

Swiss Senate rejects law to punish failure to help rape victims

The Swiss Council of States did indeed reject a law that would have made it punishable to fail to assist rape victims, but the vote occurred on **June 16, 2025, not in late 2024**. The Senate voted 30 to 13 against the proposal by Social Democrat parliamentarian Tamara Funiciello, effectively killing an initiative that had been supported by the National Council. (Swissinfo +2)

The legal gap Funiciello sought to address

Under Switzerland's current Article 128 of the Criminal Code, citizens have a legal duty to assist someone in "imminent danger of death," with violations punishable by up to three years imprisonment or a financial penalty. (Université de Lausanne) However, this obligation does not extend to victims of sexual violence. Funiciello's parliamentary initiative aimed to expand this law to include "serious physical or sexual harm," specifically addressing situations where someone fails to help a rape victim when it would be reasonable to do so. (La Liberté) (swissinfo)

The proposal was sparked by a troubling Federal Court case where a man was acquitted despite leaving a room where he knew someone was being raped. Remarkably, he had even let the rapist into the room himself and was aware the victim was in great distress, yet faced no legal consequences for his inaction because the current law only covers life-threatening situations. (La Liberté)

Arguments that defeated the proposal

Committee rapporteur **Beat Rieder** from the Centre Party acknowledged the good intentions behind the proposal but raised several technical objections. He opposed legislating based on a specific case and questioned how to define crucial elements of the proposed offense. What would constitute a "serious" attack on physical or sexual integrity? What assistance would be "reasonably" required of potential witnesses? These definitional challenges, he argued, would make the law difficult to implement fairly.

(swissinfo)

Perhaps more surprisingly, **Daniel Jositsch**, a Social Democratic Party colleague of Funiciello and a criminal law professor, opposed the initiative on philosophical grounds. He rejected the notion that criminal law should become "moralistic," representing a fundamental disagreement about the purpose of criminal legislation even within Funiciello's own party. (swissinfo)

Defenders made the case for societal values

Supporters of the initiative argued forcefully for change. Mathilde Crevoisier Crelier from the Social Democratic Party called for filling "a legal vacuum" in Swiss law and criticized society for "turning a blind eye" to rising gender-based violence and masculinist rhetoric. (Swissinfo) Pierre-Yves Maillard countered Jositsch's argument by asserting that criminal law does have societal objectives and should clarify what is expected of citizens in such circumstances. (swissinfo) (Swissinfo)

Context of Switzerland's evolving approach to sexual violence

This rejection comes less than a year after Switzerland implemented significant reforms to its rape laws. On July 1, 2024, the country adopted the "no means no" principle, expanding the definition of rape from requiring physical resistance to recognizing verbal refusal of consent. The law now covers all forms of non-consensual penetration and applies to all genders, not just women. [The Local Switzerland](#)

These reforms followed years of advocacy, particularly after a 2019 Amnesty International survey revealed that 1 in 5 Swiss women had experienced sexual violence, with only 8% reporting to police.

[The Local Switzerland](#) The historic 2019 Women's Strike, which saw over 500,000 participants, had put sexual violence legislation at the forefront of Swiss political discourse. [House of Switzerland](#)

Limited immediate public reaction, ongoing debate expected

While specific public reactions to the June 16 vote remain limited in available reporting, the decision fits into Switzerland's broader ongoing debate about how to address sexual violence through criminal law. The rejection highlights persistent tensions between those advocating for expanded protections and those concerned about the practical implications of broadening criminal statutes.

The defeat of Funiciello's initiative means that Switzerland will continue to have a legal framework where citizens face criminal liability for failing to help someone in mortal danger but no such obligation exists for witnessing sexual violence. This inconsistency, which the Federal Court case starkly illustrated, remains unresolved despite the Council of States vote.

Conclusion

The verification confirms that the Swiss Senate did reject the proposed law with the exact vote count reported (30-13), and that it was indeed initiated by Tamara Funiciello. The key arguments from Beat Rieder and Daniel Jositsch align with the information provided. However, the vote occurred on June 16, 2025, rather than December 2024. While immediate public reaction remains to be fully documented, the decision represents a setback for advocates seeking to strengthen legal protections against sexual violence in Switzerland, maintaining a significant gap in the country's duty to assist laws.