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**Autor:** Tschanz, Pierre-André / Chisholm, N.  
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# Right to abortion

PIERRE-ANDRÉ TSCHANZ

*What right of abortion should be permitted Switzerland? This question has divided opinions for well on thirty years. On 2 June Swiss voters will be asked to decide on the issue.*

**TWO TYPES OF REGULATION** will be presented to Swiss voters on 2 June: the first envisages a strict ban on any form of abortion, while the second aims to permit abortion for compelling reasons.

The latter is the result of a long-running parliamentary debate that has lasted eight years, during which time politicians have tried to find a solution that not only addresses the problem but is also legally practicable. Such a regulation must be approved by the majority of parliament and, later, the electorate.

## Two exceptions

The solution proposed by parliament envisages a reform of the provisions of the Swiss penal code governing abortion. Essentially, abortion remains illegal. But Article 119 of the penal code lists two exceptions: a pregnancy may be legally terminated if it is considered necessary in the opinion of a doctor, "to protect the pregnant woman against the risk of severe physical harm or a serious psychological emergency"; moreover, the risk must be "greater the more the pregnancy advances". The second exception stipulates that: "a pregnancy may be legally terminated if it is requested in writing by a pregnant woman within twelve weeks of her last period if she declares that she is in an emergency situation and provided the abortion is performed by a certified doctor. The doctor must personally discuss the situation in detail with the woman and counsel her."

It took a great deal of time, intuitive feeling, numerous discussions, and much to-ing and fro-ing between the two houses of parliament before this regulation was finally approved by the National Council by 107 to 69 votes and



This poster by supporters of the limited abortion rule campaigns for women's right to self-determination.

by the State Council by 22 to 20 votes. As expected, the „Yes to Life“ association forced a referendum against this revision. Swiss voters will have the last word on 2 June.


## Initiative "for mother and child"

The popular initiative "for mother and child" was forced by pro-life groups who are strictly opposed to abortion, and was submitted to the Federal Chancellery on 19 November 1999 with 105,000 valid signatures. It aims to protect the life of the unborn child and define guidelines on counselling mothers in need. It calls for a ban on any form of abortion, even in cases where the pregnancy resulted from rape. The only exception is where pregnant women are deemed to be at acute physical life-threatening risk which can only be avoided by terminating the pregnancy. The Federal Council and parliament are of the opinion

that the regulation constitutes a step backward from the applicable law, and recommend that the initiative be rejected. In its message the Federal Council emphasises that a vote in favour of this regulation "would be practically akin to a general ban on abortion and the equivalent of a legally enforced obligation to full-term pregnancy."

## The situation in Switzerland

In the more liberal climate which has prevailed since the 1960s, the legal situation is outdated. Due to mutual blocking of opposing opinions and the divided political and denominational landscape of our country, it has changed little over the intervening years, as a result of which the legal provisions are difficult to enforce. One half of the country recognises virtually no legal right to abortion, whereas the other half adopts a liberal approach based on the limited abortion rule (abortion permitted within the first twelve weeks of pregnancy). This legal imbalance has led to a form of „abortion tourism“ within the country.

Surprisingly, the more liberal attitude to abortion has not led to an increase in the number of legal abortions – on the contrary, the number has reduced from 17,000 in 1966 to around 12,000 now. And backdoor abortions are no longer performed. 

## Federal Referendums

### 2 June 2002

- Revision of the Swiss penal code (several articles concerning abortion)
- Popular initiative "For mother and child – for the protection of the unborn child and counselling for mothers in need"

### Forthcoming referendum dates

22 Sep. / 24 Nov.

Translated from the German by N. Chisholm