



Switzerland



Several notable family law discussions took place in 2015. A citizens' initiative on tax matters turned into a debate on limiting marriage to a union between women and men only (the question will ultimately be decided by a public vote in 2016). Two fathers and their son started legal proceedings, leading the family all the way to Strasbourg. An infamously outspoken bishop was forced to back down on two separate occasions, after making homophobic remarks and for trying to dismiss a colleague who had blessed a lesbian couple. A social insurance court ruled that a trans woman should be reimbursed for surgery carried out abroad and the government signed up to the principles of the Valetta Declaration.

Bias-motivated speech

- Speaking at the 'Joy in Faith' forum in Germany, Vitus Huonder, bishop of Chur, quoted biblical passages that referred to homosexuality as an "abomination" in July. On 12 August, he sent a letter to 800 colleagues apologising to "everyone who felt injured by my speech, in particular those of homosexual persuasion". The LGB NGOs Pink Cross and Lesbian Organisation Switzerland (LOS) filed a criminal complaint against the bishop. The complaint was lodged with the public prosecutor in the Graubünden canton.

Bias-motivated violence

- On 18 August, the Federal Council replied to a parliamentary question from the Conservative Democratic Party (BDP/PBD) group about recording of hate crimes against LGBT people. It noted that it is currently not possible to publish national police statistics on the numbers of homophobic or transphobic crimes. The Council said that discriminatory acts against LGBT people were common, but that it lacked the numbers to substantiate and implement appropriate measures. It went on to state that it would be expensive and complicated to install a uniform data collection system across all cantons but that it would assess various options.

Employment

- In February, it was announced that Father Wendelin Bucheli would be dismissed from his role in the Uri canton. The Catholic priest in the village of Bürglen had blessed a lesbian couple in 2014 and Bishop Huonder called for his resignation. Bucheli's parishioners reacted negatively to news of his dismissal and started a petition in support of his actions, which attracted over 4,000 signatures. Bucheli refused to hand in his notice and in April it was announced that he would remain in his position.
- NGO Transgender Network Switzerland (TGNS) announced their new *Trans-Fair* project in October. The project aims to combat the high levels of unemployment faced by trans people. The Federal Office for Equality is supporting *Trans-Fair*, marking the first time the office has awarded funding to a trans-specific project.

Equality and non-discrimination

- A parliamentary initiative on anti-discrimination submitted by Mathias Reynard (Social Democratic Party, SP/PS) was discussed by the National Council in March. Originally submitted in 2013, the initiative suggested adding sexual orientation to the list of protected grounds in the Criminal Code's hate speech and discrimination provisions. Gender identity was not included in this initiative. The Council of States' commission voted in favour of it in April but the proposal had not become law by the end of the year.
- Switzerland signed the Valetta Declaration of Intent on 29 April, the 18th state to do so. The Declaration, launched during the 2014 IDAHOT Forum in Malta, lays out commitments that signatories intend to take to promote equality for LGBTI people.
- The Geneva canton had proposed adding sexual orientation to the list of grounds protected against discrimination in the federal constitution and the Penal Code in 2013. The Federal Assembly's National Council approved the measure on 11 March, but it was later rejected by the Council of States on 17 June.
- In May, Daniel Stolz (FDP. The Liberals, centre-right) submitted an interpellation and the parliamentary group of Conservative Democratic Party (BDP/PBD; centre right) submitted a motion, both to amend existing legislation on blood donations. The motion called on the Federal Council to remove the donation restriction currently imposed on gay men. On 2 September, the Federal Council responded by saying that patient safety was a primary concern. The Council said that legal reform should not be necessary; instead the questionnaire completed by donors should be changed (to emphasis risky behaviour as opposed to sexual orientation). The Swiss Transfusion initiative within the Swiss Red Cross was asked to review the questionnaire. The Council then proposed rejecting the motion and it was still pending in the Council at the end of the year.
- On 18 June, Manuel Tornare (Social Democratic Party, SP/PS) put forward a parliamentary initiative designed to combat racial, homophobic and anti-Semitic discrimination. The initiative recommended creating a

federal regulation to introduce recourse options for minority rights organisations (trans or intersex people were not included). The initiative had not been debated by the end of the year.

Family

- On 20 February, an equal marriage initiative, backed by the Green Liberal Party (glp) was approved by the National Council's legal affairs committee. The committee voted in favour of the 'marriage for all' proposal by 12 votes to 2.
- The Federal Council published their 'Modernising family law' report on 25 March that called for a review of the country's family law; including a discussion on whether to legislate for registered partnership or open marriage to same-sex couples. In response, the National Council's science, education and culture committee called on the Federal Council to develop a strategy to modernise family legislation.
- On 22 May, the Federal Supreme Court ruled that it is not possible for both partners in a gay couple to be registered as the father of a child born as a result of a surrogacy arrangement. This 3-2 majority verdict overruled a July 2014 decision from the St Gallen Administrative Court. Only the sperm donor can be entered into the civil registry as the child's father. Both men began preparing an application for the ECtHR. In December, legal proceedings were commenced on behalf of their four-year old son, who will be represented by a separate human rights lawyer.
- Discussions on taxation changes, commenced in 2014, continued in 2015. The Christian Democratic People's Party of Switzerland (CVP) proposed a popular initiative, which has the potential to block marriage equality. Swiss citizens will be asked to vote on a tax-related amendment that would define marriage as a union between a man and woman in the constitution. Both chambers of parliament and the Federal Council recommended voting against the initiative. The public vote will be held on 28 February 2016.

Human rights defenders

- On 15 September, a series of information boards were launched in Zurich to honour the city's history of LGBTI

activism. The plaques were initiated by the *It's Love* campaign, supported by the city's gender equality office.

Legal gender recognition

- Two courts of first instance granted legal gender recognition to a trans woman with learning disabilities and to a minor, on 27 July and 10 September respectively. The two decisions confirmed that legal age is not a requirement, but rather capacity of judgment. The courts also confirmed that no high requirements must be met to affirm capacity of judgment for legal gender recognition.

Public opinion

- Several opinion polls sought the public's views on marriage equality. In February, the poll carried out by the Léger Institute showed that 62% of women surveyed supported equal marriage compared to 46% of men. The second analysis, commissioned by NGO Pink Cross and carried out by gfs-Zurich, revealed that 71% of those questioned were in favour or somewhat in favour of marriage equality.

Social security and social protection

- On 9 December, the social insurance court in the canton of Vaud ruled that a trans woman should be reimbursed for gender reassignment surgery she had undergone in Thailand in 2008. The court ruled in her favour as the quality of surgery in Switzerland is not comparable to Thai expertise. The judgment was under appeal at the end of 2015.