Switzerland

Asylum
In its reply to an interpellation, the Federal Council stated in September that trans asylum seekers can have the costs of their medical transition reimbursed.

Bias-motivated speech
On 25 September, the National Council voted in favour of adding “sexual orientation and gender identity” as protected grounds in Article 261bis of the Criminal Code. Race, ethnicity, and religion were already included. On November 28, the Council of States only supported the inclusion of “sexual orientation”, not “gender identity”. The National Council in its second debate agreed with this. As a result, only “sexual orientation” was included in the law, as adopted on 14 December. Conservative-religious groups announced requesting a referendum against this revision.

Bias-motivated violence
On 1 April, the Istanbul Convention came into force in Switzerland. In November, the concept for implementation was presented by the Federal Office for Gender Equality.
In May, LGBT organisations presented a joint report on bias-motivated hate crime and discrimination, based on incidences communicated to the LGBT+ helpline since 2016. The results show that most incidences happen in public places, and that reporting is very low.

Bodily integrity
On 2 March, the Federal Council responded to an interpellation on three issues pertaining to intersex persons: the protection of intersex children, statistics, and information for healthcare personnel and parents. The Federal Council said that there is no need to revise the Criminal Code to criminalise surgeries on intersex children, that data on intersex people is lacking, and that medical societies are mandated to amend curricula for medical students. In Geneva, a motion dated September 2018 aiming to end genital mutilation on intersex people was among several motions submitted to parliament during 2018.

Employment
On 15 March, a motion was submitted to the National Council to change employment law and other laws to allow unisex toilets in both public and private settings. The Federal Council opposed the motion, while the National Council decision is forthcoming.

TGNS launched the project “trans welcome”, to improve the inclusion of trans people in employment by giving support and information to employers and employees. Employers can also sign up to join a list of welcoming workplaces.

A substantial number of private companies, NGOs and public entities openly support the project.

Equality and non-discrimination
On 12 September, the City of Zurich parliament voted in favour of developing and implementing, together with trans NGOs, a comprehensive action plan to ensure trans people’s human rights and equality. The City of Bern created the new post of an LGBTI project leader within its equality office.

Family
On 1 January, second-parent adoption for registered partners and cohabiting couples came into force.

On 2 July, the legal affairs committee of the National Council communicated their decision to split the civil law revision for introducing marriage for all into two phases. Some aspects of introducing marriage equality only need a change of law, so-called “core version”. Other aspects, such as reproductive rights, might require a change of the Federal Constitution and therefore a public vote.

On 14 March, a postulat was submitted to the National Council demanding the right to grant facilitated naturalisation also to registered partners of a Swiss citizen residing abroad. Married couples already have this right. The Federal Council opposes the postulat, while the National Council decision is forthcoming.

Freedom of expression
On 28 April, a demonstration was held in Bern on the occasion of Lesbian* Visibility Day.

On 2 June, the first ever pride march in Ticino (the Italian-speaking part of Switzerland) was held in the city of Lugano.

On 16 June, the annual pride march in Zurich attracted more participants than ever. However, members of the queer community who spoke out against the commercial character of the pride, were arrested by the police.
Legal gender recognition

Minister for Justice Simonetta Sommaruga (Social Democratic Party, SP) announced a proposal on 24 May to allow people to legally change their name and gender without having to go to court. Following the minister’s announcement, the pre-draft policy was sent for consultation by the Federal Council.

The proposal moves away from a judicial procedure to an administrative one, (indirectly) proposes reduction in costs and duration. Civil servants would still exercise control over whether the application requires medical evidence as ‘proof’ (so not full self-determination), minors would require parental permission (not currently the case under the existing process), and non-binary people are excluded.

In a motion submitted on 15 June, i.e. during the public consultation phase, a right-wing parliamentarian asked to base the civil law revision on a distinction between inter and trans people, to limit legal gender recognition to once in a person’s lifetime, and to base it on biological and medical facts instead of self-determination. The National Council decision is forthcoming.

A member of the green-liberals in the National Council handed in a postulat requesting a report about abolishment of official gender. The National Council decision is forthcoming.

On 17 September, the National Council supported two postulats (see here and here) requesting a report on the legal consequences of introducing a third gender or no longer basing civil status law on gender.

Participation in public, cultural and political life

In January, the Swiss TV station (SRF) held a thematic week on trans issues. While some contributions were of high quality, one discussion (“Sternstunde Religion”) was discriminatory, as acknowledged by the TV stations Ombudsman.

Police and law enforcement

On 15 March, a postulat was submitted to the National Council demanding a report on the situation of LGBTIQ persons deprived of liberty. The Federal Council was against it. The National Council decision is forthcoming.

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