

Swiss Parliament Passes Legal Gender Recognition Based on Self-determination

[statement & call to action](#), [legal gender recognition](#), [self-determination](#)

On 18 December 2020, the Swiss Parliament passed a bill for legal gender recognition (LGR) procedures based on self-determination. In the future, a simple declaration at the civil registry office will be sufficient for trans and intersex people to change their legal name and gender marker. If the newly passed law is not challenged with a referendum in the upcoming months, the Swiss Federal Council will announce a date for the law to come into force.

Under the current law, LGR procedures in Switzerland are still based on court proceedings that vary from court to court or even from judge to judge. The new law will not only simplify and standardise the procedure but will also be less expensive, quicker and based on self-determination. According to Transgender Network Switzerland, costs will be reduced to an administrative fee of 75 CHF. Under the old law, LGR could cost up to 1.000 CHF.

TGEU highly welcomes the adoption of the bill.

TGEU Executive Director, Masen Davis, comments:

“Especially given the backlash against trans people’s human rights in 2020, we are happy to see this law pass before the end of the year. Some countries have shown major step-backs in legal gender recognition, such as Hungary or Russia. It offers our communities some hope to see the Swiss example.”

With the new law, Switzerland will meet the criteria for “quick, transparent, and accessible procedures based on self-determination,” in line with regional and international human rights standards. Following Denmark, Norway, Malta, Luxembourg, Ireland, Iceland, and Portugal, Switzerland has now pledged to be the 8th country in Europe and Central Asia with a self-determination based model in place.

Unfortunately, the bill also includes a serious set-back for minors and those subject to a general deputyship and perpetuates discrimination on the basis of age. Under the previous law, no age limitations were mandated in the Swiss procedure. In June 2019, a nine-year-old child was the youngest to have their legal gender changed in the country without parental consent. Although children have needed to go through a court procedure, the courts have centred their decisions on the child’s maturity and capacity to make this decision, regardless of their age, and no parental consent has been required if they are capable of judgment. The newly passed bill will change that and minors under 16 years of age as well as those subject to a general deputyship will need consent from their legal guardians.

Swiss trans and intersex activists have already condemned the discriminatory provision and announced to monitor the situation closely in the future. International human rights standards are clear in establishing that legal gender recognition procedures based on self-determination must not have any lower or upper age limitations in place.

TGEU policy officer Jonas Hamm comments: “While we congratulate the Swiss government and Swiss trans activists for this important improvement for the lives of trans and intersex people over 16, we are saddened about the Swiss parliament’s decision to turn back the clock and introduce a provision that discriminates against trans

children and youth. We hope Swiss lawmakers will reconsider the issue and ensure that LGR is available to everyone on the basis of self-determination, without age limitations in place.”

For more information, check out the statement of TGEU member organisation Transgender Network Switzerland, available in [French](#), [German](#), and [Italian](#).