

# CRIMINALIZATION AND PROSECUTION OF RAPE IN SWITZERLAND

## SUBMISSION TO THE UN SPECIAL RAPPOREUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES

Amnesty International presents the attached responses to the questionnaire on criminalization and prosecution of rape in Switzerland. This submission has been prepared in response to the call for contributions issued by the United Nations (UN) Special Rapporteur on violence against women, its causes and consequences ahead of her upcoming report on rape as a grave and systematic human rights violation and a form of gender-based violence against women.

### Definition and scope of criminal law provisions

1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant Sections of the Criminal Code and the Criminal procedure code.

The legal definition of rape is to be found in **Article 190** of the Swiss Criminal Code. The article reads as follows:

[Art. 190](#) 2. Offences against sexual liberty and honour / Rape<sup>1</sup>

Rape

<sup>1</sup> Any person who forces a person of the female sex by threats or violence, psychological pressure or by being made incapable of resistance to submit to sexual intercourse is liable to a custodial sentence of from one to ten years.

<sup>2</sup> Repealed

<sup>3</sup> If the offender acts with cruelty, and if in particular he makes use of an offensive weapon or any other dangerous object, the penalty is a custodial sentence of not less than three years.

Article 189 (indecent assault) criminalises 'sexual act similar to intercourse or any other sexual act' such as forced oral and anal penetration currently not covered under the Swiss definition of rape:

[Art. 189](#) 2. Offences against sexual liberty and honour / Indecent assault

2. Offences against sexual liberty and honour

Indecent assault

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<sup>1</sup> Translation from the Swiss government's website: [www.admin.ch/opc/en/classified-compilation/19370083/index.html](http://www.admin.ch/opc/en/classified-compilation/19370083/index.html).

<sup>1</sup> Any person who uses threats, force or psychological pressure on another person or makes that other person incapable of resistance in order to compel him or her to tolerate a sexual act similar to intercourse or any other sexual act is liable to a custodial sentence not exceeding ten years or to a monetary penalty.

<sup>2</sup> Repealed<sup>3</sup> If the offender acts with cruelty, and if in particular he makes use of an offensive weapon or any other dangerous object, the penalty is a custodial sentence of not less than three years.<sup>2</sup>

Article 191.2 criminalises « sexual acts with persons incapable of judgement or resistance »:

**Art. 191** 2. Offences against sexual liberty and honour / Sexual acts with persons incapable of judgement or resistance

Sexual acts with persons incapable of judgement or resistance

Any person who, in the knowledge that another person is incapable of judgement or resistance, has sexual intercourse with, or commits an act similar to sexual intercourse or any other sexual act on that person is liable to a custodial sentence not exceeding ten years or to a monetary penalty..

2. Based on the wording of those provisions, is the provided definition of rape:

- a) Gender specific, covering women only YES
- b) Gender neutral, covering all persons NO
- c) Based on the lack of consent of victim NO
- d) Based on the use of force or threat YES
- e) Some combination of the above. NO

Only article 191 covers situations where the victim is incapable of judgement.

- f) Does it cover only vaginal rape? YES

Anal and oral penetration are covered by article 189 (Indecent assault) and upheld in constant case law, however, not under the provision on rape itself.

- g) Does it cover all forms of penetration? NO

Rape provisions cover only vaginal rape whilst anal and oral penetration are covered by article 189 (Indecent assault). However, it is constant case law of the Supreme Federal Court that equally high penalties must be imposed.<sup>2</sup>

- h) Is marital rape in this provision explicitly included? NO
- i) Is the law silent on marital rape? NO

The Swiss Criminal Code mentions sexual acts within marriage in articles 192 (2), with regards to persons “in institutional care, prisoners and persons on remand”, in article 188 (2) (sexual acts with dependent persons) and in article 187(3) (Sexual acts with children), cited below:

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<sup>2</sup> BGE 132 IV 120, E. 2.5.; BGer, 6B\_78/2017 v. 6.9.2017, E. 2.1. In the decision BGE 132 IV 120 it is also clearly stated: "Among other things, oral intercourse (...), in particular the penetration with the penis into the mouth of another person, counts as acts similar to sexual intercourse."

[Art. 192](#) 2. Offences against sexual liberty and honour / Sexual acts with persons in institutional care, prisoners and persons on remand

Sexual acts with persons in institutional care, prisoners and persons on remand

<sup>1</sup> Any person who, by abusing a dependent relationship with a person in institutional care, an inmate of an institution, a prisoner, a detainee or a person on remand, induces the dependent person to commit or submit to a sexual act, is liable to a custodial sentence not exceeding three years or to a monetary penalty.

<sup>2</sup> If the person harmed is the spouse or registered partner of the offender, the responsible authority may dispense with prosecution, referral to the court or the imposition of a penalty.<sup>1</sup>

[Art. 188](#) 1. Endangering the development of minors / Sexual acts with dependent persons

Sexual acts with dependent persons

1. Any person who commits a sexual act by exploiting his or her relationship with a minor over the age of 16 who is dependent on him due to a relationship arising from the minor's education, care or employment or another form of dependent relationship,

any person who encourages such a minor to commit a sexual act by exploiting such a relationship,

is liable to a custodial sentence not exceeding three years or to a monetary penalty.

2.<sup>1</sup> If the minor is the spouse or registered partner of the offender, the responsible authority may dispense with prosecution, referral to the court or the imposition of a penalty.

[Art. 187](#) 1. Endangering the development of minors / Sexual acts with children

1. Endangering the development of minors

Sexual acts with children

1. Any person who engages in a sexual act with a child under 16 years of age, or,

incites a child to commit such an activity, or

involves a child in a sexual act,

is liable to a custodial sentence not exceeding five years or to a monetary penalty.

2. No penalty may be imposed if the difference in age between the persons involved is three years or less.

3.<sup>1</sup> If the offender has not reached the age of 20 at the time of the act or the first of the acts, and if there are special circumstances, or if the child is the spouse or registered partner of the offender, the responsible authority may dispense with prosecution, referral to the court or the imposition of a penalty.

4. If the offender acts under the misconception that the child is 16 years of age or older, but he would not have made this error had he exercised due care, the penalty is a custodial sentence not exceeding three years or a monetary penalty.

- j) Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included? YES

Marital rape is covered by article 190, such as any other rape offence.

k) Is marital rape excluded in the provisions, or is marital rape not considered as a crime? NO

3. Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.

The Swiss Criminal Code mentions sexual acts within marriage or registered partnership only in article 192(2), 188(2) and 187(3) (see response under question 2. i), allowing the prosecution to drop charges, and the competent authority to refrain from imposing a penalty against spouses in specific circumstances.<sup>3</sup>

4. What is the legal age for sexual consent?

16 years old (Art 187 (1)(1)).

5. Are there provisions that differentiate for sexual activity between peers? If so, please provide them.

Yes, in article 187(2) and (3):

#### **Art. 187 1. Endangering the development of minors / Sexual acts with children**

1. Endangering the development of minors

Sexual acts with children

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2. No penalty may be imposed if the difference in age between the persons involved is three years or less.

3.<sup>1</sup> If the offender has not reached the age of 20 at the time of the act or the first of the acts, and if there are special circumstances, or if the child is the spouse or registered partner of the offender, the responsible authority may dispense with prosecution, referral to the court or the imposition of a penalty.

6. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape

For the current legal definition of rape, as mentioned in article 190 (vaginal penetration), the criminal sanction is a custodial sentence of from one to ten years. In cases where the offender « acts with cruelty, and if in particular he makes use of an offensive weapon or any other dangerous object, the penalty is a custodial sentence of not less than three years. » (article 190(3)).

Anal and oral penetrations are criminalised under article 189 (indecent assault). The penalty is a custodial sentence not exceeding ten years or a monetary penalty (see the complete article under “Definition and scope of criminal law

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<sup>3</sup> According to a Federal Council's bill to harmonize penalties in the Swiss Criminal Code, the provisions are to be amended. See press release and message from the Federal Council at: [www.bj.admin.ch/bj/fr/home/aktuell/news/2018/ref\\_2018-04-250.html](http://www.bj.admin.ch/bj/fr/home/aktuell/news/2018/ref_2018-04-250.html). Consultation on the bill started in September 2010. See press release from the Federal Department of Justice and Police (FDJP) at: [www.bj.admin.ch/bj/fr/home/aktuell/news/2010/ref\\_2010-09-082.html](http://www.bj.admin.ch/bj/fr/home/aktuell/news/2010/ref_2010-09-082.html). See also Amnesty International's analysis of May 2019, on this and other issues: [www.amnesty.ch/de/themen/frauenrechte/sexuelle-gewalt/dok/2019/sexuelle-gewalt-in-der-schweiz/switzerland-legislation-on-rape-a-human-rights-analysis.pdf](http://www.amnesty.ch/de/themen/frauenrechte/sexuelle-gewalt/dok/2019/sexuelle-gewalt-in-der-schweiz/switzerland-legislation-on-rape-a-human-rights-analysis.pdf).

provisions" above). However, according to the Supreme Federal Court, the minimum penalty foreseen under article 190 applies analogously to anal and oral penetration covered by article 189.<sup>4</sup>

7. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

The reparations are foreseen in a separate Federal Act on Assistance to Victims of Crime (*Loi fédérale sur l'aide aux victimes d'infractions, LAVI*). Victims of sexual offences are entitled to compensation (*indemnisation*) and reparation (*réparation morale*) just like any other victim of crime. If the claims cannot be obtained from the offender, the compensation is paid through the victim support fund and the reparation as well, but not necessarily the whole reparation sum (i.e. the judge can award the victim e.g. 20,000 Swiss francs in reparation, but only 10,000 Swiss francs are provided from the victim support fund), see Art. 19 ff. LAVI.

Thus, under the Federal Act on Assistance to Victims of Crime, victims of rape and other sexual offences are entitled to benefits, which include:

- counselling service
- free immediate assistance<sup>5</sup>
- depending on the victim's financial circumstances, longer-term assistance (legal, psychological, etc.)
- depending on the victim's needs, full or partial compensation (e.g. for torn clothing, loss of earnings, etc.)
- in addition, irrespective of the victim's financial situation, there is also a right to reparation under the law, covered by the victim support fund (if the offender does not pay), but this may be lower (and is in fact almost always lower) than the reparation under civil law..

### **Aggravating and mitigating circumstances**

8. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they?

a) Is rape by more than one perpetrator an aggravating circumstance? YES

This is foreseen under art. 200:

[Art. 200](#) 6. Joint commission

6. Joint commission

Where any person commits an offence under this Title jointly with one or more others, the court may increase the penalty imposed, but may not exceed the standard maximum penalty for the offence by more than an additional half. The court, in imposing the penalty, is bound by the statutory maximum penalty for the type offence in question.

b) Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference) NO

This is not legally provided for as an aggravating circumstance, but according to the general rules for the determination of the sentence (Art. 47 and following, Criminal Code) this can and is already taken into account as a particular circumstance.

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<sup>4</sup> BGE 132 IV 120, E. 2.5.; BGer, 6B\_78/2017 v. 6.9.2017, E. 2.1

<sup>5</sup> See details here: [www.aiuto-alle-vittime.ch/en/what-is-victim-support/financial-support/](http://www.aiuto-alle-vittime.ch/en/what-is-victim-support/financial-support/).

c) Is rape by spouse or intimate partner an aggravating circumstance? NO

In some circumstances, where the offence is committed against a spouse or partner in specific circumstances, as outlined above on the basis of Article 192 and 193(2) of the Criminal Code, it can in fact be considered a mitigating circumstance where the offence is committed against a person already in a position of dependence or other vulnerability.

9. Does the law foresee mitigating circumstances for the purposes of punishment? YES If yes, please specify.

Article 48 of the Criminal Code contains provisions on mitigating circumstances.

10. Is reconciliation between the victim and the perpetrator allowed as part of a legal response?

Reconciliation if foreseen under Article 53:

**Art. 53**<sup>1</sup>1. Grounds for exemption from punishment / Reparation.

Reparation

If the offender has made reparation for the loss, damage or injury or made every reasonable effort to right the wrong that he has caused, the competent authority shall refrain from prosecuting him, bringing him to court or punishing him if:

- a. a suspended custodial sentence not exceeding one year, a suspended monetary penalty or a fine are suitable as a penalty;
- b. the interest in prosecution of the general public and of the persons harmed are negligible; and
- c. the offender has admitted the offence.

- a. Regardless of the law, is reconciliation permitted in practice? YES and what is the practice in this regard?

We do not know how often this is done in practice, but experienced lawyers have told Amnesty International that does also get used in cases of serious sexual crimes (see Supreme Court decision 6B\_215/2013 (27.01.2014)). Reparation can have different consequences, such as suspension of the proceedings, exemption from punishment or mitigation of punishment.

11. Is there any provision in the criminal code that allows for the non-prosecution of perpetrator? YES If yes, please specify.

Yes in cases of sexual acts committed within the marriage under certain circumstances or when the offender is younger than 20, see response under 2. i)

And in cases handled through reparation (see 10 above)

- a. if the perpetrator marries the victim of rape? YES

Article 187, 192 and 193 allow for the non-prosecution or the renunciation of penalty if the perpetrator has married the victim in the meantime.

In 2003, article 2 of the articles 189 and 190 was repealed. This article was the following: If the perpetrator is the victim's spouse and lives with the victim, the offence shall be prosecuted on victim's request. The right to request expires after six months (own translation from German).

- b. if the perpetrator loses his "socially dangerous" character or reconciles with the victim? YES

See answer under question 10 (article 53 reparation)

## Prosecution

12. Is rape reported to the police prosecuted ex officio (public prosecution)? YES<sup>6</sup>

13. Is rape reported to the police prosecuted ex parte (private prosecution)? NO

14. Is plea bargain or “friendly settlement” of a case allowed in cases of rape of women? YES

It is allowed under Article 53 Criminal Code but limited to absolute exceptions due to the condition that only a sentence of up to 12 months may be considered for the application of Art. 53 and Art. 190 (rape) provides for a minimum sentence of 12 months.

15. Is plea bargain or “friendly settlement” of a case allowed in cases of rape of children? YES

It is allowed under Article 53 Criminal Code in limited cases. In cases of rape of children where the perpetrator used force or coercion, articles 190 (for vaginal penetration) or article 189 (for anal and oral penetration) and 187 CC apply and the penalty is practically always higher than 1 year and therefore Article 53 is not applicable. However, according to Swiss law, not all sex with a child is automatically "rape", there must have been coercion.<sup>7</sup> Otherwise only Art. 187 applies and then compensation is possible under article 53, when the penalty does not exceed one year (see e.g. Supreme Court decision 6B\_215/2013 (27.01.2014)).

16. Please provide information on the statute of limitations for prosecuting rape.

The statute of limitations is to be found under Articles 97 and 101, see below. For rape (art. 190), it is 15 years (Art. 97 (b)). Article 190 has no statute of limitations if committed on a child under 12 years of age (Art 101(3)(e)). Otherwise it is generally statute-barred after 15 years.

17. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood?

The provisions are to be found under article 97 (2) and 101 (e):

### Art. 97 1. Limitation of prosecution rights / Periods

1. Limitation of prosecution rights

Periods

<sup>1</sup> The right to prosecute is subject to a time limit of:

- a. 30 years if the offence carries a custodial sentence of life;
- b. 15 years if the offence carries a custodial sentence of more than three years;
- c. 10 years if the offence carries a custodial sentence of three years.
- d. seven years if the offence carries a different penalty.<sup>1</sup>

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<sup>6</sup> See, for instance, Article 30 Criminal Code and Article 7 Criminal Procedure Code.

<sup>7</sup> The threshold for coercion in cases of children is not high. See latest court decision in this regard:

[www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?highlight\\_docid=aza%3A%2F%2F09-04-2020-6B\\_1265-2019&lang=de&zoom=&type=show\\_document](http://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?highlight_docid=aza%3A%2F%2F09-04-2020-6B_1265-2019&lang=de&zoom=&type=show_document).

<sup>2</sup> In the case of sexual acts with children (Art. 187) and dependent persons (Art. 188) and in the case offences under Articles 111, 113, 122, 124, 182, 189–191, 195 and 197 paragraph 3 involving a child under 16, the limitation period in each case runs at least until the victim has attained the age of 25.<sup>2</sup>

### Art. 101 3. Exclusion from limitation

#### 3. Exclusion from limitation

<sup>1</sup> There is no statute of limitations for the offences of:

- a. genocide (Art. 264);
- b. crimes against humanity (Art. 264a para. 1 and 2);
- c. war crimes (Art. 264c para. 1–3, 264d para. 1 and 2, 264e para. 1 and 2, 264f, 264g para. 1 and 2 and 264h);
- d. felonies that have caused or threatened to cause danger to life and limb to a large number of persons as a method of extortion or duress, in particular through the use of means of mass destruction, the causing of catastrophes, or as part of a hostage taking offence.
- e.<sup>1</sup> sexual acts with children (Art. 187 No 1), indecent assault (Art. 189), rape (Art. 190), sexual acts with persons incapable of judgement or resistance (Art. 191), sexual acts with persons in institutional care, prisoners and persons on remand (Art. 192 para. 1) and exploitation of a person in a position of need or dependency (Art. 193 para. 1) if committed against children under the age of 12.<sup>2</sup>

Thus, if rape has been committed against a child under the age of 12, there is no statute of limitation..

18. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?  
NO If yes, please specify.

19. To what extent are there rape shield provisions aimed at preventing judges and defence lawyers from exposing a woman's sexual history during trial?

There is no law provision on this, but the victim has the right to refuse to give evidence or to answer questions, that touch on their privacy (see Art. 169, al. 4)

20. What procedural criminal law provisions exist aimed to avoid re-victimizations during the prosecution and court hearings? Please specify.

Article 117 from the Criminal Procedure Code specifies, among others:

### Art. 117 Status

<sup>1</sup> Victims have special rights, in particular:

- a. the right to protection of personal privacy (Art. 70 para. 1 let. a, 74 para. 4, 152 para. 1);
- b. the right to be accompanied by a confidant (Art. 70 para. 2, 152 para. 2);
- c. the right to protective measures (Art. 152–154);
- d. the right to remain silent (Art. 169 para. 4);
- e. the right to information (Art. 305 and 330 para. 3);
- f. the right to a special composition of the court (Art. 335 para. 4).



2 In the case of victims under the age of 18, additional special provisions protecting personal privacy apply, in particular relating to:

- a. restrictions on confrontation hearings with the accused (Art. 154 para. 4);
- b. special protective measures during examination hearings (Art. 154 para. 2–4);
- c. abandonment of the proceedings (Art. 319 para. 2).

3 If relatives of a victim file civil claims, they are entitled to the same rights as the victim.

### War and/or conflict

21. Is rape criminalized as a war crime or crime against humanity? YES

**Art. 264 e 3.** Other war crimes / b. Unjustified medical treatment, violation of sexual rights and human dignity.

22. Is there a statute of limitations for prosecuting rape in war or in conflict contexts? NO

There is no statute of limitations for war crimes. This is foreseen under Art. 101 para. 1 let. C.

### Art. 101 3. Exclusion from limitation

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<sup>1</sup> There is no statute of limitations for the offences of:

genocide (Art. 264);

crimes against humanity (Art. 264a para. 1 and 2);

war crimes (Art. 264c para. 1–3, 264d para. 1 and 2, 264e para. 1 and 2, 264f, 264g para. 1 and 2 and 264h);

23. Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? YES

Yes, see answer under 22.

24. Has the Rome Statute of the International Criminal Court (ICC) been ratified? YES

### Data

25. Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.

Regarding prosecutions, there is no data available. Data is not collected at national level. Cantons collect data such as the number of prosecutions but it is not broken down by offence.

The available data shows:

Art. 189 / 190 Criminal Code	2016	2017	2018
Data from the assistance to victims ( <i>Opferhilfestatistik</i> ) (number of victim	3912	4269	4761

consultations at support centres)			
Data from the police ( <i>Polizeistatistik</i> ) (number of accused persons)	1039	1032	1049
Convictions ( <i>Urteilstatistik</i> ) (number of adults convicted)	260	260	216

#### Sources:

- Data from assistance to victims services: [www.bfs.admin.ch/bfs/en/home/statistics/crime-criminal-justice/assistance-victims/consultations-services.html](http://www.bfs.admin.ch/bfs/en/home/statistics/crime-criminal-justice/assistance-victims/consultations-services.html) (see offences suffered) or here: <https://www.bfs.admin.ch/bfs/de/home/aktuell/neue-veroeffentlichungen.assetdetail.8166955.html>
- Data from the police:
  - Number of accused persons: [www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/polizei/beschuldigte.assetdetail.12507454.html](http://www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/polizei/beschuldigte.assetdetail.12507454.html)
  - Number of offences: [www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/polizei/straftaten.assetdetail.11147568.html](http://www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/polizei/straftaten.assetdetail.11147568.html)
- Data regarding convictions: [www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/strafjustiz/jugend-erwachsenenurteile.assetdetail.8946526.html](http://www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/strafjustiz/jugend-erwachsenenurteile.assetdetail.8946526.html).

#### Other

26. Please explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.

There are various barriers to the reporting and prosecution of rape in the Swiss legal and social context:

#### Rape is hugely underreported

A recent survey commissioned by Amnesty International<sup>8</sup> revealed that only half of the women who had personally experienced non-consensual sex after the age of 16 shared this experience with friends or someone close to them. The other half kept the incident to themselves. Only ten percent reported the incident to the police and only eight percent eventually filed a criminal complaint.

The main reasons why women did not go to the police were **shame** (64%), **feeling that they had no chance of getting justice** (62%) and **fear that they would not be believed** (58%). A slim majority of 51% said they were simply not sure they had the right to do so.

<sup>8</sup> The survey was conducted between 16 March and 15 April 2019 on a sample of 4,495 women and girls of 16 + years of age living in Switzerland. For further information, please see: <https://cockpit.gfsbern.ch/de/cockpit/sexuelle-gewalt-in-der-schweiz/> and <https://www.amnesty.ch/fr/themes/droits-des-femmes/violence-sexuelle/docs/2019/violences-sexuelles-en-suisse-nouveaux-chiffres-representatifs>.

Switzerland is not exempted of rape myths that contributes to shifting the burden of responsibility to the victim instead of the perpetrator and to feelings of shame and guilt experienced by the victims. In the survey mentioned above, 70% of the women responded that women are too often blamed for the assaults they are subjected to.

### **Narrow definition of rape**

According to counsellors providing support services to victims in Switzerland, the force-based definition of rape and indecent assault prevents many women from reporting the incident to the police, in particular victims who have been counselled by a support centre for victims and have been informed about the legal requirement to prove force or constraint.<sup>9</sup>

### **Medical evidence**

There are some cantons, such as for example Bern, known for the “Bern-model”,<sup>10</sup> that allow victims to secure medical evidence at the hospital without to have to report the case to the police. In other cantons, victims have the obligation to report the case to the police to secure medical evidence. This is a burden for many victims who are not prepared to go to police straight after the rape occurs.

### **Length of procedures**

The prosecution of rape is a long procedure who can last several years, with various hearings where the victims have to repeat their story on many occasions and may feel revictimized. This is emotionally very difficult for the victims and some decide to abandon the procedure because of this.

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<sup>9</sup> Support centers for victims’ press release, September 2019: <http://stiftung-gegen-gewalt.ch/wsp/de/medien/archiv-medienmitteilungen/medienmitteilung-05.09.2019-1/>

<sup>10</sup> More information on the Bern model is available at:

[www.rr.be.ch/etc/designs/gr/media.cdwsbinary.RRDOKUMENTE.acq/9f188def90b342f1b365141315aad1e7-332/50/PDF/2013.POM.272-Vortrag-DF-161782.pdf](http://www.rr.be.ch/etc/designs/gr/media.cdwsbinary.RRDOKUMENTE.acq/9f188def90b342f1b365141315aad1e7-332/50/PDF/2013.POM.272-Vortrag-DF-161782.pdf)

- <http://famplabern.blogspot.com/p/berner-modell.html>.