



St. Gallen, 22 August 2025

Media Release

regarding judgment C-124/2023 of 23 July 2025

«Hey You»: No party status for «Verein Schutzinitiative»

Verein Schutzinitiative (Protection Initiative Association) cannot have a say in the subsidising of the educational leaflet «Hey You» because it is not sufficiently affected. The Federal Administrative Court upholds the decision of the Federal Office of Public Health to dismiss the application for issuance and notification of a contestable ruling.

The Swiss Sexual Health Foundation has published an educational leaflet under the title «Hey You». The leaflet was subsidised by the Federal Office of Public Health (FOPH). Verein Schutzinitiative objected to the content of the educational leaflet and claimed that the financial support was unlawful. The association therefore applied to the FOPH for notification of the rulings relating to the subsidies granted so that it could challenge them. The FOPH dismissed the application, on the one hand for want of substantiation of the claims, and on the other because Verein Schutzinitiative lacked party status. Verein Schutzinitiative filed an appeal with the Federal Administrative Court (FAC) against this ruling.

Insufficiently affected

The FAC dismisses the appeal of Verein Schutzinitiative. The association and its members are no more affected by the subsidies granted to the Swiss Sexual Health Foundation than are the rest of the population. It is true that Verein Schutzinitiative is actively committed to the protection of children and adolescents against sexualisation. However, under applicable law, such idealistic commitment is not a basis justifying an interest worthy of protection in a review of the lawfulness of the subsidy rulings (exclusion of *actio popularis*). Consequently, the FOPH rightfully dismissed the application of Verein Schutzinitiative, and the FAC rejected the appeal lodged against that ruling.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 395 employees (334 FTE) and its 78 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.