refugees. In October, a short evaluation of the new procedure was published showing that there is no systemic risk of misuse. Following the Federal Council's refusal in December 2022 to recognise non-binary identities, the National Council's Commission on Legal Affairs held a hearing on the issue. Following the hearing in April, the National Council voted in September to request the Federal Council to submit a report on possible measures to improve the situation of non-binary people.

In June, the Federal Court ruled that Switzerland does not have to recognise non-binary gender markers that some acquired abroad but emphasised that the current situation is problematic.

On the occasion of her first 100 days in office, Federal Counselor Elisabeth Baume-Schneider emphasised her will to, together with the community, improve the situation for non-binary persons.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

(See also under Equality and Non-discrimination)

The Swiss army announced in January it would carry out a thorough investigation to map anti-LGBT and sexist discrimination and violence within its ranks. In February, an army official was fined for homophobic insults against a gay soldier during and after their service together.

In January, the Zurich cantonal council voted against mandatory training on anti-LGBTI aggression for police officers, prosecutors and court employees.

Bern hosted Europe's largest LGBTQI sports event Eurogames in July. Over 2,300 participants registered for 20 sports.



Since September, the city of Zürich, together with TGNS and trans activists, reserves a swimming pool once a week for the trans community.

An opera about trans pioneer Lili Elbe premiered in St. Gallen in October.



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