

150

JAHRE BUNDESGERICHT
ANS TRIBUNAL FÉDÉRAL
ANNI TRIBUNALE FEDERALE
ONNS TRIBUNAL FEDERAL

The history of the Swiss Federal Supreme Court

The Swiss Federal Supreme Court celebrates its 150th anniversary in 2025. Although the modern federal state of 1848 already had a supreme court, its powers were extremely modest, which is why it was only called upon to rule in a limited number of cases. That supreme court also had no fixed location and only convened as and when required.

It was only with the 1874 Constitution, which came into force in 1875, that the Swiss Federal Supreme Court became a permanent court, which, as the supreme judicial authority of the Confederation, had to ensure the civil liberties and fundamental rights of citizens as well as the uniform application of federal law.

Modest beginnings

As a concession to the French-speaking liberals, the seat of the Swiss Federal Supreme Court was assigned to Lausanne. At the beginning of its existence, a total of nine federal judges worked in a room of the former casino, the 'Casino de Derrière-Bourg'. These regular judges were prohibited from engaging in any other activity. They were supported by two court clerks. Due to the increasing workload, the modest number of judges and staff had to be constantly increased in the following years, which is why the premises at the Lausanne casino soon became insufficient.



Swiss Federal Supreme Court in the former casino, Lausanne.
© Musée historique de Lausanne

In 1887, the Swiss Federal Supreme Court therefore moved into a purpose-built structure on the Esplanade de Montbenon. That first Swiss Federal Supreme Court building, which was built in the French Renaissance Revival style and today houses the District Court of Lausanne, was constructed using a wide variety of stone types from all over Switzerland.



'Esplanade de Montbenon', Lausanne.
© Musée historique de Lausanne

Iconic building

Just a quarter of a century after moving into the building in Montbenon, the space became too cramped again, which is why an architectural competition for a new Swiss Federal Supreme Court building was put out to tender. 83 projects from all over Switzerland were submitted. They had names like 'Forum Supremum', 'Juro', 'Plaidoyer' or 'Diane'. In the end, the choice fell on 'Quo Vadis' by the Neuchâtel architects Louis-Ernest Prince and Jean Béguin. Due to the outbreak of the First World War, the new courthouse could not be built until 1922. The striking Neoclassical building in the Mon-Repos park still shapes our image of the Swiss Federal Supreme Court today.



Swiss Federal Supreme Court, Lausanne.

Swiss Federal Supreme Court today

The independence and role of the Swiss Federal Supreme Court was further strengthened by the new Federal Constitution of 1999. In 2007, the former Swiss Federal Insurance Court (EVG) was integrated into the Swiss Federal Supreme Court. The Third and Fourth Public Law Divisions of the Swiss Federal Supreme Court are located in Lucerne in the former administrative building of the Gotthard Railway on Lake Lucerne. The Swiss Federal Supreme Court, with its sites in Lausanne and Lucerne, is now the workplace of 40 federal judges and around 375 employees. These include around 175 court clerks. They support the federal judges, among other things, in reaching verdicts and drafting decisions. In addition, the Swiss Federal Supreme Court has its own administration, whose employees take care of all the court's logistical and administrative matters, as well as its media and public relations work.

The tasks of the Swiss Federal Supreme Court

The Swiss Federal Supreme Court is Switzerland's highest court. Whether civil, criminal or administrative law is concerned, every citizen can appeal to the Swiss Federal Supreme Court. Appeals are lodged against rulings handed down by the highest cantonal courts, such as a court of appeal, the Federal Criminal Court, the Federal Administrative Court and the Federal Patent Court. Complaints may be made about violations of federal law, international law and intercantonal law. In particular, the Swiss Federal Supreme Court also rules on complaints about violations of fundamental rights as set out in the Federal Constitution or the European Convention on Human Rights. Federal laws enacted by parliament must be applied by the Swiss Federal Supreme Court. It can only rule on incompatibility with the constitution.



→
Courtroom,
Lausanne site.

An anniversary for the people

'Above the entrance to our court building in Lausanne is the inscription "Lex – Justitia – Pax". "Law – Justice – Peace" is the guiding principle for our work: we apply the law, we dispense justice, we ensure legal and social peace and in doing so, we strengthen our democracy.'

In a constitutional state such as Switzerland's, the judiciary provides the counterweight necessary for the sound functioning of the institutions. The legislature draws up the laws, the government ensures their implementation; and the judiciary, as the third power in the state, protects these rights. The Swiss Federal Supreme Court therefore guarantees constitutional rights, which are constantly evolving, in step with changes in our society.

In 2025, the Swiss Federal Supreme Court will celebrate its 150th anniversary. We are proud to belong to this supreme judicial authority: not only do we stand in a long tradition, but above all we are part of an institution that serves everyone.'



François Chaix
President of the Swiss Federal Supreme Court

Bundesgericht
Tribunal fédéral
Tribunale federale
Tribunal federal



150 years.

The Swiss Federal Supreme Court addresses the central legal principle of **good faith** (bona fides) for the first time. This essentially requires honest and trustworthy behaviour in legal relationships.

BGE 11 I 365

56. Urteil vom 12. September 1885 in Sachen Rohner gegen Fierz.

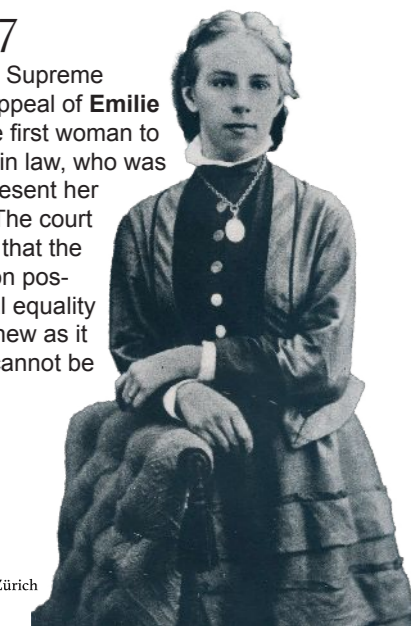
1885

1887

The Swiss Federal Supreme Court rejects the appeal of **Emilie Kempin-Spyri**, the first woman to obtain a doctorate in law, who was not allowed to represent her husband in court. The court rules that her view that the Federal Constitution postulates the full legal equality of the sexes is as new as it is bold, but that it cannot be endorsed.

BGE 13 I 1

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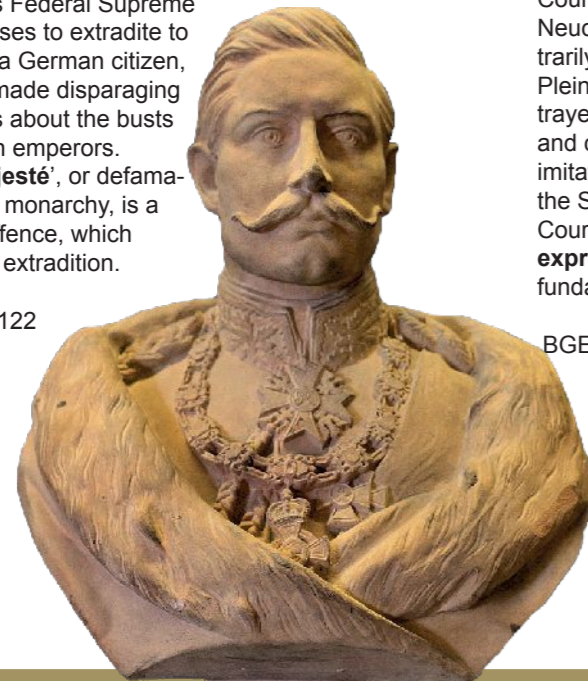


1893

The Swiss Federal Supreme Court refuses to extradite to Germany a German citizen, who had made disparaging comments about the busts of German emperors. '**Lèse-majesté**', or defamation of the monarchy, is a political offence, which precludes extradition.

BGE 19 I 122

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1918 - 1919

During the First World War, Switzerland becomes a hub for anarchist circles. Between 1918 and 1919, the Swiss Federal Supreme Court rules on several '**bombing cases**'.



From 1946 to 1952, the '**Looted Assets Chamber**' set up at the Swiss Federal Supreme Court rules on the restitution of assets stolen from Jewish people during the Second World War.



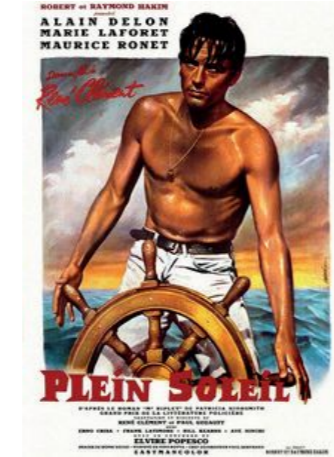
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1946 - 1952

BGE 87 I 114

The Swiss Federal Supreme Court rules that the canton of Neuchâtel had not acted arbitrarily when it banned the film **Plein Soleil**, as it cynically portrayed an almost perfect crime and could therefore encourage imitation. At the same time, the Swiss Federal Supreme Court recognises **freedom of expression** as an unwritten fundamental right.



© 1960 STUDIOCANAL - Titanus S.P.A.

1970

The Swiss Federal Supreme Court recognises **freedom of assembly** as an unwritten fundamental right. At the same time, however, it makes it clear that it does not apply without restriction in public spaces and that a permit requirement may be permissible.

BGE 96 I 219



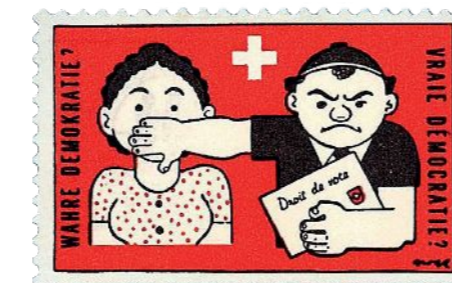
1990

The display of a crucifix in a classroom violates the principle of the **religious neutrality** of public schools.

BGE 116 Ia 252



1990



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The Swiss Federal Supreme Court rules that women from the canton of Appenzell Innerrhoden be granted the **right to vote** at the cantonal assembly. On 28 April 1991, women in Appenzell Innerrhoden were also able to vote in cantonal elections for the first time.

BGE 116 Ia 359

1995

The Swiss Federal Supreme Court rules that 1 January 1961 is the date from which **aircraft noise emissions** around Swiss national airports were deemed foreseeable. This plays a central role in the question of entitlement to noise compensation.

BGE 121 II 317



1995

The Swiss Federal Supreme Court defines the requirements for an effective guarantee of **data protection** on Google Street View.

BGE 138 II 346



2005

If a patient suffers a failed sterilization, a doctor is liable for the **child support costs** of an unplanned birth.

BGE 132 III 359



The constitutional provisions restricting secondary residences in municipalities with a **secondary residence** share of over 20 per cent have been directly applicable since 11 March 2012.

BGE 139 II 243

2013

2014

The Swiss Federal Supreme Court upholds complaints about the **detention conditions** in the (overcrowded) Champ-Dollon prison in Geneva.

BGE 140 I 125

2014

2017

The Swiss Federal Supreme Court adjusts its **practice for assessing the entitlement to a disability pension** in the event of mental illness. The actual working and performance capacity of the person concerned is to be determined in a structured procedure for taking evidence.

BGE 143 V 409 and 143 V 418



2018

The Swiss Federal Supreme Court sets out the guidelines for determining when and to what extent the parent who primarily cares for the children must pursue gainful employment in the event of divorce or separation with regard to the other parent's **maintenance liability** (so-called school-level model).

BGE 144 III 481



2019



The Swiss Federal Supreme Court annuls the 2016 vote on the popular initiative '**For Marriage and Family – Against the Marriage Penalty**'. The incomplete and non-transparent information provided by the Federal Council violated the freedom of voting.

BGE 145 I 207

Switzerland may provide France with information on the identity of French **UBS** clients. The French request for administrative assistance is not an unlawful fishing expedition.

BGE 146 II 150



2019

2020

Pressing the '**Like**' or '**Share**' buttons for a defamatory post on Facebook may constitute a criminal offence.

BGE 146 IV 23



2024

The Swiss Federal Supreme Court upholds for the first time a **conviction for discrimination and incitement to hatred** on the grounds of sexual orientation. The convicted man had made criminal comments about the homosexual and lesbian community.

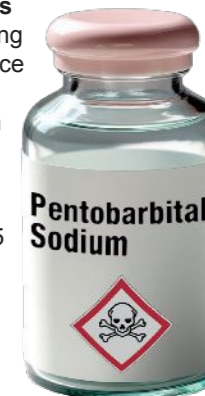
BGE 150 IV 292



2024

A doctor did not violate the **Narcotics Act** or the **Therapeutic Products Act** by dispensing a lethal substance to a healthy 86-year-old woman who was willing to die.

BGE 150 IV 255



Pentobarbital Sodium

© 2024

2024

A **municipal ban on commercial poster advertising** visible from public property is permissible. The ban is compatible with economic freedom, the guarantee of property rights and the principle of equal treatment.

2C_36/2023 (intended for BGE publication)



2025

The running of an all-girls public secondary school with a Catholic orientation is not compatible with the requirement of **religious neutrality** in public schools and also violates the principle of **equal treatment**.

2C_405/2022 (intended for BGE publication)

