



St. Gallen, 21 December 2023

Press Release

regarding judgment B-3985/2021 of 7 December 2023

EPFL Lausanne must recognise Zofingue

Gender equality and the freedom of association are two fundamental rights. The Federal Administrative Court holds that the EPFL cannot restrict the latter to promote the former.

In August 2020, the Swiss Federal Institute of Technology Lausanne (EPFL) – in order to fulfill its mission of promoting gender equality – refused to grant student association status to Zofingue, a male-only student association. Such a status allows student associations to use the EPFL logo, book rooms and communicate via official channels, among other things. Zofingue appealed this decision to the ETH Appeals Commission, which ruled in its favour. In September 2021, the EPFL appealed this decision to the Federal Administrative Court (FAC).

Freedom of association: a fundamental right

In its judgment, the Court recognises that gender equality constitutes one of the foundations of the Federal Constitution and that more needs to be done. However, freedom of association is also a fundamental right. This means that only measures deemed proportionate may be taken, as neither right prevails over the other.

For this reason, the FAC finds the EPFL's decision not to be proportionate and dismisses the appeal. There are numerous less invasive ways for the Institute of Technology to promote gender equality. Further, the Zofingue association at the EPFL comprises just forty students and has little impact on the female student body as a whole. Its presence on campus does not jeopardise the studies or future careers of female students. Furthermore, the refusal to recognise Zofingue could then lead to opposition towards women-only associations on the university campus. The ETH Appeals Commission's balancing of interests was therefore justified.

This judgment may be appealed to the Federal Supreme Court.

Contact

Rocco R. Maglio

Press secretary

+41 (0)58 465 29 86

+41 (0)79 619 04 83

medien@bvger.admin.ch

Stéphane Oppliger

Communication

+41 (0)58 462 91 53

medien@bvger.admin.ch

About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 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.