



Switzerland



A number of positive developments in Switzerland took place during the year, both at Federal and at canton level, although most of the times in small gradual steps. At the Federal level, the government was mandated to amend the relevant legislation towards the introduction of second parent adoption for same-sex couples in registered partnerships, while the Federal Civil Registry Office called for changes to the courts' practice on legal gender recognition that would comply with human rights standards. Similarly, the Cities of Zurich and Geneva introduced measures to promote equality for LGBTI people.

Employment

- In February, the City Council of Zurich amended its regulation on the rights of employees of the administration. The new provisions include the “promotion of tolerance and acceptance towards employees who are at risk of suffering disadvantages based on [...] their sexual orientation and gender identity” (Art. 3 Abs. 1 lit. k). This was the first time that a Swiss regulation recognised the concept of gender identity by mentioning it explicitly.
- In June, Transgender Network Switzerland published a study about the experiences of trans people on the Swiss labour market. The figures illustrated that the unemployment rate of trans people is six times higher than the national average rate. Moreover, 46% of respondents said that their career had been negatively impacted following their coming out.

Equality and non-discrimination

- In September, the City of Geneva was the first Swiss municipal administration to hire an officer responsible for LGBTIQ issues in charge of tackling discrimination. This decision was taken as a response to the recommendations received by Switzerland in the UN UPR process.
- In October, a referendum in the Canton of Geneva resulted in sexual orientation being included among the prohibited discrimination grounds mentioned in the Constitution (Article 15). However, gender identity and gender expression had been explicitly excluded during the constitutional proposal’s preparation phase at the Constitutional Assembly, and as a result they were not included in the Constitution’s anti-discrimination provisions.
- In December, the National Council adopted a demand for a report on protection against discrimination under Swiss federal legislation. The demand explicitly mentioned discrimination suffered by LGBTI people.

Family

- In February, the Federal Council, the executive branch of the government, announced its willingness to support

new legislation lifting the ban on second parent adoption within same-sex couples in registered partnerships. However, the Federal Council, which issued this position as a reply to a resolution adopted by a Parliamentary Committee of the Council of States, said it was not considering the possibility of allowing joint adoption by same-sex couples.

- In March, the Council of States approved a motion opening the right to adoption by same-sex couples, including joint adoption by the couples. In December, the National Council, the other Parliamentary Assembly of the country, also approved the motion, but limited it to the right to adoption by the second parent within same-sex couples. These votes by both assemblies gave a mandate to the government to take the necessary steps towards amendments within the *Civil Code* and the *Federal Act on Registered Partnership*.

Health

- In September, in a medical study on HIV-infected patients, the Swiss HIV Cohort Study (SHCS) revealed that the prevalence of Hepatitis C Virus (HCV) infection has increased 18-fold among HIV-infected men having sex with men (MSM) in Switzerland since 1998. The researchers also published recommendations on prevention actions targeting the MSM community.
- In November, the National Advisory Commission on Biomedical Ethics published an advisory opinion on intersex people, addressing the question of operations on babies. In the opinion, the Commission recognised the harm resulting from previous practices based on moral and cultural prejudice, and considered that future medical decisions should be taken by multi-disciplinary medical teams together with the parents and, as soon as possible, the children themselves. More specifically, the Commission considered that no decision should be made on a child’s sex assignment before the child is able to make a decision their own decision, insofar as the decision and the treatments could have irreversible consequences and can be postponed.

- Two new paid counselling posts within two of the centres of health for MSM (“Checkpoint”) were opened in Zurich (since March) and Lausanne (since July). The two part-time employees grant a service to the trans community. Beside responses to requests by a significant number of trans people and their relatives, several institutions asked for information and training sessions.

Legal gender recognition

- In February, the Federal Civil Registry Office published a legal opinion on the requirements for the legal recognition of trans people’s gender. The Office considered that the existing requirement of gender reassignment or sterilisation surgeries is a violation of the human rights protected by the European Convention on Human Rights and the Swiss Constitution and should therefore be abolished, and quoted the Council of Europe’s recommendations in evidence. The Office also considered that the dissolution of pre-existing marriages or civil partnerships must not be a pre-condition.
- In July, the regional tribunal of Bern-Mittelland recognised the gender change of a trans applicant without requiring evidence of infertility. This is the first time that such a decision has been taken without infertility or hormonal treatment requirements. Some other tribunals immediately followed this example. In Switzerland, legal gender change recognition is a competence of the courts while requests for change of legal name are decided by the administration of the Cantons.
- The same month, the University of Lucerne published new guidelines regarding the use of names and gender markers of trans people awaiting court or administration decisions in all the documents delivered by the institution, including diplomas. The guidelines include no specific requirement from the applicant, apart from filling in and signing a form.
- In October, in his opening speech for Switzerland’s second cycle of the UN UPR, the Federal Councillor,

Didier Burkhalter, mentioned legal gender recognition and the progress made by courts during 2012.

Member organisations of ILGA-Europe

Association 360
www.360.ch

Dialogai
www.dialogai.org

Federation genevoise des associations LGBT
www.federationlgbt-geneve.ch

Homosexual Working Groups Zurich
www.haz.ch

Homosexuelle Arbeitsgruppen Basel – HABS
www.habs.ch

Homosexuelle Arbeitsgruppen Bern
www.gaybern.ch

Juragai
www.juragai.ch

Lesbenorganisation Schweiz – LOS
www.los.ch

Lestime
www.lestime.ch

Pink Apple Lesbian & Gay Film Festival
www.pinkapple.ch

PINK CROSS Swiss Gay Organization
www.pinkcross.ch

The Swiss Rainbow Families Association
www.regenbogenfamilien.ch

Verein Network
www.network.ch

Vogay
www.vogay.ch

WyberNet
www.wybernet.ch