

*Roma, 17-18 January 2004*

**DEVELOPMENT AND CONTENT OF  
The SWISS FEDERAL LAW  
ON RESEARCH WITH  
EMBRYONIC STEM CELLS**

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## *Just to remind ...*

- The political system of Switzerland follows the principles of federalism and of direct democracy, offering to the Swiss people powerful instruments of participation.
- **Referendum:** 50'000 signatures within 3 months against a law decided by the parliament.
- **Initiative:** 100'000 signatures within 18 months to launch an amendment of the constitution.


## ***That means ...***

- **Government and parliament have always to anticipate the risk of a referendum. Therefore, political projects need a lot of consultation and debate before they are decided.**
- **Peoples initiatives may launch a public debate and thus put pressure on government and parliament.**
- *The science community has to cope with the challenge of a public debate!*

# BASIC LEGAL SITUATION

Article 119 of the Swiss Constitution prohibits:

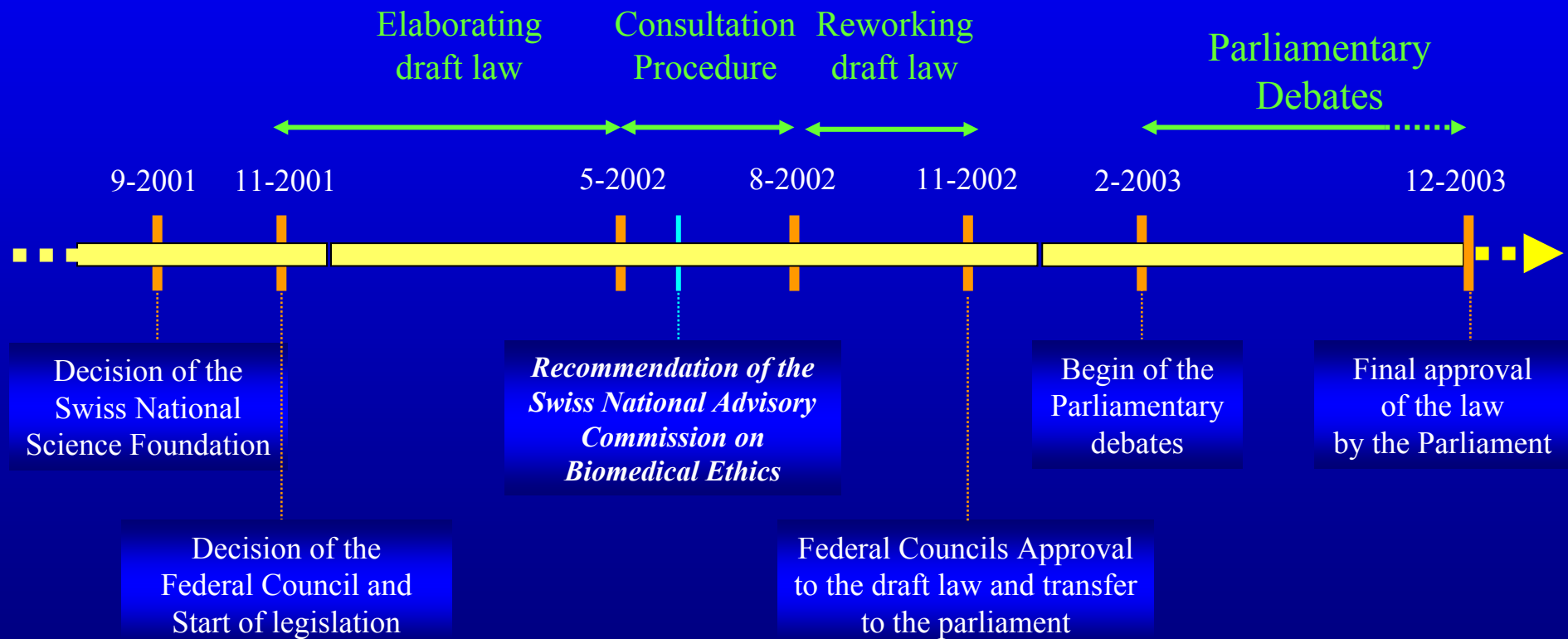
- All forms of cloning
- Creation of embryos for research purposes
- Surplus embryos (whenever possible)
- Commercial use of embryos

 Research on surplus embryos or on embryonic stem cells is not explicitly regulated.

# *Everything started when . . .*

- **End 1999:** Swiss Meeting on Stem Cells organized by Jeantet Foundation  
→ scientists - politicians - public  
*Conclusion:* Swiss researchers should manifest their needs in SC field
- **March 2000:** knowing the lack of laws → grant request to NSF  
to launch the debate and encourage our institutions to take position
- **October 2000:** Fast acceptance of the scientific project from the NFS
- **October 2001:** Grant accepted after providing favorable reviews from 2 ethical commissions (Faculty of Medicine, Swiss Academy of Sciences) + jurist advice on legal issue about the import of hES from abroad (USA)
  - ★ - Major interest from MEDIA, public in general
  - ★ - Numerous conferences, talks, interviews, lab documentaries (> 50)

# CHRONOLOGY



# THE DRAFT FEDERAL LAW

Intends to make possible the

- Research with surplus embryos
- Derivation of embryonic stem cells
- Research with embryonic stem cells

**under restrictive conditions:**

- Informed consent
- High rank of the research goals and no alternative
- Scientific quality and ethical tenability
- Prohibition of payment
- Approval authority

# THE LAW

## AFTER PARLIAMMENTARY DEBATE

- Reduction of the field of research:
  - Derivation of embryonic stem cells
  - Research with embryonic stem cells
- Creation of a Swiss Human embryonic stem cell registry
- Regulation of the patentability of embryonic stem cells

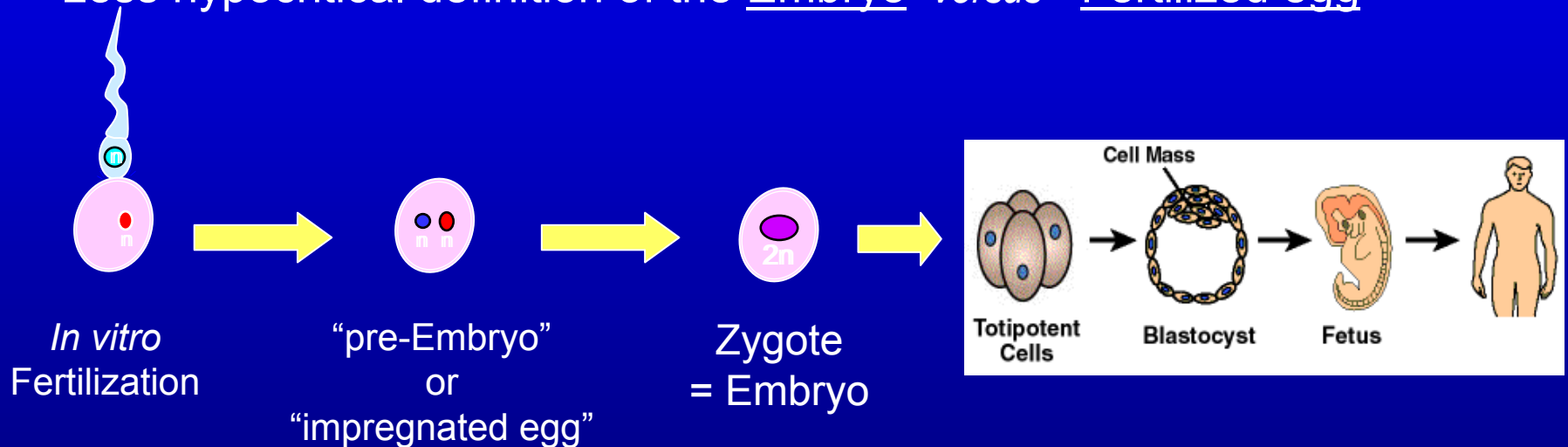


# The new law on stem cells ...

- Embryonic stem cells may only be used if comparable results can not be achieved by using adult stem cells or other research methods.
- Stem cells may be harvested only for research purposes - in Switzerland or imported from abroad.
- Stem cells may only be harvested from superfluous embryos remaining from IVF.
- The informed consent of the donors is needed.
- The National Ethic Committee and the Swiss Federal Office for Public Health have to approve the project.
- Patents on modified stem cells are allowed.

# HOPES / DEMANDS for the FUTURE

- In general: very satisfied, a lot of positive feedback
- LAW: too restrictive, but : better this than a “grey zone” or a moratorium
- Less hypocritical definition of the Embryo versus Fertilized egg



➔ Frozen Embryos do exist in Switzerland (after January 2001) !!!!

# REVIEW

- Policy and Science (+Media) : who's acting?
- Society-wide Debate: it took place or not?
- Embryonic stem cell research: Public Health?

# Acknowledgements

- Michael R. Gerber

Deputy Head of Law Division

Swiss Federal Office of Public Health

- Transplantation and research on human being
- [www.bag.admin.ch/embryonen/kontakt/f](http://www.bag.admin.ch/embryonen/kontakt/f)

- NR Dr. Barbara Haering

Socialist Party, National conseler

- Homepage: [www.barbara-haering.ch](http://www.barbara-haering.ch)