

Swiss Senate votes to improve protection on grounds of sexual orientation but not gender identity

[News](#), [Legal Protection](#), [Bias-motivated Speech](#), [Gender Identity](#), [Switzerland](#)

On 28 November 2018, the Swiss Senate voted to criminalise hate speech and discrimination on grounds of sexual orientation, but refused to do the same for grounds of gender identity.

ILGA-Europe welcomes the extension of protections against hate speech and discrimination based on sexual orientation – this is an important step forward for lesbian, gay and bisexual citizens of Switzerland. However, the decision of the Senate to explicitly exclude grounds of gender identity constitutes a denial of this protection for trans people, and sends the message that hate speech and discrimination against them is acceptable.

This news is especially disappointing as a few months ago the Swiss parliament had specifically and proactively proposed to include both sexual orientation and gender identity in the extension of the relevant article – which had until now explicitly covered only grounds of race, ethnicity and religion – and passed the inclusion of both grounds in parliament.

[ILGA-Europe's Rainbow Map](#) shows that legislative and policy protection from discrimination and hate speech on grounds of sexual orientation has been improving across Europe. However, the same cannot be said for grounds of gender identity or expression, which are explicitly protected in just over a dozen countries. While some countries have merely not amended their laws in line with current international standards which provide for explicit protection from discrimination on grounds of gender identity as well as sexual orientation, the Swiss Senate has outright rejected current international standards to explicitly deny these protections for trans people.

ILGA-Europe expresses deep concern for this denial of the human rights of trans people. We call on the Swiss authorities to amend relevant laws to include protection on grounds of gender identity and also sex characteristics, thus bringing its legislation in line with international standards and ensuring protection from hate against trans and intersex people.