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Central Ethics Commission of the Swiss Academy of Medical Sciences

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Answers to the catalogue of questions of the Study Commission

Law and Ethics in Modern Medicine

I. Background to establishment of ethics commissions

The Swiss Academy of Medical Sciences (SAMW) was established in 1943 by the five medical and two veterinary faculties and the Swiss Medical Association (FMH). Its main task at the time was to promote research and to assist young doctors and veterinarians to embark on their professional careers. But from the outset SAMW was concerned with the border areas of medical ethics such as the diagnosis and definition of death. In view of the numerous problems posed by modern medicine, the Central Ethics Commission (ZEK) was established in 1979 by the Senate of the SAMW.

II. Links with existing institutions

The SAMW is a private-law foundation. As it performs tasks in the public interest and is recognised by the Federation as a research promotion institution, it receives funding from public as well as other sources. Furthermore, SAMW is integrated into the politically legitimated decision-making process through its participation in the legislative procedures of the Federation: SAMW sends experts to sit on legislative commissions or it submits opinions on draft bills or amendments of the Federation.

III. Composition

The SAMW's supreme body is the Senate. The Senate is made up of representatives of medical and veterinary faculties, the Swiss Medical Association (FMH), specialist medical associations and other organisations, as well as of honorary, individual and associate members. An important function is performed by the above-mentioned ZEK, whose members — in so far as they are not delegates — are appointed by the Senate. The ZEK currently has 19 members. The statutory requirements for its composition are as follows:

- at least 3 Senate members who work in medical faculties,
- 3 members of the Board of the FMH,
- 3 practising doctors who are also members of the FMH,
- 2 members of the Swiss Nurses Association (SBK),
- 1-2 law faculty lecturers, and
- 1-2 ethicists.

Political organisations are not represented.

There are no mandatory quotas, but SAMW sets store on equal representation on all commissions of both sexes (currently 4 women) and the three main national linguistic areas.

IV. Tasks

The ZEK draws up guidelines or recommendations for various fields of medical ethics. It has sole responsibility for setting the thematic focus, taking account of suggestions from outside. The work goes on in sub-committees made up of members of the ZEK and other external experts drawn from the specialist areas under review. Once completed, the guidelines or recommendations are published in the Swiss medical journal. Critical comments and proposals for improvement are considered. After approval by the Senate the amended version is again published in the medical journal as the definitive text.

In addition to guidelines and recommendations, the ZEK also drafts opinions on current issues that are highly charged from the point of view of medical ethics for the medical profession as well as for the public at large. For example, following a lengthy internal debate, the ZEK recently published opinions on euthanasia and research on human stem cells (position paper attached).

V. Working methods

The aim of the ZEK and its sub-committees is, if possible, to draft a text which all the members can agree on or, failing that, which takes account of, or reproduces, both the majority and the minority views.

The ZEK normally meets five times a year and its various sub-committees as often as necessary. The sub-committees can, if necessary, hear the views of external experts. New guidelines and recommendations are presented to the ZEK, then to the Board and lastly to the Senate. The ZEK and its sub-committees take the time they need to consider issues in depth. In cases of urgency due to public pressure they may deliver a provisional opinion.

Information is exchanged and cooperation takes place with foreign institutions (Nuffield Centre for Bioethics, UK; Hastings Center, USA; European Parliament in Strasbourg; EU Commission etc.). The guidelines, recommendations and opinions are available to the public through publications and on the internet (<www.samw.ch>).

VI. Influence on legislative procedures and other policy-making

The guidelines and recommendations are directed in the first instance at the medical and nursing professions. But, being accessible to the public, they are also directed at a broader audience, such as patients' organisations or the political authorities at national or regional level. Although the SAMW's guidelines are not legally binding they are respected and observed. Many of the cantons have given them official recognition in their laws; the Federal Supreme Court consults them in its decision-making.

The speed at which legislation is being passed in the field of medical ethics has accelerated in the recent past. On 1 January 2001, for example, a new law on reproductive medicine came into force following acceptance by the people. Under the provisions of this law research on embryos is forbidden. At the time the law was made the therapeutic use of stem cells had not become a public issue. For purposes of implementing the law the creation of a national ethics commission (NEK) was envisaged. This political commission will also act as an advisory body to the Bundesrat in all problem areas of medical ethics. The members of the NEK were appointed this year by the Bundesrat and the first meeting took place on 25 August 2001. Close cooperation is foreseen between the NEK and the ZEK, with three members of the ZEK sitting on the NEK.

VII. Participation

The public is included in the process through the publication of guidelines and recommendations as well as through events (public symposia and forums) on current issues pertaining to medical ethics. As already mentioned, the members of the ZEK sub-committees are entirely at liberty to hear the views of people from relevant walks of life and experts in the field. The deliberations as such, however, are not open to the public.

VIII. Financing and internal structure

The members of the ZEK and its sub-committees work within the traditional Swiss military system and only their travel expenses are reimbursed. The Secretary-General of the SAMW attends *ex officio* all the meetings of the ZEK and its sub-committees. In close consultation with the President of the ZEK, she is responsible for the organisation of the meetings, for technical support and for the drafting of the minutes. Other costs relating to infrastructure, publications, organisation of the public events etc. are met by the SAMW. The budget (and hence the level of subsidies) are laid down in the SAMW multi-year plan and in the annual budget and approved by the Senate.