



Alternative Report CEDAW

On the Situation of Trans People in SWITZERLAND

Author: Alecs Recher, MLaw, Head Legal Advice Service TGNS

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1. List of Questions

- What legal and other measures will Switzerland take to ensure that all trans peoples' human rights are respected, protected and fulfilled, including but not only groups at risk like minors, people in detention, asylum seekers and refugees, people depending on social welfare or unemployment benefit, and people with a non-binary gender identity?
- What measures will Switzerland take to, *on the one hand* ensure no trans person will be forced to undergo involuntary medical treatment (especially hormonal or surgical sterilisation) as a requirement for legal gender recognition or to get access to needed medical treatment anymore, and *on the other hand* ensure that all trans people who need it have access to state of the art medical treatment including surgery in a quality meeting the highest internationally recognized standards?

2. Summary

Trans people in Switzerland often face discrimination and harassment from private parties – without sufficient or any legal protection but also state actors engaging in human rights violations. While some individual state officials recognize these difficulties, there is no monitoring and no comprehensive action-plan to ensure trans peoples' basic rights are respected, protected and fulfilled.

Key human rights violations trans people in Switzerland face are:

- **Forced sterilization** and other medical interventions in order to obtain legal gender recognition, i.e. documents reflecting ones gender identity
- The requirements for naturalisation can bar trans people without Swiss citizenship from matching documents, reinforcing the risk to be discriminated
- Health insurances **refusing** to reimburse for medically indicated **gender reassignment treatment** and poor quality genital reassignment surgery
- **Violation of the best interest of trans children** and their right to education in school environments
- **Discrimination in employment** leading to an unemployment rate five to six times higher than the average Swiss population, mobbing and refusal of social insurance benefits
- Victims of **transphobic violence** lack access to sensitized and trained support infrastructure and services

3. Introduction

Transgender Network Switzerland (TGNS) is the Swiss umbrella organization working for the rights of trans people in all parts of Switzerland. It was founded as an association under the Swiss civil code in 2010 and is mainly run by volunteers. TGNS aims at improving the legal situation and living conditions for all trans



people by a) advocacy work on all levels of the state, b) community building, c) enhancing positive visibility in the public, esp. respectful media coverage, d) improving the employment situation of trans people, and e) giving professional free legal and psychological advice.

In 2015, TGNS legal **advice service** got 180 requests from individuals, the psychological advice service about 220. By this, TGNS is the organization in Switzerland supporting more trans people than any other, including hospitals serving trans people. The following alternative report bases to a large extent on the information clients share with the advisers.

The following alternative report describes the situation of **all trans people** irrespective of their legal gender or gender identity.¹ The term “trans people” is understood as any person whose gender identity differs from the gender assigned at birth and includes trans people of a female, a male or a non-binary gender identity. *Trans women* mainly face discrimination and violence by not being recognized by state and/or private parties as women and by having an outer appearance not complying with stereotypes. *Trans men* are raised as girls / women and often continue to have some or all biological body parts generally categorized as “female”. They face human rights violations, amongst other root-causes, for not fulfilling stereotypical expectations on girls / women. *Persons with a non-binary gender identity* face human rights violations for not conforming to either female or male gender roles or stereotypes. Their gender is not foreseen by state and/or society at all.

TGNS contributed also to the shadow report presented by the Swiss NGO coalition. But as the **situation trans people in Switzerland face is very particular and characterized by a high level of marginalization, stigma and discrimination**, we kindly invite the CEDAW Committee to also carefully consider the hereby submitted specific report.

4. Articles 1–5

Art. 1 Definition of Discrimination

Trans people in Switzerland experience a high level of discrimination. Incidents e.g. of mobbing, of not being served in public places, of not getting employment or insurance contracts, or of harassment and hate speech are regularly reported to TGNS.

These living conditions are in contrast with the definition of and the insufficient protection against discrimination in law: Neither “gender identity” nor “gender expression” is explicitly mentioned as a protected ground in any Swiss law, including the Federal and the Cantonal Constitutions. By way of interpretation, it may be read as part of “gender” (art. 8(2) Fed. Const.) but so far this has not been clarified. In private law, there is only some protection against discrimination, in employment (Fed. Act on Equality). However, gender identity and expression are again not mentioned explicitly in the Act but only included by way of interpretation. Introducing explicit protection against transphobic discrimination, hate

¹ “Gender identity” is understood as defined in Yogyakarta Principles, Preamble: “each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.”



speech and crimes in Swiss law would be a strong and highly needed sign that trans people must be treated equally.

*Recommendations:*²

- “Gender identity and expression” shall be added to the list of personal characteristics in art. 8(2) Fed. Const. and in the respective article of every Canton’s constitution.
- Adopt comprehensive legislation protecting against discrimination based on gender identity and expression in all areas of private law and in art. 261^{bis} Penal Code against hate speech and hate crimes.

Art. 2 Policy Measures to be undertaken to Eliminate Discrimination & Art. 3 Guarantee of Basic Human Rights and Fundamental Freedoms

a. Protection by State Official Bodies

Switzerland’s report no 4/5 on the implementation of the CEDAW from December 2014 mentions trans people one time only: As one of several groups included in a study about access to justice in case of discrimination (undertaken by the Swiss Centre of Expertise in Human Rights). This one time mentioning in the state report stands exemplarily for the low attention Switzerland pays to discrimination and violence trans people experience: There is no comprehensive plan or strategy to combat transphobia on all levels of the state and in all spheres of life. So far, the Federal Council did not express its political will to effectively and in dialogue with experts, including specialized NGOs, guarantee trans peoples human rights, rather on the contrary.³ But Switzerland cannot fulfil its duties to effectively protect and guarantee the basic human rights of a group like trans people if the political will to cooperate with the respective group is lacking.

There are also some but rare positive initiatives of individual administrative officers. Examples are training for employees in the field of asylum organised by the State Secretary for Migration in 2011 and 2016 or contacts to the Federal Civil Registry Office and the Office for combating racism. An especially positive example not on the federal level is the City of Zurich’s Gender Equality Office which works on trans rights in close cooperation with TGNS. In 2014, the City Council of Zurich honoured TGNS free legal advice service with its gender equality award.

In contrast to the states duty to guarantee trans peoples’ human rights, incidents of individual administrative officers engaging in rights violations and in humiliation are regularly reported. Some random examples the advisors working for TGNS were confronted with include: forced sterilisation to get legal gender recognition (see below, art. 2&3 c. Legal Gender Recognition), incorrect legal information given also knowingly, denial of documents reflecting one’s gender identity, denying social welfare unless the trans person abstains from medically indicated gender reassignment treatment, or comments from a counsellor in a job centre like “It cannot be asked from anyone to be confronted with people like you. You might only find a job in places like IKEAs warehouse or a sex shop.”

² See also European Commission on Racism and Intolerance, Report on Switzerland 2014, Recommendation 19.

³ See reply on parliamentary questions 15.3521, Transgender People, Coherence of Swiss Law and Practice with the Council of Europe’s Resolution 13742:

http://www.parlament.ch/f/suche/Pages/geschaefte.aspx?gesch_id=20153521.



Recommendation:

- The Federal Council shall start a dialogue with specialized NGOs like TGNS to jointly develop a comprehensive action-plan to combat transphobic discrimination, hate speech and crimes.

b. Access to Justice

Trans people need access to justice mainly for two different reasons: first, to obtain legal gender recognition, i.e. the change of official gender marker and name, and second as victims of discrimination and crimes. On legal gender recognition, see the next par.

We observe several obstacles and barriers for trans people to have access to justice in general: The high costs, especially in civil law suits, hinder trans people from claiming their rights. Often, judges lack sensitivity to treat trans people respectfully; intrusive questions or statements about their personal opinion on LGBTI people are not rare. The knowledge that other trans people did not get their rights protected or even their human rights violated by court undermines the trust in the judiciary. Some trans people are victims of discrimination and marginalisation multiple times leaving them unable to react at all or to fight only for the very basics like legal gender recognition and access to transition-related medical care. All these aspects effectively bar trans people from claiming their rights, including their rights stated in the CEDAW.

Recommendations:

- Introduce mandatory training and guidelines for all judges on how to treat trans people and other minorities respectfully and in line with their right to an impartial judge, a fair trial. Against judges violating this right to a fair trial, disciplinary actions easily accessible not only to individuals but also to NGOs shall be made possible.
- Revise the civil procedure code in a way that costs are not a barrier to claim rights anymore and especially lower the costs for legal gender recognition to a minimum.
- NGOs offering legal aid services, like TGNS volunteer-run free legal advice service, shall receive financial support for their work.

c. Legal Gender Recognition

Legal gender recognition is a human right itself but also key for trans people to access many other fundamental rights. Without legal gender recognition, without documents reflecting their gender identity, the state forces trans people to be constantly visible as trans – a driver for stigmatisation, marginalisation, discrimination, humiliation and violence. In 2015, TGNS accompanied approx. 50 trans people in the process of legal gender recognition or change of name. Many trans people seem to only have access to legal gender recognition because they can get such free legal advice: In the years 2000-2010, i.e. the ten years before TGNS was founded, not more than 20 such applications were submitted per annum.⁴

The key barrier to legal gender recognition and a clear breach of human rights are the medical interventions that are required as *conditio sine qua non*. Even though there is no legal base for it, courts require trans people to prove their infertility. In the last UPR cycle, the Federal Council mentioned a case from the regional court of Bern-Mittelland in which neither hormonal nor surgical gender reassignment was

⁴ RECHER, ALECS: Änderung von Name und amtlichem Geschlecht bei Transmenschen, Ein Vorschlag für eine (grund-)rechtskonforme Handhabung, Master Thesis University of Zurich, 2012, p. 47.



required. While this is a positive example, it does by far not reflect the average practice of the courts. De facto, the vast majority of judges force trans people to proof their infertility either based on gender reassignment surgery or at least based on hormonal treatment. In 2015, at least two trans persons were denied legal gender recognition despite the fact that they are undergoing hormonal treatment for a lengthy period of time already. This practice violates trans peoples' human rights and amounts to torture.⁵

So far, from all trans people claiming for legal gender recognition or only change of first name a medical diagnoses of "transsexualism" is required. This diagnose of F.64.0 in the ICD-10 stigmatises them as having a "mental and behavioural disorder".

Specific problems arise for trans people who are not of Swiss nationality or have double citizenship. These problems include non-recognition of legal gender recognition issued by the state of origin if it was issued by its embassy based in Switzerland and excessive formalism in the recognition of decisions issued by the administration in the respective state.

Recommendations:

- Make sure all civil courts grant legal gender recognition to all trans people based on self-determination (i.e. no diagnoses, no hormonal and no surgical treatment required) and in a quick, transparent and accessible way.
- Make sure the administration of all Cantons recognize all legal gender recognitions from abroad without delay and additional administrative hurdles, including those obtained from foreign embassies based in Switzerland.

d. Gender Equality Offices

So far, only the gender equality offices of the city of Zurich and the city of Geneva hold a mandate to work on trans issues and on LGBTI issues more general. The Federal Office for Gender Equality finances a project implemented by TGNS combating the high level of unemployment among trans people ("Trans-Fair"). However, these mandates and support are limited to the respective cities and the respective project.

Recommendation:

- All gender equality offices shall have an explicit mandate, the resources and the knowledge needed to effectively work on sexual orientation, gender identity, gender expression and sex characteristics (LGBTI).

e. Monitoring and Statistics

There is no state-official monitoring or statistics on trans people in Switzerland, on their living conditions and experiences. Therefore, the implementation e.g. of the CEDAW and of the Federal Act on Equality in regards to trans people, the amount of hate crime, hate speech, discrimination and other human rights violations trans people face are not and cannot be fully known to the state.⁶

⁵ CEDAW/C/NLD/CO/5, N 46; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53, N 78.

⁶ See also European Commission on Racism and Intolerance, Report on Switzerland 2014, Recommendation 11.



In contrast to this blind spot, the Federal Statistical Office usually requires from state official and private bodies data based on a binary gender system and on the official gender of those counted. This leads to many institutions, like schools or social welfare, refusing to register, recognize and even address in day-to-day life trans people according to their gender identity, let alone register non-binary identified people as neither male nor female.

Recommendations:

- Introduce a nation-wide monitoring on incidents of transphobic discrimination and violence to understand the de facto human rights situation of trans people better.
- The Federal Statistical Office shall in all its work acquire the official gender only when indispensable and clarify that this must not limit any other body's duty to recognize and respect trans persons' gender identity.
- The Federal Statistical Office shall not limit its data to the binary gender system anymore but make it possible to reflect also non-binary gender identities.

Art. 5 Sex Roles and Stereotyping

Trans people are affected in a negative way by two types of stereotyping: First, stereotyping of women and men and second stereotypes of trans people. Both types of stereotyping have a highly negative effect on the individuals' everyday life.

a. Representation in Media

Stereotyping of trans people is especially a problem in their representation in media, including in the TV part of Swiss Radio and TV (SRF TV). Two out of more negative examples are the news show "10vor10" aired on November 17, 2014 and the discussion show "Der Club" aired on August 11, 2015. On the first one, those responsible got a high number of complaints leading to a meeting with TGNS representatives. However, this did not stop the use of inappropriate language later on again.

While TGNS notices that its work with the media shows some positive effects, the focus still often lies on medical gender reassignment, especially on surgeries. By this, the diversity of trans people, the fact that surgery does not define a person's gender is as neglected as their living conditions in Swiss society. Usually, doctors and/or psychologists are interviewed what reinforces the (psycho-)pathologisation of trans people. Trans people interviewed usually get intrusive questions about their bodies and their private life, their former name is being disclosed, photos showing them in their gender assigned at birth are published etc.

This all reinforces the stereotypes of trans people being ill, that all of them want to undergo medical gender reassignment, that its ok to ask them about their bodies, their genitals, and to disclose their past. Additionally, trans people with a non-binary gender identity are made invisible. By this media give a negative role model to society – resulting in trans people experiencing the same lack of respect from others in their daily lives.

Recommendations:

- Journalists shall actively being sensitized and trained to avoid further stereotyping and pathologisation of trans people and to cover the topic in a respectful manner contributing to better protection of trans peoples' human rights.



b. Gender-Sensitive Language

While there are guidelines for state official bodies to use a gender-sensitive language – what we welcome as an important step – such guidelines are limited to women and men. This is based on the wrong assumption that everyone identifies exclusively as either female or male. As a result, anyone with a non-binary gender identity is not reflected in official texts. In this context, it is to be recognized that all four official languages of Switzerland are highly gendered what increases the exclusion of non-binary people.

Recommendation:

- Introduce guidelines on gender-sensitive language encouraging all state officials to refrain from gender binary language and to include also people with a non-binary gender identity.

5. Articles 6–16

Art. 9 Nationality

Getting Swiss citizenship is de facto impossible for anyone depending on social welfare. As trans people experience an unemployment rate of 20%, a disproportionate number of them is depending on social welfare even though they are able and willing to work. As a result, discrimination in employment bars many foreign trans people from becoming Swiss nationals. Especially for trans people from a country of origin not granting legal gender recognition at all this is distressing: For them, it is impossible to ever get matching documents without naturalisation leaving them in a vicious circle as without matching documents they have lower chances to employment.

But also trans people from such countries of origin, i.e. states not granting legal gender recognition at all, who are not depending on social welfare can be barred from matching documents for a very long time: Foreign nationals may only apply for a naturalisation licence if they have lived in Switzerland for a total of twelve years (art. 15(1) Swiss Citizenship Act).

More and more often, foreign trans people living in Switzerland report to TGNS that the intersecting discrimination they experience as foreigners and as trans people and the general xenophobic political climate is a constant stress for them. Especially as long as they cannot get naturalisation, many experience a constant fear of losing their right of residence.

Recommendation:

- Make sure trans people whose state of origin does not grant them legal gender recognition a) get all documentation issued by Switzerland, including identity documents for foreign nationals, in accordance with their gender identity, and b) get a chance to naturalisation without delay and not depending on their financial situation.

Art. 10 Equality in Education

At school, trans children and youth are often confronted with a lack of understanding and/or the prohibition to live and be recognized in accordance with their gender identity. In single cases, pupils have even been kicked out of public high-school for wearing clothes matching their gender identity. Whether trans children and youth get the support and understanding they need depends on their teachers and the school. TGNS accompanied children in supportive schools but also in hostile environments.



Especially the use of gender-segregated infrastructure like toilets, changing rooms or showers according to their gender identity is often prohibited to them. As a reaction, several trans pupils/students do not eat and drink during the day to avoid having to go to the toilet and do not shower after sports classes – with detrimental effects on their health and their ability to concentrate and to learn.

The problem of using gendered infrastructure also affects adult trans people, like students at university, because in public buildings gender-neutral toilets are missing and changing rooms and showers often do not allow for any privacy. This means that trans people with bodies not matching social expectations, like e.g. trans men with a vagina, either have to disclose their bodies to other users of these facilities with the risk of harassment – or refrain from sports.

Furthermore, without school certificates / diplomas reflecting their gender identity trans people do not have equal chances in employment. Some universities, like the University of Lucerne, enacted guidelines stating the right of actual and former trans students and employees to get all documents reflecting their gender identity, independent of legal gender recognition. Other schools and (technical) universities refuse to (re-)issue certificates / diplomas not outing trans people as such. This violates their right to private life as enacted in art. 10 Fed. Const. and art. 8 ECHR.

Recommendations:

- Assure that all trans people, especially minors, can equally participate in all education activities in accordance with their gender identity and that they are protected against harassment and violence.
- Enact guidelines with effect for all educational institutions stating the right of all trans pupils and students to get all documents reflecting their gender identity without disclosing their being trans.
- Make diversity of gender identities, expressions and sex characteristics, including trans and inter people, a mandatory part in the training of teachers, schools' social workers, principals, job counsellors, etc.
- Make this diversity also a part of the curriculum of the nine years mandatory schooling and be reflected in school books and teaching materials.

Art. 11 Employment

De jure, trans people are protected by the Federal Act on Equality against discrimination in employment; at least, the Act's scope of application is usually interpreted as including trans people. However, two studies undertaken by TGNS reveal that de facto the unemployment rate is 20% what is five to six times higher than the average in Switzerland at the same time.⁷ As a result, trans people are disproportionately affected by poverty and exclusion from social life.

Several trans people reported that in reaction to their coming-out at the workplace they experienced mobbing and/or got dismissed. Several apprentices were seeking help from TGNS because they were forced not to undergo medically indicated gender reassignment surgery during their apprenticeship. Also refusal to grant sickness allowances when undergoing gender reassignment treatment has been reported several times. Gender reassignment surgery qualifies as sickness under Swiss social insurance law and the law grants these allowances to every employee in case of sickness.

⁷ <http://www.transgender-network.ch/fr/2015/11/20-des-personnes-trans-en-suisse-sont-au-chomage/#more-7563> (visited: 5.2.2016).



As a temporary special measure, the Federal Office for Gender Equality supports the project “Trans-Fair” implemented by TGNS which aims to combat discrimination of trans people in employment. This funding is a positive example of state’s action to improve the living condition of trans people in Switzerland.

Recommendations:

- Continue working with TGNS to combat discrimination of trans people in employment as in the state-funded “Trans-Fair” project.
- Sensitise and train Cantonal inspectors who are in charge to intervene if apprentices experience unfair treatment in trans people’s rights.

Art. 12 Healthcare and Family Planning

a. Genital Reassignment Surgery

Genital reassignment surgeries on trans people are highly complex and difficult. Therefore, only highly competent surgeons who are constantly trained and capable of reaching highest internationally recognized standards should perform these surgeries. Otherwise, patients are at a high risk to suffer severe complications, lack of function and psychological problems including suicidal thoughts.

In an NGO Shadow report about the situation of Transgender people in Switzerland submitted by five NGOs in the last CEDAW reporting cycle in 2009 it was stated that “At the moment, most surgeons practicing these surgeries in public hospitals do not have sufficient competence and experience to reach acceptable results. Transgender people who cannot afford to choose their surgeons therefore end up having to choose between a bad chop job or no gender reassignment surgery at all.” This fact was confirmed by the social insurance court of the Canton Vaud in a judgement issued on December 9, 2015: The court decided that the basic health insurance has to reimburse the costs for gender reassignment surgery (vaginoplasty, mamma augmentation and facial feminisation surgery) performed in 2008 by a specialist in Thailand because of the unacceptably low experience Swiss surgeons have in these surgeries.

Nowadays as in 2009, the quality does not meet the highest internationally recognized standards. More and more trans people turn to TGNS and talk about the severe complications and the decreases in quality of live, sometimes even inability to work, they experience as a result of genital reassignment surgery performed in Switzerland. Those who can afford to pay the surgery out of their own pocket or have a private insurance covering the costs go abroad to get this surgery done.

Recommendations:

- Make use of the Federal Council’s competence to decree genital reassignment surgery performed by specialists abroad as treatment covered by the mandatory health insurance without further delay.
- Initiate discussions between state officials, medical professionals, and trans organizations how surgeons in Switzerland can reach a high level of expertise in performing genital reassignment surgeries, including measures like: recognizing these surgeries as a part of highly specialized medicine, drastically reducing the numbers of teams performing these surgeries, cooperation with neighbouring / other states like Germany, ensuring any surgeon performing genital reassignment surgery has the necessary training.



b. Health Insurance

According to several rulings issued by the Federal High Court, all gender reassignment treatment that is medically indicated and meets the legal requirements “effective, expedient and economically” must be reimbursed by the basic health insurance. However, TGNS gets a lot of requests for legal advice because health insurances refuse to cover medically indicated treatment.

The reasons given vary but usually are either in conflict with health insurance law or with the medical standards for the treatment of trans people as defined in the World Professional Association for Transgender Health’ Standards of Care Version 7, and adapted for Switzerland in GARCIA NUÑEZ, DAVID et al: De la transsexualité à la dysphorie de genre, Forum Med Suisse 2014;14(19):382-387.

One of the key problems behind is the institute of medical examiners (“médecins-conseils”). These doctors advise health insurances whether the costs shall be reimbursed or not – without having any expertise or experience in treating trans people. As a result, they can overrule an indication from a specialist and bar trans people from highly needed treatment. It is not rare that trans people need more psychological care because of these negative decisions, are unable to work and even get suicidal. Also the medical specialists treating them spend a lot of time arguing with health insurances and medical examiners.

Recommendations:

- Exclude medical examiners from decisions on gender reassignment and base the cost coverage solely on the indication issued by specialists. Clarify that health insurances must act in accordance with the latest standards of care.
- Add especially voice training, hair removal and penis epithesis for trans people to the respective positive lists (sine limitatio), to make sure all trans people in need of it get access.

c. Reproductive Medicine

Trans people who undergo hormonal or surgical gender reassignment treatment often do not get information about options of reproductive medicine like e.g. preserving sperm’s cells for trans women. Especially young trans people who medically transition either based on their own free will or forced by the court are deprived of the option to become a biological parent if they are not informed about options of reproductive medicine.

Recommendations:

- Informed consent for undergoing gender reassignment treatment (potentially) leading to infertility shall include being informed about options of reproductive medicines.
- Make sure trans people who wish to make use of reproductive medicine are not discriminated in their access to these techniques, including preservation.

d. Suicide Prevention

Many studies conducted in other countries show that about two thirds of trans people have suicidal thoughts. Based on the experience of TGNS advisors, the figures in Switzerland are most likely also alarmingly high. Especially at risk are trans people who are denied access to needed medical reassignment treatment, children and youth, and trans people suffering from social exclusion and discrimination.



Despite these alarming facts, suicide prevention work does not include trans people specifically. For example the report „Epidemiologie von Suiziden, Suizidversuchen und assistierten Suiziden in der Schweiz“ from April 2015 published by the Federal Office for Public Health does not mention trans people at all and narrows gender down to “men” and “women”.

Recommendation:

- Include trans people as a specific group at risk for suicide in the prevention work and reflect also non-binary gender identities in statistics.

e. HIV / Aids

Trans people are at an increased risk of being HIV-positive, as many studies conducted in other countries show. However, the National Program on HIV and other sexually transmitted infections (NHPS) 2011-2017 states in footnote 81 that there is no evidence that trans people in Switzerland are at a higher risk of infection with HIV than the heterosexual population. While being trans has nothing to do with one’s sexual orientation, i.e. being hetero-, homo- or bisexual, trans people are only recorded since February 2013 in “BerDa”, “a software developed for Swiss voluntary counselling and testing centres (VCT). (...) Since then, 258 persons (0.5%) identified as trans*”; one new HIV diagnosis of a trans person was registered.⁸ On a positive note, it is acknowledged that the Federal Office for Public Health supports two projects focusing on trans sex workers and in 2013 organised the annual conference “HIV&STI-Forum” focusing on trans peoples’ sexual health.

Recommendations:

- Gather evidence on trans peoples’ risk of infection with HIV/Aids.
- Include trans people, not limited to sex workers, in the upcoming National Program as a specific group at risk unless robust data proofs that trans people in Switzerland show no increased risk for HIV infection.
- Continue the support for programs focusing on trans sex workers.

6. Violence

Transphobia as a motive for hate crimes and hate speech is neither monitored nor registered by the police (see above art. 2&3 e. Monitoring and Statistics). Therefore, there exist no numbers on trans people as victims of violence – resulting in their invisibility. In line with the lack of monitoring and statistics is the lack of specialized support for victims of transphobic violence. In 2015, the victims advisory centre (“Opferberatung”) Zurich reached out to TGNS to cooperate and get training for their advisors. While this is a positive example it is limited to one advisory centre.

Recommendations:

- Ratify the Council of Europe’s Istanbul convention and make sure it is fully implemented, also for trans people.
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⁸ SCHMIDT, AXEL J./ DERENDINGER, STEVEN: Proportions of trans* persons in Swiss HIV-testing sites. Bern: Communicable Diseases Division, Federal Office of Public Health FOPH. Written communication, 25 January 2016.



- Make sure victims of transphobic violence reporting the incidence to the police are treated with respect and that the report is being included in a nation-wide monitoring.
- Ensure that all victims of transphobic violence get the support they need from trained and sensitized professionals.