

Online sperm banks pose challenge in Switzerland

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Only married couples in Switzerland can use donated sperm cells
(Keystone)

Laws on reproductive rights in Switzerland face a test amid the growing use of online sperm banks and greater acceptance of non-traditional family structures.

Since 2001, only married couples in Switzerland can use donated sperm cells. Such rights can seem restrictive when viewed alongside Switzerland's comparatively liberal laws on other social issues such as euthanasia, soft drug use and prostitution. But the

existing law is being challenged in a world where increasing numbers of gays, singles and reproductively challenged heterosexual couples hope and expect to have children – and can access online sperm banks and reproductive clinics abroad.

Swiss public television SRF reported in June that “more and more lesbian couples and single women in Switzerland are buying sperm online” in the hopes of having children. Especially popular among Swiss women is the website of a Danish sperm bank, Cryos, said to be the largest in the world. Some 180 Swiss women, mostly single or in lesbian relationships, ordered sperm online from Cryos last year, and one of the factors in their decisions was restrictive Swiss law, the report found.

“Under Swiss law, only married, heterosexual couples are allowed access to assisted reproductive technology and it must be done under strict medical supervision,” said Swiss reproductive rights lawyer Karin Hochl. “Lesbian couples and single women wanting children are forced to go to clinics in other countries such as Spain, Denmark or Austria and order sperm online from international sperm banks like Cryos.”

The use of assisted reproductive technology requires a licence under Swiss law. Violations are punishable by fines or even prison, but Hochl said she had never heard of a case of a private sperm donation involving criminal charges.

“We always wanted to have kids”

For one Swiss lesbian couple, it was easier to start a family abroad. Tamara and Nicole, who consider themselves married and registered their civil partnership in Switzerland two years ago, told swissinfo.ch they always wanted to have kids and figured they would use artificial insemination.

Then, Nicole said, they found out that for gay and lesbian couples “in Switzerland, you are just not allowed to do it, and doctors are not allowed to tell you how.” They wound up at a clinic in Britain, where Nicole has family. Nicole carried a daughter, Sophie, who is now nearly a year old. They want to use the same clinic to try for a second child, with the same donor, if possible.

“We didn’t have any problem in England but we had problems in Switzerland,” she summed up. For one thing, Tamara is registered in Britain as another mother to Sophie, but in Switzerland she is not.

However, the current adoption law in Switzerland is about to change, under pressure notably from LGBT groups. As of 2018, a new adoption law will allow second-parent adoption for same-sex couples. Under the new law, any person who has been living with a partner for more than three years will be able to adopt their partner’s child. This is progress, Hochl said, but same-sex couples still do not enjoy all the same privileges as heterosexuals like access to full adoption and assisted reproductive technology.

Social evolution

Cryos, which was founded 30 years ago by its director, Ole Schou, serves three categories of would-be parents: reproductively challenged heterosexual couples, lesbian couples, and single women. The latter category has become its largest source of customers, reflecting one of the many changes in the sperm bank market in recent

years. Schou says the demand comes mainly from single, well-educated, career-minded women in developed countries, though [Cryos](#) serves customers in more than 100 countries.

About 80% of the orders come directly from clients but the sperm usually is delivered to clinics for treatment. However, self-insemination using Cryos' instructions is "very simple", Schou said.

Swiss authorities informed Cryos it could not ship sperm directly to customers at their homes in Switzerland after a delivery was tracked and confiscated in February 2014 that violated laws on reproduction and use of donor sperm.

"We can ship it, because that is legal for us, but the client cannot import into Switzerland because that would be illegal," Schou said. "We recommend clients to have it shipped to a destination outside Switzerland and then they can bring it into Switzerland themselves in the car, or they can do self-insemination abroad, or they can have treatment by a clinic abroad where it is legal."

Changing the law

Hochl said activists are pushing to change the laws incrementally, first with adoption and next with access to assisted reproductive technology for same-sex couples.

An independent expert advisory committee appointed by the Swiss federal government also recommended changes in the law in 2013.

The National Advisory Commission on Biomedical Ethics said in an [opinion](#) that it recommends the legalisation of sperm donation for unmarried heterosexual couples, same-sex couples and single persons. It also said "it believes that the current restrictions are discriminatory".

"The new thing is that it is possible to have families in many different ways," Schou said, "Therefore, it's important that the legislation keeps up, because otherwise people have to go abroad."

Swiss law on assisted reproductive technology

Under a Swiss [law](#) (Federal Act on Medically Assisted Reproduction) since the start of 2001, only married couples can use donated sperm cells and the technology to do it can be used "only if the well-being of the child is ensured".

Gays and lesbians who enter civil partnerships are not considered married couples under Swiss law.

The technology may only be used by couples whose aim is to overcome infertility and other failed treatment methods, or who have no other prospect of success or no other way of avoiding the risk of transmitting a serious, incurable disease to the offspring.

A cantonal licence is required by "any person who uses assisted reproductive techniques". Only medical doctors with proper training and experience can obtain them.