



# Switzerland

## BIAS-MOTIVATED VIOLENCE

Homophobic attacks continued to be an issue in 2020.

A perpetrators in a 2019 hate crime case were arrested in March, and the perpetrator who attacked an IDAHOT stand in Zurich last year, physically and verbally assaulting its volunteers, was found guilty in July.

Despite the successful referendum on 9 February (see under **Equality and non-discrimination**), the Council of States decided not to register the anti-LGBTI nature of hate crimes and collect data. Local LGBTI organisations harshly criticised this decision. Six cantons and the city of Zurich, based on parliamentary initiatives, decided to collect the respective data. The Canton of Fribourg has begun to collect the data already, the City of Zurich will begin on 1 January 2021.

## EQUALITY AND NON-DISCRIMINATION

On 9 February, Switzerland voted in a referendum to ban discrimination in access to services and criminalise incitement to hatred that targets people on the basis of their sexual orientation. The change entered into force on 1 July. 63% voted in favour of the legislation, which was also backed by the government and most political parties. The 1993 law originally included "race, ethnic origin or religion" in its scope, leaving LGB people vulnerable.

In February, the City of Zurich presented its new Equality Action Plan (2019-2022). For the first time, the action plan includes measures for trans equality and to combat homophobia and transphobia in public spaces.

On the occasion of IDAHOT, May 17, the City of Bienne presented its list of measures to combat homophobia and transphobia. The measures are being implemented in cooperation with local LGBTI organisations.

## FAMILY

In August, the government of Geneva announced that parental leave will be extended to all state staff who are parents and are living in a registered partnership or other unmarried relationships. The government affirmed that the move is in the best interest of children.

In June, the National Council decided with a vote of 132 to 52 that same-sex couples will be granted the same rights as different-sex couples, including the right to marry, the right to sperm donation, and the right to parenthood recognition from birth.

On 1 December, the Council of States suggested limiting the right to parenthood recognition from birth to children conceived through sperm donation according to the Federal Act on Medically Assisted Reproduction. The National Council approved the proposal. On 18 December, the bill passed the final vote in both Councils (National Council 136:48; Council of States 24:11). It will be decided later whether a referendum will take place on the issue.


## HEALTH

The global study on the impact of the pandemic on trans people's access to trans healthcare globally has revealed that in German speaking countries (Austria, Germany, Switzerland), almost half of the respondents feared that the pandemic would in some way bar their access to hormones, and 17% felt this way about surgery appointments. 15% reported that their surgery was cancelled. 1 in 3 respondents had an underlying condition placing them at higher risk of the virus.

## LEGAL GENDER RECOGNITION

In January, the local court in Zürich granted legal gender recognition to a six-year-old trans child. The claim was presented by their parents. In June, the same court granted legal gender recognition to a trans asylum seeker.

In June, the Council of States approved the Federal Council's plan to make legal gender recognition easier, quicker, less expensive, and remove the requirements to undergo medical examination. Instead of going through the court system, LGR will be available by a simple self-determination based declaration that trans and intersex people can make at the municipality. In September, the National Council supported the law proposal as well. Alongside trans and intersex organisations, the National Council suggested that legal representatives', i.e. usually parents', consent should not be required for anyone who is capable of judgment. This contradicted the position of the Federal Council and the Council of States. In the end, the Council of States lowered the threshold for mandatory parental consent from 18 to 16. This means that those under 16 and those subject to general deputyship [similar to guardianship] will need to acquire the consent of their legal representative(s). Civil society strongly criticised the discriminatory provision and will monitor the situation. On 18 December, the law proposal passed the final vote with a 33 to 6 majority in the Council of States and a 128 to 54 majority in the National Council. A referendum, with an April 2021 deadline, could still be taken against and would lead to a public vote.



The Federal Council tasked the National Advisory Commission on Biomedical Ethics (NEC) to write a report on options and legal consequences of introducing a third or non-binary gender marker option(s). On 8 December, the NEC presented its [report](#), concluding that any system breaking away from the binary model currently in place would be preferable.

In November, a Swiss citizen whose gender marker was struck off out the German register was denied recognition of the German decision. The Swiss authorities argued that registering non-binary genders would go against the Swiss public order and would therefore be unlawful. An appeal against this decision has been filed.

## **PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE**

In March, Curdin Orlik, a top “Schwinger” (Swiss traditional form of wrestling) athlete came, [came out](#) as gay. He is said to be the first gay male top athlete in Switzerland to come out during his active time in sports.

In a [survey](#) by TGNS, 75% of respondents stated they had negative experiences in sports due to being trans, primarily in relation to sports and sports facilities, including bathrooms and changing rooms, and being segregated on the basis of gender.

## **SOCIAL SECURITY AND SOCIAL PROTECTION**

In July, the city of Zurich and QueerAltern association [announced](#) that retirement apartments for LGBTI\* seniors will be built and ready by 2025.



[SWITZERLAND WEB PAGE](#)

MORE INFORMATION ON [WWW.RAINBOW-EUROPE.ORG](http://WWW.RAINBOW-EUROPE.ORG)

