

WAVE - Women Against Violence Europe

National Action Plan

Switzerland has a National Action Plan on equality of women and men - "Gleichstellung von Frau und Mann" - which also contains a chapter on violence against women. In 1999, the Action Plan was developed in cooperation with Amnesty International, domestic violence experts, but without NGO expert, working in the field of violence against women. A motion on preparing a specific Action Plan on Domestic Violence against Women was filed and defeated in 2005.

Legal Measures

Domestic violence against women is established as a criminal act in Swiss legislation (Art. 55 StGB)¹ however, it is regulated in each canton individually. In most cantons domestic violence is part of the police law.² More and more cases are classified as cases of domestic violence. There is an upward tendency towards discussion of this issue on a political level.

Protection Law / Protective Measures

As part of the "Opferhilfegesetz" (put in force on 1.1.1993), survivors of domestic violence have the right to apply for court accompaniment free of charge which is implemented. Depending on Cantons - such as Canton Bern, Zurich, St. Gallen - protection laws are implemented, which can be carried out by police. Due to the high number of homicides in Switzerland, a new weapon law is to be inured by the end of 2008. Further, experts of domestic violence criticize the Swiss law of residence and claim to separate residence permit and matrimony. Other issues discussed in context with domestic violence are the need to increase protection and support of children witnessing and experiencing violence in the family.

Marital Rape

Marital rape in marriage is treated as a criminal offence and prosecuted.

Sexual Harassment

Sexual harassment is defined as discrimination and thus illegal in the law on equality between women and men (1996).³ The punishment for sexual harassment has been lengthened in the new Penal Code.

Anti-Stalking Law

In Switzerland stalking is not classified as a criminal offence, however stalking can be prosecuted in combination with other misdemeanours - such as threat, harassment, constraint, etc. For this reason the Swiss anti-stalking order (1.7.2007), which is not part of the criminal but of the civil law, is difficult to implement, especially since psychological violence is not considered a criminal offence in this context. A current example which also caused attention in public, the case of army chief Roland Nef should be mentioned, who was suspended but not sentenced for stalking his ex-partner.

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¹ Art. 55 StGB, Schweizerische Eidgenossenschaft: http://www.admin.ch/ch/d/sr/311_0/a55a.html, 10.12.2008.

² Gegen häusliche Gewalt – Stand Gesetzgebung: Schweizerische Eidgenossenschaft: http://www.ebg.admin.ch/themen/00009/00089/00094/index.html?lang=de&download=NHZLpZeg7t,Inp6I0NTU042I2Z6In1acy4Zn4Z2qZpnO2Y uq2Z6gpJCDdlJ6g2ym162epYbg2c_JjKbNoKSn6A-, 10.12.2008.

³ CoE 2007b: 193.