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The World's Laws and Practices on Population and Sexuality Education

by Edmund H. Kellogg, David K. Kline
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PREFACE

The need for this study was suggested by the wording of Resolution XVIII of the Teheran Human Rights Conference* which states that couples have a right to the education necessary to plan responsibly the number and spacing of their children. The suggestion was reinforced by Dr. Mary Calderone of SIECUS and by the discussions at the UNESCO Workshop on the Teaching of Population Dynamics at Law Schools in February 1974.

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*See U.N. Fund for Pop. Activities, The United Nations and Population (New York, 1974) p. 50-51. Underlining ours.

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* * * * *

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Mr. James O. Adigun	Ibadan, Nigeria
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Legal materials, other than contributed by cooperating experts or acquired from the field, have been collected primarily from the Harvard Law School Library. Resources of the Law Library of Congress, the National Library of Medicine, the Countway Library of Medicine in Boston, the Gutman Library (Harvard Graduate School of Education), and the Yale Law Library have also been exploited.

I. INTRODUCTION

The U.N. World Population Conference at Bucharest in 1974, made up of official representatives of virtually all the world's governments, approved a plan of action which proclaims as one of its principles that "all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education* and means to do so."¹ The Conference recommended that all countries "encourage appropriate education concerning responsible parenthood...."² It called on "educational institutions in all countries" to "expand their curricula to include a study of population dynamics and policies, including, when appropriate, family life, responsible parenthood and the relation of population dynamics to socio-economic development and to international relations."³ This step follows Resolution XVIII of the Teheran Human Rights Conference which, in 1968, considered that there is a human "right to adequate education* and information" in connection with the right to decide freely and responsibly on the number and spacing of children.⁴

Thus, the governments of the world have recognized through their official representatives that every person has a basic human right to what may be called "sexuality education"⁵ and also to "population education".⁶ It is the purpose of this study to determine the extent to which educational activities in this field are actually being carried on, and the legal factors which foster or impede the provision of this education.

In the course of collecting our material, we have been struck by the fact that a very large number of countries, both "developed" and "developing", are now becoming involved in the field for the first time, and that their programs, curricula and course materials are usually on an experimental or pilot basis. Even Sweden, the acknowledged leader in sexuality education, which began in the schools in 1957, appointed a state commission in 1964 to revise the whole field, and it took ten more years to submit final proposals to the Ministry of Education. The fact that each government is proceeding with such caution shows the degree of sensitivity and difficulty involved.

Although this is a relatively new field especially as far as formal school curricula are concerned, the fact that at least twenty new countries are now experimenting in it shows that the recognition of the need is spreading around the world. The fact that these governments are entering the field despite the difficulties shows the importance of the subject and that it is "an idea whose time has come."

*Underlining ours

The need for both population and sexuality education has been officially recognized in a number of developed countries. In the United States, the President's Commission on Population Growth and the American Future strongly recommended both population and sexuality education in schools for all.⁷ Shortly before that, the Report of the Commission on Obscenity and Pornography stated:

Sex education is thought to be necessary by young people, their parents, school administrators and teachers, and by the public in general.⁸

Similar official statements have recently come from the Lane Report in the United Kingdom⁹ and from France.¹⁰ The Council of Europe's Committee of Demographic Experts has recommended to the Committee of Ministers a draft resolution which urges governments to ensure that all people, especially young people, whether married or single, are informed about the problems and objectives of family planning and about the relative advantages and disadvantages of the various methods available. The draft resolution recommends that: "school curricula, at appropriate levels, include education in family planning."¹¹

The same need has been recognized in countries with other economic, social and political systems (see e.g., tabulations on Bangladesh, Brazil, Egypt, Hungary, Indonesia, Mexico and the Philippines).

Despite the spread of the idea in both developed and developing countries alike, the approaches are different. In the former, the impetus springs from an increasing recognition of the need to decide responsibly on parenthood, and from the desire to avoid the birth of unwanted children and to limit the resort to abortion. In many of the developing countries, and particularly in those under the greatest population pressure, the objective is to make family planning more effective as a means of slowing population growth. (In China, for example, sexuality education is combined with strong moral and community pressure to limit family size.)

One factor appears to be common to nearly all countries, namely lack of understanding and informed decision making in population policy and dynamics and human reproduction and contraception, and the general failure of parents and of schools to provide the needed education.¹²

It appears that at last something may be done to remedy this deficiency. During the last few years a significant number of the world's governments have adopted population policies in one form or another, designed to align population growth with social and economic development goals.¹³ Now education is being recruited to increase public awareness of the problems and to change individual attitudes and behavior. This education under modern conditions is often undertaken by the schools, by various types of nonschool education and by the mass media.

One final point should be made clear. Knowledge, attitudes and behavior in such matters as sex and sexuality are deeply affected by the culture and mores in which a child is brought up. These factors will have more effect than any formal education courses, whether in or out of school. In a study of this sort we can not deal with matters of this kind except indirectly. We have, however, included in our tabulations an item on "customary laws" which seeks to cover matters of this kind whenever we have found any material of special interest.

FOOTNOTES

CHAPTER I

¹U.N. World Population Conference, World Population Plan of Action, approved by the Conference on Aug. 30, 1974, U.N. Doc. E/CONF.60/WG/L.55 Add. 3, Chap. II, para. 14 (f). (See also U.N. Doc. E/5585, para. 14 (f), p. 8.)

²Ibid., Chap. III, A, 1, para. 29(b). See also idem, para. 33, which recommends that "governments consider making provision, in both their formal and non-formal educational programmes for informing their people of the consequences of existing or alternative fertility behavior for the well-being of the family, for educational and psychological development of children and for the general welfare of society, so that an informed and responsible attitude to marriage and reproduction will be promoted."

³Idem, Chap. III, C, 3, para. 87. The Plan of Action represents a compromise statement to which the 135 official government delegations agreed.

⁴See the unanimously adopted Proclamation of Teheran, para. 16; Resolution XVIII on the Human Rights Aspects of Family Planning, U.N. Conference on Human Rights at Teheran (1968). See also General Assembly Resolution 2542 (XXIV) of Dec. 11, 1969 on Social Progress and Development, adopted by a vote of 119 in favor, none opposed, with two abstentions.

⁵We shall use the term "sexuality education" rather than the term "sex education" throughout this study (unless quoting) in order to show that we mean more than human reproduction and contraception. See definitions on page 7 infra.

⁶Population education is, of course, involved if informed choices are to be made responsibly. See page 7 infra.

⁷Population and the American Future, Report of the Commission on Population Growth and the American Future (G.P.O., Washington, D.C., 1970), pp. 80, 85.

⁸Report of the Commission on Obscenity and Pornography (G.P.O., Wash., D.C., 1970), p. 267.

⁹The Report of the Committee on the Working of the Abortion Act ("The Lane Report") Cmnd. 5579 (London, H.M. Stationery, 1974).

¹⁰Statement of Minister of Health on June 28, 1974, to the French National Assembly (Note d'Information No. 103, Ministry of Health), p.5.

¹¹Resolution of Committee of Experts sent to the Committee of Ministers, January 1974. (Concl. Experts/Dem. (74), 2, Appendix II.)

¹²Thus a medical article, deploring the general ignorance on sexual matters in Afghanistan, recalls a case of a Latin American lady doctor of natural sciences, who at the age of forty years confessed complete ignorance of the anatomy of the human genital organs. She did not even know what a vagina was. (A.M. Khosbeen, "Consequences de l'absence d'education sexuelle en Afghanistan," 18 Revue de Neuropsychiatrie Infantile (1970), p. 853, 854.)

¹³See D. Nortman et al., "Population and Family Planning Program: A Factbook," Reports on Population/Family Planning No. 2 (Sixth Edition) (Population Council, Dec. 1974), Table 8, p. 25 et seq. According to the U.N. Fund for Population Activities WPY Bulletin, No. 18, End of the Year: "During 1974, more than 65 countries established national population commissions or designated other similar governmental authorities to coordinate and initiate WPY activities. Activities organized by these committees and similar governmental authorities included national conferences on population and development; seminars; research studies; preparation and distribution of special news articles; preparation and distribution of films and radio tapes; educational activities in schools; and the issuing of commemorative stamps and coins."

II. DEFINITIONS, PURPOSES, HISTORY AND DELIVERY SYSTEMS OF FERTILITY-RELATED EDUCATION

A. Definitions: The Relationship Between Population Education and Sexuality Education

For the purposes of this paper, we define "sexuality education" as education with regard to human sexuality and reproduction, designed to help each individual to understand and control his or her own sexuality.

"Population education" means education both in schools and through non-school educational organizations about the causes, nature and consequences of population dynamics and related social and economic problems. Population education may deal with such matters as size, growth, migration, mortality, age distribution, etc., and may be pro-natalist, anti-natalist, or neutral in purpose. For the purposes of this study only we are concerned with those aspects of population education which affect fertility.

It has proved impossible to give separate treatment in this study to what is sometimes called "family life education,"¹ and some of the material usually included under this topic is therefore dealt with under "sexuality education," and some under "population education."

When we wish to refer both to sexuality education and to our more limited definition of population education, we will use the term "fertility-related education."

Sexuality education and "population education" share overlapping areas of content. For example, although population education focusses on the dynamics of population and its relation to economic factors, growth and change, it also may touch upon human reproduction and contraception in order to fulfill its objective of encouraging people to contribute to the solution of population problems. Similarly, sexuality education may deal with concepts of population dynamics in an attempt to provide a frame of reference for its materials. Therefore the distinction between population and sexuality education is often blurred. In many Asian countries, sexuality education is considered inappropriate or too controversial for inclusion in the school curriculum as such, and "population education" is the label used for any fertility-related education.² Despite the label, however, sexuality education topics may constitute a part of such a program. In Latin America, on the other hand, population education is often regarded as "population control education" and, as such, is not politically acceptable although the same country may be experimenting with sexuality education, and in so doing, it may include some aspects of population dynamics.

In fact, although the two types of education generally deal with different substantive matters, the distinction between the two types may, under certain circumstances be more conceptual and political than substantive. In dealing with the problem of population growth, both types

are probably necessary in order to produce effective results. People interested in changing their fertility behavior will require information on human sexuality and reproduction, and they must be made aware of the consequences of fertility for the family, for the community, and for the nation. Although both types of program may be necessary to an effective fertility reduction effort, selection of the specific type of program to be taught and of the label to be used depends on the national context in terms of religious, cultural and political constraints.

B. Purposes and History of Fertility-Related Education

Sexuality education and population education have different historical roots as well as different objectives and content.

As to sexuality education, concern over changing sexual mores and behavior, with the advent of urbanization and industrialization in the developed countries, first led educators to call for its inclusion in school curricula. In the United States, as early as 1909 the National Society for the Scientific Study of Education proposed the need for dissemination among youth of accurate information on human sexuality. The purpose of such programs, which were in a framework which stressed the restriction of sexual relationships to marriage and to the purpose of procreation, were a reduction in prostitution, venereal disease, and illegitimate births.³ For the most part sexuality education in the United States has, in the minds of many people, retained the orientation of promoting sexual relationships only within the family context, as evidenced by Kilander's statement in 1970: "Sex education stands for the protection, preservation, extension, improvement, and development of the monogamic family."⁴

The development of psychoanalytic theory in the 1920's and 1930's emphasized the importance of providing accurate information about sexuality to the young child,⁵ and in the 1940's, particularly during the post-World War II period, the place of sexuality education in the school curriculum was strengthened. Society in the developed countries was undergoing great social change, with higher status accorded to women, mobility and anonymity in the increasingly urban life, the development of contraceptives, the ascendance of the discipline of psychology, and the infusion of sex into mass media entertainment and advertising.⁶

The preambles of laws, regulations or guidelines used in different countries set forth a number of alleged purposes for sexuality education.⁷

One of the oldest reasons or purposes for this education was to assuage the "fears of the parent generation--first that its son might contract venereal disease, and second that its daughters might become pregnant while unmarried."⁸

The Swedish approach, consistent with that country's concept of the welfare state, sets forth the welfare of the young as the main purpose, as follows:

The purpose of teaching about sex in school is to help children so that sexual development may occur as naturally as possible. Forming a healthy outlook on this side of life will be a great help to them in mastering the various problems connected with sex.

The British approach is similar (although there is no official statement). The 1963 Newsom Report¹⁰ states that since the sexual instinct is the overwhelming influence in the lives of the young, "positive and realistic guidance to boys and girls in sexual behavior is essential."

The French,¹¹ West German,¹² Czechoslovakian¹³ and Hungarian¹⁴ approaches accent moral responsibility to society and protection of the family. The State of Connecticut stresses making available knowledge and data that will aid in making value judgments leading to the consideration of alternative and sound moral decisions.

The Hungarian and Philippine approach frankly mention population growth as important reasons for the education. Hungary hopes it will stimulate growth¹⁶ and the Philippines hopes for the opposite effect.¹⁷ Whereas these objectives seem more closely identified with population education than with sexuality education, if contraception is adequately covered sexuality education should have an anti-natalist effect.

Finally, probably the most important reason that sexuality education is being increasingly offered in schools is the increasing realization that neither parents nor the churches are doing the job, and that in fact, the "job" is being done by "street education" or by the children's peers--often incorrectly and in an undesirable manner.

Although this is rarely the stated reason given in the preambles of the laws or regulations, there exists common consensus that parents all over the world are either unable or unwilling to supply their children with appropriate information and education in sexual matters. "Embarrassed parents mumbling platitudes to embarrassed children" were, on a Youth Health Conference, evaluated by the young to be "uninformed...and suspicious of their children." They were said to "imply condemnation if information were sought, to act ashamed of the topic, to appear shy and embarrassed, evasive or uncomfortable, and apparently to be unable to cope with the reality that their children were growing up."¹⁸ This situation exists both in developed and developing countries where the general ignorance of sexual matters is due not only to the lack of adequate school education but also to the inability or unwillingness of parents to discuss the subject. (See, e.g., tabulation on Pakistan).¹⁹

In 1956, Sweden instituted compulsory sexuality education in its school system for students between seven and 20 years of age, and a UNESCO survey showed that, by 1964, Austria, Denmark, the United States, British Guiana, Norway, the United Arab Republic, Sweden, Czechoslovakia and Yugoslavia were providing some combination of health and sexuality education in their school systems.²⁰ In the 1960's, several Latin American nations evinced interest in sexuality education. In Costa Rica, the Ministry of Education included a program containing some elements of this in the school curriculum. The Asociacion Colombiana de Facultades de Medicina (ASCOFAME) developed a sexuality education program for secondary schools and has also focused attention on the training of medical personnel in sex education.²¹ Mexico, Argentina, and Paraguay have also been active in this area.²² The Chilean Ministry of Education in 1970 published a series of documents on sexuality education and family life for use in teacher training.²³

* * *

Population education developed somewhat later in response to a growing concern over population growth and its effect on economic development. As family planning efforts encountered the "plateau effect" in the mid-1960's, a need was felt to go "beyond family planning."²⁴ One beyond-family-planning measure was to create wide-spread awareness of the effects of population growth, both at the individual and at the national levels, and to produce changes in fertility attitudes and behavior. This development took place initially in the developing world rather than in the developed countries.

Many national agencies have been responsible for the growth of local population education programs. In India, for example, the National Family Planning Association and the National Council of Educational Research and Training have conducted seminars, conferences, and programs directed toward the development of population education.²⁵ In Colombia, the Centro Universitario para Investigacion Sobre Poblacion of the University of Valle instigated an experimental project in the primary and secondary schools of the state of Valle, and Chile has taken similar steps. As the tabulations show, a number of Asian countries including the Philippines, Malaysia, Sri Lanka and Indonesia have introduced population education programs. A beginning is being made in Africa.

UNESCO and some of the voluntary agencies such as the International Planned Parenthood Federation, the Ford Foundation and the Population Council have been instrumental in supporting population education on request in the developing countries. In the developed countries, like the United States, although interest in population education appeared as early as the 1940's, the activity has not yet been adopted on a widespread basis at the school level.

The principle method of introducing population education in schools has been through infusion or integration of population material into existing courses. Both primary and secondary schools have taken part in the process.

C. Distinction Between the Function of the School and That of the Home in the Field of Sexuality Education

An emotional issue which has been extremely important throughout the history of sexuality education has been the question of the proper roles of the home and of the school. This issue is still far from settled.²⁶

In some developed countries, attempts have been made to distinguish between the function of the school to teach facts, and the function of the home and of the church to indoctrinate youth with ethical and moral values and attitudes. The distinction between "facts" and "values" is sometimes expressed as between sexual "information" and sexual "education" in a narrower sense. France has made an attempt to use this distinction as the basis for a compromise administrative solution of the sensitive political issue of introducing sexuality education into the schools. The 1973 Circular of the French Minister of Education²⁷ introduced the two following carefully differentiated phases of sexuality education, to be offered by the schools after September 1974:

- a.) At the level of the "second degree" in the 5th and 6th grades (i.e., age 11-12 and 12-13 years), factual information would be taught in the general program of biology: reproduction of the vertebrates, especially mammals, "including man." In higher grades the information would be elaborated to greater depth.
- b.) For students in the 6th grade and up, a program of "sex education" would be introduced "exclusively" with the purpose of helping the parents in their education task, and only if the parents or the older students ask for it. The classes, officially called "meetings," would take place outside of class hours, and attendance would be subject to the consent of the parents.

That top school authorities in developed countries should carefully acknowledge the "primary" responsibility of the home for sexuality education, sometimes even accepting the responsibility of the school for this field as merely "supporting" or "supplementary," is not entirely consistent with the generally recognized fact that parental performance in this field is weak. However, official statements of this kind are probably politically necessary in order to avoid the charge of "usurping the family's role."

The phenomenon of official statements on the function of the school in relation to the function of the family appears so frequently that a

few typical examples may be useful. The 1973 French Circular explains that "experience shows...that...without any doubt, a majority (of parents) encounter considerable difficulties in communicating with their children and in conveying their views on sexual matters." In spite of this the Ministry maintains that in sexual education (as distinguished from sexual information) the "essential role" belongs to the family; the school can "intervene in this domain" only "exclusively with the purpose of aiding the parents in their educational tasks."²⁸ In West Germany, a conference of education officials from the Laender held at the Federal Ministry of Education introduced the text of its recommendations on sexuality education thus: "Sex education is, in the first place, the task of parents. The school, because of its mandate to bring up and educate youth (Bildungs und Erziehungsauftrag), is obligated to cooperate in this task."²⁹

The question of the legal relationship between parental rights and the school's duty reached the constitutional courts in two German Laender, West Berlin and Hamburg, where parents sought to enjoin the teaching of sexuality education in the public schools. Under the West German Federal Constitution,³⁰ "The entire educational system shall be under the supervision of the government (des Staates)." However, Article 6, para. 2, provides: "The care and upbringing of children are a natural right of, and a duty primarily incumbent on, the parents. The National community shall watch over their endeavors in this respect." In the two cases the parents argued that in-school sexuality education was inconsistent with the above right of parents, especially where it was mandatory or where the school not only taught biological facts but influenced the formation of attitudes.

The courts, rejecting the parents' claims, held that a.) the Laender had the right to determine what was to be taught in public schools and b.) as to the relation between parental rights and the rights of the schools, the Berlin court found no limit on the power of the state to determine what was to be taught, while the Hamburg court imposed some limitation in so far as beliefs were fostered which might affect ideologies or personal life standards.

It may be interesting to compare some language of both decisions. The Berlin Court stated:

Supplying biological facts on the differences between the sexes in the first four grades belongs to the exclusive domain of the school. The discussions, in the higher grades, on the topics of partnership and marriage from ethical, social, psychological, hygienic, and economic points of view have...their crucial point located in the domain of the school. The teaching in both topical areas is therefore admissible without the parents' consent.³¹

The Hamburg Court stated:

Since the constitution in Article 7, para. 1 places school education under the control of the state, it thus limits pro tanto the right of parents. Logically, to decide on the form (Gestaltung) of school education in relation to the right of parents is, in principle, a matter for the state. The state thus has...an independent mandate to supply education. This constitutional reservation in favor of state teaching and state education, cannot, however, be viewed as independent of the right provided to parents by Article 6, para. 2 of the Constitution. The state must rather take the parental right into account whenever it carries out its constitutional mandate. Special restraint has to be shown by the state wherever beliefs are transmitted which may give rise to ideological attitudes and attitudes to life...Because the issue of how parents want the education of their children to be shaped in the field of personal beliefs affects the freedom of religion and of conscience (Art. 4 Const.), the state must strictly respect their right, as education in this area is one of the essential aspects of the parental right to educate.³²

As an exception to the general lip-service to parental responsibility, the official Swedish Handbook introduces its text with the simple conclusion: "When the home is unable to provide the necessary guidance, responsibility passes to the school."³³

That the question took a long time to get settled in Europe is shown by the fact that the issue was still under consideration by the Human Rights Commission of the Council of Europe in early 1975. (See Tabulation on Denmark.)

A clear recognition of the inadequacy of parental education in East Asia was set forth in the proceedings of the IPPF Western Pacific Region Seminar on Family Life Education in Tokyo, in 1971. The background paper states:

It is often suggested that sex education belongs in the home, and that parents should take responsibility for preparing their children for marriage and parenthood. Experience shows, however, that parents are ill-equipped for this task and do not have the relevant knowledge. The special parent-filial relationship often inhibits parents when it comes to discussions on sexual emotions and behavior.³⁴

Samples of the wide variety of official positions on this subject set forth in the policy statements and guidelines of various states in the USA can be arranged in a scale as follows:

- a) Whereas sex education for Nebraska children is a family responsibility which should be handled by parents in the home and the church...therefore, be it resolved: That... any such proposed course of study or program (i.e., on sex education) shall not be established in any public school in Nebraska.³⁵
- b) The home is a primary source of information and attitudes. Schools and other groups can only supplement this early teaching in the home....(Colorado)³⁶
- c) The primary responsibility for the sex education aspect of family life education is that of the home. However, the school, along with the church, has a secondary role in supporting and supplementing the home's responsibility. (Oregon)³⁷
- d) It is the primary responsibility of parents to provide sound family health and personal development education for their children, so this instruction should be started and continued in the home. However, the school also has an important role in personal development education because many parents are not prepared to meet the developmental needs of their children...Although the home and school have key roles...the church and community may also play important roles. (New Mexico)³⁸
- e) The public school must assert leadership in the community relative to implementing a comprehensive family life and sex education program. (Minnesota)³⁹
- f) ...sex education is a responsibility which should be shared by the home, church, school and community. Yet it appears clear that the school has a fundamental role to perform. (Pennsylvania)⁴⁰

The official statement of the Connecticut Board of Education, made in April 1968, appears to offer the most careful formulation of the distinction between the role of the school and parents. It reads:

In modern America, sex codes have become more variable and have been characterized by an array of values that permit a bewildering variety of choices of behavior. While it is not appropriate for the educational system in a democratic society to indoctrinate students with any one value system--this being the function of the home and religious institutions--it is the responsibility of educators to make available knowledge and data that will aid in making value judgments leading to the consideration of alternatives

and sound moral decisions. Wherever a universal value exists this must be made clear and the consequences of departing from it must be pointed out. Perhaps the most nearly universal value within our society is that of basic respect for human responsibility.⁴¹

D. Delivery Systems for Fertility-Related Education

There are two basic delivery systems for fertility-related education: the formal educational system and the communications system. The educational delivery system can be sub-divided into in-school and nonschool programs,⁴² and the communications system into personal communication and mass communication programs. Differences among these approaches can best be understood in terms of target audiences, program objectives, curriculum content and learning methodologies. The selection of a delivery system, and, within that system, of a programmatic approach, will depend both upon the priority assigned at the policy level and upon the resources available.

In-school programs

These programs take place both at primary and at secondary levels, and may also be provided at the university level, both as part of undergraduate education and for professional training. As far as in-school population education is concerned, it has so far taken place principally in Asia. The most notable example is the Philippines. Not only is it the first fully national program to be established but it includes sexuality education, unlike most other Asian programs. Begun in 1970, the in-school program has been implemented on both primary and secondary levels, as well as in some institutions of higher learning. It is intended not only to encourage the small family norm, but to give some indication of how to carry it out. It has utilized the infusion approach, integrating population content into science, health, social studies, and home economics curricula. Program materials have been developed by the Bureau of Public Schools, the Philippines Women's University, and the Philippine Wesleyan College under the auspices of the central government.⁴³

The most notable Latin American in-school program is in Cali, Colombia, where a selected group of teachers and students in the Department of Valle are participating in a pilot program. This program has integrated population, sex, family life and ecological education into one package. UNFPA⁴⁴ and UNESCO have provided financial support, and the program is currently being evaluated.

In Anglophone Africa, the African Social Studies Program is developing a sourcebook and materials for population education in its fourteen member countries. In Francophone Africa, several countries, such as Mali and Togo, are experimenting with in-school sexuality education.

Nonschool programs

Nonschool programs are principally directed at adults of reproductive age, although increasing attention is being given to out-of-school youth. The content includes both population education and sexuality education. The objective of this kind of program is both informational and motivational. It seeks to inform people about population problems, to educate and motivate them to adopt contraception and to reduce their desired family size. Such programs are primarily found in developing countries, although under the aegis of social work agencies in the United States, some education of this kind may be included as part of community organization efforts.

Nonschool education programs usually fall under the organizational umbrella of community development, literacy campaigns, adult education, or extension education (agriculture, health, or home economics). In Asia, one of the most notable programs is that of the Thai Division of Adult Education in the Ministry of Education. This program combines the teaching of functional literacy with family planning, health, citizenship, and family economics content. The materials and curricula have been developed according to the carefully researched needs of rural adults in Thailand.⁴⁵

In Korea, the Mothers' Club nonschool program appears to have had some influence in reducing fertility among Korean participants. The Cafeteros Association in Colombia provides both population and contraceptive education to coffee plantation workers as part of a larger rural adult education program, which includes community development and literacy. The Food and Agriculture Organization ("FAO") has developed a Program for Better Family Living, which is currently being implemented in Kenya, offering both population and sexuality education.

Personal communications

Personal communication programs are often aimed primarily at contraception and family planning. Such programs usually occur as an adjunct to an on-going organizational activity, such as health extension or maternal-child health clinics. In Ghana, which has not until now had other fertility-related education, fieldworkers from the National Family Planning Program provide an outreach into rural communities and seek to motivate adults by personal contact to avail themselves of clinic services. Similarly, in Indonesia, Korea, Taiwan, Kenya, to name a few, home visitors bring education on health and family planning directly into homes. The Profamilia organization provides similar services in Colombia.

Mass communications

Mass communication programs are also usually directed to reproductive age adults, but their effectiveness is usually limited to information and simple motivation rather than more intense awareness and behavior changes.

Such programs seek to alert the audience to the need for responsible decisions regarding fertility, and to the availability of services which can assist them in implementing their decision. The use of mass media in fertility-related education frequently is dependent upon the existence of a governmental population policy, since the media, like the public schools, are usually government controlled.⁴⁶ Thus, in Africa and Latin America, where few governments have until very recently adopted population policies, mass communications are less used.

An interesting use was made of mass media in the Iranian Isfahan Communications Project. This project utilized radio spots, presented as announcements, dramas, interviews, and discussions, and then followed up the radio spots with mass mailings, first to professional, religious, and government leaders, and later to women who had recently given birth. Local functionaries and opinion leaders were given short training courses in population and family planning education, and these leaders then served as additional personal communication points for information.⁴⁷

For the purposes of this paper, communication programs will be treated as part of nonschool education.

FOOTNOTES

CHAPTER II

¹An additional area of population-related education exists which is termed "family life education." These programs emphasize familial relationships including sexuality, but also include child development, health, nutrition and civic and economic welfare. The area of family life education contains elements of both population and sexuality information and may sometimes be a euphemism for either of these kinds of program.

²See, e.g., tabulation on Sri Lanka. For a discussion of content differentiation in India, see B. Kuppuswamy, K.S. Rao, and A.K. Kanth, (eds.), Population Education: A Panel Discussion (Bombay: Asia Publishing House, 1971). See also Kline and McCann, "Law, Education and Population," Harvard Graduate School of Education, Draft paper presented to the UNESCO Workshop on the Teaching of Population Dynamics in Law Schools, February 18-22, 1974 (mimeo), p. 7.

³National Society for the Scientific Study of Education, "Education with Reference to Sex " 8th Yearbook, Parts 1 and 2 (Chicago: University of Chicago Press, 1909).

⁴H. Frederick Kilander, Sex Education in the Schools (New York, 1970), p. 3. A broader definition of sexuality education in terms of sexual health is contained in the World Health Organization ("WHO") Report on the Meeting on Education and Treatment in Human Sexuality: The Training of Health Professionals (Geneva, February, 1974), p. 31. Conclusion No. 1 states: "Sexual health is the integration of the somatic, emotional, intellectual and social aspects of sexual being, in ways that are positively enriching and that enhance personality, communication and love. Every person has a right to receive sexual information and to consider accepting sexuality for pleasure as well as for procreation."

⁵United Nations Educational, Scientific and Cultural Organization ("UNESCO"), Health Education, Sex Education, and Education for Home and Family Life (Hamburg: UNESCO Institute for Education, 1965), p. 79.

⁶John N. Baker, Sex Education in High Schools (New York: Emerson Books, Inc., 1943), p. 17.

⁷These statements give the official view as to the purpose of the courses in the jurisdiction concerned. See for this issue, L.V. Haims, Sex Education and the Public Schools (Lexington, Mass., 1973), p. 64, et seq.

⁸A. Braestrup, "Denmark," in Responsible Parenthood and Sex Education, (IPPF, London 1970), p. 46. The author points out that parents earlier sought to solve the problem by keeping younger children from all knowledge of sex, and by "frightening the older children." This solution seems to

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be the only alternative open to persons who oppose sexuality education.

⁹Swedish National Board of Education, Handbook on Sex Instruction in Swedish Schools (Kristianstadt, rev. ed., 1968), p. 8.

¹⁰Half our Future, Report submitted to the Minister of Education in 1963 ("The Newsom Report"), (London).

¹¹Circular of French Ministry of Education, Circular No. 73-299 of July 23, 1973, Bull. Offic. de l'Education Nationale, July 26, 1973, Sec.II. Whether the Giscard Government will issue a new circular amending or replacing the 1973 Circular is not yet known.

¹²See "Recommendations for Sex Education in the Schools," of the Conference held at the (federal) Ministry of Education on Oct. 3, 1968 (hereinafter cited as "Conference Recommendations"). See also, "Guiding Principles for Sex Education in the Schools of Hessen," Amtsblatt (Nov. 30, 1967). Both above reprinted in Recht der Jugend und des Bildungswesens (1969), p. 49.

¹³See Guidelines of the Ministry of Education of the Czech Socialist Republic of 1972, reprinted in 28 Ceskoslovenská Pediatrie (1973), p. 379.

¹⁴Decision No. 1040/1973, (K18) of the Council of Ministers on the Tasks of Population Policy. Magyar Közlöny, No. 71 (Oct. 18, 1973), p. 774 et seq., Part III.

¹⁵Connecticut State Board of Education, Policy Statement on Family Life and Sex Education for the Connecticut Schools (Hartford, 1968).

¹⁶See supra note (14), preamble.

¹⁷Revised Population Act (Republic Act 6365, as revised by Pres. Decree Sec. 2 of Decree No. 79 of Dec. 8, 1972 refers to the "grave social and economic challenge of high rate of population growth." Sec. 6 states (para. c) that the purpose of the Population Commission is to "implement programs that will promote a broad understanding of the adverse effects on family life and national welfare of unlimited population growth."

¹⁸Haims, supra note 7, p. 30 quoting G.B. Couch, "Young Look at Sex." 37 Journal of School Health (1967), p. 336.

¹⁹For situation in Sweden, see Handbook, supra note 9, p. 7. For France see Le Figaro, Jan. 10, 1973, (which recalls from the "Simon Report" that 82% of youth reported never having spoken to their parents on sex matters). For Switzerland, see F. Mattmueller-Frick, "Bericht zur Orientierung über Geschlechtsfragen an den Basler Kleinklassen," 20 Praxis der Kinderpsychologie und Kinderpsychiatrie (1971), p. 184 (only 10% of parents able to deal with their children on sex matters).

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For Czechoslovakia, see A. Svobodová, 11 Československá Zdravotnictví (1973), pp. 483, 486 (a 1965-71 survey showed that only 25 per cent of boys reported that they had consulted their fathers on sex matters). For Denmark, see E. Rosen, "Social Aspects of Family Planning in Denmark," Scheveningen Round Table (1966), p. 18. For Colombia, see M. Jaramillo-Gomez, "Medellin, A Case of Strong Resistance to Birth Control," 5 Demography (Spec. Issue 2), p. 812. (In the 1960's about one-half of women in Medellin with 6 years or less of education knew nothing of the process of childbirth at the time of their marriage). For Afghanistan, see A.M. Khosbeen "Consequences," supra note 12 to Chap. I, p. 853 et seq.

20UNESCO, supra note 5 at 99.

21For a statement as to the teaching of human sexuality at the university level in Colombia, see G. Ortiz Umana, Activities of the Regional Population Center in the Teaching of Human Sexuality, WHO Doc. MCH/SYM 73.23 (Geneva, Feb. 1974).

22For a selection of Latin American sex education materials, see "Human Sexuality: Spanish Language Resources," S CUS Report (New York, May 1973).

23Ministry of Education, Vida Familiar y Educacion Sexual, Vols. 1 & 2, (Centro de perfeccionamiento, experimentacion e investigaciones pedagogicas, Santiago, 1970).

24B. Berelson, "Beyond Family Planning," Studies in Family Planning, No. 38 (Feb. 1969).

25National Council of Education Research and Training, National Seminar on Population Education (New Delhi, 1969).

26The Human Rights Commission of the Council of Europe was, as of January 1975, examining a complaint by certain Danish parents against certain compulsory provisions of the Danish law (Annual Review of 1974 of Comm. on Human Rights, Strasbourg, Jan. 1975, Item 8.3).

27See Circular, supra note 11, Secs. I and II. The Circular distributed to parents omitted the language about parental failure to communicate.

28Ibid.

29"Conference Recommendations," supra note 12, p. 46.

30Grundgesetz fuer die Bundesrepublik of May 23, 1949, BGB1. S.1, Art. 7, para. 1.

31Oberverwaltungsgericht, Berlin, decision of Dec. 7, 1972, VB 37/71.

³²Oberverwaltungsgericht, Hamburg, decision of Jan. 1, 1973, Bf. III, 5/72. It may be felt that the decision of the Hamburg court does not indicate where the point of teaching of "attitudes" begins, as no course on sexuality education may be entirely limited to "facts." The Hamburg court does not indicate what should be done when the parents' views are in conflict with each other or where the parents' beliefs contradict the already developed beliefs of a teenager.

A few more citations from the decision of the Berlin court may be of interest since there have been few occasions where a high court had an opportunity to express an official opinion on sexuality education:

In seeing an encroachment into their family life in the fact that their daughter asks further questions at home, the complainants fail to recognize that a frank dialogue on problems of sexuality is also part of the education of a young person. Exactly at the moment where a child asks questions, a meaningful sexuality education should make contact with this primary interest of the child, instead of trying to suppress it. To brush such questions uneasily aside, or knowingly to eliminate them, would be a serious educational blunder.

The will of the parents cannot be seen as the only determining factor, and their child cannot be seen solely as the object of their education.

The above cited decisions have been published in Giese F., Schinck E., Winkler K., Verfassungsrechtsprechung in der Bundesrepublik, under 7 Abs. 1 GG, No. 22 (OVG Berlin), p. 49, and No. 23 (OVG Hamburg), p. 57.

³³See T. Sjövall, Sex Education in Sweden: Background and Development (in mimeograph to be published), Sec. 3. (Half of students got no data at home.)

³⁴Proceedings of the Seminar of the IPPF Western Pacific Region, Hong Kong 1971 (Hong Kong, 1972), p. 9.

³⁵Resolution of Nebraska State Board of Education of April 11, 1969. Resolution warned against the "demoralizing and destructive character" of "SIECUS and other similar programs" for Nebraska children.

³⁶Colorado State Department of Public Health, An Outline and Guide for Family Life Education, 1967.

³⁷Oregon Board of Education, Policy Manual (1970), para. 1. See also Idaho State Board of Education, Resolution (1969).

³⁸New Mexico State Department of Education (Division of Health-Physical Education-Recreation) Guidelines for Family Health and Personal Development (1970), p. 2. Similar statements are found in the guidelines

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of New Hampshire and North Carolina.

39Minnesota, Department of Education, Health-Physical Education Unit, Family Life and Sex Education (1969), p. 1.

40Pennsylvania Department of Education, Guidelines for Sex Education in Public Schools of Pennsylvania (1969), p. 1.

41Connecticut State Board of Education, supra note 15, at p. 1.
Underlining added.

42In-school programs can be defined as those which take place within the context of the formal education system;--kindergarten through university. Nonschool programs are organized, structured and purposive education activities which are administered outside the formal school system, although they may share school facilities and personnel.

43Planning the Future: Population Education in the Philippines (Population Education Program, Department of Education and Culture, Manila, 1972).

44The United Nations Fund for Population Activities.

45"The Thailand Project: An Innovative Project in Functional Literacy and Family Planning," World Education Projects (May 1973).

46Kline and McCann, supra note 2 at p. 11.

47S.S. Lieberman, Robert Gillespie, and M. Loghmani, "The Isfahan Communications Project," in 4 Studies in Family Planning, No. 4 (April 1973).

III. ANALYSIS OF PRESENT WORLD SITUATION BY REGIONS*

A. Western and Northern Europe

As might be expected, the Northern and Western European countries are, with a few exceptions, the leaders in the field of sexuality education. Their motivation has been human rights and welfare. Since population pressures are no longer a problem in most of these countries, and since there has not been any need to inculcate the small family ideal, there has not been much attention given to population education, except insofar as certain countries have sought to deal with problems of low fertility and internal migration.

With the exception of Ireland, most of the countries in this area favor sexuality education, and are taking steps to provide it. However, the governments are all aware of the danger of negative popular reactions and are proceeding with caution.

Some governments make sexuality education compulsory (e.g., Sweden and West Germany). Some make it theoretically compulsory but permit parents to withdraw their children from specific courses (France). Others leave the matter to the local authorities (Belgium and the United Kingdom). Contraception information is, or may be, covered in each of these countries.

On such matters as the level at which this education is given, there appears to be great variation, except that contraception is not taught before the upper secondary levels. Some countries separate the sexes for part of the subject matter (Denmark); others do not (Sweden).

Finally, the question of special teacher training is handled differently in each country, although every country has recognized its importance. The Swedes have prepared a careful and detailed manual and have provided special training for teachers, but have found that even this was inadequate. The British offer training in some institutions, and the French are now preparing for the special training of teachers. A number of other countries publish official manuals (e.g., West Germany).

Several case histories may be mentioned, as illustrating the background of the subject in this area. The Swedes were the first to enter the field with a compulsory law in 1956. Despite "heated public debates," the Government is "deeply committed to the official school sex education program and all the major political parties have endorsed it."¹ There is an official handbook on "Sex Education in the Swedish Schools," which provides detailed curriculum instructions for the four age groups: 7 to 10 years, 11 to 13 years, 14 to 16 years, and 17 to 20 years. Questions of every kind are covered, and the material is spread out so as to be

*Citations are relatively infrequent in this chapter since the supporting material is usually available in the tabulations.

part of various courses, e.g., biology, civics, religion, etc.

According to Thorsten Sjövall:

The implementation of this educational programme did not correspond to the expectations of the reformers nor to those of an ever more sophisticated population. The teachers were found to be badly prepared for the task. In view of what became gradually known about the actual sex behaviour of Swedish youth as well as the increasing frankness by which intimate human relationships were described in easily available printed material and over the mass media, the handbook was criticised for being old-fashioned and moralising.²

These and other circumstances resulted by 1964 in the appointment of a State Commission for a revision of the whole field of general sexuality education both at school and at the adult level. This Commission, after nearly 10 years of work, submitted its final proposals to the Ministry of Education in 1974.

The Commission found that 86% of the population between 18 and 60 years of age favor sexuality education at school, and 89% felt the young should be taught about contraception. Despite the compulsory courses, 35% of the people who were to get the education said they got none. Tests showed that there was a "definite correlation between the quantity of sex education reported and the sexual knowledge achieved, as measured by a specially constituted knowledge test."³ The new manual recommended by the Commission is expected to be much fuller and more detailed.

In France, the change in governmental policy on family planning and sexuality education had a very slow start. Until 1967, the French Law of 1920 was in effect which forbade "contraceptive propaganda" and was construed as banning the sale of contraceptives. In 1967, the law was repealed, but the new law was still extremely restrictive. Under it, even family planning counselling centers were forbidden to dispense contraceptives, which were to be handled by pharmacies under restrictions similar to those required for morphine.⁴ As late as 1972, there was a riot in Besancon when a married woman teacher answered questions about sex and contraception in a school class. The situation began to change in 1973. In July of that year a "High Council on Sex Education, Birth Control, and Family Education" was established by law.⁵ (This council, however, was placed on a weaker basis than had been envisaged in the original bill which had called for a national "Office." Finally, in March 1974 the then Minister of Education issued a circular⁶ introducing basic sex "information" into school courses and allowing a certain limited form of sexuality "education" to be supplied outside of regular school hours.

The French elections in the spring of 1974 have changed the official climate completely. In December 1974 a liberal contraception law was

adopted almost unanimously and in January 1975 the abortion law was radically liberalized.⁷ Thus, although progress on in-school sexuality education is still slow, it is reasonable to expect a change in this field also. The Minister of Health of the new Giscard Government announced her plan to make "a vigorous effort in the field of information."⁸ But according to a member of the High Council on Sex Education speaking in January 1975, very little had yet been done to implement the plan.⁹

In Western Germany, the development had to take into account the differences between the Laender since legislation on schools and education belongs to these subordinate units and not to the federal government. Land Hessen had issued relatively progressive regulations for in-school sexuality education as early as 1967, which covered such controversial topics as contraception. In 1968, an all-German conference was held at the Federal Ministry of Education which then issued "Recommended Guidelines" for sexuality education, which became the model for all other Laender. However, sexuality education is still a topic of lively discussion in West German literature, and the legal situation is still being debated in the courts, as pointed out in Chapter II.

In Austria a seminar of experts in 1970 drafted a full compulsory program for grades 1 to 12, which includes contraception in grades 8 to 12. Parents are kept informed. In Switzerland sexuality education is provided but has not been the subject of much discussion or litigation.

Thus, it is fair to say that, with the exception of Ireland, the countries of Northern and Western Europe have accepted the idea of sexuality education and seem to be moving cautiously forward in this field. In doing so, they appear to be encountering fewer taboos than similar activities in other parts of the world. The work of the Council of Europe (see supra p. 2) may be indicative in this regard.

B. Eastern Europe

The socialist countries of Eastern Europe have for many years provided a much more liberal resort to abortion than the other European countries. However, since 1971 they have indicated a desire to limit excessive abortions and have been stressing contraception as a preferred alternative.¹⁰ This has meant greater emphasis on sexuality education. Hungary and Yugoslavia are good examples.

In Hungary, a decision of the Council of Ministers of October 1973 stiffened the requirements for abortion, and made sexuality education, including contraception, compulsory in the schools. This is backed up with the requirement that persons applying for a marriage license must present a certificate that they have received instruction on contraception. There are also lectures and information programs aimed at parents.

In Yugoslavia, similar considerations led to the inclusion in the 1969 parliamentary Resolution on Family Planning of a paragraph instructing all educational institutions to provide sexuality education.¹¹ This is applied

also to the army, student and youth hostels, etc. The Slovenian Republic, which has given particular attention to the human rights aspect of the matter, and particularly to the right to be born wanted, has led the way. Voluntary sexuality education has been offered in the schools since the 1960's, and a compulsory program began in 1973. However, in Yugoslavia, as in other European countries, sexuality education has moved slowly owing to the sensitive nature of the field, to the lack of good manuals and trained teachers, and to the varying cultural environment of individual republics.¹²

In the USSR, education is a matter controlled by the constituent Union republics, and fertility related education seems not to cover more than the topics of menstruation, hygiene and venereal diseases. It has been criticized internally as inadequate.¹³ In Czechoslovakia, where sexuality education was introduced several years ago, and in East Germany, the curricula include family planning and contraception.

Since under Communist theory population pressures can only exist in capitalist countries, any anti-natalist education is presumably barred. Some pro-natalist propaganda is believed to exist both in and out of school in some Eastern European countries.¹⁴

C. Conservative European Countries

In this category are Eire, Italy, and Spain,¹⁵ all of which are very strongly influenced by the Roman Catholic Church, and all but Eire have been subjected to the pro-natalist influences of dictatorship governments. In all these countries, population and sexuality education were either forbidden, or if theoretically tolerated, rare (see tabulations). However, recent developments in Italy may now lead to some relaxation. Portugal can no longer be classed in this category.¹⁶

In Spain, possibly the only reason why such education might be tolerated is that it may never have occurred to the government that such a thing might be done and there is therefore no law against it. In Eire, both the Criminal Law and the Censorship Law effectively prevent it, and even forbid sales of books on the subject to adults. (The Irish Parliament in 1974 voted against a government-sponsored bill which would have permitted sale of contraceptives to married people.) In Italy, since the De Marchi decision of the Constitutional Court in 1971, the strict fascist era laws have been eliminated and no new restrictions have been adopted. Accordingly, in cities with non-conservative governments, sexuality courses are occasionally given, and the trend toward such education will probably grow. The situation in Portugal has changed, and an Inter-Ministerial Commission on Population Policy has been created to promote and expand knowledge of family planning among the population. Before the present resolution, advertising of contraceptives was forbidden even in the medical press, and pharmacists were forbidden to give advice.¹⁶

In the conservative countries any population education, if given, is presumably pro-natalist. As to sexuality education, the Catholic Church

position appears to vary from country to country.¹⁷ In Latin America, the Church does not oppose some in-school education on human reproduction and responsible parenthood in some countries, although it presumably opposes education on contraception other than the rhythm method. Thus, the de facto exclusion of any sexuality education from the schools of Eire and Spain may indicate a position more conservative than that of the Church itself.

D. East and South Asia

In this area there is a significant anomaly in that, on one hand, there is maximum population pressure, almost all the Governments have policies favoring the control of population growth, and there appears to be comparatively little popular objection to the idea of contraception. On the other hand, the taboo against in-school sexuality education, --i.e., the discussion of sex-related matters with the young--is so strong that, except for the Philippines, Japan, and Taiwan, no Government apparently dares to consider sexuality education on a large scale (and Taiwan is proceeding with great caution).

Examples of this are striking. Indonesia has a clear official policy of limiting population growth. It has a strong nonschool family planning information program and is pushing population education in the schools. However, when a pilot course on sexuality education was tried out in a secondary school in Semarang and this was mentioned in the press, the Ministry of Education was forced to state officially at a press conference that this was not government policy. In Singapore, where the Government has embarked on a very strong incentive policy to limit fertility, it has apparently not dared to go beyond population education in the schools. Press rumors as to planned sexuality education have proved unfounded and may have been unsuccessful trial balloons.

In Bangladesh, although the Planning Commission has advocated a sexuality program in the light of the world's heaviest population pressure, the Government does not dare attempt it. Although the Pakistan Government has frequently taken the lead at national and international meetings in stressing the need for population education, and although the population is alleged to be generally ignorant as to basic human physiology, nothing has yet been done even to try out sexuality education on an experimental or pilot basis. Similar situations appear to exist generally in Malaysia, Thailand, South Korea and even in India with its severe population problem. Hong Kong has ignored strong recommendations.

In these countries strict obscenity laws appear to play a role in discouraging sexuality education. Moreover, both Islamic and Buddhist traditions appear to be against it (particularly if it were to be tried in mixed classes). Finally, in the former Indo-Chinese countries, the old French Law of 1920 forbidding contraception propaganda was still in force until recent developments.

Nevertheless, most of the countries in the area have strong population education courses, and most of them have nonschool information programs aimed at parents and adults generally which cover both population and sex matters.

One exception to the above pattern is the Philippines, possibly because it is largely Christian and has had strong western influences. The Marcos Government in 1972 embarked on a full-scale population control policy and the President ordered every branch of the Government, industry and church to cooperate. The Department of Education began a five-year Population Education Program to cover all school levels, with sexuality information, including contraception, included at high school level. A corresponding nonschool program was begun by the Department of Public Information. The entire operation is coordinated and controlled by the Central Government which provides the curriculum materials used. The United Nations Fund for Population Activities provided a large grant to start the program. It is still too soon to evaluate the success achieved, but if the program does succeed, it is possible that other Asian countries will be influenced. Japan and Taiwan appear to be moving in this direction. Whether this is because of their modernized economies, or because their particular forms of Buddhism offer no objection, or because their island situation makes them particularly conscious of overcrowding, it is hard to judge.

E. Peoples' Republic of China

China has a specially severe problem of population pressure, and has attempted a specially drastic solution, of which population and sexuality education form an essential part.

After a considerable period of vacillation on population control measures, under which policy appeared to vary in accordance with the fluctuations in food availability, the Government took a position in 1957 when Mao Tse Tung in his concluding speech at the Supreme State Conference stated that the problem of population control "deserves further study" and that the people demand birth control.¹⁸ The measures taken include a high minimum marriage age for girls and compulsory membership in small study groups which discuss many social questions including such matters as when each family should be authorized to have a child. Education in and out of school is believed to be complete and thorough on sex matters, and this is backed up by home visits from "barefoot doctors" and other community workers. The educational process indoctrinates children with the idea that the government will provide illness and old age protection. Details as to in-school sexuality education are lacking in the West. However, the system of state organization in China makes it unlikely that sexuality education is regulated by law or official regulations as is done in many European countries.

F. Moslem West Asia and North Africa

In a preceding section we have referred to the difficulties experienced

by the Moslem countries of South and South East Asia with regard to the sexuality education. The same difficulties also apply to the Arab and other Moslem countries of West Asia and North Africa, but in at least two of them an effort seems to be underway to face the problem.¹⁹ Egypt has apparently been successful in getting sexuality education into the schools and Tunisia is getting into the field on an experimental pilot basis. Both have population education materials dispersed through their regular courses on economics, geography, etc. Iran is now entering the field on an experimental basis and there is a good chance that the matter will be put through in view of the Government's policy to control population growth.

On the other hand, in Lebanon, where the question of population predominance (as between Christians and Moslems) is a difficult political issue, there is no indication that the Government will deal with the question. In Syria, Libya and Morocco, the subject is apparently not raised, and in Turkey, despite the Government's policy of favoring family planning, there appears to be little effort in either population or sexuality education below the university level, outside of some nonschool publicity in support of family planning services.

G. Africa South of the Sahara

In Africa south of the Sahara the subjects of population and sexuality education in school have only recently received any attention. In former times, sexuality education was dealt with by tribal authorities on a customary basis, and the idea of population education did not exist. There has until recently been little consciousness of population pressures and a need for population education has not been felt except in one or two countries.²⁰ The two types of education are now beginning to be recognized as desirable, at least in some countries.

The first international discussion on the subject of sexuality education in francophone Africa was organized at Bamako, Mali, in April 1973 by the Canadian International Development Research Centre, the Friends Service Committee and the Malian Ministry of Education.²¹ It noted: that the people in Africa are in general ignorant of human reproduction; that conditions vary in each country; that few if any teachers are available; and that adults as well as children should be reached. The Seminar recommended that sexuality education be taught in African schools as a part of physical and moral education, and that teachers be trained. It also suggested that this be on a voluntary basis and that any suggestion of population "control" be avoided. However, most of the francophone countries still have the old French Law of 1920, forbidding contraception propaganda, and this has generally been taken as forbidding sexuality education except possibly in the Congo (Brazzaville), Mali and Togo where sexuality education programs are now being tried out.²² Population education was first discussed at a UNESCO-organized meeting at Dakar on November, 1971 on "Population Education--Development in Africa South of the Sahara."

In the anglophone countries, there are no laws which would impede sexuality education in the schools, and more has been done in this field.

Ghana planned to start an in-school program in 1974, acting not only on welfare grounds but also under a Government policy of stabilizing the population. Kenya is now preparing materials for a program on sexuality education, and both countries have nonschool information programs. In Nigeria, Professor Odumosu of Ife University reports that "since there is no national policy on population control through family planning, there is, as such, no official policy on sex education which could include a formal instruction on the use of contraceptives."²³

Thus both sexuality and population education are making a start in Africa south of the Sahara.²⁴ Sexuality education may receive an impetus from the report of the IPPF Conference on the Medical and Social Aspects of Abortion in Africa, in December 1973. The Conference unanimously agreed that "abortion itself is an indication of the lack of comprehensiveness or unavailability of family planning services and sex education activities," and that national governments should be led to realize that "family planning programmes, including sex education, for all should be a government concern...."²⁵ Population education, at least in the anglophone countries, is being pushed by the African Social Studies Program which is preparing a sourcebook and materials for its fourteen member countries.

H. Latin America and Caribbean Countries

In this area the full gamut of attitudes and programs is represented, varying from the extreme negative position of Argentina to the full and active in-school programs of some of the island countries of the Caribbean. Argentina, by a recent decree, has forbidden all dissemination of birth control information. (Whether this ban covers the teaching of human reproduction is not yet known.) On the other hand, some of the Caribbean countries, such as Barbados and the Netherlands Antilles, whose island confines may make the people more aware of crowding, have vigorous programs expressly aimed at population stabilization--both in and out of school. Nearly every other possible arrangement between these extremes may be found in one or more of the countries of the region. Puerto Rico now includes contraception information in school. Mexican law apparently requires full sexuality education, but the schools are slow to provide it. Costa Rica requires responsible parenthood education in secondary schools but does not yet include contraception. Honduras tolerates sexuality education but forbids the teaching of contraception in school. Although both population and sexuality education are theoretically required in school in Ecuador, neither in fact exist.

The trend in the region is clearly in favor of increased education and information, both in-school and nonschool. Brazil declared at the World Population Conference at Bucharest in August 1974 that it would make basic changes in its policy and would make family planning information available to its people. Mexico, Colombia and Chile are experimenting with new programs of in-school sexuality education which will presumably eventually include contraception, and with increased use of their communication systems. How these efforts will be worked out with the Catholic Church

remains to be seen.²⁶ Possibly some sort of courses based on Church principles of responsible parenthood may be the answer.

Nonschool information programs for the general public, covering the basic aspects of family planning, do not appear to run into any kind of difficulties in any country except Argentina. It appears that previous difficulties in Brazil and Uruguay may be overcome. These programs are being pressed with varying degrees of vigor, with Chile, Costa Rica and Jamaica apparently taking the lead.

Mexico, Ecuador and Costa Rica are apparently the only countries where sexuality education is a matter of law. Obscenity laws do not seem to have been heavily involved in this region.

Since population growth pressures are only just beginning to be felt in most of the countries of the region, very little has so far been done on population education except in Colombia, Mexico and the Caribbean Islands, where these pressures have been clearly felt for some time. (Chile mentions it on the list of curriculum topics for the fourth year of secondary school.) In the light of Latin American suspicions of United States' alleged "imperialist" intentions, and of mutual suspicions among certain countries, population education, if undertaken in some countries, might not be anti-natalist.

From a consideration of the situation in those countries as to which we have been able to obtain information, two conclusions may perhaps be drawn:

First, most of the countries of the region are moving into the field, with more interest in sexuality education than in population information.²⁷ The International Council on Education, Science and Culture of the Organization of American States in its Resolution 69 adopted at Santo Domingo in 1973 called for sexuality education in all the American States. The Governments are, however, moving with extreme caution and mostly on an experimental basis. Reluctance to implement policy decisions is obvious, and fear of popular reaction is prevalent. In this regard, the Latin American education authorities resemble their Asian and some European "opposite numbers."

Second, it would appear that the Catholic Church, which predominates in all of the countries except some of the Caribbean Islands, has become more "flexible,"²⁸ and has not taken a fixed position. Whether or not there is any significance in the fact that Barbados and the Netherlands Antilles, which are not predominantly Catholic, have gone the farthest is not clear. The fact that these are small island countries where pressures are most obviously visible may be the reason behind their action in this field.

I. Australia, Canada and the United States

The situation in these countries in some ways resembles that in Northern

and Western Europe. All three countries have federal constitutions and a British-oriented legal and cultural tradition.

Although it is clear that sexuality education is gaining in acceptance, and that in-school courses will eventually be generally available, the same caution and hesitation is visible here which we have seen in European countries. The Governments appoint study commissions for official inquiries which take time to prepare their reports. There is quite obvious concern as to popular reaction and the courses are usually voluntary (except in the case of some laws requiring instructions on venereal disease) and parents may be authorized to withdraw their children.

In the second half of the nineteen sixties sexuality education in the United States became a controversial issue with emotional under-currents. It played a role in local politics and resulted, in a few states, in questionable and even curious bits of legislation and guidelines. The Gallup polls show that the great majority of the population approves in-school sexuality education, including information on contraceptives, so that it is reasonable to expect that in the seventies, opposition to such education will weaken and courses may become increasingly frequent. At present, however, although certain United States state authorities encourage sexuality education, the federal government has not, so far, gone much farther than toleration.

There is a very active private organization (The Sex Information and Education Council of the United States, known as "SIECUS") which carries on active research and educational campaigns in favor of the establishment of sexuality education in the schools of the United States.

In these three countries contraception is generally understood to be included in sexuality education, but this is not necessarily the case in fact. In some states, contraception information is specifically excluded by regulation, and in Michigan there is a law which provides for sexuality education but expressly forbids discussion of contraception. The law was recently upheld without an opinion by the U.S. Supreme Court.²⁹

There are other constitutional questions which have not yet been settled at the highest level in the United States; for example the question of whether sexuality education in public schools might interfere with freedom of religion. It appears from recent cases at a lower level that serious constitutional difficulties will not be encountered, particularly if parents are allowed to withdraw their children.³⁰

In Australia, Canada³¹ and the U.S., it appears that the question is not covered by special laws in the majority of states, but rather by guidelines or regulations set up by the state ministries or boards of education. Obscenity laws do not seem to constitute a major difficulty, although they must still be considered in some places. For example, New South Wales in the 1930's defined any advertisement in relation to contraceptives as "indecent" per se.³²

Although the emphasis in providing population-related education in all three countries is on human rights and welfare, which leads to emphasizing sexuality education, nevertheless in the United States at least, population education also exists and is permitted in all states.³³ The city of Baltimore has a pioneer program in this field.³⁴

The (United States) President's Commission on Population and the American Future devoted considerable time to the question of the desirability of growth, and decided that it may not necessarily be desirable. The Commission recommended "Enactment of a Population Education Act to assist school systems in establishing well-planned population education programs so that present and future generations will be better prepared to meet the challenges arising from population change," and the Environmental Education Act of 1970 provides the possibility of some funding for population education. Among the organizations active in this field in the United States are The Population Reference Bureau in Washington, D.C. which publishes text book materials, and the National Instructional Television, located at Bloomington, Indiana, which has produced a series of twelve school programs on population issues, entitled, "Life, World, 2000."

FOOTNOTES

CHAPTER III

¹H.S. and A.S. Hoyman, "Sweden's Experiment in Human Sexuality and Sex Education," 41 Journal of School Health (1971), p. 172.

²T. Sjövall, "Sweden," in Responsible Parenthood and Sex Education (IPPF, London 1970), p. 40.

³T. Sjövall, Sex Education in Sweden: Background and Development (supra note 35 to Chapter II), Secs. 5.2.1 and 5.2.2.

⁴Law No. 67-1176 of Dec. 28, 1967, Journal Offic. of Dec. 29, 1967, pp. 12, 861; Décret No. 69-104 of Feb. 3, 1969, Secs. 1-4.

⁵Law No. 73-639 of July 11, 1973, Journal Offic. of July 12, 1973, p. 7531.

⁶Circular, supra note 11 to Chapter II.

⁷Law No. 74-1026 of Dec. 4, 1974; Journal Offic. of Dec. 5, 1974, p. 12123. See Progrès, June 29, 1974, p. 1, col. 1; and Law No. 75-17 of Jan. 17, 1975, Journal Offic. of Jan. 18, 1975, p. 739.

⁸Ministry of Health, Note d'Information, No. 103, June 29, 1974, p. 5.

⁹Mme. Anne-Marie Dourlen-Rollier, Secretary-General of the National Association for the Study of Abortion, speaking at the Harvard Club, Boston, on Jan. 27, 1975.

¹⁰For a study on the changing attitudes in Eastern Europe on these matters, see R.J. McIntyre, Population Policy in Eastern Europe: Abortion Liberalization and Pro-Natalist Countermeasures (Penn. State University, University Park, Penn., 1974). McIntyre shows that Czechoslovakia, Hungary and Bulgaria were shocked by the fall in fertility in the 1950's occasioned by the availability of legal abortion, that changes to make legal abortion less available were found to have other bad effects, and that several countries then re-liberalized legal abortion and tried financial incentives to encourage a higher fertility level (but found that these had to be very high to have much effect). The introduction of sexuality education is viewed as another way to attack excessive resort to abortion, and is part of the above series of experimental developments.

¹¹Resolution published in translation in The World's Laws on Contraceptives (First edition), p. 103, Law and Population Monograph Series No. 17 (Medford, Mass., 1974).

¹²See Vida Tomšič, Social Welfare Aspects of Family Planning in

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Yugoslavia (Belgrade, March 1973). (Unpublished study in possession of Law and Population Programme, Fletcher School of Law and Diplomacy, Medford, Mass.).

¹³See New York Times, Feb. 23, 1975, p. 16, col. 4, reporting that there is little or no sexuality education in the schools. It should be noted that Lenin wrote to Pravda on June 6, 1913 requesting the removal of a ban on medical books on birth control (F.J.M. Feldbrugge, ed., Encyclopedia of Soviet Law, Dobbs Ferry/Leiden, 1973), p. 240, quoting 23 Lenin's Works (5th ed.), p. 257.

¹⁴See e.g., Ceterchi, Zlatescu, Copil and Anca, Le Droit et la Croissance de la Population en Roumanie (Bucharest, 1974), Law and Population Book Series No. 8 (Medford, Mass.).

¹⁵Greece might be included in this category. According to Siampos, Report on Legislation Affecting Fertility in Greece (IUSSP, Liege, 1972), p. 13, knowledge in regard to family planning is limited even among physicians, though contraceptives are available in stores.

¹⁶See IPPF News of April, 1975. The old law banning advertisement was Decree Law No. 48,547 of Aug. 27, 1968, Art. 11 and 104 (1). See Survey of the Legal Status of Contraception, Sterilization and Abortion in European Countries (IPPF, London, 1973). The use of contraceptives was a legal ground for divorce before the revolution. (See New York Times, Jan. 30, 1975, p. 9, col. 1).

¹⁷The general position of the Catholic Church on fertility-related education appears to vary somewhat according to circumstances in individual countries. On the whole it seems that a change has occurred during the last fifty years. On Dec. 31, 1929, Pope Pius XI issued his encyclical on the Catholic upbringing of youth, Divini Illius Magistri, which rejected sexuality education other than given by the clergy. In the text as reported by H. Scarbath, Geschlechterziehung (Heidelberg, 1967), p. 103, Nos. 65-68, the encyclical states that the advocates of "the so-called sex education...are grossly mistaken....Should an individual enlightenment seem necessary, on a proper occasion, to those upon whom simultaneously with their educational tasks, God has also bestowed his special grace, it must be provided with all the circumspection familiar to the traditional Christian education, characterized by...Antonio as follows:

So great is our misery and our disposition towards sin that... a good father, when talking to his son on a matter of such insidiousness, should be mindful not to go into details... so as not to inflame the fire in the innocent and tender heart of the child instead of extinguishing it. Quite generally, it can be said: "During childhood it is sufficient to use those remedies which possess the double effect: clearing the road for the virtue of chastity and closing the

17(cont'd)

door to vice." Just so misguided and dangerous to Christian upbringing is the so-called co-educational system....

18Speech by Mao Tse-Tung at Supreme State Conference, March 2, 1957.

19The International Planned Parenthood Federation's Middle East and North African Region organized a seminar on the subject at Beirut in December 1974.

20But see Draft Report of Regional Post-World Population Conference Consultation (UN Economic Commission for Africa, Lusaka, April 1975), para. 60, suggesting it be "given adequate attention" in Africa.

21See Education Sexuelle en Afrique Tropicale, the proceedings of an inter-African seminar at Bamako from the 16th to the 25th of April, 1973 (Ottawa: International Development Research Center ("IDRC"), 1973).

22G. Ondaye, Reflexions sur le probleme au Congo, *idem.*, p. 20 at 25. In Mali, Part IV of the Resolution of May 25, 1973 of the official Seminar on Family Planning, implementing the ordinance of June, 1972 recommends the introduction of sexuality education. In Togo, the ordinance of February 1975 on Education Reform recommends the same thing. Both of these documents have official status.

23See The Nigerian Law and Population Project, Publication No. 1 (Ife, Jan. 1974), p. 9.

24For a type of difficulty which laws on sexuality education could encounter in Africa, see Chap. VI *infra*, p. 75. The Seminar on Law and Demographic Problems for Francophone Africa at Lomé, Togo on March 14, 1975, recognized (Resolution III) "the right to sex education." The ECA Regional Conference, see *supra* note 20, recommended sex education to protect against unwanted pregnancies, para. 70.

25See Recommendations of the Conference on the Medical and Social Aspects of Abortion in Africa, Accra, Dec. 1973 (IPPF, Africa Regional Office, Nairobi), para. 4.

26For a discussion of the present state of the concordat between the Government of Colombia and the Vatican, see Oscar Lopez Pulecio, La Ley y la Población en Colombia, monograph published by the Corporación Centro Regional de Población (Bogotá, 1974), p. 66, Law and Population Book Series, No. 10 (Medford, Mass., 1975).

27P. Marangoni, Sex Education: Latin America and the Caribbean, an account of a Latin American Workshop, gives plans for expansion of the work.

28The Christian Family Movement, which has been active for some time

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in Peru and one or two other countries give nonschool sexuality courses to married or engaged couples with Church support. However, in Colombia, the Church has taken a negative line in some places. See M. Jaramillo-Gomez, "Medellin," supra note 19 to Chap. II, p. 811. See also W. Pasini and J. Abraham, Sex Education for Health Professionals in Latin America, paper for WHO meeting on Education and Treatment in Human Sexuality (Geneva, 1974), MCH/SYM, 73.27.

²⁹Mercer v. Michigan State Board of Education, 43 U.S. Law Week 3354, Dec. 24, 1974.

³⁰Cornwell v. State Board of Education, 314 F. Supp. 340 (Md. 1969); Medeiros v. Kiyosaki, 478 P. (2d), 314 (Hawaii, 1970), Hobolth v. Greenway 218 N. W. (2nd) 98 (Mich. 1974).

³¹In Dec. 1974, the Minister of Health of the Province of Ontario announced a comprehensive program of information and education in sexuality, under the direction of an inter-ministerial committee, 2 People, No. 2 (1975), p. 38.

³²N.S.W. Obscene and Indecent Publications Act, Sec. 3, para. 1.

³³Although permitted, and eligible for federal subsidy (see tabulation), it is infrequent in the United States except in the Baltimore Public School System, and a few schools elsewhere.

³⁴For a study of the work in Baltimore, see C. Cocharan and L. McCrea, Population Education in Baltimore (paper presented at Annual Meeting of Population Association of America, Seattle, April 1975). In Baltimore, the courses are neither pro- nor anti-natalist.

IV. LEGAL ISSUES IN REGARD TO IN-SCHOOL FERTILITY-RELATED EDUCATION

As explained in Chapter II, in-school programs may be concerned with population education or with sexuality education. Legal issues and questions play a far more important role in connection with the latter than with the former.

The problems which are raised by population education are relatively straight forward and, except for the suspicion in some African and Latin American countries that it represents a form of political or economic imperialism on the part of the developed countries, there is not any great amount of taboo or controversy involved. For the same reason there is comparatively little law on the subject. In-school sexuality education, on the other hand, involves a high degree of controversy. Its very name creates emotional reactions,¹ and it involves serious problems in every country. For this reasons, this chapter will refer more frequently to sexuality education than to population education.

A. Constitutional Provisions

The practical importance of anchoring a human right in a nation's constitution can easily be over-estimated, but such a provision does clearly present the official state policy. Although a proclamation of freedoms in a constitution may only function as a political showcase, a constitutional statement may be helpful in getting a new idea beyond the theory stage and put into practice.

Very few countries have as yet adopted constitutional provisions applying to family planning. From the human rights angle, Yugoslavia may be seen as the forerunner in this regard. Subsequent to her unique national pledge of this right which is embodied in the 1969 Resolution on Family Planning,² the country's new Federal Constitution of February 21, 1974, states in Article 191:

It is a human right freely to decide on the birth of children.
This right may only be restricted for reasons of health.

According to socialist concepts of legal interpretation the language "freely to decide" implies "decide with knowledge." Thus, the provision cited can be understood as implying the right of couples to be given such knowledge as is necessary to make family planning decisions and to carry them out.

At the level of the constituent republics (i.e., the state level), the right to sexuality education was expressly provided for by Article 233 of the Constitution of the Republic of Slovenia of 1974. This constitution adds to a provision guaranteeing the right to decide on parenthood, the following sentence:

To implement this right, the social community will guarantee

the necessary education, social security and care, and medical help, according to the law. (underlining ours)

This has been implemented through a special Yugoslav legal technique. On April 25, 1974, a Resolution on "Family Planning and Social Efforts to Guarantee the Existence and Security of the Family" was adopted by the Slovenian legislature and published in the Official Gazette of Slovenia.³ Here, in the context of family planning, education of children is required to include education for humane and responsible relations between the sexes, including the responsibility for conception and birth of the child. This legislative development in Slovenia, a strongly Catholic area, was preceded by a public discussion related to sexuality education lasting for more than ten years.

The Mexican Constitution contains a new Article 4, which came into effect in January 1975, which provides:

Every person has the right to decide, in a free, responsible and informed manner, on the number and spacing of his or her children.

The Philippines Government, concerned with population pressure, included in the 1973 Constitution Article XV, Sec. 10, which provides:

It shall be the responsibility of the State to achieve and maintain population levels most conducive to the national welfare.

Detailed statutory provisions implement this policy.⁴ The Thailand Constitution requires the Government to set population policy in accordance with resources and economic and social conditions.⁵

Contrasting with these new positive provisions on population-related issues at the constitutional level, provisions establishing one church or religion can be found in the constitutions of a few countries. Although the separation of state and church is now the usual arrangement, some constitutions still assert that there shall be one official church or religion in the country: e.g., Islamic in Pakistan and Catholic in Spain.⁶ In such cases, introduction of any sexuality or population education to which the church or religion is opposed would be difficult. The Constitution argument may also work the other way when freedom of religion is guaranteed. In such cases, if the course of study is felt to be contrary to the views of any religious group, it can claim that making the course compulsory is unconstitutional.⁷

B. Level of Government at which Fertility-Related Education is Administered

A basic organizational question is in regard to the level of government at which decisions in regard to fertility-related education are made in any given country. In other words, who decides what subjects are to be taught; in what grades; whether the courses should be obligatory or voluntary; who regulates the curricula, etc.

1) Federal or unitary government system

In countries organized on a federal system, the power to legislate on educational matters is, as a rule, considered to be non-federal, and reserved to the component units: i.e., to "states" in the USA, India, Brazil, and Mexico, to "republics" in the USSR, Yugoslavia and Czechoslovakia, to "Laender" in West Germany, cantons in Switzerland, provinces in Canada, etc. As an exception, in Austria, a federal country, education in schools is basically a matter for federal legislation.⁸ In Nigeria, which is a federation of twelve states, the constitution puts education on the "con-current list" meaning that both the Federation and the states can legislate.⁹

Where education is a matter for state or province legislation there can be serious discrepancies. Thus the federal government may be sympathetic to sexuality education and may support it by substantive laws and subsidies while some of the states may oppose it and adopt restrictive laws in this area.¹⁰

2) Centralized or decentralized school administration

In addition to the question of federal or unitary government, there is the question of whether the state or federal governments on one hand, or some lower level school authority (such as local school boards or individual schools) make the decisions. In some countries, the power to regulate the schools, in more or less detail, is conferred by a law on a central government authority, usually the ministry of education. It not only makes the basic decisions--i.e., which courses shall be taught, should they be obligatory or voluntary, etc.--but it also may issue minutely regulated curricula. Under the opposite concept, most decisions concerning school activities are left to local communities, local authorities or boards, or even to the principals of individual schools.

The centralized system exists in most countries of Continental Europe: in France, Sweden, West Germany, as well as, with some modifications, in the socialist countries. A centralized governmental direction of schools is also the typical legal pattern in many of the developing countries, including many Latin American republics, although it may vary in practice.

The opposite system of local self government is illustrated by England and Wales. Under the Education Act, 1944,¹¹ the situation is described as follows:

Educational administration in the United Kingdom is highly decentralized, and as a result so are the decisions about what is taught and by whom to which pupils. This is not simply the fact that each education authority...is independent of the central government as far as curriculum is concerned, but equally important, considerable autonomy is given to each school to determine the nature of the teaching programme. Further, within a school the classroom or subject teachers are normally given considerable latitude to decide for themselves the content of any particular course.¹²

The flexibility of this system can be appreciated when it is compared with the detailed ministerial instructions issued in several countries of the European Continent which regulate matters down to minute details.

A developing country whose law has adopted the decentralized approach is Ghana. The Education Act, 1961, Sec. 1 (2) stresses the responsibility of local authorities as follows: "It shall be the duty of the local educational authority for every area as far as its functions extend" to assure "that efficient education throughout the primary and middle stages shall be available to meet the needs of the population." This text is borrowed from the 1944 Education Act of the United Kingdom. It would be interesting to compare the practice and results of the two identical organizational provisions as they are applied in practice in completely different socio-cultural environments.

A special situation exists in the United States where education is to be regulated by state legislation and administration, and where a long tradition of local control of the schools must be taken into account. The state governments do have the authority to regulate educational matters by law in a binding way, and they sometimes exercise it. However, state government boards of education often issue "guidelines," or "policy statements" which have, as a rule, the character of recommendations to local boards and school authorities. The approach of state governments to local decisions varies from detailed policy statements or guidelines to proclamations stressing the exclusive responsibility of local decisions in educational matters. This technique seems often to be a convenient way of avoiding decisions on the sensitive issue of sexuality education.

C. Way in Which Fertility-Related Education is Regulated by Law

Related to the previous question of the level of government at which education is regulated, is the question of the degree to which there is any regulation at all. The various countries appear to divide into four groups, the first three positive, the last negative:

1) Countries with full and specific laws or regulations covering the subject comprehensively;

2) Countries with fragmentary laws which may cover the basic direction of the education without detail, or cover only certain aspects of the subject;

3) Countries having no laws or administrative regulations concerning fertility-related education;

4) Countries with negative attitudes toward the field which either forbid the subject completely or impose a partial limitation.

1) Comprehensive regulation of fertility-related education

The countries in this category are largely the European countries with powerful ministries of education. Sweden, Denmark, West Germany and France fall into this category, as do some of the socialist countries of Eastern Europe.

Sweden was the first country to introduce comprehensive and compulsory sexuality education into the schools and is still the leading country in this field.¹³ Although administration of the school system is the responsibility of the communities, with central government support, the Swedish National Board of Education issues curricula for both the 9 year comprehensive public schools and for the following 3 year gymnasium schools. The Swedish Parliament in 1956 made sexuality education a compulsory subject in schools at all levels. By the Comprehensive School Law of 1962 the topic was again made an integral part of the national curriculum. In 1956 the National Board of Education published its handbook on sexuality education for teachers.¹⁴ This manual was revised in 1968 and is expected to be published soon in a considerably revised form.

In Denmark the Ministry of Education was reported in 1974 to be drafting a new law on sexuality education.

In the Federal Republic of Germany both law and administrative regulation on education are under the jurisdiction of the Laender. However, after a conference convened by the Federal Ministry of Education in 1968 which agreed on a list of Recommendations Concerning Sex Education in Schools, each of the Laender ministries issued regulations on the subject based on these recommendations. Thus, the subject is regulated in considerable detail in the West German school system and, in a careful but non-evasive manner, in the Austrian.¹⁵

In France, a centralized, highly comprehensive regulation of teaching of "sexual information" (i.e. facts) is contained in the circular of the Ministry of Education of July 23, 1973 (see Chapter III), but the decision on introduction and content of the "meetings" on "sexual education" (i.e., values and attitudes), is delegated entirely to individual schools.

In Hungary, on October 18, 1973, the Council of Ministers issued Decision No. 1040 on the "Tasks of Population Policy" which orders "the organized teaching of knowledge of the health aspects of family planning."¹⁶ The decision states that "(t)he teaching of knowledge regarding family planning (on a level, and to an extent, corresponding to age characteristics) should be built into the public education system, at each level from primary schools to institutions of the third level." Responsibility for implementing this sweeping program was imposed on the Ministers of Health and of Culture and Education, who are to issue detailed coverage of the subject by ministerial regulation.¹⁷

Czechoslovakia claimed as early as 1964 to have a special course of education on health, sex and home and family life.¹⁸ Detailed ministerial instructions¹⁹ regulating the topic of "education for parenthood" have recently been issued.²⁰

Most developing countries have to overcome so many difficulties with regard to fertility-related education that they have been slow in getting it organized. The Philippines and some Latin American countries are exceptions. In the Philippines the Revised Population Act of 1971²¹ makes it an objective of the Population Commission "to make family planning a part of a broad educational program." In line with this the Secretary of Education and Culture, by Department Order No. 53 of December 29, 1972, directed that a youth civic action program be integrated into the curriculum of all public and private schools, colleges and universities throughout the country. "Participation in a youth civic action program shall be required for graduation beginning school year 1973-1974." For secondary school and college students, the program involves, among others, a lecture on population education and the preparation of posters for population education.²²

The variety of approaches to the regulation of sexuality education is a conspicuous feature of the policy guidelines issued by the educational authorities in the various states of the USA. Such guidelines perform something of the function of ministerial regulations in other countries. At the end of 1971, twenty-seven state Directors of Health, Physical Education and Recreation stated that their states had written policy guidelines or statements relating to sexuality education.²³ While some of these guidelines give only some rudiments of policy and leave most questions to local decisions, others contain detailed statements regulating various aspects of the subject. Although the pattern of these statements differs, the basic tendency is to issue "opinion" or "advice," rather than legally binding regulations.

2) Countries with fragmentary laws

In several countries a few fragmentary laws exist, either supporting fertility-related education in general, or establishing an authority to regulate it, or providing a regulation limited to some particular aspect of the matter. This applies to some of the states of the United States, to some other American countries, and possibly to Tunisia, Taiwan and Australia.

Thus, Article 219 of the Sanitary Code of Costa Rica requires a course of sexuality education and hygiene in all secondary schools. Sexuality education in Costa Rica is left to the direction of the General Advisory and Supervision Commission on Family Planning and Sex Education.²⁴

In Mexico, under Article XXV of the federal Constitution, legislation on schools has been reserved to the federal Congress. By the General Population Law of 1974, Art. 2 and Art. 3, para. 2,²⁵ the Secretariat of the

Interior has been authorized to dictate, promote and coordinate "adequate measures for the resolution of national demographic problems"--to carry out family planning programs through the educational and public health services, and to supervise such programs "in order that they may be carried out with absolute respect for fundamental human rights and the preservation of family dignity." Under Art. 34 of the new Sanitary Code it is the responsibility of the Secretary of Health to formulate, in coordination with the Secretary of Public Education, public educational programs covering family planning on "scientific and ethical principles."²⁶

In Jamaica the National Family Planning Act²⁷ states that the National Family Planning Board may "provide for sex education and encourage the development thereof." Whereas most of the education is nonschool, under this mandate the Board has assisted the Ministry of Education in creating and establishing curricula in secondary schools, technical schools, and training colleges. Because studies have shown that the usual age of first sexual contact of women in Jamaica is 17 years, efforts have been made by the Board to start sexuality education earlier.²⁸

In Tunisia although the Government's outspoken policy is to limit population growth and although both population and sexuality education in the schools would be officially welcome, its introduction is hindered by the unfavorable attitude of the national culture and of the Moslem religion. The only legislation relevant to fertility-related education is Law No. 73-17 of March 23, 1973²⁹ creating the National Office of Family Planning and Population. Its Article 2 (c) provides that one of the attributes of the Office is to "promote a permanent program of population information and education at the family, school and professional levels." The Office has a High Council with the Prime Minister as chairman, which includes the Ministers of Education and Health. There also seems to be a possibility that, in the future, some sexuality education might be included in the compulsory religious education course for boys based on the Moslem notion of responsibility.

3) Countries with no laws or regulations

By far the largest number of countries has no legislation, or regulations based on a legislative mandate, referring, even indirectly, to in-school fertility-related education. This, however, does not mean that some form of sexuality or population education may not exist in any such country. Instruction of this kind may have been introduced on the basis of informal curricula or instructions or on the basis of decisions taken by local authorities, boards or school directors.

The non-existence of legal texts in these countries may be the result of two mutually exclusive causes. Sometimes the lack of laws or regulations in this field may reflect the fact that, until now, the issues of family planning, human rights, population control and the like have never arisen in the country concerned. This may be the case in underpopulated countries, or where the level of school education is very low. This may also apply in countries which have become independent only recently and thus have

had other legislative or economic priorities. Thus, for example, there are no laws or regulations on fertility-related education in most African countries, where the topic is only beginning to arouse interest.

At the opposite extreme, in large parts of the world many countries may lack such laws despite the fact that there may be a real need for them and that the topics of family planning, and population control are matters of strong interest. However, the governments may seek to avoid specific legislation on the subject because it is too controversial or sensitive. Such is the situation in countries where Islam is the prevailing religion and in some European and Latin American countries which are under the strong church influence.

An example of this type of situation is Italy, where the 1971 decision of the Constitutional Court opened the way for sexuality education, which had previously been forbidden by a provision in the penal code against contraceptive propaganda dating back to Mussolini. It is, however, easy to imagine how politically explosive the subject would be, and the result is that there is a legal vacuum where no rule either allows or prohibits the teaching of sexuality education.³⁰

Several Latin American countries, although they may fully recognize their population growth problems, seem to have chosen a cautious, "low-key" policy. Although they may in fact encourage private programs, they prefer not to give them legal recognition by officially regulating them. Moreover, if they should try this they might be forced to adopt a far stricter law than they would have wanted. A typical comment was made by a Latin American expert who said that his country is lucky not to have any legislation on sexuality education, inasmuch as new initiatives can thus be undertaken without having to comply with exacting laws.³¹

We have discussed in Chapter III the situation in Asia where even those countries which suffer most from population pressure and with strong governmental policies to control population growth, feel unable to introduce teaching of sexuality education and must confine themselves to population education.

Despite these difficulties, the tabulations show that in many developing countries the concerned ministries in many of the governments are preparing (or at least "studying") fertility-related education curricula. It appears that sooner or later official steps may be taken.

4) Countries which forbid or severely limit fertility-related education

The countries which strictly limit or prohibit in-school education in this field are not always the same as those which officially oppose contraception or family planning. There are two reasons for this seeming discrepancy: first, the teaching of "responsible parenthood," if it conforms with Catholic doctrine, is sometimes accepted even by strongly Catholic countries. On the opposite side, a society such as an Islamic country which

is not opposed to the knowledge of family planning among adults may resent having this knowledge given to the young.

However, in the countries which are opposed to any kind of fertility control, the governments' negative attitude will, as a rule, make difficult or impossible any meaningful form of sexuality education. This applies especially to those countries which still retain their strict old anti-contraception laws. Here the teaching of sexuality education may be illegal if it includes information on birth control, contraception, or contraceptives. Such laws exist in Eire, Spain and Argentina.³² Although it could theoretically be claimed that "information" on facts is not tantamount to "propaganda," the official attitudes might not be sympathetic to the argument. The Argentine decree (see tabulation) goes so far as to prohibit "dissemination of information." As remnants of the French colonial heritage, "anti-contraceptive propaganda" is still punishable under the laws of several countries of Subsaharan Africa and in Madagascar. Indonesia has not yet repealed an old Dutch law which forbids the dissemination of contraception information to persons under 17.³³ In the United States, the state of Michigan, which requires some sexuality information, forbids contraception information.³⁴

In a few jurisdictions there exists a broad prohibition against any sexuality education in the schools. It may seem strange, but there are, or were, two such states in the USA which have general prohibitions, one in its laws and the other in its administrative guidelines, against it. The relevant texts indicate the continuation of the old attitude that sexuality education is immoral per se.

Thus, the Louisiana Act of June 18, 1970, provides in Sec. 1:

...no elementary or secondary school in Louisiana shall offer, and no school teacher shall teach or instruct, any courses specifically designated "sex education," or a course by any other name in which instruction is given to the pupil at any grade level, primarily dealing with the human reproductive system as it pertains specifically to the act of sexual intercourse, until such time as the final report and recommendations of the committee created by Senate Concurrent Resolution No. 122 of the 1969 Regular Session of the Louisiana Legislature have been submitted....³⁵

On the administrative level, the State Board of Education of Nebraska on April 11, 1969, expressly referring to SIECUS's³⁶ purpose "to promote sex education in all schools and at all levels" resolved:

that all Nebraska school boards who have authority over the courses taught in their schools, be advised and warned of the demoralizing and destructive character of "SIECUS" and other similar programs for Nebraska children; and...
That under the authority granted the State Board of Education

by Section 79-443, R.S., any such proposed course of study or program shall not be established in any public school in Nebraska.³⁷

D. Special Questions Sometimes Covered by Law

Whether or not a country or jurisdiction has full or only fragmentary laws and guidelines, there are certain questions to which governments typically give at least some legal coverage. These include:

- 1) Whether fertility-related education courses should be obligatory or elective; whether the special consent of parents should be required.
- 2) The age at which fertility-related education should start.
- 3) Whether there should be a separate course on fertility-related education, or whether the subject should be integrated into several other courses.
- 4) Whether boys and girls should be taught separately or in a coeducational course for sexuality education.
- 5) Whether contraceptive techniques should be taught and contraception explained in sexuality education.
- 6) The degree of frankness in class on sexuality education.
- 7) Training of teachers for all types of fertility-related education.

The above questions, except for items 4, 5 and 6, apply both to sexuality education and to population education.

1) Obligatory or elective courses

If sexuality education has been accepted as an important part of in-school education, from the pedagogic point of view it should be treated like all the other basic courses. However, many governments find that either giving parents the chance to withdraw their children or even making provision for an initial parental permission for the course is an acceptable compromise arrangement in dealing with the groups which are hostile to such education. Sometimes it is felt that to accept the prerequisite of parental consent provides a reasonable way to dispel the initial fears of parents who mistrust the teaching of a new, controversial subject.³⁸

On the other hand, certain disadvantages arise from making the course elective. Firstly, it inhibits the integration of the material into other courses where it would normally fit, and it makes the course seem "special" or "different" rather than a normal matter. Moreover, those parents who are most unable or unwilling to furnish their children with necessary information in the sexual area are those who will seek to exclude

them from such programs. These children may naturally feel discriminated against on a subject of tremendous interest at their age. They will, of course, seek information from undesirable sources and may develop unhealthy attitudes toward sex and family life.

In those developed countries, where in-school sexuality education exists and where emotional objections have been overcome, the teaching is considered as part of the regular and normal compulsory school curricula. Some of the countries in which this situation now exists are: Sweden (where sexuality education became compulsory in 1956), Denmark, West Germany, and the socialist countries of Eastern Europe.³⁹ In Britain, due to the decentralization of the school system, the matter is decided by the local school authorities; but it seems clear that this type of education is increasingly being incorporated into the normal, compulsory curriculum.

The special situation in France has been described in Chapter III. Under the 1973 circular of the Ministry of Education, "information," i.e. the facts of reproduction, is to be a part of the regular curriculum, but "education," which will involve attitudes, ethical considerations and contraception, is not part of the curriculum, and is to be furnished with parental permission in special "meetings" outside of regular school hours.⁴⁰

In the USA, many of the guidelines issued by the various states around the year 1970, visualized the sexuality course as an elective (e.g., Maryland).⁴¹ Specific parental consent to student enrollment in a sexuality course is required by some conservative guidelines (e.g., the above cited 1970 Nebraska resolution).⁴² A few other states allow parents to withdraw their child from a sexuality education course (e.g., California and Michigan), and the courts have held that if this is possible, there is no constitutional problem.⁴³

Although the trend is clearly in favor of eventually making these courses compulsory, the elective arrangement offers a possible interim solution especially in the developing countries, when population education or sexuality education is first introduced.⁴⁴ However, some developing countries have already gone the whole way. The Philippines makes the course, including contraception, compulsory for high school students. Costa Rica makes sexuality education compulsory in school but does not include contraception. In the People's Republic of China, it is understood that a full course in sexuality education is given on a mandatory basis.

2) Age at which in-school fertility-related education starts

According to the Swedish adage, "sex education starts when school starts." Thus in Sweden it has been made compulsory by law for all age levels of public schools, from seven to twenty years. Most developed countries, once a program of sexuality education has been introduced, start it in some form or other from the first class (e.g., Western Germany,

Switzerland and the socialist countries of Europe). In several states of the USA, programs related to sexuality education are taught in all grades, "K to 12." However, as seen above, restrictive tendencies exist in several of the American state guidelines. Thus, in Nebraska, "no health and family life courses may be taught prior to the seventh grade level,"⁴⁵ and the Oregon guidelines state broadly that "the student should not be given too much information too soon."⁴⁶ In Yugoslavia (Slovenia) sex education starts in the second grade (eight years of age), and in Indonesia no information concerning reproduction may be given earlier than the seventh grade. On the whole, with a few exceptions, existing guidelines or curricula in developed countries tend to ensure that the appropriate level of information be given at the appropriate age.⁴⁷ However, in developing countries, there is a serious problem in this regard. Since most children may only receive three or four years of schooling at most, if they are to get any in-school sexuality or population education, it will have to come in the lower grades. (See Chapter VI.)

3) Should fertility-related education be in a separate course, or integrated into other courses?

The idea that fertility-related education should be taught as a subject integrated into several courses rather than in a special, separate course, seems to have been accepted in many developed countries at the present time. One reason for this is the desire not to accent or "dramatize" the importance of the subject, but to treat it in as "matter-of-fact" a way as possible. Another is the fact that school curricula are already overloaded and the introduction of a new course is impossible. In most countries (e.g., Sweden), fertility-related education is integrated with biology (with special accent in the 9th grade), social studies, home economics, civics and religion.⁴⁸ The approach in other European countries is generally similar, for example in West Germany,⁴⁹ France (as to "information" but not as to "education"),⁵⁰ Czechoslovakia⁵¹ and Yugoslavia.⁵²

In the USA a similar system of integrating the material into several subjects exists in many states (e.g., Pennsylvania, North Carolina, Indiana and the city of Baltimore), or fertility-related material may be treated as a special unit or "special aspect" of another comprehensive course, most frequently in Health Education (e.g., Massachusetts, New Hampshire, New York and South Carolina). A state may also leave the matter to local decision, as in Connecticut or New Mexico. Occasionally, however, a state will provide for a separate course, as in Minnesota.⁵³ A survey of Kansas schools in 1969 showed that although various forms of sexuality education existed in 1274 schools surveyed at that time, in only 1.2 percent of the cases did the subject appear as a separate course.⁵⁴ In this connection, however, requirements of special parental consent and other special requirements make the normal integration of the material into other courses more difficult.

4) Coeducation or separation of boys and girls

Two contradictory rationales make themselves felt wherever school authorities decide whether a program of sexuality education should be provided in coeducational classes or separately for boys and girls. On one hand, there is the obvious desirability of treating sex-related topics from the very beginning as something natural among the young. On the other hand, the necessary sincerity and openness in discussing sexual matters and in asking questions may be hampered, especially at the difficult puberty and pre-puberty age, if children are to discuss certain matters in front of the other sex.⁵⁵ The issue is, therefore, still unsettled and both approaches--to coeducate or to separate--may be found in the applicable regulations.⁵⁶

The Swedish Handbook,⁵⁷ based on ten years experience, says that the matter:

...depends largely upon who teaches...Common instruction is desirable in principle for several reasons. Sex instruction can then be fitted into the general teaching in the school without any special arrangement, and both boys and girls receive the same information in all parts of the subject. Separate instruction might seem indicated for certain items such as menstruation hygiene so that the subject could be treated more briefly for the boys, who are perhaps less interested in a detailed exposition, but such a procedure would be mistaken. It must not be forgotten that pupils of both sexes must be prepared for the task of being parents one day and teaching their children, both boys and girls... the possibility should be considered of separating boys and girls for particular parts of the course, such as those on night emissions, masturbation, menstruation, and contraceptives....

The German and French guidelines do not mention the issue, which is presumably left to local authorities. Under the Czech instruction of 1972,⁵⁸ separation of boys and girls is "recommended" at the ages of 11 and 12, and a similar recommendation is made in Colorado.⁵⁹ In Alabama, the regulations require that the "sex and family adjustment" section of the compulsory course on health and physical education be taught separately to boys by a male teacher, and to the girls by a female teacher.⁶⁰ (There is also an elective biology course in Alabama which includes a section on human reproduction which is usually taught on a coeducational basis.)

In July 1974, the US Secretary of Health, Education and Welfare stated that he was amending the Federal Regulations against sex discrimination to permit separation of boys and girls in sexuality education classes, "as the right of privacy may well be invaded by requiring mixed classes in sex education."⁶¹

5) Inclusion of contraceptive methods in sexuality education

Information on modern contraceptive methods as part of a sexuality education program has been considered by many authorities as a basic element of the program,⁶² and yet this has been one of the elements that excites the most controversy. The inclusion of contraception would seem to be a basic requirement under the terms of the Bucharest "Plan of Action" which states that all individuals have the basic human right to family planning, "in a free, informed and responsible manner," and that "educational institutions...should be encouraged to expand their curricula to include a study of...where appropriate, family life, responsible parenthood..." etc. The need to prevent unwanted pregnancies, the resort to abortion and premature marriages, and, in some countries, the pressure of population, provides strong support for this view. On the other hand, the fear that access to contraceptive information will promote promiscuous sex relations, local taboos and customs, and the opposition of some churches exert pressure in the opposite direction.

As to the merits of the question from the pedagogic point of view, expert opinion in the developed countries favors the inclusion of the topic, for example, Northern and Western Europe, as well as some socialist countries.

In the United States, Dr. M.E. Doster states in 1969:

...if one believes that education must be life-related... then no subject is automatically excluded. The question is really not what to avoid or deny but how best can those difficult subjects be presented to youth. Even elementary school pupils read of "the pill" and secondary pupils are seeking the facts.⁶³

and Dr. M.I. Levine stated in 1967:

And, finally, one subject must be discussed if we are to give our children some degree of protection from potential tragedy and that is the subject of contraceptives. As a pediatrician who has seen many tragedies among teenage girls and college students, I feel very strongly on this point.⁶⁴

As to specific legislation on the matter, there are wide divisions. Whereas the Indonesian Penal Code prohibits the dissemination of contraceptive information to persons younger than 17, the Philippines, by Presidential Decree, a Republic Act, a Letter of Instruction and Departmental Order appears to require the introduction of the subject into the schools.⁶⁵ (How far the subject has in fact been introduced is not known to the authors.) The state of Michigan specifically forbids the subject, by law, and this prohibition has been held constitutional.⁶⁶ On the other hand, Sweden and Hungary make it compulsory.⁶⁷ There are, however, relatively few cases like these where the matter is dealt with by legislation.

A wide variation of positions is to be found in the regulations, instructions, guidelines, policy statements and in the curricula themselves regarding the inclusion (or exclusion) of contraceptive methods in a program of sexuality education. Sometimes a written curriculum omits the point, which may or may not indicate that it has been excluded from the teaching. Sometimes a broad term is used, which presumably means that contraception may be covered but not necessarily that it is covered. Thus, "family planning" may be understood either as the general teaching of attitudes towards a small family concept, or it may mean a detailed explanation of contraceptive methods.

In the USA, the status of state policies and actions concerning "birth control" education was reviewed in 1972.⁶⁸ According to statements obtained from 51 directors of Health, Physical Education and Recreation, 27 states, including the District of Columbia, had written policies relating to sexuality education and 24 were without such documents:

8 or 9 states prohibited birth control information in schools,
 3 states actively recommended such information,
 26 states stated that they permitted a discussion of methods and techniques,
 The remainder did not state a position or left it to local option.⁶⁹

In view of the variety of state policies (which in some instances clearly take steps to evade discussion of the controversial point) it may be of importance to note that public opinion in the 1969-1972 period seemed to give increasing support to the inclusion of contraception education for the young. The Gallup surveys of that time, as published, result in the following numbers:⁷⁰

Percentage of men and women in the U.S., who, in four Gallup surveys taken between 1969 and 1972, would approve nationwide programs of birth control education in public high schools:

	<u>Percent of approving</u>	Jan. 69	Oct. 69	July 70	Aug. 72
	All respondents	64	61	61	71
Men:	Catholic	63	57	62	70
	Non-Catholic	71	70	65	72
Women:	Catholic	49	52	58	69
	Non-Catholic	62	57	59	72

In the European countries, the West German Federal Recommendations from the 1968 conference⁷¹ do not mention the issue of contraception, and do not exclude it. However, the important Guidelines for the Land Hessen of November 30, 1967⁷² specifically include it in the curriculum for the ninth or tenth grade.⁷³

In Denmark, high school students are given information on contraception

and Danish television has a sexuality education program. Although it advised against premarital sex relations, it showed visually the various contraceptives which could be used if they occur.⁷⁴

In Czechoslovakia, the Guidelines⁷⁵ of 1972 warn that in the second phase of "Education for Parenthood," i.e., at the age of 11 to 12 years (grades 6 and 7) it is "not necessary" to go into details, e.g. into "regulatory procedures." In the third phase, at age 13 to 15 (grades 8 and 9), the guidelines request the teachers to "instruct on the importance of family planning, on birth control, on the harmfulness of induced abortion...in a differentiated way and after careful consideration."

In Yugoslavia, after the 1974 constitution of the Republic of Slovenia had proclaimed the human right to free decision on parenthood, Part I, No. 1 of the Slovenian "Resolution on Family Planning and Social Efforts to Guarantee the Existence and Security of the Family" of April 25, 1974, states, in connection with humane and responsible relations between the sexes that..."Part of the education towards such relations between the sexes is education on responsibility for the conception and birth of the child."

6) Degree of frankness in class

Another matter in which guidelines or regulations in different countries often take contrasting positions is the question of the "climate" of openness in which the course should be taught.

On one side of the issue, the Connecticut guidelines stress that there must be a "climate of frank and open discussion, led by sensitive adults."⁷⁶ This is the position of the New Swedish Guidelines which replace the old Handbook of 1956. It is the position taken in the Swiss canton of Basel.⁷⁷ It is also the view of a number of American experts on the subject, who point out that it is a "cardinal principle" always to tell the truth, and "never to put off answering."⁷⁸

In contrast to this position, the guidelines in some jurisdictions take an evasive line. For example, the French circular⁷⁹ while telling teachers to answer questions frankly, stresses "prudence" and suggests the teacher "should not fail" to remind students that they should "in the first place" seek the advice of their parents on sexual problems. The New Mexico guidelines⁸⁰ say that "should students raise questions which teachers feel are inappropriate for class discussion, teachers should have no commitments about referring students to their parents, family physician or clergyman."

In many of the developing countries, where sexuality education in school is theoretically taboo for cultural reasons, but where population education exists, the only way for a conscientious teacher to deal with sexuality at all if the matter arises in connection with a population education course is to avoid any terminology which might be objectionable.

Although a teacher cannot be very frank and open under these circumstances, he or she may, if careful, find ways to answer some of the questions students may ask. A "low key" policy of introducing some sexuality education materials gradually into other courses may be found successful. However, by definition, this cannot be done through law or formal regulations or guidelines. (See tabulation on Sri Lanka.)

7) Qualification and training of teachers

In fertility-related education, more than in other disciplines, the teacher is the "key element." His or her abilities and qualifications are even more important than a good curriculum.⁸¹ For this reason, the question of who may engage in such instruction is often dealt with in the laws and regulations. The qualifications and prerequisites in this field are exacting, and include a good knowledge of the facts and an understanding of the problems in the many aspects of the question; emotional maturity, and ability to communicate with young persons in a very delicate subject field. Even Sweden, which has the greatest experience in sexuality education, complains of the difficulty in recruiting good teachers.⁸² It is therefore not surprising that in less developed countries the lack of qualified teachers is often given as one of the main obstacles to the introduction of sexuality education.

Legal provisions on fertility-related education sometimes deal with the preparation of teaching personnel, covering, among other questions, qualification requirements, special courses for teachers, and the use of non-school personnel.

In the United States, owing to the sensitive atmosphere created by opposing groups, the guidelines, or even the statutes in some states, may deal with the question in some detail.⁸³ In other developed countries with centralized school systems the required qualifications for teachers are also partly covered by statute and partly by ministerial regulations, or internal instructions. As the programs are frequently not contained in a separate course, it is difficult to call for special qualifications for all the teachers concerned, but a growing number of countries do provide special training courses. Hungary may be one of the most recent examples.⁸⁴

The ever present lack of qualified teachers and the technical medical character of some of the subject matter leads to the co-opting of non-school experts for sexuality education classes, usually physicians (or nurses, or other trained health workers) for technical information. Sometimes other specially selected persons (in some cases priests) take part in the discussion of attitudes. Regulations recommend the use of such external expertise in many of the countries which have recently started these programs.⁸⁵ It may be of interest that even in Czechoslovakia, a country where both the educational and the public health level are high and where sexuality education in schools has been practiced for several years, the "education for matrimony and parenthood" is sometimes

mostly performed by doctors and nurses.⁸⁶ Also from the East German Democratic Republic it is reported as expedient that the medical aspects of contraception be explained, within the framework of school instruction, by a gynecologist, acting as a "guest lecturer," directly integrated into the curriculum.⁸⁷ This use of the guest lecturer, loosely attached to the official school program, may sometimes be an interim practical solution of the problem of providing in-school sexuality education without raising the question at a high political level as a matter of the official curriculum. Thus, a report from the Netherlands states:

Officially the government is not concerned with sexual education, and it has not been officially incorporated in school curricula; there are no governmental directives.

However, unofficially:

Trained staff of NVSH (Nederlandse Vereniging voor Sexuele Hervorming, i.e., the Dutch Family Planning Association) gives three hours of sexual information in elementary schools, and six hours with more discussion in high schools.⁸⁸

FOOTNOTES

CHAPTER IV

¹This subject is so sensitive that official statements and terminology go to great lengths to avoid the words "sex education." For the same reasons, such statements rarely indicate whether contraceptive information is included. Many terms have been used, such as: "Hygiene," "Social Hygiene" (which now seems to connote prevention of venereal disease), "Education for Family Living," "Education in Family Relations," "Human Growth and Development." See A.H. Sternhaus, "Teaching the Role of Sex in Life," 35 Journal of School Health (1965), p. 356. A few years ago the "Guidelines for Family Life and Sex Education Programs in New Mexico Schools" had their title changed to "Guidelines for Family Health and Personal Development Education." On the other hand, some U.S. states (e.g., Connecticut, Pennsylvania, Minnesota and North Carolina) and the UK, France and West Germany use the unvarnished term "sex education."

²Resolution adopted by the Federal Assembly on April 25, 1969. Sluzbeni list SFRJ 1969/20, No. 307, p. 612. See The World's Laws on Contraceptives, Law and Population Monograph No. 17 (Medford, Mass., first edition 1974), p. 103.

³Uradni list Socialistične Republike Slovenije, No. 18 of 1974, p. 1030.

⁴For a full discussion of the numerous Philippine laws adopted to implement this policy see C.V. Sison, "Population Laws of the Philippines," 48 Philippine Law Journal No. 3, p. 356, reprinted in Law and Population in the Philippines, Law and Population Book Series No. 9 (Medford, Mass., 1974).

⁵See Constitution of Oct. 7, 1974, Chap. 5, Art. 86. This might be taken as a basis for providing both population and sexuality education.

⁶The Constitution of the Islamic Republic of Pakistan of April 12, 1973, Sec. 2, states: "Islam shall be the state religion of Pakistan." The Spanish "Law on the Principles of the National Movement" of May 12, 1958, Art. 6, states: "The profession and practice of the Catholic Religion, which is the religion of the Spanish State, shall enjoy official support."

In Colombia, a concordat with the Vatican grants the Church a constitutional right to supervise education. The Hierarchy claims to have compulsory control, both as to persons who profess allegiance to the Church and as to the governmental authorities. See "Progress and Problems of Fertility Control Around the World," 5 Demography (Special Issue 1968), No. 2, p. 823. See also Lopez Pulecio, supra note 26 to Chap. III.

⁷Where the constitution affirms the separation of church and state

⁷(cont'd)

and freedom of religion, and where equal protection of the law is promised to all citizens and their religious beliefs, an opposite problem may be raised if sexuality education is made compulsory. The adherent of a religion which disapproves of such education may claim that his right of freedom of religion has been infringed unless he can withdraw his child from the course (see United States tabulation). In answer to this claim, it should be noted that sexual morality is not different in nature from the morality involved in other human relations, yet "moral principles governing property, truth, and respect for the rights of others are taught in public schools without involving religion." (L.A. Kirkendall, H.M. Cox, "Starting a Sex Education Program," in D.L. Taylor, ed., Human Sexual Development (Philadelphia, 1970), p. 334.) The 1968 Interfaith Statement on Sex Education by the Interfaith Commission on Marriage and Family Life, stresses that we recognize certain basic moral principles not as sectarian religious values but as the moral heritage of our civilization.

For another aspect of the Constitutional question, see the West German cases, Chap. II, p. 12.

⁸Law on Organization of Schools of July 25, 1962, BGBI.242/1962, and Law on School Education of February 6, 1974, BGBI.139/1974.

⁹See Constitution of Nigeria of Oct. 1, 1963, The Schedule.

¹⁰This is to some extent the case in the United States, where federal legislation authorizes appropriation of funds for sexuality education, and an official federal commission recommended it. Nevertheless, the state of Louisiana has forbidden it by law, and official guidelines in a few other states are very restrictive.

¹¹7 and 8 George VI (1944), Chap. 31.

¹²A. Little, "United Kingdom," in Responsible Parenthood and Sex Education, supra note 2 to Chap. III, p. 51.

¹³For more on the Swedish experience and background in the development of sexuality education, see T. Sjovall, "Sweden," in Responsible Parenthood and Sex Education, idem, p. 21 et seq. and H.S. and A.S. Hoyman, supra note 1 to Chap. III, p. 172 et seq.

¹⁴See supra note 9 to Chap. II.

¹⁵For a list of the regulations of the various Laender governments, see J. Wolff, "Strafrechtliche Rahmen des Sexualunterrichts," 18 Recht der Jugend und des Bildungswesens (1970), p. 161. For critical comment see, among others, E. von Xylander, "Sexualerziehung ohne Sinn und Ziel," 17 Recht der Jugend supra (1969), p. 46 et seq. The Austrian Regulation, based on a draft resolution of a seminar of experts covers grades 1 to 12. (See tabulation on Austria.)

¹⁶Magyar Koezloeny, supra note 14 to Chap. II, pp. 774 et seq.
According to the preamble of this decision, the purpose is to "improve the population situation." Hungary is a country of very low population growth and therefore it now has a pro-natalist policy. The reason that the state nevertheless provides this broad sexuality education is explained by its second purpose which is to protect the health of women by replacing abortion by contraception. Also, Hungary fully recognizes the right to decide freely on parenthood.

¹⁷The Ministers' Decision, "calls for immediate preparation and publication of curricula on these subjects and, immediately thereafter, the training of teachers, physicians, health workers, and nurses. Actual instruction in the schools is expected to begin in September 1974 in the grades for which curricula have been written." E. Szabady and P. Jazan, in "Hungary," Country Profiles (Population Council, July 1974), p. 10.

¹⁸UNESCO, supra note 5 to Chap. II, pp. 91 and 100.

¹⁹Czechoslovak Min. of Education, supra note 13 to Chap. II, at p. 379.

²⁰For Yugoslavia, see School Enterprise of the Soc. Rep. of Slovenia, Primary Schools, Materials for Upbringing and Educational Work, Osnovna sola. Vsebinska vzgojno izobrazevalnegu dela (Yugoslav federal Resolution of 1969 calls for full programs of sexuality education in all educational institutions). See Resolution, supra note 2. See also UNESCO, supra note 5 to Chap. II, pp. 102, 106.

²¹Supra note 17 to Chap. II.

²²C.V. Sison, supra note 4, p. 54 at 81. On Dec. 8, 1972, Pres. Marcos issued Gen. Order No. 18 by which he required "all citizens of the Philippines, all universities, colleges and schools...to promote the concept of family welfare, responsible parenthood, and family planning."

²³G.S. Parcel and B.S. Kenep, "The Status of State Policies Concerning Birth Control Education," 42 Journal of School Health No. 10 (1972), p. 614.

²⁴Diario Oficial, Feb. 7, 1974.

²⁵See tabulation on Mexico.

²⁶Sanitary Code of Feb. 26, 1973 (Diario Oficial of Mar. 13, 1973), Art. 34.

²⁷Act No. 22 (1970), Sec. 4.

²⁸R.C. Rosen, Law and Population Growth in Jamaica, Law and Population Monograph Series, No. 10 (Medford, Mass., 1973), p. 26.

²⁹Journal Officiel de la Republique Tunisienne, Mar. 20-23, 1973.

³⁰See tabulation on Italy.

³¹There are a number of reports on the political difficulty of drafting legislation in Latin America on matters of this kind. See e.g., J.M. Stycos, "Human Fertility in Latin America," Sociological Perspectives (Ithaca, 1968); M.J. Gomez, "Progress and Problems of Fertility Control Around the World," 5 Demography (Spec. Issue, 1968), No. 2, p. 811 at 827 et seq; also, H. Mendoza-Hoyos idem at 846.

³²See tabulations on Eire, Spain and Argentina.

³³Chap. XIV, Art. 283 of the Penal Code. See also Chap. VI, Art. 534 of the Penal Code. The Attorney General in 1968 orally affirmed his intention not to prosecute under Art. 534, which prohibits the open display of a means of contraception.

³⁴11 Michigan Statutes Annotated, Sec. 15.3782 (1968).

³⁵Louisiana Act 53 of June 18, 1970; West's La. Stats. Ann., Sec. 17:281. Although the statute is so drafted as to apply only until a special legislative committee reports, there has been no such report made up to the present time.

³⁶Sex Information and Education Council of the United States, see supra p. 32.

³⁷Supra note 35 to Chap. II. This resolution was "reaffirmed and readopted" by a later resolution of the Board on Dec. 17, 1970, although the later resolution does allow, with limitations, the teaching of family life courses where local school boards so decide.

³⁸A public relations committee chairman of a Colorado county education association has written in 1969:

This precautionary measure (i.e., parents' right to option)...does set sex instruction apart from other subjects to some degree... Though it is often decried as an unnecessary and prudish procedure, it has paid dividends to safeguard the majority against a dissenting minority...In Denver, practically 100 percent of all parents now request that their sons and/or daughters participate in the programs so it becomes a matter of deciding if it is wasteful, in the future, to continue to get signed parent permissions.

D. Weiland, "Teaching Sex in the Classrooms," Colorado Educational Review (May, 1969), p. 9 at p. 10.

³⁹In most European continental countries, where control of the schools is centralized either at the federal or state level, the question of voluntary or compulsory attendance at a course is regulated by the school

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law or by the regulations of the Ministry of Education, (e.g., the West German Recommendations, supra note 12 to Chap. II, or the Decision of the Hungarian Council of Ministers of Oct. 18, 1973, supra note 14 to Chap. II).

⁴⁰Circular of the Ministry of Education, supra note 11 to Chap. II. The concept of this arrangement for sexuality education in a situation peripheral to the school ("dans un cadre periscolaire"), which has both in-school and nonschool features, was motivated by the effort of the government to appease both the supporters and the opponents of sexuality education. The degree of emotional excitement involved here is shown e.g., by the fact that a leading French law review carried, in November 1973, an article entitled "Sexual Frenzy" which attacks such education even at the high school and university level and concludes with the words: "sexuality education will always be given at the hearth, by the parents and at the family table, as nature wants it to be. If the professors cannot give education to the children, the parents have at least the right to demand that their children not be depraved." "Doctrine," 93 Gazette du Palais, No. 6 (Nov.-Dec. 1973), p. 804.

⁴¹See Maryland Department of Education, Standards and Procedures for Family Life and Human Development Program (Jan. 8, 1970). The course is an elective at the junior and/or senior high school level, with the prior consent of the parents. The course covers contraception.

⁴²See Resolution of Nebraska State Board of Education of Dec. 17, 1970. The course, if taught, is to be given to boys and girls separately.

⁴³West's Ann. Cal. Codes (1975) Education Code Sec. 8506; 11 Michigan Stat. Ann. Sec. 15.3782 (1968) and 15.3789 (1972); Michigan Laws Ann. Sec. 340.789 (c) (Annual Pocket Part 1974/1975). See Hobolth v. Greenway et al., 218 N.W. (2d) 98 (Mich. 1974).

⁴⁴Where the education is population education rather than sexuality education, it is often compulsory. Thus, in Chile, the physical and health education course in the fourth year of secondary school includes population courses, population policy and family planning (not yet including contraception). This is compulsory. Ministry of Education Decree No. 13,451 of 1966, in Controloria General de la Republica, 18 Recopilacion de Reglamentos (1966-1968)).

⁴⁵Nebraska, supra note 35 to Chap II, Sec. 3 (a). See also notes 37, 42 supra.

⁴⁶Oregon, supra note 37 to Chap. II, para. 2 (b) (1970).

⁴⁷The pedagogic principle is to start sexuality education at the appropriate time, but if in doubt, "better one year too soon than one day too late." K. Seilmann, Kind, Sexualitaet, und Erziehung (Munich and Basel, 1964) as quoted by H. Scarbath, Geschlechtserziehung (Heidelberg,

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1967), p. 94. Mattmueller-Frick argues that it is necessary to establish as early as the first grade the attitude that a pupil may even discuss taboo subjects with his teacher. (See Praxis der Kinderpsychologie (supra note 19 to Chap. II) at 185-186, which points out that "street education" in this field may start as early as the age of six or seven.)

It appears that sexuality education may have to start earlier than Freud argued seventy years ago, namely "before the child is ten years old." ("The Sexual Enlightenment of Children" (an open letter to Dr. M. Fuerst) 1967) 9 Standard Edition of Complete Psychological Works of Sigmund Freud (Strachey (ed.) London, 1959), p. 131 at 138.

⁴⁸Handbook, supra note 9 to Chap. II.

⁴⁹Recommendations, supra note 12 to Chap. II, point 3.

⁵⁰Circular, supra note 11 to Chap. II, Part A.

⁵¹Czech Guidelines, 1972, supra note 13 to Chap. II.

⁵²Osnova sola, supra note 20.

⁵³Minnesota Department of Education, Family Life and Sex Education (1969), p. 2.

⁵⁴E.S. Gendel and P.B. Green, "Sex Education Controversy...Report of Survey...", 51 Journal of School Health (1971), p. 24, 25.

⁵⁵See Minnesota, supra note 53, which states that whereas the "general practice" should be to have the boys and girls together, there are certain topics that may best be handled with the sexes separated. Another aspect of the question is raised by Mace, Bannermann and Burton in the WHO paper on The Teaching of Human Sexuality in Schools for Health Professionals (Geneva, 1974), p. 24. They point out that "teaching should be the responsibility of both men and women."

⁵⁶Judging from the language of the regulations and guidelines on this matter, this particular question seems to have been handled unemotionally on a matter-of-fact basis.

⁵⁷Handbook, supra note 9 to Chap. II, p. 16.

⁵⁸Guidelines, supra note 13 to Chap. II, "Phase III."

⁵⁹See Weiland, supra note 38, p. 10. Weiland states: "Experience confirms the fact that 12-year-old girls and 12-year-old boys are at quite varying stages in maturation. Later...students in the upper secondary grades may well receive added benefits from joint and shared discussions on sexuality." (See also Maryland, Standards and Procedures, supra note 41.)

⁶⁰State Department of Education, Division of Secondary Education, The Teaching of Sex Education in the Schools of Alabama (April 1970), para. 2.

⁶¹New York Times, July 10, 1974, p. 4, col. 4.

⁶²At a national conference convened in Washington by the American Association of Sex Educators and Counselors, Mrs. H.F. Pilpel asked for a show of hands from the three hundred members present on the question of whether they considered contraceptive information essential as part of sex education. The great majority replied in the affirmative.

⁶³"Reports on Sex Education in Two Colorado Districts," Colorado Education Review (May 1969), pp. 8-10.

⁶⁴M.I. Levine, "Sex Education in the Public Elementary and High School Curriculum," 37 Journal of School Health (1967), pp. 30, 37.

⁶⁵See tabulation on Philippines.

⁶⁶See Michigan Stat. Ann., supra note 34. Mercer v. Michigan State Board, 379 Fed. Supp. 580 (1974).

⁶⁷See tabulations on Sweden and Hungary.

⁶⁸See G.S. Parcel and D.L. Kenepp, supra note 23, pp. 614 et seq.

⁶⁹The following are examples of state policies, as expressed in the policy statements or guidelines:

Maryland: The 1970 "Standards and Procedures" includes "contraception" and "family planning" in an elective "Focus Area Three." See supra note 41 at p. 3.

New Mexico: The 1970 Guidelines do not mention contraception or family planning among their 23 "suggested general objectives," although objective 17 reads:

To learn about dangers of overpopulation and the need for an intelligent consideration of the basic issues of population growth as related to human health and welfare. See supra note 38 to Chap. II at p. 7.

Indiana: The 1970 Guidelines (later under review) of the General Commission on Education, state:

5) Methods and techniques of contraception, abortions, descriptions and positions of sexual intercourse shall not be taught.

Pennsylvania: The 1969 Guidelines state:

69 (cont'd)

...the teaching of specific methods of birth control and venereal disease prophylaxis should not be included in classroom sex education. See supra note 40 to Chap. II at p. 3.

70 J. Blake, "The Teenage Birth Control Dilemma and Public Opinion," 180 Science (May 1973), p. 708.

71 West German Recommendations, supra note 12 to Chap. II.

72 Hessen Guidelines, supra note 12 to Chap. II at p. 921.

73 In the canton of Basel, Switzerland, the matter is occasionally handled in a surprisingly frank manner. A report on the instruction on contraception in the top (ninth) grade of a school in Basel is given by Mattmueller-Frick, director of the school (see supra, note 19 to Chap. II). A physician is asked to speak who is able to keep an easy contact with the young, as well as to communicate in simple German. In explaining the use of contraceptives, he brings condoms, pills and pessaries so that the young can better understand their use....Otherwise they would be exposed to street education. The physician first points out that the young man should feel responsible, and that he should therefore carry condoms with him, pointing out that he can never tell when they will come in handy. The girls must also acquire confidence in the doctor. He assures them that they are free to come to his office whenever they are worried. Quite naturally, he must be prepared to prescribe contraceptives to them, and must let the girls know that. The most important point of this talk is...that a good contact results between young people and the doctor. Only thus will they avoid unsavoury abortionists in crisis situations.

The German official manual on sex education spells out contraception in detail. See A. Zitelmann and T. Carl, Didaktik der Sexuellerziehung: Handbuch fuer das 1 bis 13 Schuljahr (Weinheim, etc., 1970), p. 101.

74 M.I. Levine, Human Sexual Development, supra note 64.

75 Czechoslovakia, Guidelines, supra note 13 to Chap. II, pp. 380, 381.

76 Connecticut, supra note 15 to Chap. II, p. 2.

77 See Mattmueller-Frick, supra note 19 to Chap. II.

78 M.I. Levine, supra note 64 at p. 351.

79 Circular, supra note 11 to Chap. II.

80 New Mexico, Guidelines, supra note 38 to Chap. II, point 9, p. 4.

81 "No matter how carefully planned the course, how sound the philo-

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sophy, how strong the community backing, the ill-prepared or fearful or embarrassed teacher can defeat the entire effort." Schulz and Williams, cited by L.J. Haims, supra note 7 to Chap. II at p. 52.

⁸²According to Hoyman, supra note 1 to Chap. III, at p. 179: "The crucial weakness in Sweden's sex education program is the lack of teachers trained to carry it out. This involves a paradox: sex education is compulsory for the students, but not for the teachers....(The) law should now be revised to make teacher preparation mandatory."

⁸³Insofar as sexuality education is not prohibited under Tennessee law, one of the legal restrictions, under criminal sanction, states: "It shall be unlawful for any person in any manner to teach courses in sex education pertaining to homo sapiens...unless...the courses are approved by the state board of education...and taught by qualified instructors...." (Tennessee Code Annotated, Sec. 49-1924.)

The Nebraska State Board of Education, having first prohibited any sex education, later recommended to those local school boards which nevertheless decided to introduce it, that "only married teachers shall teach...in this area until such time as adequately trained and educated teachers can be provided...." (Resolution, supra note 35 to Chap. II.)

In New York, the teaching of health education in the secondary schools (which may include sexuality education) must be taught by teachers "holding a certificate to teach health." (Bureau of School Health Education, circular to all school administrators of April 1970.)

The Maryland "Standards and Procedures," supra note 41, states at p. 5:

Since the teacher is a vital factor in the program, qualifications such as the following should be considered: character and temperament suited to conducting such a program, two years of successful teaching experience, appropriate specialized training, good rapport with students, and respect and trust of parents.

⁸⁴Decision of Council of Ministers No. 1040/1973, supra note 14 to Chap. II at Part III, para. 4.

⁸⁵See e.g., Circular of French Ministry of Health, supra note 11 to Chap II at II.

⁸⁶M. Chalupa and Z. Vrba, "Some experience from education for marriage and parenthood in South Moravia" (in Czech), 37 Ceskoslovenska gynekologie (1972), p. 491.

⁸⁷R. Mueller and H.-J. Kempf, "Probleme der Kontrazeption bei Adoleszenten," 67 Zeitschrift fuer Aertzliche Fortbildung (1973), p. 807.

⁸⁸Report from Mrs. Anna Terwiel, The Netherlands.

V. LEGAL ISSUES IN REGARD TO NONSCHOOL FERTILITY-RELATED EDUCATION

The term "nonschool fertility-related education" properly includes both population and sexuality education outside of the formal school system. As in the case of in-school education, the considerations raised here are often more applicable to sexuality education than to population education, since it is toward the former that legislation or regulations, when they exist, are more often directed.

Even in the more sensitive area of sexuality education, there are few laws and regulations applicable to nonschool programs. This is because taboos against explaining sexual problems to youth do not apply to adults. Moreover such nonschool education is not normally based on laws or regulations. In the potentially sensitive area of fertility, it is easier to avoid official regulations and to proceed on a less official, low-profile basis.

A. Organization of Nonschool Fertility-Related Education

A major difference between school and nonschool education is the question of who has administrative responsibility. Formal education usually falls under the aegis of ministries of education. However, because nonschool education addresses the needs of a wide range of target audiences, and because it comprises many different kinds of content, no single government agency in any country is solely responsible for providing nonschool education. For example: the ministries of health or community development offer maternal-child care programs with family planning education components (e.g., Indonesia and Turkey); departments of adult education deliver literacy programs with family life content (e.g., Thailand and Turkey); and ministries of agriculture conduct extensive rural education activities which may include fertility-related education (e.g., Kenya and the Philippines).

As far as overseeing or coordinating activities is concerned, an attempt may be made by a centralized government to give an over-all council or commission responsibility for all fertility-related activities conducted by government agencies. An example of this is the Ghana National Family Planning Council. However, when several agencies are involved, such authority may be ignored or undermined.¹ In decentralized governments, such as the United States, such an arrangement would be impossible.

Administrative fragmentation is augmented by the involvement of private institutions. Such agencies--religious organizations or youth clubs--are generally more active in nonschool education than are governmental agencies. While private programs usually operate on a much smaller scale than those of government, they may be totally autonomous from governmental control and thus add not only to the diversity of programs offered but to the complexity of coordination as well.

B. Regulation by Law of Nonschool Activities

1) Laws prohibiting contraceptive information

The principal laws which directly affect nonschool fertility-related education are those which restrict access to contraceptive information. As seen above, Ireland, Spain, and some of the countries which still have the old French Law of 1920 fall into this category. They ban access to information about contraceptives whether in or out of school.

Some countries, however, may only forbid certain instruction which takes place in the schools or is directed to the young.² In these cases, nonschool programs, particularly those sponsored by health and community development agencies remain unaffected. Thus the diversity of content and target audience of nonschool education may act as a peculiar advantage in the provision of such programs.

2) Laws primarily directed at other matters but which affect non-school education

A few laws which are concerned primarily with such matters as marriage or abortion may also deal with sexuality education. For example, in the Philippines, more than 200 municipalities require a couple seeking a marriage license to undergo instruction in family planning. A similar provision exists in a few US states, and Hungary has a like provision which was designed to cut down resort to abortion. Similarly, in some socialist countries and in France, a woman who has had an abortion must be instructed on contraception. In Denmark, compulsory family planning instruction is provided to women following child birth or abortion.

3) Countries with no laws or regulations

Most countries are characterized by the absence of legislation or regulations pertaining to nonschool fertility-related education, despite the fact that their formal in-school education may require some sort of official action for curriculum implementation and thus have legal ramifications. The absence of legislation or regulation may represent an advantage for nonschool educators, whose programs are often fragmented, small-scale, cover a wide range of content areas, and are relatively unobtrusive, and thus sometimes allow for inclusion of fertility-related content without attracting undue attention or controversy.

C. Special Questions

Among the questions particularly germane to nonschool fertility-related education are the following:

1) Should nonschool fertility-related education be supported by government?

2) Should it be compulsory?

- 3) Should it include contraceptive information?
- 4) Should programs be coeducational?
- 5) Who is qualified to teach fertility-related education?
- 1) Governmental support

A government with a strong commitment to population limitation, such as the Philippines, may administer fertility-related education through governmental school and nonschool agencies, and also have ultimate authority over programs operated by private agencies as well. Governments which consider population control either unimportant or controversial, on the other hand, may avoid open support, preferring to allow private agencies to pursue their own activities in the field unassisted. Ghana was such a case until 1970. Although it had no family planning policy, several private agencies--Planned Parenthood Association of Ghana and the Christian Council of Ghana--were actively involved in fertility-related education. Several Latin American countries offer good examples of cases where private agencies have taken the initiative for fertility-related education, rather than government agencies.

- 2) Compulsory instruction

Unlike formal schooling which is compulsory in many countries, there are few nonschool fertility-related programs which are compulsory (except as pointed out in Section B.2 above). In some countries (e.g., Philippines, Turkey and Yugoslavia), military service training involves a small component of sexuality or population education. Also literacy programs are sometimes compulsory; however, those which are compulsory are less likely to include fertility-related education than voluntary programs.

- 3) Contraception instruction

Most Asian countries do not provide contraceptive information to the young either in or out of school. Some Latin American countries which offer sexuality education to youth, confine it to "responsible parenthood" without contraceptive information. However, with a few exceptions like Ireland, Spain and Argentina, no country prevents the dissemination of contraceptive information to adults on a nonschool basis.

- 4) Coeducation

This issue in most nonschool programs may be resolved by the type of program in which fertility-related education takes place. Because of the nature of the target groups and the focus upon adult roles, with a consequent division of sex roles, nonschool programs frequently address themselves to separate groups of men and women. Legislation neither dictates nor affects such division; rather the function and purpose of the program and the context of the community in which it takes place,

determines whether or not it is coeducational.

5) Teacher qualifications

Because the administration and organization of nonschool fertility-related education is so diverse, the issue of teacher qualification constitutes a major problem. Many "teachers" of nonschool programs are not teachers at all but volunteers or para-professionals and thus do not fall under control of ordinary teacher certification regulations. In cases where certified teachers do teach such programs, as in literacy campaigns, they are often less-qualified primary school teachers without adequate knowledge of population factors or of human reproduction. Moreover, because nonschool programs are implemented by such a variety of agencies--health, community development, agriculture, etc.--educators or extension agents are certified according to the regulations of the sponsoring agency and may or may not be adequately prepared to give instruction on sexuality or population education.

Thus the administrative and other problems involved in nonschool fertility-related education are primarily a function of their very diversity in administration, organization, content and target audience. These problems differ substantially from those faced by educators in the educational system, structured and homogeneous as it is, and such legislation as exists pertains to population control and provision of family planning information rather than to the provision of formal education per se.

FOOTNOTES

CHAPTER V

¹In Mexico, Art. 3 of the General Population Law of February 1974 provides: "For the purposes of this law, the Secretariat of the Interior shall dictate and carry out or, when appropriate, promote...measures necessary...to carry out family planning programs through the educational and public health services available to the public, and to supervise said programs and those carried on by private organizations."

At the same time, Article 34 of the Sanitary Code of 1973 provides that "The Secretariat of Health and Social Welfare ("Asistencia") in coordination with the Secretariat of Public Education will formulate programs of adult ("popular") education...especially related to...family responsibility and planning."

²See e.g., the Michigan law cited above, supra note 34 to Chap. IV.

³See Council of Ministers' Decision, supra note 14 to Chap. II, Sec. II, A, 1.

VI. OBSTACLES TO FERTILITY-RELATED EDUCATION

As has been indicated in the preceding chapters, a wide range of obstacles can impede the establishment and implementation of sexuality and population education programs. Many of these are basically the same obstacles which have been faced in the course of attempts to introduce family planning services into many countries. Some of these barriers are related to the cultural, economic, religious and political contexts of the societies in which the programs are attempted. Others derive from more practical and structural problems such as administrative difficulties and lack of resources. While proponents of fertility-related education are often aware of these difficulties, it is important to realize that, in a given context, such resistances may mutually reinforce each other and create a total retarding effect which is much greater than that posed by any one of the components.

These obstacles or barriers, which may be considered as cultural, religious, political and practical, are very briefly suggested in the succeeding sections. (The legal barriers were discussed in preceding chapters.)

A. Cultural Barriers

The values which a society may hold in regard to sexuality, fertility and population growth will obviously have a major effect on attitudes toward sexuality education and population education programs. Normative systems not only represent a source of resistance to programs designed to change behavior and attitudes, but they also determine the appropriateness or feasibility of selecting the schools or other channels as vehicles for such programs. Among the cultural norms which frequently block education of this type are: taboos, the extended family system and a low status for women.

As to taboos, a whole range of topics;--from the basic facts of human reproduction to contraception,--may be taboo or, what Rogers terms, "not inter-personally discussable or communicable among members of an audience, because (such topics) are perceived as dealing with a proscribed type of behavior."¹ Intimately related to this problem of "discussability" is the demarcation between the responsibility of the family and that of the school which we have discussed in Chapter II.

In many instances the taboo nature of the topic alone may effectively block fertility-related education even though the idea of fertility or population control may not be unsympathetic to the culture or to the government. This is particularly true in the Asian countries. Rogers cites a study in Pakistan which found that 97 percent of the female respondents and 89 percent of the males never discussed family planning.² He cites additional information on the Philippines: "...approaches to family size, like attitudes toward sex..., have been deeply imbedded in the folk belief of sorcery..." and are therefore not appropriate topics

of conversation.³ Taking into account this sensitivity to discussion of sexual topics, two professionals in the field have urged that sexuality education be excluded from population education programs. Opposition to sexuality education from all sides--community, educators, government--would result in certain failure, despite the fact that population education alone would be acceptable.⁴ Reluctance to teach sexuality education is not confined to Asia, however. For years in the United States, the controversy surrounding the teaching of sexuality education in the schools stemmed not from the question of whether it should be taught, but whether it was "proper" to teach it outside of the family.⁵

As to the extended family, emphasis on high fertility and consequent resistance to fertility-related education may be built into the social structure through this mechanism. In many African societies, great importance is placed on large families in response to the social and spiritual obligations imposed by the extended family, and by the lineage and vertical non-temporal relationships inherent in ancestral reverence.⁶ Thus, in terms of fertility-related education, there may be strong norms which restrict this responsibility to the family and exclude any outside interference by schools or any other government agency.

As to the status of women, the subject has recently been well described by Gebhard as follows:⁷

Some of the resistance to research and education may be attributed to men's fear that these will lead to the sexual emancipation of women. In countries with a double standard of morality--one for men and a more restrictive one for women--there is a tendency to categorize women as "good" (i.e., asexual madonnas, mothers, sisters, and wives) and "bad" (sexually active women), and emancipation threatens to make all women "bad." Moreover, it is not uncommon for men to feel insecure and threatened when women strive for sexual equality or make sexual demands upon men. There are many nations where females are allowed little power at either an individual or political level, and those with male domination are the ones most afflicted with fears and insecurities. Since research and education are almost certain to change the status quo in the relationship between the two sexes, neither will be encouraged by the males in those nations.

In African cities great concern is being expressed over the growing numbers of semi-educated young women who migrate to the towns, participate in consensual unions, and thus represent a threat to the stability of the traditional family.⁸ While sexuality education may be desperately needed by such a group in order to combat venereal disease and unwanted pregnancy, provision of such a program is felt by the community to be a vehicle for the furthering of societal and family breakdown.

Another kind of practical difficulty of a cultural nature which may be faced in introducing sexuality education into certain cultures is the fact that such education may be forced by popular opinion to conform to, and thus to reinforce, certain customs which it might be better to discourage.⁹ In one country where such education has been introduced, it has been required by public opinion to be taught in such a way as to be consistent with existing laws on male supremacy. For example, it has had to accept the existing law that adultery should be punished more severely in women than in men. Another possible case which has been suggested is a society which imposes clitorrectomy in pre-pubescent girls. If the teacher must accept this practice, or must, at best, say it is wrong unless performed by a physician, the practice becomes further imbedded in the culture.

B. Religious Barriers

Religion may represent an obstacle to the delivery of population and sexuality education.¹⁰ In such religiously heterogeneous societies as are found in North America and much of Europe and Africa, the decision to implement these programs is essentially a secular one, and religious groups which oppose such decisions must find means to accommodate to them. However, examples have already been cited of more homogeneous societies where religious organizations exert considerable political influence upon the governmental educational system. Moreover, religious groups frequently operate their own schools. Thus, in such countries, the situation is different. It is improbable, for example, to think of the Muslim community instituting population or sexuality education in the Koranic primary schools prevalent in Islamic Africa. These schools are designed to promote the study and spread of Islam and to resist external influences. In Latin America, population education has been the source of controversy and has been approached gingerly, if at all, since it was feared that it went beyond the orthodox concept of "responsible parenthood" allowed by the Catholic Church.¹¹ (Another factor we have already referred to is the inhibiting effect of ancestor worship in this field.) The extent to which religious influences represent a barrier to sexuality or population education is, of course, dependent upon the national and even the local situation.

C. Political Barriers

We have already referred to the suspicions of population education both in Latin America and Africa as "population control education," as a form of Yankee or white man's imperialism. Resistance to population education is thus often expressed in ideological terms. The developing countries tend to question the reasons lying behind the interest of the developed countries, the primary consumers of world resources, in Third World Population growth. Nationalistic ideologies may also support uncontrolled demographic expansion as a contribution to national strength and examples of this reasoning can be seen in many parts of Africa,¹² and in Brazil and Argentina. Many of these countries equate large populations

with political power.

D. Practical Difficulties

One of the topics which has occupied much attention and energy among educators is when to teach fertility-related education. (See supra Chapter IV, D, 2). Another aspect of the same question arises in connection with the lengthy time lag between a child's experience of primary school and the period of young adulthood when he is actually involved in fertility decision-making. From this point of view, it seems most efficient to concentrate fertility-related in secondary schools. Additionally, there has been controversy over what are still unresolved issues: how old must a child be before he can grasp the concepts involved in sexuality and population dynamics, and whether these concepts are inappropriate for earlier stages of cognitive development.

In developing countries the majority of students never attend secondary school, and most do not complete the upper grades of primary. In 1967-1968, only 40 percent of primary age African children were in school, and in Africa, Latin America and Asia, school enrollment constituted 15 percent, 35 percent, and 30 percent respectively of secondary school-aged children.¹³ Moreover, school attendance for girls is much lower than for boys throughout the developing world. Thus to limit such education to secondary schools is to exclude the majority of the future generation of parents, especially of women, and it also implies a concentration of attention on a privileged group of youth who, because of opportunity, social status, and education, can be assumed to be in a position to obtain fertility-related information from other sources. Non-school programs may get around the attrition problem to some degree, but so far these programs have been few in number. Thus, the problem is both whether to utilize in-school approaches and, if so, whether to utilize scarce resources in the primary schools, where the impact is less, or to include the secondary schools, with more certain results but less outreach.

Another practical barrier to the provision of effective population and sexuality education is imposed by lack of resources. In the developing world particularly, syllabi and curricula are slow to change, and the imposition of a new requirement for the overloaded schools can constitute a major difficulty. In most developing countries, for example, the syllabi are determined largely by externally administered examinations, and without exam revision, introduction of new material into the syllabus would receive little attention, either from teachers or from students. The impact of population and sexuality education is in general dependent upon the adequacy and efficacy of the entire educational system, and as noted earlier, in developing countries, these systems are usually inadequate.

As stressed in Chapter IV, the bringing of fertility-related education into the schools requires the retraining of teachers. For example, a study done in one Kenyan district found that 64 percent of primary school

headmasters opposed the introduction of sexuality education into the curriculum on the grounds that the teachers themselves were not equipped with sufficient knowledge of human reproduction and therefore could not teach it.¹⁴

Finally, sound instructional materials are of great importance, particularly where teachers must present new material with which they themselves do not feel confident. In addition to money, the development of materials requires research. Evaluation research is also needed, without which the authorities cannot judge the effectiveness of the new programs and make necessary corrections. Evaluation studies of two kinds are needed: first, longitudinal research is necessary to determine the impact of population education on subsequent fertility behavior and, second, formative evaluation is necessary of programs, curricula, training activities, etc. currently utilized in various programs throughout the world. Those found effective must be more widely used. Major inputs of financial resources and research are thus essential if fertility-related education is to be fruitful, and these must be backed up by administrative support structures devoted to the implementation of the newly developed programs.

FOOTNOTES

CHAPTER VI

¹Everett M. Rogers, Communication Strategies for Family Planning, (New York, 1973), p. 36.

²Ibid.

³Ibid.

⁴Edward W. Pohlman and K. Seshagiri Rao, Population Education versus Sex Education, paper presented at Family Planning Association of India Conference, Chandigarh, Dec. 1968 (mimeo).

⁵As has been explained in Chap. III, the resistance in Latin America is more against population education than against sexuality education. The latter may be regarded as legitimate, provided the focus is on "responsible parenthood." The former is still regarded in some places as part of "gringo imperialism."

⁶See Frank Lorimer, Culture and Human Fertility (Zurich: UNESCO, 1954).

⁷P.H. Gebhard, Indiana U., "Coping with Barriers to Sex Education and Sex Research," paper presented to WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974), MCH/SYM/73.32, p. 2.

⁸I.D. Pool, The Number and Type of Conjugal Unions as Correlates of Levels of Fertility and Attitudes to Family Limitation in Ghana, paper presented to Annual Meeting, Population Association of America, Boston, April 1968 (mimeo). See also Kenneth Little, African Women in Towns (Cambridge University Press, 1973).

⁹Communication from Mr. Ian Roberts, IPPF, London (1975).

¹⁰Gebhard, supra note 7, states on p. 2:

Organized religion frequently impedes sex research and medical sex education. In a number of powerful religions including Christianity, Judaism, and Islam, sex has been the traditional enemy of religion; sex represented the carnal and evil--the natural opponent of the spiritual and good. Since research and education generally result in more permissive attitudes and a greater enjoyment of sexuality, they are viewed as operating against many ancient and well-established religious beliefs. In addition, there is another basis for antagonism. For centuries organized religion determined what was sexually acceptable or punishable, but in the last two hundred years secular powers, particularly Medicine, have usurped this function.

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Gebhard also refers to obstacles caused by conservative elements in the medical profession.

¹¹For a discussion of the Catholic Church and fertility limitation, see J. Mayone Stycos, Ideology, Faith and Family Planning in Latin America (New York: McGraw-Hill, 1971), pp. 75-88, 363-414. For Catholic Church opposition to the new Mexican sexuality education program, see New York Times (Mar. 9, 1975), p. 8, col. 1.

¹²Francis Olu Okediji, "Family Planning in Africa: Overcoming Social and Cultural Resistances," 15 International Journal of Health Education, 3 (July-Sept. 1972), pp. 3-10.

¹³Edgar Faure, Learning to Be (Paris: UNESCO, 1972), p. 286.

¹⁴J.B. Maathuis, "To Teach or Not to Teach Family Planning in Kenyan Primary Schools," 47 East African Medical Journal, 11 (Nov. 1970), p. 547.

VII. ACTION BY INTERNATIONAL ORGANIZATIONS

Recognition of the importance both of population education and sexuality education, as essential aspects of the human right of family planning, had already started to spread before the first official international recognition of the right occurred at the UN Conference on Human Rights at Tehran in 1968.¹ The existence of the problem of population pressure had been recognized in Asia (and in India, in particular) in the 1950's, and the existence of the social welfare problem caused by unwanted pregnancies had long been understood in Europe and North America. Accordingly, the UN Declaration on Social Progress and Development² and the World Population Plan of Action approved at Bucharest reflected an already existing trend.

Although these international acts may not have created an enforceable legal obligation on governments to provide the necessary education, nevertheless, under a principle akin to "estoppel"³ the votes in favor of these documents would seem to create a clear moral obligation on the part of those countries whose delegates voted for them not to adopt or retain laws which forbid such education (see, e.g., Louisiana)⁴ or not to adopt laws which, under cover of "obscenity" would prevent its taking place (see, e.g., Indonesia).

The Symposium on Law and Population, sponsored by the United Nations Fund for Population Activities and the United Nations itself, dealt with this subject at Tunis two months prior to the World Conference at Bucharest. The Symposium was made up of individual experts (rather than of government representatives) coming from over fifty countries. There were lawyers, educators, physicians, sociologists, demographers, economists, theologians and political scientists. In dealing with sexuality education they referred to the recommendation of the UN Symposium on Population and Human Rights (at Amsterdam in 1974)⁵ that international organizations should assist in providing family planning information to all persons who want it at all levels of the educational system, and recommended:

that Governments should not only repeal present legal restrictions on the dissemination of family planning information, but also take positive steps to provide it in a manner consistent with their national culture, using all available channels of information, and taking advantage of such assistance as may be offered by international organizations in this field; it being understood that such information includes material on human reproduction,...family planning techniques, and population awareness.⁶

This was followed by the draft resolution approved by the UN Population Commission⁷ at its Eighteenth Session in February 1975. It suggests that the Economic and Social Council "recommend that couples and individuals have access to the information, education, and means to enable them to

decide freely and responsibly on the number and spacing of their children."

The international organizations in the UN system have gone further than making recommendations and declarations of principle. For example, the UN Fund for Population Activities, in cooperation with UNESCO, funded the Population Education Program of the Philippines Department of Education and Culture, and has carried out a sexuality and population curriculum study in Iran. The Philippines program is the most advanced program in Asia, and eventually will provide a full set of official materials for use in every school. UNFPA, also in cooperation with UNESCO, has also funded population education projects in Sri Lanka, Colombia, Malaysia, South Korea, Indonesia and East Africa.

UNESCO is, by its charter, interested in the population and sexuality education fields.⁸ The UNESCO Population Education Clearing House Service in Bangkok assembles curricula material and makes it available to national authorities in "packaged form," sends out a population education newsletter, and supplies experts to the member governments of the UN Economic and Social Commission for Asia and the Pacific.⁹ UNESCO is also preparing a textbook for The Teaching of Population Dynamics in Law Schools, after organizing a workshop on the subject in 1974 as part of its contribution to UN World Population Year.

Other specialized agencies of the United Nations have also entered the field. WHO is studying new methods of teaching family planning and population dynamics. The International Labor Organization has sought to involve its constituent organizations in population and family planning education.¹⁰ FAO has added two specialists on population education to its staff, and is experimenting with rural education programs in Africa which include population education (called "Program for Better Family Living.") Finally, the United Nations International Children's Emergency Fund is also developing a program of population education for youth.

An expert committee of the Council of Europe has recommended that school curricula, at appropriate levels, include education in family planning.¹¹ The Governing Body of International Planned Parenthood Federation decided in October 1973 to give priority to sexuality and population education in its member countries during the period 1974-1976.¹² This decision followed a recommendation from IPPF's Indian Ocean Region's Seminar at Kandy, Sri Lanka, in 1972, which called for the immediate introduction of population education at all levels of the school systems (introduced into existing courses) with family planning added at the "tertiary level."¹³ Later, the IPPF's Western Hemisphere Region organized a Sexuality Education Workshop in Trinidad in 1974.¹⁴ In Africa, the IPPF Conference on the Medical and Social Aspects of Abortion in Africa (December 1973) stated that "Abortion itself is an indication of the lack of comprehensiveness or unavailability of family planning services and sex education activities."¹⁵ Accordingly, the constituent associations of IPPF are expected to do whatever they can to foster such educational programs in their respective countries.

At the same time, the World Population Task Force of the (US) National Catholic Educational Association has put out a pamphlet "to assist Catholic educators at all levels in introducing population education programs." Population education is defined as including the "implications" of population change "for the individual, the family, society and the world." It is to be "directed toward responsible behavior on the part of individuals based on an interpretation of population phenomena within the context of Christian values and on the moral implications of the individual's membership in a family, in society and in the world community."¹⁶

Finally, a number of private international and national agencies have supported research, training and action programs in both population and sexuality education, including the World Council of Churches, OXFAM, the Swedish International Development Agency, the Population Council, the Asia Foundation, the Ford Foundation and the Pathfinder Fund.

The cumulative effect of the action of all these organizations must necessarily be considerable. They will, among other things, accomplish the following:

1) They will make population and sexuality education "respectable." It becomes impossible for anyone to call such matters "obscene" if the representatives of his government and those of the rest of the world have publicly voted to sponsor such activities.

2) They will discourage the adoption of laws against such education, and should make it easier to repeal present laws which make such education difficult.

3) They will increase the willingness of governments, both national and local, to initiate programs in this field.

FOOTNOTES

CHAPTER VII

¹Proclamation of Tehran, UN International Conference on Human Rights (1968), supra note 3 to Chap. I.

²U.N.G.A. Resolution, supra note 3 to Chap. I, which refers specifically to the right of families to the necessary "knowledge."

³The legal principle of "estoppel" is defined by Black's Law Dictionary (3rd ed.) as follows: "A preclusion, in law, which prevents a man from alleging or denying a fact, in consequence of his own previous act, allegation or denial of a contrary tenor."

⁴See Louisiana, supra note 35 to Chap. IV.

⁵Report of the Symposium on Population and Human Rights (Amsterdam, 21-29 January 1974) U.N. Conference Background Paper for World Population Conference (E/CONF. 60/CBP/4, 19 March 1974), Part I, para. 23, p. 8.

⁶Symposium on Law and Population, Text of Recommendations, June 17-21, 1974, Tunis (Law and Population Monograph Series No. 20, Medford, Mass., 1974), Part III, A, p. 9.

⁷See Report of the Population Commission, Eighteenth Session 18-28 February 1975, Supplement No. 6. (Official Records of the 58th Session of ECOSOC.) It is significant that all the members of the commission wanted the word "assure" and only changed to "recommend" at the request of Brazil.

⁸See B. Linnér, Sex Education and Family Planning--A World Dilemma, report of the 8th Symposium of the International Union of School and University Health and Medicine (Stockholm, June 17, 1974), p. 4 for a listing of activities.

⁹3 Asian Population Programme News, Nos. 3 & 4 (1974), p. 15.

¹⁰See Linnér, supra note 8, p. 4.

¹¹The resolution recommended to the Committee of Ministers by the expert committee (Concl. Experts/Dem. (74) Appendix II) reads as follows:

To ensure that all people, especially young people, whether married or single, are informed about the problems and objectives of family planning and about the relative advantages and disadvantages of the various methods available,

and in particular by:

11(cont'd)

i. ensuring that school curricula, at appropriate levels, include education in family planning;

ii. making it possible for all couples, and especially those intending marriage, to be able to take advice and instruction on family planning, and to encourage them to do so;

iii. ensuring that the curricula of medical schools include training in the role of doctors in the family planning services;

iv. training social workers, youth workers, and para-medical personnel to assist in the provision of advice on family planning.

For a study in the actual situation in seventeen European countries, see M. Kozakiewicz and N. Rea, A Survey on the Status of Sex Education in European Member Countries (IPPF, London, June 1975). Referred to in 4 Europe, Regional Info. Bull. No. 2 (April 1975).

¹²See Revised Guidelines for 1974-76 Plans and Work Programme (IPPF, London, 1974), p. 1, No. III.

¹³7 Birthright No. 2, pp. 15, 16, 21 (Family Planning Association of Pakistan, Lahore, 1972).

¹⁴IPPF News of July 1974.

¹⁵See supra note 25 to Chap. III.

¹⁶Population Education: A Catholic Response, pamphlet issued by the World Population Task Force (NCEA, Washington, D.C., 1974).

VIII. CONCLUSIONS

1. The United Nations has repeatedly included "knowledge" and "information" as part of the human right of family planning.
2. The field of fertility-related education will probably increase in importance and scope over the next ten years. Many countries may be expected to take at least some steps in this field along the lines of the Bucharest Plan of Action.
3. As to sexuality education, the WHO Meeting on Education and Treatment in Human Sexuality, in 1974, justly pointed out that: "The development of positive attitudes toward sexuality as an integral component of total health should be a primary goal of education...activities," and that, "appropriate sex education to the general public has the highest priority of any approach to sexual health care, because of its importance as prevention and its potential for affecting the largest number of people."¹
4. As to population education, it should be integrated into the regular education process since population crucially affects both economic and social development and the quality of life.
5. There are surprisingly few legal obstacles to population or sexuality education in many of the world's countries.
6. Population education and nonschool sexuality education do not face any type of serious obstacle in most countries. The principal difficulties seem to be lack of awareness of their importance, lack of policy, and the need to train teachers and prepare education materials. These two fields face political difficulties only in the very conservative European countries, in some of the nationalist Latin American countries like Argentina, and in some of the more traditionalist francophone African countries.
7. In-school sexuality education still faces serious difficulties of a non legal nature in many countries, as well as some difficulties of a legal nature. These include:
 - a. Taboos and customary laws.
 - b. Religious resistance in Moslem and Buddhist countries. This is also true in some Catholic countries, particularly in connection with the teaching of contraception.
 - c. Parental fears and resistance by school authorities.
 - d. Difficulties in recruiting and training teachers.
8. Despite the difficulties, progress will be made if:

- a. Each country learns more about what other countries are doing.
- b. Governments aware of the problems can be persuaded to develop policies and programs.
- c. International organizations continue to help.

FOOTNOTES

CHAPTER VIII

¹Report of Meeting on Education and Treatment in Human Sexuality:
The Training of Health Professionals (Geneva, 6-12, February 1974),
WHO, p. 32, Secs. 7 and 13 of "Conclusions."

IX. TABULATIONS OF COUNTRIES

ARGENTINA *

- A. Forbidden, Tolerated or Encouraged Sexuality education officially forbidden if it includes family planning. According to a New York Times article of March 17, 1974 (p. 4, col. 1) a decree issued in March by the Ministry of Health in the name of the President forbade the "dissemination of birth control information." If population education should occur, it would be pro-natalist.
- B. General Govt. Policy on Population Strongly pro-natalist. Argentina most active delegation at Bucharest in modifying proposed World Plan of Action. An official magazine states that "the principal work of a woman is to have children." Import of contraceptives in finished form is forbidden (probably not including condoms which are regarded as "prophylactics.") Among the apparent reasons for the ban on contraceptives is the fear that neighboring countries will take control of territories not sufficiently populated by Argentina.
- C. Does Such Education Exist in Practice? Sexuality education does not exist at university level, but is available in Medical School.
- D. Legislation or Regulations See line A. The decree states that there will be an educational campaign to publicize "the dangers to people who submit to contraceptive methods and practices."
- E. How Organized? The Family and Community Life Orientation Center (COVIFAC), an association of Catholic physicians (INAPIF) and the family planning association are training certain physicians and teachers, and planning limited pilot programs, both for inschool and nonschool purposes.
- F. Special Teacher Training See line E.
- G. Publicity for Contraception and/or Advertising Permitted? Not permitted.
- H. Customary Laws
- * Information from various sources, including press, and P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974).

AUSTRALIA*

- A. Forbidden, Tolerated or Encouraged? Sexuality education encouraged in most States. Pop. ed. not yet of interest.
- B. General Government Policy on Population Since election in 1972, the Federal Government appears to favor family planning. Parliament (in October 1973) considering a judicial inquiry into all aspects of fertility control. (This represents reversal of highly conservative approach in 1930's when state legislatures forbade publicity on contraception.) A government sponsored seminar in Aug. 1973 asserted the right of individuals to receive sexuality education so that they can control fertility.^(a)
- C. Does Such Education Exist in Practice? Yes, in most of the states. In West Australia, an experimental course for primary schools covers human reproduction. In South Australia and Tasmania, courses in secondary schools are planned to cover sexuality education and contraception, as well as health, drugs, personal relationships, etc. In Victoria, individual schools offer courses in secondary school which may include sexuality education if parents agree. In New South Wales, the Barker Committee reported in 1972 in favor of a full course in all aspects of sex and family life (including contraception) for secondary schools. This report still under discussion in 1974. No sexuality education so far in Queensland.
- D. Legislation or Regulations States have laws establishing school systems, school ages, etc., but no specific law as yet on sexuality or population education. All states have rather strict laws on obscenity (see Line G).
- E. How Organized? Education and family matters are handled at state level. (For individual states, see Line C). Official Committee of federal Ministers of Education and Science, and Ministers of Education of each state have established the Australian Science Education Project (ASEP) to develop curricula for secondary schools in science (including sexuality education). It developed an experimental course for 12-year-old children which was tried out. General result favorable, but some controversy stirred up. Churches and (private) Family Life Movement of Australia give courses, lectures, film showings to children and parents. Various marriage guidance councils also give courses.
- F. Special Teacher Training Tasmania and Victoria offer courses for teachers in primary and secondary schools on teaching sexuality education. These are, however, non credit courses and are not offered by the state government Education Departments.
- G. Publicity for Contraception and/or Advertising Permitted? Some states specifically prohibit advertisement or display of any contraceptive (e.g., Victoria Summary Offenses Act of 1966, Sec. 40). New South Wales enacted by statute that "any advertisement in relation to contraception shall be deemed to be an indecent advertisement" (Obscene and Indecent Publications Act, Sec. 3, para. 1.) In Ex Parte Collins, (1888) 9L.R. (NSW) 497 it was held that a publication setting forth methods of contraception was not obscene.
- H. Customary Laws

*Information from H.A. Finlay and Sandra Glasbeek, Family Planning and the Law in Australia ("Schooling," and "Education On Sex and Marriage"), (Monash University, Clayton, Victoria, Part B, II, (3), in manuscript form, 1973, (to be published by the Journal of Family Law, Univ. of Louisville, 1975).

(a) World Population Year Bulletin (No. 5, Sept. 1973) p. 1.

AUSTRIA*

- A. Forbidden, Toleraled or Encouraged Sexuality education encouraged. Population education not of interest.
- B. General Government Policy on Population Government presented bill to Parliament to promote family counselling, but in light of delicate balance of power government was cautious. However, the Ministry of Education has proceeded by Regulation, see Line D.
- C. Does Such Education Exist in Practice? Provided by Austrian Family Planning Association, which receives subsidies from municipalities. It gives nonschool courses for various groups, including trade unions. In-school sexuality education provided fully, including contraception (Empfaengnis Regelung) in grades 8 to 12.
- D. Legislation or Regulations Erlass (Regulation) of Ministry of Education, Nov. 24, 1970 (Verordnungsblatt No. 1 of Jan. 1, 1971). The regulation was drafted by a seminar of experts and covers grades one to 12.
- E. How Organized? The Austrian Family Planning Association, created in 1966, considers sexuality education as one of its major functions. Association gives lectures to trade unions. See Line D.
- F. Special Teacher Training Some training of teachers recently started.
- G. Publicity for Contraception and/or Advertising Permitted? Former restrictions on advertising contraceptives lifted in 1966 and there are now no restrictions on dissemination of contraceptives or on advice as to their use.
- H. Customary Laws Austrian rural areas traditionally very conservative.

*Information from Dr. Pierotti of French National School of Public Health at Rennes, Legislation Passée et Présente sur la Contraception, l'Avortement et l'Education Sexuelle (Rennes, 1974), and from Ornauer, Report on Legislation Influencing Fertility in Austria (1973) IUSSP, Idège. Also from M. Kozakiewicz and N. Rea, in IPPF 4 Europe, Regional Information Bull. No. 2 (April 1975).

BANGLADESH*

- A. Forbidden, Toleraled, or Encouraged? Popular attitude, based on cultural and religious factors, is opposed to family life or sexuality education at school or college level. Even population awareness education would be resisted by culture but it could be attempted at college level.
- B. General Gov't. Policy on Population Government Plan Commission has accepted need for some form of population and sexuality education, but does not consider it expedient to push it. Government is pushing family planning and certain law changes (e.g. on abortion), and set up a national population council.
- C. Does Such Education Exist in Practice? No, except for what clinics can do on nonschool basis. Bangladesh has, however, applied to UNFPA for help in establishing a population education course in schools, and the Rural Lecture Committee is applying for help with a nonschool course for rural areas.
- D. Legislation or Regulations (Legislation on this is only at planning stage with low priority. Possibly in first five year plan).
- E. How Organized? Such family planning information as exists is at adult level through clinics and Lady Family Planning Visitors program.
- F. Special Teacher Training None.
- G. Publicity for Contraception and/or Advertising Permitted? No legal objection to commercial advertising of contraception, but it does not exist in fact.
- H. Customary Laws Culture is strongly against mention of sex to teenagers. However, most people know of existence of family planning, even in rural areas.

* Information from K.A.A. Quamruddin, Director of Bangladesh Institute of Law and Foreign Affairs.

BARBADOS*

- A. Forbidden, Tolerated, or Encouraged? Encouraged. The Family Planning Association, supported by Government, has objective of giving all Barbadians opportunity to learn and practice family planning and to provide information for that purpose. Not much interest in population education.
- B. General Gov't. Policy on Population Both political parties support family planning, both financially and verbally. Prime Minister Barrow stated, Sept. 1972, at meeting of Caribbean Family Planning Organizations that his Government desires a decline in birth rate, is interested in family planning, and subsidizes family planning association.
- C. Does Such Education Exist in Practice? Yes. Literacy rate highest in Caribbean area. Prime Minister suggested that family planning be taught in schools by family planning association with support of Min. of Education. According to a Population Council study, the Barbados family planning program has been outstandingly successful as compared to many other^(a) and it would appear that the general availability of sexuality education has played a role in this achievement.
- D. Legislation or Regulations? There is no legislation on the subject in Barbados.
- E. How Organized? Family Planning Association, which has an Education and Public Relations Committee. Association works directly with the Min. of Education and in 1973-74 the two organizations worked out a specific program for the schools - both as to curriculum and implementation. Out-of-school programs are carried on through industrial firms, home visits, essay and poster competitions, clinics, radio programs, TV and the press.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted Publicity for contraception encouraged.
- H. Customary Laws There appears to be no taboo or religious opposition against open discussion of sexual matters.

*Information from Report of Meeting of Caribbean Family Planning Organizations (Barbados) Sept. 3-5, 1972. Also from IPPF Office of Western Hemisphere Region, New York, and from Ebanks and Gilkes "Barbados," Country Profiles, Population Council (New York, Dec. 1973), p. 4.

(a) Shawn and Bilsborrow, "The Barbados Family Planning Association and Fertility Decline in Barbados," 5 Studies in Family Planning, 325 at 331 (New York, 1974).

BELGIUM *

- A. Forbidden, Tolerated or Encouraged? Tolerated. However, the French Language Ministry of National Education has established an advisory committee to study sexuality education and to prepare a plan for an in-school program on a national basis.
- B. General Gov't. Policy on Population The Government, by Law of July 9, 1973, repealed the old prohibition on advertising contraceptives and on the dissemination of contraceptive information, and has begun an official program for the dissemination of such information.
- C. Does Such Education Exist in Practice? Each school has a parents' association which decides on courses on population and sexuality education. As a rule, secondary schools do have a course on hygiene, including sex matters. However, only a few include information as to contraception or family planning.^(a)
- D. Legislation or Regulations There is no legislation, or any regulations or decrees, on the subject of sexuality or population education.
- E. How Organized? By the Parents' Associations of each school. The Belgian Family Planning Federation with government subsidies, organizes sexuality education for young people, teachers, and parents' associations. There is press, radio and TV publicity.
- F. Special Teacher Training See line E.
- G. Publicity for Contraception and/or Advertising Permitted? See line B. Advertising of contraceptives no longer taboo and they are sold freely in pharmacies.
- H. Customary Laws

(a) According to UNFPA World Population Year Bulletin No. 13, June 1974, Belgian League of Youth & Large Families (Flemish-speaking) at its June 1974 colloquium agreed that family planning is not enough. Information on family planning must be part of overall family and school education.

* Information from Prof. L.P. Suetens, Institute of Admin. Law, Louvain, and Dr. Pierotti of National School of Public Health, Rennes, 1974.

BRAZIL *

- A. Forbidden, Tolerated or Encouraged Sexuality education may be tolerated.
- B. General Govt. Policy on Population Federal Government has been generally pro-natalist and has favored an expanded population, but Government delegation at U.N. World Population Conference at Bucharest announced in August 1974 that on human rights grounds it would provide information and means for family planning to its people. State governments occasionally favor family planning (e.g. Rio Grande do Norte). Government does not yet have a policy of favoring sexuality education.
- C. Does Such Education Exist in Practice? Neither population nor sexuality education exists in public schools. Latter is occasionally provided in private schools to a limited number of students.
- D. Legislation or Regulations Federal Parliament considering (in 1974) a draft law encouraging sexuality education in schools. No specific law or regulation on the subject (see line G.).
- E. How Organized? See line C. Family planning association (BEMFAM) gives instruction for medical personnel and educators. There are various private organizations, such as Society of Sexology, The Christian Family Movement, and Natal Inst. of Family Studies, which give courses to special groups.
- F. Special Teacher Training Medical School of Univ. of Bahia teaches sexology, and has courses for sex educators.
- G. Publicity for Contraception and/or Advertising Permitted? Advertising any pharmaceutical product as "contraceptive" forbidden (Decree No. 4, 113 of Feb. 14, 1942, Secs. 1 (para. II, 5 and Para. V) and 10. (a) Thus, publicity for family planning theoretically forbidden until this year, but it has, in fact, been publicly discussed in press and elsewhere. In 1965, Society for Family Welfare (BEMFAM) created, which has publicly distributed contraceptives. Federal Council of Medicine recently liberalized its rules on contraceptives. Oral contraceptives sold freely and openly in pharmacies despite Federal regulation requiring prescription.
- H. Customary Laws Nothing specially affecting this.

(a) See also Decree No. 20,377 of Sept. 8, 1931, Art. 120 and Law on Penal Contraventions No. 3,688 of October 3, 1941, Sec. 20. This law (probably) repealed in 1975.

* Information from Professor Benjamin Moraes, Professor Criminal Law, University of Guanabara, Member of IPPF Panel on Law and Planned Parenthood, and P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974).

CHILE *

- A. Forbidden, Tolerated or Encouraged Encouraged. In the fourth year of secondary school, the curriculum is designed to cover population awareness, population policy, and "family planning in Chile." (See Art. X, No. 7 of the Political Constitution, and Supreme Decree No. 27,952 of Dec. 7, 1965 of Min. of Education (Diario Oficial of Dec. 20, 1965). Since 1970, there has been material on population education in the schools. However, in 1974 a proposed national program of sexuality education including contraception had not yet been approved by the Min. of Education. (a)
- B. General Govt. Policy on Population Policy of Government in 1974, as expressed by Min. of Health, favors education on population awareness and sexuality. Following IPPF's international conference in Chile in 1967 and after meetings with parents, popular opposition to this type of education has faded. Sex education favored as preventing abortion.
- C. Does Such Education Exist in Practice? Min. of Education had not yet (1974) established a national program of sexuality education (see line A), but Min. had a study group and planned to take action in 1975. (a) Nonschool program includes information through the 250 Public Health Service Clinics and certain basic community organizations with education programs aimed at women in child-bearing years and at adult men. Sexuality education is given at the university level.
- D. Legislation or Regulations Book II of Sanitary Code, Arts. 55-60, gives responsibility for health education to National Public Health Service (Health Service has a special committee on sexuality education). National Health Service Circular on Government Rules on Women's Health (1971) includes family planning as part of education in Women's Health (see also line A).
- E. How Organized? Population and sexuality education are joint responsibility of Mins. of Education and Health. There is a program which extends from primary school through four years of secondary school, covering health and hygiene. Nonschool information programs are sponsored by private organizations using mass media.
- F. Special Teacher Training The Centro de Perfeccionamento (Improvement Center) of the Min. of Education and National Comm. on Sex Educ. of Min. of Health give instruction to teachers on teaching of population and sexuality education. It also has experimental program on teacher training. Research on sexuality education exists at the universities. University of Chile School of Medicine and other universities have courses on sexuality education for teachers. Family Planning Association has also teacher training program.
- G. Publicity for Contraception and/or Advertising Permitted? No official publicity for family planning exists, and advertising of contraceptives does not in fact occur, although it is not forbidden if authorized by the National Health Service (Health Code, Art. 54).
- H. Customary Laws A special study of indigenous Indian tribes in Chile has indicated that there would be strong opposition to sexuality education activities in tribal areas where the subject of sex is a particularly delicate matter, even in the home.
- (a) Statement from Dr. Guillermo Adriasola, Director of Department of Health Development, Min. of Public Health, dated Sept. 30, 1974.
- * Information largely from Professor F. Cumplido, Director, Law and Population Project, Latin American Faculty of Social Sciences in Santiago and P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974).

- A. Forbidden, Tolerated or Encouraged Encouraged.
- B. General Govt. Policy on Population 1971 State Council Directive (No. 51) states "leading comrades at each level must strengthen leadership, conduct penetrating propaganda and education, so that late marriage and planning of birth becomes voluntary behavior on the part of the broad masses..." Concrete action program under Fourth Five-Year Plan (1971-1975) had goals which include late marriage, five-year child spacing and small family norm.
- C. Does Such Education Exist in Practice? Yes. Campaign is both in-school and nonschool.
- D. Legislation or Regulations See line B.
- E. How organized? Each person belongs to a small 10-20 person discussion group.^(a) These groups discuss size of each family and exert peer pressure. Home visits by local women cadres, "barefoot doctors" and "activists" deliver contraceptives and exert pressure directly. Local groups allocate turns for births among couples. Also political evening schools, stage and film shows, broadcasts are used.^(b) Medical personnel explain contraception at local public meetings. In- and out-of-school argument is that it is no longer necessary to have children to provide old-age security and that child survival is now high. For a description of nonschool propaganda campaign, see Huang Yu-Chuan, "Birth Control Education Campaign in Victor-Bostrom Fund publication for Spring 1971.
- F. Special Teacher Training Yes. Barefoot doctors and local activists are given special training.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity stressed at all times by activist propaganda.
- H. Customary Laws Ancestor worship and "in-law" pressure for large families have been stamped out.
- (a) In a city factory study groups are organized to study the relation of Marx, Lenin and family planning, team visits to divisions of the factory criticize unplanned and unwanted births, lectures are given on the suffering before the revolution caused by large families and the desirability of small families (Katagiri, "A Report on the Family Planning Program in the People's Republic of China," 4 Studies in Family Planning, p. 216 at 217, Population Council (New York, 1973).
- (b) The instructional material makes the following seven arguments: (1) Under socialism, there is no need for children to provide old-age security; (2) Under socialism, girls are as desirable as boys; (3) Under present conditions, children survive once born and there is no need to bear "extra" children (4) Under socialism, everything is planned, including families; (5) If only a few children are born, the parents can make a greater contribution to the new fatherland; (6) If numerous children are born, the family income will have to be spread too thin and education will suffer; (7) Birth control is beautiful, not ugly.
- (See Chen, "China's Population Program at the Grass Roots Level," 4 Studies in Family Planning, p. 219 at 223, Population Council [New York, 1973].)
- * Information from Chen, Pi-chao, The "Planned Birth" Program of the People's Republic of China (prepared for the SEADAG Seminar, Bali, Aug. 1974). Mr. Chen is Associate Professor, Dept. of Political Science, Wayne State University, Detroit, Michigan.

COLOMBIA *

- A. Forbidden, Tolerated, or Encouraged Theoretically encouraged. There have been some efforts by the Colombian Association of Medical Schools (ASCOFAME) to include sexuality education in the programs and curricula of the Ministry of Education, and the Cali University's Center for Population Research and the Pedagogy Institute of Colombia are seeking to prepare a curriculum for primary and secondary schools covering both sexuality education and population education, but these projects are still in the study stage and no general activity has been started. Such courses are offered at the university level.
- B. General Govt. Policy on Population The importance and the need for family planning is recognized in the national Development Plan, and a Population Policy is being formulated which includes a favorable policy toward fertility-related education. The Ministry of Health is carrying out family planning programs in some of its health centers, but this still receives second priority as compared to other public health and medical activities.
- C. Does Such Education Exist in Practice? Nonschool adult education and consultations are carried on by the family planning association (PROFAMILIA), the Ministry of Public Health and the Colombian Association for the Scientific Study of Population.^(a) PROFAMILIA plans to get both sexuality education and population education into the regular education system. It reached over 200,000 women in 1973 on an out-of-school basis. Coffee Growers Assoc's provide both population and family planning courses for plantation workers as part of rural adult education program.
- D. Legislation or Regulations No legislation or governmental regulations on sexuality education yet exist, either in favor or against sexuality education. Decree Laws 1710 of 1963 and 080 of 1974, which establish basic programs of public education do not either provide for or forbid sexuality education. However, the 1887 Concordat with the Vatican gives a church orientation to education, and books on sex education have occasionally been confiscated (as obscene).
- E. How Organized? See lines A and C. The Regional Population Center was established in Bogota in 1974 and has, among its purposes, the provision of sexuality education to primary and secondary school students and parents, and the formal training of their teachers. It is also pushing sexology training in medical schools.^(b) The Univ. del Valle is developing a full-scale program. A number of private organizations give courses to special adult groups.
- F. Special Teacher Training There have been occasional courses for primary and secondary school teachers offered by private institutions, but they have been isolated efforts and not a part of an official nationwide program. PROFAMILIA, ASCOFAME, and the Regional Population Center train medical personnel, social workers and community leaders.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception is permitted and in 1970 PROFAMILIA spent \$100,000 to advertise its clinics. However, commercial advertising of oral contraceptives to the public is forbidden. (See Ministry of Public Health Regulations, Decree No. 1523, of 1964, Sec. 10 [Diario Oficial of July 21, 1964].)
- H. Customary Laws Local cultural attitudes might resist sexuality education, but there is no reason to expect opposition to population awareness education.

(a) The Colombian Association had already begun some in-school activity by 1975.

(b) G. Ortiz Umaña, Activities of the Regional Population Center, paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974) MCH/SYM/73.23. Also W. Pasini and G. Abraham, Sex Education for Health Professionals in Latin America, paper for WHO Meeting, MCH/SYM/73.27.

*Information principally from PROFAMILIA; East-West Communications Institute's Information, Education, Communication in Population (Honolulu, 1974); P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974; and from Sr. C.G. Arrieta, a lawyer in Bogota.

PEOPLE'S REPUBLIC OF CONGO (BRAZZAVILLE)*

- A. Forbidden, Tolerated or Encouraged? Sexuality education tolerated, on welfare grounds.
- B. General Government Policy on Population Pro-natalist.
- C. Does Such Education Exist in Practice? In urban areas, see Line E.
- D. Legislation or Regulations Old French Law of 1920, forbidding contraceptive "propaganda," is presumably still in force in Congo.
- E. How Organized A special team on health, nutrition and sexuality education, organized by the Min. of Education, to train teachers in secondary schools to teach sexuality education through lessons with discussions or a voluntary basis. Nonschool information program exists in the Maternal and Child Health centers.
- F. Special Teacher Training Teachers being trained by a special team (see Line E). Seminars organized since 1971 by the Service for Adult Literacy.
- G. Publicity for Contraception and/or Advertising Permitted Presumably some publicity is permitted for contraception, despite French Law of 1920.
- H. Customary Laws Tribal rites.

*Information from Dr. Gérard Ondaye, Director of School Health, Brazzaville, in *Education Sexuelle en Afrique Tropicale* (Ottawa, 1973), p. 25. (Proceedings of Inter-African Seminar on Sex Education at Bamako, April 1973, organized by Mali Min. of Education, American Friends Service Committee, and International Development Research Centre.)

COSTA RICA*

- A. Forbidden, Tolerated or Encouraged? Sexuality education encouraged. Official programs of sexuality education in secondary schools must include courses on family planning and responsible parenthood, but do not include population education. These programs cover general aspects of reproduction and preparation for marriage, but not contraception. Nonschool courses on sexuality education, including contraception, are offered to the general population by the National Program of Family Planning and Sex Education. These courses are given by medical and para-medical personnel with special teacher training.
- B. General Govt. Policy on Population Favorable to Family Planning and limitation of growth. Responsibility for propaganda for contraception lies in the National Program of Family Planning and Sex Education (Exec. Decrees Nos. 3 and 5 of 1967, and Nos. 26 and 1311 of 1970), whose purpose is to resist population growth through education, services and research.
- C. Does Such Education Exist in Practice? See line A. The inschool courses include not only physiological and biological aspects but also psychological, ethical and religious (Christian) aspects. Considerable latitude is left to the individual who plans the various courses. All sectors of the population do not attend official or private schools at the secondary level. Nonschool information activities include radio, TV, press, conferences, pamphlets, health units and clinics and factory programs. UNFPA made grant to improve sexuality education in 1974.
- D. Legislation or Regulations Art. 219 of Sanitary Code requires a course on sexuality education and hygiene in all secondary schools. Exec. Decree No. 26, Mar. 18, 1970, Art. 2, para. c requires that the idea of responsible parenthood be taught, not solely from anti-natalist point of view but also from the point of view of the nobility of parenthood.
- E. How Organized? All family planning activities are coordinated and partly financed by the Costa Rican Demographic Association (ADC). Sexuality education is under the direction of the General Advisory and Supervision Commission on Family Planning and Sex Education (Exec. Decree No. 26 of Mar. 18, 1970). The Commission has responsibility for the general planning of the courses. Nonschool programs are pushed (see line C).
- F. Special Teacher Training A training program for teachers is offered by the Center for Social and Population Studies (CESPO), the Min. of Education and the Center for Family Orientation. By end of 1974, over 2,000 teachers had received some training in teaching of population and sexuality education.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception encouraged (see line B). Advertising of all drugs controlled by the College of Pharmacists, but no special provision against advertising of contraceptives.
- H. Customary Laws

* Information from Professor Elizabeth Odio, Director of Law and Population Project, University of Costa Rica, and Gomez & Bermúdez, "Costa Rica," *Country Profiles*, Population Council (New York, April 1974) p. 8.

CZECHOSLOVAKIA *

- A. Forbidden, Tolerated or Encouraged Health and family life education encouraged. This includes sexuality education including contraception, but not population education.
- B. General Govt. Policy on Population Recently, for fear of declining birth rate, a pro-natalist trend has developed. (Regulations of both the Czech and Slovak Ministries of Health, No. 71 and 72/1973 concerning legal abortions, stress the necessity of "improvement of population development.")
- C. Does Such Education Exist in Practice? Yes. See line E. Official term is "Education for Parenthood."
- D. Legislation or Regulations No specific law on sexuality education; under The School of Law, Sec. 32, Law No. 186 Sb. of Dec 15, 1960, instructions as to teaching methods, issued by the Czech Ministry of Education (pub. in Učitel'ské noviny, No. 32 of Sept. 14, 1972) regulate "Education on Responsible Parenthood" in Elementary Nine-year Schools.
- E. How Organized? Basically it is Family Education combined with Sexuality Education; mandatory, integrated into several subjects. It runs in three phases, from the first grade (age six) to 9th grade (age 15); coeducation in grades 1-5, separate classes for boys and girls in later grades. Instruction on contraception in the context of family planning given in the 9th grade. Nonschool: voluntary premarital counselling organized by national health institutions.
- F. Special Teacher Training Since 1972, nationwide special education of teachers has been provided. Until teachers prepared, sexuality education given mostly by collaborating physicians and nurses.
- G. Publicity for Contraception and/or Advertising Permitted? No restrictions on publicity.
- H. Customary Laws
- * Information from "Výchova k rodičovství na základních devítiletých školách. Metodický návod ministerstva školství ČSR." 28 Československá Pediatrie (1973) p. 379; A. Svobodová, "Tělesná i duševní vyspělost pubescentu jako předpoklad systematické výchovy k rodičovství na školách." 21 Československé zdravotnictví (1973) p. 483; and M. Chalupa and Z. Vrba, "Poznatky z výchovy k manželství a rodičovství v Jihomoravském kraji." 37 Československá gynekologie (1972) p. 491.

DENMARK *

- A. Forbidden, Tolerated or Encouraged Schools required to offer sexuality education courses since 1958 for children 14 and over. (a)
- B. General Govt. Policy on Population Human Rights approach in sex matters.
- C. Does Such Education Exist in Practice? Many schools have introduced sexuality education from first grade on up.
- D. Legislation or Regulations See line A. Government established a Commission on Sex Education in 1961, which recommended sexuality education in schools. Ministry of Education drafting (in 1974) a new law on sexuality education.
- E. How Organized? Starts in first grade. Sexes separated in fifth and sixth grades. In seventh grade, sexes back together for biology of human reproduction and contraception. Danish Family Planning Association working with Danish Teachers Association on lectures and demonstrations of teaching materials.
- F. Special Teacher Training Danish Family Planning Association gives lectures for teachers, and furnishes glossary of terms and bibliographies.
- G. Publicity for Contraception and/or Advertising Permitted? There is no restriction on publicity for contraceptives which are encouraged as a means to avoid abortion.
- H. Customary Laws

(a) According to SIECUS Report, Vol. 1, No. 5 (May 1973), p. 6, Danish law was challenged in the European Commission on Human Rights. According to the Press Communique of the Council of Europe of Oct. 16, 1974, certain parents claimed that compulsory provisions are incompatible with Art. 14 of the Human Rights Convention, and Art. 2 of the First Protocol. (Kjeldsen et al. v. Denmark.)

*Information from IPPF; also Dr. D.J. Pierotti, Legislation Passée et Présente sur la Contraception, l'Avortement et l'Education Sexuelle, National School of Public Health (Rennes, 1974), A. Braestrup, "Denmark," Responsible Parenthood and Sex Education, IPPF (London, 1970).

DOMINICAN REPUBLIC *

- A. Forbidden, Tolerated or Encouraged Sexuality education encouraged. No official program of sexuality education, but government acknowledges activities of private agencies.
- B. General Govt. Policy on Population The Government has policy of controlling population growth through the National Program of Family Planning The National Council on Population and the Family ("CONAPOFA"), which is under the direction of the Minister of Public Health and Welfare, is responsible for: (1) studying all aspects of population growth and drafting a broad population policy; and (2) coordinating and administering the National Program of Family Planning. CONAPOFA unless with INES (see line E).
- C. Does Such Education Exist in Practice? There is no official program in the schools, but sexuality education, including education on contraception exists semi-officially, on a nonschool basis. Sexuality education exists at university level. Private Association for Education and Culture and Family Ass'n have a nonschool program using mass media.
- D. Legislation or Regulations The Executive Decree of 14 February 1968 establishes the National Council on Population and the Family.
- E. How Organized? There is a National Institute on Sex Education ("INES") which collaborates with the Ministry of Education, Fine Arts and Cults. INES has given courses for parents and some secondary school students.^(a) The National University has a course on sex information.
- F. Special Teacher Training INES trains secondary school teachers (250 trained by Feb. 1974).^(a) There is no sexuality training at the medical school.
- G. Publicity for Contraception and/or Advertising Permitted? No legal obstacles to publicity for contraception or to advertising contraceptives.
- H. Customary Laws

(a) W. Pasini and G. Abraham, Sex Education for Health Professionals in Latin America, Paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, 1974) MCH/SYM/73.27.

* Information from the Dominican Association for Family Welfare, Inc.

ECUADOR *

- A. Forbidden, Tolerated or Encouraged? No official policy on sexuality education. Neither population nor sexuality education apparently exist in schools (except in universities). Nonschool programs including sexuality education receive official support.
- B. General Govt. Policy on Population Although Government has no official population policy, there is a department of population in the Ministry of Health which seeks to make family planning available to all as a matter of health and welfare. The department supervises all family planning activities within country, both public and private. This department's National Program of Family Planning seeks intensification of information and education. Ministries of Health and Education have a joint Advisory Body to establish an official sexuality education policy.
- C. Does Such Education Exist in Practice? Nonschool programs are carried on by government and private agencies. Minister of Defense has an active family planning program for the Armed Forces which now covers over 500,000 people. It has active motivation program. Family planning association ("APROFE") working with Sex Education Society (SEDES) give nonschool courses and also courses to school children outside of regular school hours. They give seminars and lectures, and work with the press and T.V. Some other official and semi-official organizations (e.g., Medical Schools Association, Social Security, and Minister of Welfare) have small information projects. Christian Association of Youth (IMCA) has developed a program for factory workers and established Ecuadorean Center for Family Education. Roman Catholic Christian Family Movement operates in Quito through seminars.
- D. Legislation or Regulations Under Articles 191 and 193 of Chapter II, Tit. XII, Lib. II of the Health Code, every "educational establishment" must give health education, and "sexuality education is obligatory". But see Line A.
- E. How Organized? The Department of Population in the Ministry of Health has an Information and Education Section which performs its functions through health centers, hospitals, maternal centers and in the community. See also Line C. The organizations use pamphlets, bulletins, T.V., Radio, press articles, films, social worker visits, flip-charts, etc.
- F. Special Teacher Training APROFE has published "Family Planning Study in Ecuador" for university students. Central University gives sexuality education courses for teachers and others.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception permitted. Advertisement of all drugs under control and approval of Health Authorities (Health Code, Lib. II, Tit. IX, Art. 164.)
- H. Customary Laws

* Information from East-West Communications Institute's Information, Education, Communication in Population, (Honolulu 1974), also P. Marangoni, Compilacion de Leyes del Ecuador, Relacionadas con la Familia y la Poblacion (APROFE, Guayaquil 1972).

EGYPT *

- A. Forbidden, Tolerated or Encouraged Encouraged. Preliminary attempts have been made to integrate population awareness and sexuality education into existing courses. In 1972, both sexuality and population education were introduced as special and important courses into schools at all levels on trial basis.
- B. General Govt. Policy on Population Government strongly supports an anti-natalist policy, including Government Family Planning Service. No organized opposition to sexuality education in Egypt, but some opposition, still exists. Government provides large budget for communication activities each year, which is supplemented by international donors.
- C. Does Such Education Exist in Practice? Yes, since 1972 (see line A). Family Planning Ass'n has arranged for sexuality ed. at university level. Now working it down to lower grade levels, starting with private schools. Cairo ed. dists. cooperating. In Jan. 1975, Coptec Church organized a national consultation on population and family life education.
- D. Legislation or Regulations Presidential Decree No. 4075/1965 set up Supreme Council for Family Planning. Presidential Decree No. 1054/1972 reorganized the Council and included Mins. of Education and Information (among others) in membership. Council's Executive Board has a Communications Department.
- E. How Organized? See line A. At first, American University in Cairo gave successful course on marriage-family planning for parents. Subsequently, maternal educational curriculum was changed at all levels to include both population and family planning education. Population education included in economics and geography courses and in domestic science and women's education. Nonschool sexuality and population education has been pushed by the Executive Board of the Supreme Council for Family Planning and by the Family Planning Association. All the mass media, including TV, radio, newspapers, and special clubs, religious organizations, films, etc. have been used. Adult education classes, factory groups, community centers, etc., have been enlisted. Family Planning Association has an Education Committee one of whose objectives is to plan information and education programs, in cooperation with schools, factories, clubs, and religious authorities; also to produce mass media materials.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Advertising permitted and encouraged by Government. Publicity for family planning encouraged by Government.
- H. Customary Laws Originally this was considered a taboo subject, but opposition appears to have been overcome. According to Dr. Ferrag at IPPF Regional Conference in 1974, Islamic culture can support sexuality education.

* Sources: IPPF Study, plus East-West Communication Institute's Information, Education, Communication in Population, (Honolulu, 1974), and A. Azer of the National Center for Social and Criminological Research.

EIRE

- A. Forbidden, Tolerated or Encouraged Sexuality education presumably forbidden. (Population education may not be forbidden, but it would probably be pro-natalist if it existed.)
- B. General Govt. Policy on Population Pro-natalist. Parliament voted down on July 16, 1974 a new law by Government which would have permitted sales of contraceptives to married people. (London Times, July 18, 1974, p. 2, col. 7)
- C. Does Such Education Exist in Practice? Family Planning services clinic does operate in Dublin, otherwise no education available in sexuality or population field. However, the family planning association is working with the National Mental Health Association in hopes of making some progress.
- D. Legislation or Regulations Censorship of Publications Acts of 1929 and 1946 (Secs. 16 and 17 (1) and Secs. 7(B) and 9(B) respectively) forbid advocacy of all forms of contraception. Criminal Law Amend. Act No. 6, 1935, Sec. 17 forbids advertising of contraceptives.
- E. How Organized?
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Virtually forbidden (see Line A above). (a) Bookshops have been unable to "sell" booklet, but Family Planning Services and Irish Family Planning Association do provide it. Charges brought against Family Planning Services and IFPA dismissed in February 1974 on ground no "sales" of booklet. (See London Times, Feb. 20, 1974, p. 2, col. 1.)
- H. Customary Laws Tradition is opposed to sexuality education. Church appears to be opposed to it. See article by Denis Taylor in London Times of April 22, 1974, p. 14, col. 1 stating that although individual citizens are becoming more liberal, the pressures on the politicians remain strong against change.

(a) IPPF Survey. Advertising banned, although advice through Family Planning Association is permitted.

EL SALVADOR *

- A. Forbidden, Tolerated or Encouraged Sexuality education encouraged. In-school sexuality education a matter of official policy since 1971.
- B. General Govt. Policy on Population Government has a policy of limiting population growth, and officially favors sexuality education.
- C. Does Such Education Exist in Practice? Schools have a compulsory course for first through 9th grade, prepared with UNESCO assistance. Course has "family life" approach which presumably does not include contraception. Not known whether course includes population education. Nonschool education provided by Family Planning Ass'n and by Min. of Education, Adult Education Dept., for adults and adolescents, Christian Family Movement has courses for parents. Min. of Health also supplies information on sexuality through health establishments. Nonschool education does cover contraception.
- D. Legislation or Regulations
- E. How Organized? See line C. Alberto Masferrer Institute has training center for sexuality education.
- F. Special Teacher The Family Planning Ass'n and Min. of Education train teachers.
- G. Publicity for Contraception and/or Advertising Permitted?
- H. Customary Laws

* Information from P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974).

FINLAND*

- A. Forbidden, Tolerated or Encouraged? Encouraged--Sexuality education optional.
- B. General Government Policy on Population Government policy is to make family planning available to all. Family Planning Association has advised the Central School Board to include family planning as part of a course in family education. All political parties favor family planning.
- C. Does Such Education Exist in Practice? It is now being established. Family education, including contraception, to be part of civics course (health education). Family Planning Association supplies a "population kit" for use in the schools.
- D. Legislation or Regulations Public Health Act No. 66 of January 28, 1972, Sec. 14.1 requires every commune to arrange free guidance on contraception and child delivery. Advice on contraception is required after an abortion (Medical Abortion Act, Sec. 4.2 and 7.2).
- E. How Organized? See Line C. Survey showed that 97% of Finns know about contraception.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Encouraged.
- H. Customary Laws

*Information from 3 IPPF, Europe Regional Information Bulletin No. 3 (July 1974), and Study on Legislation Affecting Fertility in Finland, IUSSP, Liège, 1972. See also M. Kozakiewicz and N. Rea, in IPPF 4 Europe, Regional Information Bull. No. 2 (April 1975).

FRANCE *

- A. Forbidden, Tolerated or Encouraged Encouraged, but law not yet fully implemented. See line D. Information on human reproduction is compulsory but inclusion of contraceptive information will be optional.^(a) (See People, Vol 3 [1974] p. 23.)
- B. General Govt. Policy on Population Officially in favor of sexuality education.^(b) It is not yet clear whether the Government will push the program with much enthusiasm. All direct or indirect propaganda for contraception and all commercial advertising of contraceptives is forbidden (Law 67-1176, Sec. 5), as well as all "anti-natalist propaganda," except for overseas France (see Min. of Health Decree of 5 January 1974). It is not yet clear how much the Government will rely on the counselling "centers" provided for under Law 67-1176 or on the schools. According to statements of Min. of Public Health to the High Council on March 28, 1974, 200 such centers give priority to family planning and family education.
- C. Does Such Education Exist in Practice? Since new law not yet implemented, population and sexuality education do not fully exist, except in exceptional cases, typified by the Besançon incident in 1972, where an attempt by a secondary school teacher to instruct in this field caused a scandal. Action will be dependent on regulations to be issued by the Mins. of Education and Public Health. Much will depend on the willingness of the new High Council to take aggressive action. High Council has strong support of new Giscard Government (see statement by Min. of Health to National Assembly, 28 June 1974). As of January 1975, little has been done.
- D. Legislation or Regulations Law No. 73-639 of 11 July 1973 calls for the establishment of a High Council on Sex Education, Birth Control, and Family Education. Council was established by a decree of 5 January 1974. The Council is instructed to propose measures for sexuality education; to promote research in the field; to support the Council of Europe's recommendation that young people be provided with suitable sexuality education, and to coordinate activities in this field, particularly in regard to the training of teachers. Circular No. 73-299 of July 23, 1973 of Min. of Education to heads of educational institutions, explains that in secondary schools, in "sixth and fifth classes," as part of biology instruction, human reproduction will be included. In the higher classes, an analysis of the problems of fertility will be included. Sexuality education, including responsibility, ethical matters, contraception, etc., will be provided outside of compulsory school time in special meetings with agreement of parents. A circular letter to parents from Min. of Education has been disseminated on this point. A Min. of Education Circular of Feb. 2, 1973, instructs teachers to use great tact and "prudence".
- E. How Organized? (See line D.) Material to be provided by new High Council. According to the Min. of Health of new Government, a vigorous information and family education effort will be made by new Government (see line C).
- F. Special Teacher Training To be decided by new High Council. The sexuality education will be handled, at first, by specialists in different fields who may be called in to help. Eventually, teacher training is to be provided.
- G. Publicity for Contraception and/or Advertising Permitted? Anti-conception propaganda presumably still forbidden.
- H. Customary Laws
- (a) According to Dr. Pierotti of the National School of Public Health at Rennes, the situation as to teaching contraception is still "ambiguous".
- (b) Min. of Health Mme. Veil, in presenting the new draft bill on contraception to the National Assembly on June 28, 1974, stated: "It is indispensable that we make a vigorous effort in the field of information, under the direction of the High Council on Sex Education, Birth Control and Family Education, created by the Law of 11 July 1973. The law must dispel the remaining obstacles in this field."
- * Information from Mme. Anne-Marie Dourlen-Rollier, member of the High Council on Sex Education, and Dr. D.J. Pierotti of the National School of Public Health at Rennes. See also Dr. J. Kahn-Nathan, Sexology in France, Paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974) MCH/SYM/73.7.

GHANA *

- A. Forbidden, Tolerated or Encouraged Encouraged in theory, but does not yet exist in the schools^(a) and school children have no knowledge except what parents or friends may have told them. In tribal times, girls were given instruction by other female members of family groups and puberty rites were observed. A May 8, 1974 study of subject by the Faculty of Law of the University of Ghana found great need for inclusion of modern sexuality education in curricula of schools and universities.
- B. General Govt. Policy on Population Government has a National Family Planning Program and desires to stabilize its population.
- C. Does Such Education Exist in Practice? Ministry of Information designs, produces and distributes sexuality education materials for press, radio, TV, outdoor publicity film presentations and group discussions. Ministry of Labor and Social Welfare contributes by recruiting family planning acceptors, and Department of Social Welfare of Ministry includes family planning as part of its mass literacy program.
- D. Legislation or Regulations Education Act of 1961 provides free and compulsory elementary and middle education. Higher education is free. None so far includes population or sexuality education. Section 1(2) of Act states that it is duty of local education authority to contribute to "spiritual, moral and physical development" by providing "efficient education." U. of Ghana Act of 1961, Sec. 2 provides that subjects taught shall have "special relevance to the needs and aspirations of Ghanaians." Rule 17 (a) of the Statutes of the U. of Ghana gives the Board of each Faculty the right to decide on subjects taught. Thus the present legislation would make sexuality education possible.
- E. How Organized?
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Encouraged. See line C.
- H. Customary Laws In tribal times family and tribal groups provided sexuality education function. This has been given up except in interior.
- (a) According to London Times, Supplement of Aug. 19, 1974, p. IV, ed. 6, the Government has started to provide "material" for the schools.
- * Information from Mr. Richard B. Turkson of U. of Ghana, Legon, Law and Population Project (1974).

HONDURAS *

- A. Forbidden, Tolerated or Encouraged Sexuality education in school is tolerated but contraception information forbidden. The government has however recently established a commission on Sex Education to work with the Ministries of Health and Education
- B. General Govt. Policy on Population A Family Planning Association is permitted. Government's General Population Policy includes sexuality education as an integrated part of education progress.
- C. Does Such Education Exist in Practice? It does exist, but in superficial and limited form.
- D. Legislation or Regulations There are no laws or regulation on the subject, except as stated in line A.
- E. How Organized? Ministry of Public Education integrates sexuality education into official teaching curricula at various levels. Other institutions, both public and private, provide this information on a non-systematic basis. Nonschool programs, given by family planning association for adults, include contraception information.
- F. Special Teacher Training There are no teachers with special training. Sexuality education is taught by doctors, psychologists, social workers, health educators, nurses and sociologists.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception permitted for adults only.
- H. Customary Laws There are no taboos against the education program as it now exists.
- * Information from Señora Elvira de Gama, Director of Information and Education of Honduran Association for Family Planning.

- A. Forbidden, Tolerated or Encouraged Theoretically encouraged. Family Planning Association is focussing on sexuality education and intends to get better understanding of family planning. Population education is given in schools. Sexuality education is left to discretion of the principal of each school.(a) Education in contraception considered "debatable."(b)
- B. General Govt. Policy on Population Government subsidizes part of Family Planning Association's work, including population and sexuality education. Government has policy to control population and operates some of the family planning clinics.
- C. Does Such Education Exist in Practice? Population education exists, and sexuality education is starting on a cautious basis, but Education Department has not pushed it. Association works directly with schools to provide sexuality education directly or to train the teachers. Association has collected materials from around world and developed local materials. Governments's Education Department has been cautious on sexuality education but is becoming increasingly active.(b) As of 1971, Education Dept. had not furnished a syllabus: University of Hong Kong Dept. of Education has developed materials for population education.
- D. Legislation or Regulations
- E. How Organized? Family Planning Association of Hong Kong considers information and education, including population and sexuality education, one of its principal tasks, and it requires one-quarter of Association's budget. Association plans to get more deeply into motivation and education, particularly through mass media and marriage and birth registries. Association is developing materials for population education in the schools. Govt's Health Department prepares pamphlets, films, tapes, adult education programs. Education Dept. of Govt. drafted a secondary school health education project with some contraception content in 1973. This is awaiting approval. All the standard public information techniques are used, including: TV, radio, press, films, posters, pamphlets, contests, meetings and home visits.
- F. Special Teacher Training Association trains teachers and youth leaders in sexuality education. University of Hong Kong has developed materials for teacher training. Association is starting to train teachers, but there is still a general lack of trained teachers.
- G. Publicity for Contraception and/or Advertising Permitted? No restriction.
- H. Customary Laws According to A. Lam of Fam. Planning Ass'n, "Chinese simply will not discuss (sex) matters openly with anyone at any time".
- (a) See Chan, "The Teaching of Population Education in Health Education," Proceedings of the World Population Year Programme in Hong Kong, Family Planning Assoc. of Hong Kong (1974) p. 21
- (b) Brown, "Population Awareness through Formal Education," idem, p. 15. The Asst. Director of Education of the Hong Kong government expressed the view that family planning education should be handled only indirectly. The Education Dept. issued "schemes of work" on sexuality education for primary and secondary schools in 1971, but the matter was left to the discretion of each principal.
- * Information from East-West Communications Institute, Information, Education Communication in Population (Honolulu, 1974) and Proceedings of IPPF Western Pacific Region Seminar on Family Life Education (Tokyo, 1971).

HUNGARY *

- A. Forbidden, Tolerated or Encouraged Sexuality ed. required in school and at time of marriage (Decision No. 1040/1973/X. 18 of Council of Min./ Magyar Közlöny, Budapest, 18 October 1973, No. 71, pp. 774-778. Secs. II A para 1, and III paras 1-6). Persons being married must present certificate that they have attended instruction in contraception.
- B. General Govt. Policy on Population Govt. is promoting sexuality education and contraception in order to limit the use of abortion, resort to which is being limited under Section II, B of Decision No. 1040/1973.
- C. Does Such Education Exist in Practice? Scheduled to start in schools in September 1974. Until teachers are trained, teaching will be by physicians and health workers (Sec. III, para 6 of Decision No. 1040/1973).
- D. Legislation or Regulations Under Sec. III, para 1 of Decision No. 1040/1973, knowledge in family planning is to be built into education system at each level, starting with primary schools. Population not in education system, and particularly parents, are to be reached by lectures (para 2). Written teaching materials are to be prepared (para 3).
- E. How Organized? Responsibilities placed in Ministries of Health and Culture and Education. Plans to be completed by 31 December 1973.
- F. Special Teacher Training Extension Training of teachers, physicians and health workers provided (Sec. III, para 4 of Decision No. 1040/1973).
- G. Publicity for Contraception and/or Advertising Permitted? Publicity encouraged. There are no restrictions on advertising of contraceptives.
- H. Customary Laws

* Information from Dr. Egon Szabady, Hungarian Central Statistical Office, Dir. of Demog. Research Inst.

INDIA

- A. Forbidden, Tolerated or Encouraged? Population education encouraged everywhere and through all channels. In-school sexuality education is included in secondary school curriculum but confined to facts of human reproduction. Contraception material excluded. Most children do not reach secondary schools. There is no opposition to contraceptive information at university level and in nonschool courses.
- B. General Government Policy on Population The federal government has a strong policy of population stabilization and this has been a part of all Five Year Plans since 1952. In the Fifth Plan it remains an important goal. The federal Ministry of Education recommends that population education (including health, human reproduction and ecology) be included in curricula of schools and colleges. Federal Ministries of Education and of Health make a clear distinction between population education and sexuality education, which has not been approved at the official level either by the federal government or by the state governments.
- C. Does Such Education Exist in Practice? An in-school program of population education is gradually being put into effect in several states (including Maharashtra, Punjab, Haryana, Madhy Pradesh and Delhi). It began in 1969 when federal Ministry of Education established a population education section in the National Council of Educational Research and Training (N.C.E.R.T.) which researched and prepared instruction materials. Some universities (e.g., Tirupati and Baroda) have population study centers. Nonschool information programs in population education are frequent, including national and regional seminars and workshops.
- As to sexuality education, Family Planning Association of India and various semi-official organizations have programs of adult education (in both sex and population education). Non-school information programs in support of family planning run by both federal and state governments using mass media, direct mailing, group and personal communications. Federal Ministry of Family Planning plans massive satellite communications program in 1976. Clinics and family planning centers disseminate information to adult population.
- D. Legislation or Regulations Constitution (Art. 45) calls for free and compulsory education to age 14. Education is matter for states and states have primary education acts. Some states reach less than 70% of children. Fifth Five Year Plan gives strong push to improve performance, but lowers age limit to 11. Several state Boards of Education regulations include population education in curricula.
- E. How Organized? See Line C. General guidance is given to states by federal Ministry of Education. Population education is introduced into the school curricula by the state Boards of Education, with material integrated into the various curriculum subjects such as Civics, Social Studies, Biology, Language, Economics, Mathematics, etc. Boards also help prepare materials.
- F. Special Teacher Training There are massive training programs for both population and sexuality education.
- As to population education, the N.C.E.R.T. has prepared a syllabus for B. Ed. level training and a Teachers' Guide. Some Teachers' Training colleges are including population education and various state institutes of education (e.g., Haryana, Uttar Pradesh, Maharashtra) have population orientation courses in in-service education programs. Universities generally give lectures and talks, and specific graduate level courses are given at some (e.g., Baroda and Tirupati).

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INDIA (Cont.)

- F. Special Teacher Training (Cont.) As to sexuality education, the National Family Planning Institute and Regional F.P. Centers train workers from national to village level, including training in education and information work. The Family Planning Associations and nursing colleges also train workers and nurses. Pre-service and in-service training given. Since in-school sexuality education is not yet given, there is no training for this.
- G. Publicity for Contraceptives and/or Advertising Permitted Publicity for family planning is provided on a large scale by governmental as well as voluntary organizations. Large advertisements on family planning are common sights in big towns as well as in villages. Slides in Cinemas are used, radio and television programs are also regularly utilized for the publicity of family planning programmes and methods. As most of the family planning programme is government-run and sponsored; private advertising does not take place. Advertising of contraceptives only for government-sponsored condom.
- H. Customary Laws There are no clear cut commonly accepted customary laws against family planning for the majority of the population. Sexuality education in its entirety is not acceptable at the school stage though parts of it (e.g., human reproduction) are taught in practically all the states. There is no opposition to teaching contraception at higher level and special courses.

*
Information from Dr. T.S. Mehta of UNESCO, and IPPF Seminar Report on Responsible Parenthood and Sex Education (Tunisia, Nov. 1969)

INDONESIA*

- A. Forbidden, Tolerated or Encouraged Sexuality education (including contraceptive information) in schools is taboo, both on statutory and customary grounds.^(a) Population education (re. bad consequences of large families and population growth) is encouraged and may be made a part of various school courses such as history, geography. Governors of provinces authorized to start population education in primary schools and this has been done in Jakarta Province in 1974. Government plans to make population education part of the educational program in school, as well as nonschool, and for all the different age groups.^(b)
- B. General Govt. Policy on Population A National Project for Population Education has been established to draw plans for Population Education in school and nonschool curricula. Government officially favors family planning, but has not yet repealed contrary law cited in Line D. The National Family Planning Coordinating Board has detailed plans to change popular values regarding family size, the acceptance of family planning as a way of life and the adoption of population education in school curricula.
- C. Does Such Education Exist in Practice? No sexuality education, including family planning education, is available in schools (except very rarely and on a trial basis). "Family Life Education" which may include aspects of family planning, is included in curricula at university level at certain special schools, and has been attempted outside of schools. Population Education (see line A) began in 1972 on pilot basis in a group of private schools in Jakarta at the high school level and has been extended since to other high schools, teacher training schools and adult education courses. In 1972 the Munammadayah (Moslem) social and educational foundation began population education on a pilot basis in its teacher training schools. The Ministry of Education has been designated by the National Family Planning Coordination Board to implement the Population Education Program and has just received an international grant for in- and out-of-school population education.
- D. Legislation or Regulations There is no general education law. Chap. XIV, Art. 283, of Penal Code forbids dissemination of information on contraception to persons under 17. Chap. VI, Art. 534 prohibits open display of means of contraception. Attny. Genl. has stated orally that he will not enforce Art. 534.
- E. How Organized? See Line C. Out-of-school programs involving field workers, community education, mass media, production of materials such as posters, films, books, etc., are carried on by the National Family Planning Coordinating Board, the Indonesian Planned Parenthood Association, and Christian and Moslem religious organizations. (Some of these programs may involve contraception information.) A Government working team organized in 1974 to evaluate results of experimental projects since 1971.^(b)
- F. Special Teacher Training The syllabus for Family Planning Education is followed by the Faculties of Medicine in the training of physicians. (Jt. Decision of Ministries of Education and Health, April 7, 1970.) This is designed to stimulate them in family planning work. Indonesian Planned Parenthood Association has national training center for family planning workers, with regional branches. The Teacher Training College in Bandung set up a research center for population education in 1970. Orientation courses, seminars and workshops have been organized for 100 university lecturers on demographic problems by the Economics Faculty of the Univ. of Indonesia in Jakarta. An orientation course is given for educational administrators.^(b)

INDONESIA * (cont.)

G. **Publicity for Contraception and/or Advertising Permitted?** Forbidden to persons under 17 by Chap. VI, Art. 534 of Penal Code, but this is not enforced. See line D.

H. **Customary Laws** Open sexuality education in schools would offend general population.

(a) Press printed a story on Sept. 21, 1974 stating that sexuality education courses had been given in some secondary schools in Semarang on a segregated basis, as part of Family Welfare course. Two days later, the Min. of Education stated to the press that if the courses included the use of contraceptives, they were not following Government guidelines. Sexuality education in schools is still highly sensitive subject, and Min. of Education does not wish to stir up a strong popular reaction. According to Haryono Suyono, Beyond Family Planning Efforts in Indonesia, National Fam. Planning Coordination Board (Jakarta, 1974), a government-sponsored KAP study showed "opposition was expressed against sex education for fear that it will lead to very undesirable behavioral changes." It was noted that this concept was heavily misunderstood, for reproductive education was preferred to "sex education."

(b) See Population and Development in Indonesia (official report prepared by Government for World Population Conference [Jakarta, 1974] p. 34).

* Information from monograph by Indonesian Planned Parenthood Association (ed. Mrs. Nani Soewondo) June 1974, from East-West Communications Institute, Information, Education, Communication in Population (Honolulu, 1974); and from Dr. Does Samporno, Indonesian representative of Pathfinder Fund.

IRAN *

A. **Forbidden, Tolerated or Encouraged** Encouraged. Inschool education will apparently be more on population awareness than on sexuality education. (See line H.) It will be at secondary school level.

B. **General Govt. Policy on Population** Very extensive family planning program has been undertaken by the Government which seeks to stabilize population. A special division on family planning was added to the Min. of Health in 1967, which contains a Motivation and Communications Unit which produces pamphlets, books, films, etc. A national seminar was held in Nov. 1972 for Education and Health officials.

C. **Does Such Education Exist in Practice?** Except for some population education materials in some secondary schools, neither type of education has yet become current in the schools generally. Under Note 21 of the Budget Law of 1972, special revenues of the Min. of Health may be allocated to family planning and health programs which include family planning information. Between 1967 and 1972, 216,000 persons attended special nonschool courses on family planning. Some of them were teachers and motivators. Min. of Education is preparing population education curricula for use in secondary schools, and text books being revised to contain population education materials. However, progress is believed to be slow. UNFPA funded a curriculum development study in both population and sexuality education for secondary schools in Isphahan in 1974, and pilot projects are being carried out in selected high schools.^(a) UNFPA also sponsoring special nonschool programs for youth and rural populations.

D. **Legislation or Regulations** No specific legislation on sexuality or population education as yet, but see line C.(c)

E. **How Organized?** Min. of Education plans to organize secondary school curriculum to include population awareness education and is preparing text book. Plans call for introduction of materials into teaching of geography, economics, etc., rather than special courses. Nonschool sexuality and population education is on large scale under Min. of Health's Motivations and Communications Unit. Family Planning Association of Iran gives top priority to Information and Education Program on nonschool basis, and organized a special education campaign in 1972.

F. **Special Teacher Training** Systematic training of school teachers in population and sexuality education not yet begun, but seminars for such teachers have been organized. Min. of Health organized training programs for local motivation personnel in 1973.

G. **Publicity for Contraception and/or Advertising Permitted?** Publicity for contraceptives is encouraged. There is nothing in the law to forbid commercial advertising to public. Not considered obscene if it is done for "scientific" purposes. Public advertising must be approved by Min. of Health, and Medical Society is cautious, and such advertising is rare.

H. **Customary Laws** It has generally been considered that sexuality education would be contrary to national customs, but population awareness education is acceptable. However, R. Gillespie of Population Council, reporting on a K.A.P. study in Isphahan area in 1974 reports that 96.5% of persons interviewed reported that they would approve information on family planning being given in schools.

IRAN * (cont.)

- (a) World Population Year Bulletin (No. 5, Sept. 1973) p. 4.
- (b) The Law and Population Project for Iran, under the direction of Dr. Parviz Saney (Dean, Law School, National University in Teheran) as its first recommendation to the Government after studying the whole field of laws (and customs) affecting fertility in Iran, urges that sexuality education (including contraception information) be provided in the schools to all children.
- (c) According to Dr. Saney, in letter on file at Law & Population Programme, Art. 213 of Penal Code forbidding the import of any material "against public decency or morality" would not apply to sexuality education under modern conditions.
- * Information from Prof. Parviz Saney, Director, Law and Population Project in Iran, and the East-West Communications Institute.

ITALY *

- A. Forbidden, Tolerated or Encouraged Attitudes appear to vary from place to place. Theoretically, a teacher is permitted to answer questions put by students. School directors are confused and afraid.
- B. General Govt. Policy on Population Government attitude toward contraception not clear, and strong pressures exist in both directions. Parliament has under consideration draft legislation on both sides. See line C. Of the two largest official health and social security organization, one supplies contraception services and the other does not.
- C. Does Such Education Exist in Practice? Occasionally. They are organized by local organizations, often with the help of local municipality. There is a Center for Studies on Sex Education at Mestre whose courses are recognized by the Min. of Education as having legal status. Min. of Education recommends that teachers and schools get permission privately and from Ministry itself before offering a course in sexuality education.^(a) However, the Center is financed privately and by local government. Intellectuals pressing for increased activity. Family planning association is now attempting to provide special sexuality education for migrant groups.
- D. Legislation or Regulations Constitutional Court in 1971 declared fascist period laws against contraceptives and contraceptive information unconstitutional.^(b) (DeMarchi Case.) See line C.
- E. How Organized? Such courses as exist are organized locally.
- F. Special Teacher Training There appears to be no preparation or training for teachers except as provided by Center in Mestre. Courses in sexology are virtually non-existent, in medical schools, with a few small exceptions.^(c)
- G. Publicity for Contraception and/or Advertising Permitted? Forbidden until 1971. There is growing publicity for contraception and sexuality education in the media. Books on sexuality education are on sale in some cities, including Rome.
- H. Customary Laws Extremely conservative customs on sexual matters.
- (a) Head of Mestre Center, Professor Caletti, states that permission is usually granted.
- (b) Among laws presumably rendered null and void are: Royal Decree of 18 June 1931, No. 773; Testo Unico Public Security Law, Art. 14; Decreto Legge of May 1946; and Penal Code Art. 553. Constitutional Court acted under Art. 21 of Constitution.
- (c) Dr. R. Forleo, Development Prospects for Sexological Teaching in Italy, Paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974) MCH/SYM 73.19. According to Dr. Forleo, sexual behavior in Italy is considered "the business of the 'confessor' on the one hand or the 'libertine' on the other."
- * Information from miscellaneous sources; including Dr. D.J. Pierotti, Ecole Nationale de la Sante Publique, Rennes, letter dated July 13, 1974 from Professor Giorio Arena of Rome, and Study of Legislation Directly or Indirectly Affecting Fertility in Europe, IUSSP (Ghent, 1973).

JAMAICA *

- A. Forbidden, Tolerated or Encouraged Sexuality education mandatory in all primary and secondary schools.
- B. General Govt. Policy on Population Government favors population limitation and has very active family planning program. There is a Cabinet Decision favoring "Family Life Programs" in educational institutions.
- C. Does Such Education Exist in Practice? Family Planning Ass'n carries on inschool and nonschool programs. National F.P. Board is establishing curricula in secondary schools and above. Nonschool information programs offered by public health clinics, and advertising campaigns. Trade unions give sexuality instruction. Various church organizations offer sexuality training.
- D. Legislation or Regulations National Family Planning Act authorized the National Family Planning Board to "provide for sex education and encourage the development thereof."
- E. How Organized? Cooperative effort by Ministries of Health, Education and Youth for the inclusion of sexuality materials in school curricula.
- F. Special Teacher Training University's Social Welfare Center offers teacher training programs and prepares resource materials.
- G. Publicity for Contraception and/or Advertising Permitted? Very active billboard and general advertising campaign for family planning. Condoms, but not pills, may be advertised commercially.
- H. Customary Laws

* Information from P. Marangoni, Sex Education; Latin America and the Caribbean (Guyaquil, 1974) and R. Rosen, Law and Population Growth in Jamaica, Law and Population Programme Monograph Lines No. 10 (Medford, 1973).

JAPAN *

- A. Forbidden, Tolerated or Encouraged Encouraged.
- B. General Govt. Policy on Population Government favors population stabilization, and encourages contraception rather than abortion. A population conference in Tokyo, sponsored by the private population and family planning groups of Japan in July 1974 advocated the "promotion of population education through the mass media."^(a)
- C. Does Such Education Exist in Practice? Education on population awareness and on human reproduction is integrated into various courses in school curricula at different levels. There is a professional society known as the Japanese Sex Education Association which publishes a journal. All Japanese children get at least six years of education.
- D. Legislation or Regulations No special legislation on inschool education. The Maternal and Child Health Law of 1966 requires the Min. of Health to give sexuality education to engaged and newly married couples.
- E. How Organized? No particular official organization. Ministry of Education has published a Teachers' Manual which supports sexuality education for elementary and secondary schools, however this has not been pushed, particularly at the primary school level. A Council on Population Education was created in 1973 with the purpose of increasing public awareness of population problems.
- F. Special Teacher Training No, but there is considerable recognition of the need for teacher training.^(b)
- G. Publicity for Contraception and/or Advertising Permitted? Commercial advertising of condoms permitted and they may be displayed. Publicity for contraception permitted. Pills so far not authorized for sale, or advertised as contraceptives.
- H. Customary Laws No customary laws or practices prevent such education. There is strong evidence that students consider that they need in-school sexuality education.^(c)

(a) See 2 Impact, No. 9, p. 7 (Sept. 1974); also 3 Asian Population Programme News, Nos. 3 & 4, p. 10 (1974).

(b) See Katagiri, Proceedings of IPPF Western Pacific Region. Seminar on Responsible Parenthood and Family Life Education (1971), pp. 4, 9.

(c) See idem., pp. 4, 25.

* Information from Dr. Minoru Muramatsu, Ministry of Health, Tokyo, and member of International Advisory Committee on Population and Law, and IPPF Western Pacific Regional Proceedings of Seminar on Family Life Education (Tokyo, 1971).

LEBANON*

- A. Forbidden, Tolerated or Encouraged Sexuality education discouraged, but not specifically forbidden. Population education would be politically difficult.
- B. General Gov't Policy on Population Government has given "public utility" status to the Family Planning Association by a Presidential Decree of 1971, and Association is supported by Mins. of Health, Labor, and Social Affairs. Government theoretically negative to family planning, but not so in fact.
- C. Does Such Education Exist in Practice? It was tried in one private school as part of the course on biology, but parents objected and the course was stopped. No sexuality education now known to exist, except through the family planning clinics.
- D. Legislation or Regulations No law on the subject.
- E. How Organized?
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Publicizing contraceptives is forbidden under Penal Code, Arts. 209, paras. 2 and 3, and Art. 537. Propaganda for contraception is forbidden, but the family planning clinics do carry it on.
- H. Customary Laws Contrary to customary law.

*Information from Prof. George Dib of Lebanese University, Director of Law and Population Project in Lebanon.

KENYA*

- A. Forbidden, Tolerated or Encouraged Both sexuality and population education encouraged. Sexuality, family life and population education do not yet exist in Kenyan schools and there is, as yet, no official sexuality ed. syllabus (see line C). However, work on such a syllabus is going on and the schools which desire to promote it will be able to do so at will. Nonschool sexuality and pop. ed. are disseminated actively by various private agencies.
- B. General Govt. Policy on Population Under para. 18.42 of the Kenya Development Plan of 1970-74, the Government is to pursue policies designed to reduce the rate of pop. growth. According to Sess. Paper No. 10 of 1963-65, p. 52, steps should be taken toward "family planning education" for reasons of economic development. Family planning is part of the current Five-Year Plan.
- C. Does Such Education Exist In Practice? The Family Planning Ass'n to which responsibility for such ed. and motivation has been given, approaches secondary schools and colleges and gives special lectures on family planning.^(a) As many as 130 such lectures were given to schools, colleges and the Armed Forces during the first half of 1972.^(a) The Ass'n gives short radio programs on time provided free by Govt., and has a team of 80 field educators for villages. The Ass'n has three pamphlets, developed with Min. of Health, on pop. growth, family planning and sex. ed. A special seminar was provided for mass media and Govt. personnel. Films available to public on both pop. and sex. ed. In addition, the World Assembly of Youth runs youth seminars on pop. and sex. ed., and the churches conduct a program for all ages. FAO's Program for Better Family Living offers pop. and family planning instruction to rural population. National Christian Council offering seminars for parents and youth including responsible parenthood and contraception.
- D. Legislation or Regulations There are no laws, regulations or decisions on sexuality or population education. The Public Health Act (Chap. 242, Laws of Kenya), Sec. 45 requires physicians to warn patients in regard to venereal disease. The obscenity laws do not create any difficulties (see line G).
- E. How Organized? See line C. Primary responsibility for family planning is in Min. of Health.
- F. Special Teacher Training No teachers' college has yet developed a sexuality education program. The IPPF trains field educators at the Family Welfare Center in Nairobi on behalf of the Government. The Medical School and the Nursing Training School teach family planning. In fall of 1975, courses in sexuality ed. offered at Center for African Family Studies at Njoro, with UN, OAU and IPPF support.
- G. Publicity for Contraception and/or Advertising Permitted Pub. for family planning permitted and carried on by Family Planning Ass'n of Kenya. Although contraceptives may be adv., only condoms are in fact adv. (See Pharmacy and Poisons Act (Chap. 244, Laws of Kenya) Secs. 37, 38 and Schedule.) Sec. 181 of Penal Code theoretically prohibits pub. of sex. ed. lit. on obscenity grounds, but this not enforced vs. Ass'n. Pub. Health Act makes spec. excep. for med. pub.
- H. Customary Laws Customary views and practices are being overtaken by official and semi-official programs.

(a)According to the Family Planning Ass'n, it reached 3,309,600 people in 1973 through lectures and more through various shows, events and extension courses.

*Information from Professor U.U. Uche of Univ. of Nairobi, Director, Law and Pop. Programme for Kenya, and from Regional Office of Pathfinder Fund in Nairobi.

MALAYSIA *

- A. Forbidden, Tolerated or Encouraged Population education encouraged. Sexuality, including contraceptive, education does not exist.
- B. General Govt. Policy on Population Government established the National Family Planning Board ("N.F.P.B.") in 1966 with statutory powers to carry out the National Family Planning program to reduce the growth rate. It has an Information Division.
- C. Does Such Education Exist in Practice? Apparently no population education materials yet used in schools, but Min. of Ed. assigned responsibility to Curriculum Development Center to set up population education in the schools by the end of 1976.^(a) The N.F.P.B.'s Information Division has proposed a population education program on a nenschool basis, to begin as a pilot project. It is to be aimed at decision and opinion makers, educated couples, non-educated couples, couples who have accepted family planning, and unmarried youths over 15. Existing informal education programs will be used in reaching the public.
- D. Legislation or Regulations Second Malaysia Development Plan (1971-1975) provided for establishment of Curriculum Development Center in Kuala Lumpur.^(a)
- E. How Organized? The Ministry of Education plans to introduce population education materials as part of existing school courses, and not as a new subject. The Federation of Family Planning Associations has an Education Section which conducts orientation courses for community leaders. It produces pamphlets, films, posters, etc. aimed at various target groups not in school. (See line C.)
- F. Special Teacher Training Not yet organized.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraceptive services allowed. Advertising of contraceptives to medical profession only (Medicines [Advertising and Sales] Ordinance of 1956).
- H. Customary Laws Sexuality or contraceptive education, as such, considered offensive to public.
- (a) Ismail bin Abdul Rahman of National Family Planning Board in Prospects of Implementing Fertility Reduction Schemes Beyond Family Planning in Malaysia (prepared for SEADAG Seminar [Bali, 1974]) states pp. 12 et seq. that population education, beyond family planning which will create a concern over population issues, population planning and relation to natural resources, is needed and is being planned. He points out that as the extended family system breaks down, children will increasingly have to be educated in the schools.
- * Information from East-West Communication Institute, Information Education Communication in Population (Honolulu, 1974), and Prof. Ahmad Ibrahim, Dean of Law, University of Malaya.

MALI *

- A. Forbidden, Tolerated or Encouraged Sexuality education encouraged.
- B. General Govt. Policy on Population Mali was the first francophone African government to repeal the old French Law of 1920 against contraception and contraceptives. Government concern is not population limitation but social welfare. Participant from Mali took the initiative at Lomé seminar to advocate sexuality education for franco-phone Africa.
- C. Does Such Education Exist in Practice? Yes. Steps are being taken to start courses in schools.
- D. Legislation or Regulations Ordonnance of June 1972 of the Military Committee of National Liberation authorized "information and education on methods and means of birth control." This implemented by Resolution of Official Seminar on Family Planning of May 25, 1973 (Resolution IV on Sex Education) which refers to the growing number of unwanted pregnancies, to the general lack of sexuality information, and to the growing number of attempted abortions. It recommends, "the introduction of elements of sex education in fundamental schools, the "alerting and informing of parents" as to the problem, and the "general showing of films on family planning and sex education."
- E. How Organized?
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Specifically authorized by Article 1, paragraph 2 of the Ordonnance of June 1972.
- H. Customary Laws Traditional methods of contraception have always been accepted in Mali and no opposition to sexuality education is expected.
- * Information from M.M.L. Traore, Magistrate at the Sikasso Tribunal, Mali.

MEXICO *

- A. Forbidden, Tolerated or Encouraged Sexuality education encouraged under general Pop. Law of Jan., 1974, which gives power to the Sec. of Govt. to "institute family planning programs through the education...services of the public sector," and to "influence population dynamics through the education...systems." New Sanitary Code of 1973 (Sec. 34) calls for the Min. of Health to cooperate with the Min. of Pub. Ed. to lay out a basic program for family planning ed. in use in the school system. New Art. 4 of the Const. guarantees the right to info. on family planning.
- B. General Govt. Policy on Population Since new Sanitary Code of 1973, and government Population Law of 1974, the Government's policy is to stabilize population growth (see President's speech of presentation of the 1974 law [Sept. 1973]).
- C. Does Such Education Exist in Practice? Just beginning in schools. Ministry of Health has issued announcement and placards advocating responsible parenthood. At present, sexuality education is principally on a nonschool basis except for an experimental program being carried out at three schools in the capital district, in cooperation with the Mexican Association for Sex Education. Programs will include full sexuality education, including family planning, and will go from elementary school through high school. Family Planning Association (FPAC) has general community education program and gives special lectures at nursing and social welfare schools. (See line E.)
- D. Legislation or Regulations See line A. There are no legal barriers to the development of programs of family planning education. The problems are purely administrative. The absolute lack of sexuality education at all school levels, and the lack of adequate information on contraception are strong factors in Mexico's fast population growth.^(e)
- E. How Organized? Ministries of Health and Education instructed to collaborate in preparation of a school program (Sanitary Code of 1973). Direccion General de Atencion Medica Materno-Infantil (DGAMMI) in Ministry of Health is to coordinate all family planning related services including training and production of educational materials. Considerable nonschool information and motivation programs exist through DGAMMI, FEPAC, The Association for Maternal Health (private), Mexican Institute of Social Security, Social Security, and Social Services Institute for Government Workers, Colegio de Mexico, and Mexican Association for Sex Education, etc.
- F. Special Teacher Training Association for Maternal Health provides some information for school teachers. However "no official teaching in sexology has been accomplished at the level of the Medical Faculty in Mexico."^(b) The students apparently resent sexology as too closely associated with family planning, which is regarded as "imperialism."
- G. Publicity for Contraception and/or Advertising Permitted? Permitted. Information on use of various contraceptives supplied with product must be approved by the Ministry of Health (Sanitary Code of 1973). Publicity and advertising are rare, in fact, but no law against it.
- H. Customary Laws According to the New York Times of Mar. 9, 1975 (p. 8, col. 1) the conservative elements of the Catholic Church are opposing the sexuality education program.
- (a) Cornejo et al., Ley y Poblacion en Mexico (Fundacion para Estudios de la Poblacion, 1974) pp. 82, 100, 102.
- (b) W. Pasini and G. Abraham, Sex Education for Health Professionals in Latin America, Paper for WHO Meeting on Education and Treatment on Human Sexuality (Geneva, 1974) MCH/SYM/73.27.
- * Information from Lic. Gerardo Cornejo of Fundacion para Estudios de la Poblacion (FEPAC), from East-West Communications Institute, Information, Education, Communication in Population (Honolulu, 1974), and from Lic. Raquel de Martinez, Sec. Gen., Fed. Int. de Abogadas.

NETHERLANDS*

- A. Forbidden, Tolerated or Encouraged Not yet clear.
- B. General Govt. Policy on Population Netherlands Family Planning Association receives financial subsidies from national and municipal governments as well as TV and radio time. Family planning counseling and supplies are given free to persons at lower income levels.
- C. Does Such Education Exist in Practice? The Family Planning Association does provide courses both in primary and secondary schools. (See note 115 to Chap. IV.) Association has published reports on the possibility of offering sexuality education as a regular school course under the new school curricula. Course now optional in schools.^(a)
- D. Legislation or Regulations Law of 1970 authorizes display of contraceptives, and publicity on contraception for minors.
- E. How Organized?
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? See line D. Municipalities control sales of contraceptives. Pills and IUDs only advertised to physicians.
- H. Customary Laws

^(a)See M. Kozakiewicz and N. Rea in IPPF, 4 Europe, Regional Info. Bull. No. 2 (April, 1975).

*Information from Dr. D.J. Pierotti, Legislation Passée et Présente sur la Contraception, l'Avortement et l'Education Sexuelle, National School of Public Health (Rennes, 1974).

NETHERLANDS ANTILLES*

- A. Forbidden, Tolerated or Encouraged Sexuality ed. encouraged. On the three islands with the largest pop. (Curacao, Aruba and St. Martin) sex (including contraception) and population education are provided by means of lectures for the general public and by means of classes in a number of schools after the primary grades, although not in all schools
- B. General Government Policy on Population Government favors controlled population growth, and subsidizes the (private) "Foundation for the Promotion of Responsible Parenthood," a member of the Caribbean Family Planning Affiliation, which recently joined IPPF.
- C. Does Such Education Exist in Practice? Yes. Program favored by all churches.
- D. Legislation or Regulations No special legislation other than the appropriation of government funds.
- E. How Organized? The Foundation conducts the entire information and education program including lectures and classes in public and denominational schools. The subject is presented under the title "Motives and Methods of Responsible Parenthood". The idea of responsible parenthood includes population awareness since future parents have a responsibility with regard to the population problem. The nonschool program includes radio, TV, lectures, church meetings, films, mass articles and special mailings to newly-weds. A special "Family Week" was organized to spread propaganda.
- F. Special Teacher Training Trained teachers are provided both by the Foundation and the schools themselves. In 1973, the Foundation gave a special training course for teachers.
- G. Publicity for Contraception and/or Advertising Permitted? Motivation propaganda for family planning is common, but no advertising for contraceptives.
- H. Customary Laws

* Information from the Annual Report for 1972-1973 of the Foundation for the Promotion of Responsible Parenthood - Curaçao.

NIGERIA

- A. Forbidden, Tolerated or Encouraged Probably tolerated. Education is governed both by national and state governments concurrently.
- B. General Government Policy on Population Central government's Ministry of Health in 1974 informed the state minister of health that central government recommends the incorporation of family planning in all state health services. Previously there had been no national government policy on population.
- C. Does Such Education Exist in Practice? Probably does not yet exist, but Inst. of Population and Manpower Studies, Ife University, is experimenting in the field.
- D. Legislation or Regulations Constitution gives both federal and state governments concurrent authority (Constitution Schedule). There is no official policy on sexuality education which could include a formal instruction on the use of contraceptives. (a)
- E. How Organized? If any schools provide population or sexuality education, it is done at the initiative of the individual school.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Exhibition of contraceptives for sale is not forbidden, but advertising is not allowed except in professional publications. (b) Advertisements must be approved by Pharmacist's Association.
- H. Customary Laws Presumably in-school sexuality education would be taboo in northern Moslem areas.

(a) See Odumosu, Publication No. 1 of the Nigeria Law and Population Project (Ife, 1974) p. 9.
 (b) Idem, p.9.

PAKISTAN *

- A. Forbidden, Tolerated or Encouraged Population education is encouraged for the purpose of developing favorable attitudes towards population control.^(a) Sexuality education is probably forbidden as a practical matter under obscenity laws (see line C). Sexuality education, including contraception, has been suggested for the university level, but this had not yet been organized by the end of 1974.^(b)
- B. General Govt. Policy on Population Government attitude toward family planning is very favorable. Minister of Education and Family Planning Association of Pakistan sponsored a four-day Workshop on Population and Family Planning Education in July 1973. It recommended introduction of population awareness matters beginning with the primary grades in school. Pakistan Government took the lead in pressing for general population education at Indian Ocean Region Seminar in Sri Lanka (IPPF) in July 1972.^(c) A number of conferences and seminars have been sponsored by universities, ministries and family planning organizations to plan text books and curricula.
- C. Does Such Education Exist in Practice? Population education now being introduced, but in 1973, out of 162 text books surveyed for use up to 10th grade, only 13% made any reference to population problems.^(c.1) Sexuality education does not exist. Hopkins reports that in the villages, "Knowledge about physiology and the process of reproduction is highly deficient."^(d)
- D. Legislation or Regulations Primary Education Ordinance of June 5, 1962, Chap. IV, authorizes Government to introduce compulsory primary education, but says nothing on population or sexuality education. Provincial education statutes are also silent on the subject. The Indecent Advertisements Prohibition Act of 1963 and the obscenity provisions of the Penal Code are given a broad interpretation. (See Yaqub Beg vs. State, PLD 1960 WP, Lahore 172.) Since Islam is state religion (Article 2 of Constitution), nothing offensive to Islamic attitudes may be taught in schools, and there is no agreement among Islamic scholars regarding compatibility of sexuality education with Islam. Islam regards "immodesty" as unlawful.
- E. How Organized? National Institute of Education (Min. of Education) and Institute of Education and Research (Punjab University) are now developing curricula for all levels, including teacher training and universities, in population education, with the help of Family Planning Association. Material will be introduced into existing courses at primary and secondary levels. This will be done gradually to avoid disturbing traditional values.^(e) Information about family planning and contraception is directed only at those who are married or are about to be married, on nonschool basis.^(b) Nonschool information programs using films, mass media, etc. are now being established.
- F. Special Teacher Training Population Planning Council of Islamabad is training teachers for population education and preparing a Teachers' Guide and curriculum material.
- G. Publicity for Contraception and/or Advertising Permitted? There is no legal limitation on publicity for family planning. However, advertising of contraceptives to the general public, although legal, is not attempted. Indecent Advertisement Prohibition Act of 1963 has not been invoked as to such advertising.
- H. Customary Laws Strong taboos exist against sexuality education, which is considered a matter to be undertaken inside the family at the time of marriage, but as a practical matter, it is usually communicated by peer groups. Islam would not approve of mixed sexuality education and would not accept it unless precautions are taken against "immorality."

(a) Iftekhar, Report of Population and Family Planning Workshop, IPPF (Ayubia, 1973) p. 33.

(b) Report, idem., p. 40. See also letter from Dr. N.M. Shah, Pakistan Institute of Development Economics, Islamabad (Dec. 1974).

(c) See Aziz, "Regional Seminar on Implementation of Population Policies," Birthright (1972) No. 2, p. 16.

(c.1) See S.M. Roshan, Proceedings Seventh Biannual Seminar on Research in Population Planning, National Research Instit. of Fertility Control, 160 (Karachi, 1973).

(d) Hopkins, A Compilation of Laws and Customs That May Influence Fertility in Pakistan, West Pakistan Research and Evaluation Center (1969) p. 10.

Letter dated Oct. 6, 1974 from A.R. Ghani, Family Planning Association of Pakistan.

See Report of Population Workshop (supra, note a) at pp. 34, 53, 59.

Report, idem., p. 52.

Information from Mr. A.R. Ghani, Advisor, Documentation Center, Family Planning Association of Pakistan; Iftekhar, Report of Population and Family Planning Workshop (Ayubia, 1973) IPPF, and Dr. N.M. Shah, Pakistan Institute of Development Economics, Islamabad.

PHILIPPINES *

- A. Forbidden, Tolerated or Encouraged Encouraged. The Department of Social Welfare's Bureau of Family Welfare has been ordered to develop and implement social welfare services to include "family life education programs." A Five-Year Population and Sexuality Education Program has been begun by the Department of Education and Culture to cover all levels of elementary, secondary and tertiary schools. The Department of Public Information has been ordered to implement the programs of the Commission on Population by disseminating information on family planning. "All universities, colleges and schools" have been ordered by the President to "promote the concept of family welfare, responsible parenthood and family planning."
- B. General Govt. Policy on Population The Government has organized a very strong population program, using all available institutions and techniques (except abortion). An official Population Commission coordinated all activities under an Executive Order of Feb. 19, 1969.
- C. Does Such Education Exist in Practice? Population education starts in the elementary grades. Contraception information is given at the senior high school stage. The program has been officially in operation since July 1972. An estimated half million students in elementary and secondary schools have thus had contact with it.
- D. Legislation or Regulations Article XV, Section 10 of the new Constitution makes population concern the responsibility of the Government. The Population Act of 1971 (Republic Act No. 6365, as revised in 1972 by Pres. Decrees No. 69 and 79) makes contraception a national policy. Letters of Instruction 47 and 47A of Dec. 1972 instruct the Departments of Education and of Public Information to assist the effort. General Order 18 of Dec. 1972 directly orders the schools to cooperate. The Social Welfare Act of 1968 (Republic Act No. 5416 of 1968) orders the Bureau of Family Welfare to cooperate. There is no special law covering population or sexuality education.^(a) Over 200 municipalities have ordinances requiring applicants for marriage licenses to take instruction in family planning.
- E. How Organized? Organized by the Department of Education and Culture. The training of teachers is standardized for the whole country. Curriculum development and research are carried out by the central Government. The entire program is kept under the centralized control of the Department of Education. Some local materials are used, but must be cleared with the National Curriculum Unit of the Government.
- F. Special Teacher Training Letter of Instruction No. 47 of 1972 directs "all schools of medicine, nursing, midwifery" and schools of social work to include family planning in their curricula. The Department of Education's Population Education Program had trained 300 trainer supervisors and 13,000 classroom teachers as of March 1974. See note
- G. Publicity for Contraception and/or Advertising Permitted? Government favors publicity, and older laws forbidding it and forbidding use of mails have been repealed. Commercial advertising of contraceptives not prohibited, but has not been frequent.
- H. Customary Laws
- (a) See C.V. Sison, "Population Laws of the Philippines," Law and Population in the Philippines (Law and Population Book Series No. 9) p. 54 at 80.
- * Information from Dr. Cristina Mamuri, Population Education Program, Dept. of Education, Manila.

POLAND *

- A. Forbidden, Tolerated or Encouraged. Sexuality education is compulsory in some areas and optional in others.^(a) Contraception probably not covered.^(b)
- B. General Govt. Policy on Population Government's policy is pro-natalist, but Ministry of Health and Social Welfare has issued an instruction on education and health activity in family planning field. Health science units required to carry out an incessant educational action in family planning.
- C. Does Such Education Exist in Practice? Yes.
- D. Legislation or Regulations Ministry of Health and Social Welfare instructions require health service centers to provide educational programs on family planning.
- E. How Organized? Family planning association and Min. of Education introduced course on "preparation for family life" into secondary schools in 1974. Association also carries on large scale information program and advertises contraceptives through mass media, public lectures in institutions and factories, and pamphlets for the Army. Association obtained newspaper coverage of sexuality education in Government's official newspaper.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? Actively encouraged. Contraceptives are available at pharmacies and newstands.
- H. Customary Laws Strongly Catholic influenced.

(a) For excellent study of European situation, see M. Kozakiewicz and N. Rea, in IPPF, 4 Europe, Regional Info. Bull., No. 2 (April, 1975).

(b) Ibid.

* Information from E. Kosłowska and J. Wojtyła, Report on Legislation Influencing Fertility in Poland (1973) IUSSP (Liège), also Regional Information Bulletin (IPPF) No. 3, July 1974.

PUERTO RICO *

- A. Forbidden, Tolerated or Encouraged Sexuality education, including information on contraceptives, is now being encouraged in the schools.
- B. General Govt. Policy on Population Dept. of Health of Puerto Rican Government has an official family planning program. Government's policy is to let people "profit as soon as possible by the knowledge and services provided about family planning on a voluntary basis."(a)
- C. Does Such Education Exist in Practice? Population and Sexuality education courses now under active consideration.
- D. Legislation or Regulations As yet, no specific legislation or regulations on sexuality or population education. Article 268 of Penal Code which formerly banned publication of material dealing with contraception was amended by Law No. 33 of May 1, 1937, so that it now deals only with abortion. Senate considering in 1975 law providing compulsory "special family planning program" in all schools, public and private at seventh through eleventh grades.
- E. How Organized? Dept. of Education prepares curricula for public schools. Family Planning Association carries on nonschool information programs. Dept. of Health taking nonschool programs to adults in villages and towns. Orientation centers for free information and contraceptives in factories and workers community centers.(b)
- F. Special Teacher Training University of Puerto Rico will train teachers of sexuality education in special courses. This had not yet started as of 1974.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception and advertising of contraceptives is carried on in press and television.
- H. Customary Laws
- (a) Statement by Governmo Hernandez-Colon in address to Seventh Legislative Assembly 1973. (Info Sheet published by Office of the Commonwealth in Wash. D.C., Vol III, No. 1, Jan. 1975, p. 1.)
- (b) Idem., p. 5
- * Information from Señorita Zaida Rodriguez, Executive Director of Puerto Rican Association for Family Welfare.

SINGAPORE

- A. Forbidden, Tolerated or Encouraged Encouraged. However, in-school education has, so far, been confined to population awareness and social responsibility and, despite rumors and discussion, sex and contraception education is not yet in the schools. Out-of-school information programs for youth and young marrieds are encouraged.
- B. General Government Policy on Population Government has strong policy of population control. Under Family Planning and Population Board Act of December 1965, the Singapore Family Planning and Population Board ("SFPPB") was established to reduce the crude birth rate from 30 per thousand to 20 per thousand.
- C. Does such Education Exist in Practice? See line A. A lot of effort is made for nonschool sexuality information and education for adults. Radio, T.V., posters, films, lectures, pamphlets and press articles are used. A program of home visitors is used by SFPPB. Population awareness is included in social studies and civics courses in elementary Schools. This will be expanded, but so far no definite plans to include sexuality education.
- D. Legislation or Regulations No legislation or formal regulations. Entire matter regulated through informal "executive directions".
- E. How Organized? SFPPB has a Publicity and Health Education Committee with members from the Ministry of Health and Education among others. It put on a Family Planning Communication Campaign in 1972. Family Planning Association (SFPA) concentrates on nonschool education and motivation programs. Ministry of Education has incorporated population education in school curriculum and SFPA collaborates by supplying "family life" materials. School principals may arrange special talks or discussions on sex, but this apparently only on an occasional basis.
- F. Special Teacher Training Teachers Training College of the Ministry of Education giving a course on sex, contraception and married life aimed to reach students at university level and adults.
- G. Publicity for Contraception and/or Advertising of Contraceptives Permitted? Maximum publicity given to contraception. No information available as to laws on advertising contraceptives, and it is assumed that this is permitted in view of Government policy.
- H. Customary Laws Strong taboo on sexuality education in schools apparently still exists, despite obvious policy of Government.

* Information from Professor Kenneth Wee, Faculty of Law, University of Singapore; Information, Education, Communication in Population, East-West Center (Honolulu, 1974) and Law and Population Growth in Singapore (Law and Population Monograph # 9, Medford, 1973).

SOUTH KOREA *

- A. Forbidden, Tolerated or Encouraged Encouraged. Population awareness education is covered in primary, middle and high school textbooks as part of social studies as well as health education. It is intended inter alia, to support acceptance of contraceptive practice, but this apparently does not include sexuality or contraception education.
- B. General Govt. Policy on Population Government encourages family planning and offers services to public. However, in light of political unrest, Government has avoided stirring up hostile public opinion by attempting to introduce sexuality education.
- C. Does Such Education Exist in Practice? Ministry of Education supports population education in schools and has instructed textbook writers to include material on population growth in civics and geography courses. Work now going on to develop textbooks on population education. In-school sexuality education which includes contraceptive education does not yet exist. However, a Conference on Population and Law was organized in 1972 by all the organizations concerned with population, by all the universities and by government bodies including the parliament. The first of its twenty-two recommendations was: "to make population and sex education available to all."^(a)
- D. Legislation or Regulations Government, through Ministry of Education, has asked for studies on the content of sexuality education courses, and a non-governmental research institute has been asked to do this.
- E. How Organized? Korean Education Development Institute, which is close to the Textbook Bureau of the Ministry of Education, plans to disseminate population education materials in the school system. The Planned Parenthood Federation of Korea (private) has principal responsibility for information and education programs in Korea. It has developed a large-scale, nonschool program using mass media, mothers' clubs, field workers, consultations, meetings, etc. It plans to press for inclusion of population education in school system.
- F. Special Teacher Training Classes on sexuality education offered to teachers of home economics of middle and high schools. Yonsei Medical School offers courses for medical students. Semi-official Korean Institute for Family Planning offers training programs for population educators working in nonschool programs.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity given to family planning services. Law of May 1971 which prohibited public advertising of oral contraceptives was repealed in August, 1973.
- H. Customary Laws Apparently popular attitudes would be opposed to sexuality education in the schools, but not to population education.
- (a) Report on Population and Laws Conference, The Population Research Council (Seoul, 1972) p. 7.
 * Information from Dr. J.L. Kang, in IPPF's Responsible Parenthood and Sex Education (London, 1969); East-West Communications Institute, Information, Education, Communication in Population (Honolulu, 1974); and Proceedings of IPPF Western Pacific Region Seminar on Family Life Education (Tokyo, 1971).

SPAIN *

- A. Forbidden, Tolerated or Encouraged Tolerated, but not regulated. Education on contraception presumably forbidden (see lines C and G).
- B. General Govt. Policy on Population General policy of government is based on Catholic doctrine and is pro-natalist. Incentives are given for big families and an annual national prize given for families of 15 or more. Special scholarships and allowances given to big families.
- C. Does Such Education Exist in Practice? As practical matter, sexuality education and education on birth control do not exist. Even parents rarely give such information to their children. Use of pill is growing despite Church opposition, and is encouraged by young liberal clergy in order to raise family tranquility and responsibility. Books on sexuality education are available at book stores.
- D. Legislation or Regulations There is no law specifically dealing with sexuality education. There is no express Government policy on sexuality education, but there is specific legislation to increase population. Although each institution may presumably do as it wishes on sexuality education, such education is not given. See line G re Art. 416 of Penal Code.
- E. How Organized? No organization.
- F. Special Teacher Training None.
- G. Publicity for Contraception and/or Advertising Permitted? Pills are, in fact, available in drug stores on prescription. Advertising of pill allowed only to medical profession. General advertising of contraceptives and contraceptive advice forbidden under Penal Code Art. 416^(a) which makes it an offense to carry out anti-conception propaganda "in whatever form."
- H. Customary Laws Theoretically, sex matters are handled at family level, but in fact these questions are not dealt with. Church gives occasional courses on preparation for marriage on basis of Catholic dogma.
- (a) See IPPF Survey of the Legal Status of Contraception, Sterilization and Abortion in European Countries (London, 1973).
 * Information in letter dated Dec. 4, 1974 from Professor Alejandro Lorca, Dean, Faculty of Economic Sciences, Free University of Madrid.

SRI LANKA *

- A. Forbidden, Tolerated or Encouraged "Sex education" is described as a "sensitive and controversial subject." According to U.N. Mission, "there are strong traditional facets of life which are inimical to any introduction of subject matter into the lower levels of the formal school systems which might be labelled 'family planning education' or 'sex education.'" Education which is both compulsory and free is almost 90% State-controlled. The Government Ministry of Education "does not look with favour on sex education in schools"^(a) but school children in grades six to nine are to be made aware of population problems. The "population awareness education" project has been undertaken by the Ministry of Education with the assistance of the UNFPA. These are all administrative decisions and there is no statute or judicial authority expressly forbidding sexuality education. In 1975, The Ministry of Education agreed to allow some sexuality material in the "Pop. Awareness" Course.
- B. General Govt. Policy on Population The Report of the National Seminar on Law and Population (1974), sponsored by the Government specifically advocates population education. Sexuality education is referred to as very sensitive at lower educational levels by U.N. Interagency Mission on Family Planning.^(b)
- C. Does Such Education Exist in Practice? Population education exists. Education on "conception restraints" may be given at higher levels of education, but general inschool sexuality education does not exist.
- D. Legislation or Regulations Obscene Publications Ordinance No. 4 of 1927 and the Sri Lanka Press Council Law No. 5 of 1973 lay down criteria which might be interpreted as banning sexuality education at lower school levels. Such an interpretation is unlikely as to population education in view of the Government's policy favoring it. These statutes together with other statutes (e.g. Penal Code [Cap 19]; Post Office Ordinance [Cap 190]) prohibit obscene publications, the test of obscenity being that adopted in England. Hence the wording of the advertisements relating to contraceptives must not be "obscene" but subject to this qualification there are no statutes that prohibit or restrict the free advertisement of contraceptives.
- E. How Organized? See line A. The Ministry of Education (with the assistance of the UNFPA) has organized a comprehensive course of "population awareness education" in all schools from grades six to nine. Higher grades may be taught the content of sexuality education in the school curricula but there is no label or subject called "sex education" and much depends on the individual teachers.
- F. Special Teacher Training See lines A and D. The Ministry of Education project gives special training to teachers on population education.
- G. Publicity for Contraception and/or Advertising Permitted? Commercial advertisement of contraceptives is not illegal and is now becoming more frequent especially in the newspapers and the cinemas. The State Broadcasting Corporation which controls the radio has however refused up-to-date to advertise contraceptives over the radio but this administrative decision is likely to be reconsidered.
- H. Customary Laws

(a) See Ceylon Daily News, 5 August 1973.

(b) Family Planning Evaluation Mission to Ceylon (New York, 1971) p. 57.

*Information from Professor W. S. Weerasooria of the Law and Population Project, Colombo.

SWEDEN

- A. Forbidden, Tolerated or Encouraged Sexuality education required. Sexuality ed. compulsory by law for all age levels at pub. schools. Includes info. on contraception at ages 14-16.
- B. General Govt. Policy on Population Although Government officially pro-natalist, it gives full attention to human rights in sex field. Government set up a State Commission on public sex education on 1964 to revise Government's Handbook. Recommendations made in 1974 for an expanded program and manual.^(a)
- C. Does Such Education Exist in Practice? Not only schools, but public health service provide sex and contraception advice. However, a special investigation in 1969 found that 35% of the people who should have received sexuality education under the 1956 law claim not to have received it.^(b) See line E.
- D. Legislation or Regulations Law of 1956, plus National Board of Education "Handbook on Sex Instruction in Swedish Schools" of 1957. An amendment in 1965 gives special emphasis to contraceptive technique and venereal disease and education extended to economic, technical and vocational schools.^(c)
- E. How Organized? Min. of Education provides courses in all schools starting with primary. Material is included in biology, civics religion and other courses. Program was started by Swedish Association for Sex Education (RFSU). Curriculum starts at age 7 and goes up through age 20. Special booklets and audio-visual materials are produced for the schools. The National Radio broadcasts sexuality lessons, and RFSU gives out information and has courses.
- F. Special Teacher Training Believed to be inadequate^(d) but constant efforts are being made to improve it.
- G. Publicity for Contraception and/or Advertising Permitted? Full publicity for contraception is encouraged, and contraceptives may be and are advertised commercially. All pharmacies required to sell contraceptives (Lee and Larson, p. 182).
- H. Customary Laws

(a) T. Sjövall, Sex Education in Sweden: Background and Development (1974), in press.

(b) See Linnér, Sex and Society in Sweden (Random House, New York, 1967) p. 116.

(c) Linnér, Sweden Today: Society and Sex in Sweden (Swedish Institute, Stockholm, 1971) p. 8. This booklet is an excellent summary of sexuality education in Sweden in English.

(d) Id. p. 121.

SWITZERLAND *

- A. Forbidden, Tolerated or Encouraged Sexuality education tolerated.
- B. General Government Policy on Population No restriction on sales of contraceptives except prescription requirement for pills. Federal government has no official policy on family planning.
- C. Does Such Education Exist in Practice? Situation varies by canton. Sexuality education exists in schools of certain cantons, including Geneva and Basel.
- D. Legislation or Regulations No federal legislation.
- E. How Organized? On cantonal basis.
- F. Special Teacher Training
- G. Publicity for Contraception and/or Advertising Permitted? No restriction nationally.
- H. Customary Laws Certain religious groups still make access to family planning difficult in some areas.

* Information from Dr. D.J. Pierotti, Legislation Passée et Présente sur la Contraception, l'Avortement et l'Education Sexuelle, National School of Public Health (Rennes, 1974).

TAIWAN*

- A. Forbidden, Tolerated or Encouraged Encouraged (both population and sexuality education), but much of the inschool education still at experimental stage and not integrated into regular school curricula by spring of 1974.
- B. General Gov't Policy on Population Government officially favors population stabilization (see Line D). Inschool population education (to include sexuality education) expected to be given top priority in 1974-1975.
- C. Does Such Education Exist in Practice? See Line A. Textbook revisions of all texts for inclusion of population and family planning material, submitted to Dept. of Education in 1972. 1,200,000 copies of a special family planning reader for junior and senior high schools and colleges distributed in 1973, supplied by the Dept. of Education and the National Health Administration. Chapter on family planning in health education textbooks.
- D. Legislation or Regulations Government approved "Regulations Governing the Implementation of Family Planning in Taiwan, Republic of China," May 17, 1968. See also official "Outlines of Population Policy, Republic of China" of April 19, 1968.
- E. How Organized? A Joint Committee on Population Education from the Education and Health Depts. is now planning an inschool program. The Committee on Family Planning of the Taiwan Health Dept. has an Education Division composed of health educators. It is largely concerned with out-of-school programs. Very extensive out-of-school programs, using TV, radar, Press, comics, leaflets, an education program for workers, special mailings, films, home visitors, and a telephone information service are carried on by a large number of organizations, some government, and some private. These include the Committee on Family Planning, the Taipei (City) Family Planning Promotion Center, the Planned Parenthood Association, the China Family Planning Ass'n, the National Health Admin., and Joint Comm. on Rural Reconstruction. A special family planning education program has been organized for the Army.
- F. Special Teacher Training Workshop on population education for Normal School teachers in 1972. Demonstration teaching session for high school health ed. teachers in 1973. Material for training school teachers is supplied by the Committee on Fam. Plan. The Joint Committee on Population Ed. plans in-service training for school teachers and pilot population education courses for teachers' colleges.
- G. Publicity for Contraceptives and/or Advertising Permitted? Publicity for contraception encouraged (see above).
- H. Customary Law Under customary law, sexuality education in schools would be taboo.

*Information from Prof. T.C. Wang, Chairman of Dept. of Law, National Taiwan University and from East-West Communication Institute's Information Education Communication in Population (Honolulu, 1974).

TANZANIA *

- A. Forbidden, Tolerated or Encouraged In-school fertility-related education would probably be tolerated if it were attempted, except in Zanzibar which is traditional Moslem and opposed to family planning.
- B. General Govt. Policy on Population Government concerned by fast rate of growth and gives encouragement to work of Family Planning Association. Government accords no priority to family planning.
- C. Does Such Education Exist in Practice? In-school fertility-related education does not exist. However, nonschool information programs are carried out by Family Planning Ass'n.
- D. Legislation or Regulations Mainland allows duty-free import of contraceptives. Zanzibar prohibits all contraceptive imports. Education is free in theory, but still not enough schools for all children.
- E. How Organized? Association's Info. and Educ. Dept. distributes leaflets, films, and gives lectures. Estimated 70% of urban population has been reached. In rural areas, fewer leadership seminars are held. Radio program planned. Christian Council is establishing a Family Life and Sex Education program.
- F. Special Teacher Training Health and family planning workers receive Association training.
- G. Publicity for Contraception and/or Advertising Permitted? Forbidden in Zanzibar. Permitted on Mainland.
- H. Customary Laws Traditional stress on fertility.
- * Information from IPPF Situation Report, "Tanzania" (Dec. 1974).

THAILAND *

- A. Forbidden, Tolerated or Encouraged Encouraged, but in-school education not yet in existence (1974). Plan being developed by Min. of Education to put population education into secondary school curricula. Handled as part of family welfare. Sexuality education probably still generally taboo in schools but not in universities.
- B. General Govt. Policy on Population Official government policy favoring family planning declared by Cabinet in March 1970. Policy calls for lowering growth rate from 3% to 2.5% by end of 1976. Government has five-year plan (1972-1976) for a family planning program. Population education is provided for in Third National Development Plan, as part of secondary school, adult education, nurse and teacher training.
- C. Does Such Education Exist in Practice? Population education will be put into school curricula and into the adult education program of Ministry of Education. For nonschool, see line E. Sexuality education may occasionally be included in some school courses in hygiene and biology, but this is not on systematic basis. Sexuality education is available at university level. Mahidol Univ. has population education training and research program.
- D. Legislation or Regulations None yet.
- E. How Organized? Family Planning activities coordinated by Min. of Public Health's National Family Planning Program ("NFP"). Ministry of Education is developing both in- and nonschool program of population education. Mass communications pilot project tried in northeast districts in 1972. Most of communication work still on person-to-person basis. Planned Parenthood Ass'n of Thailand seeking to reach community leaders and is now starting mass media, pamphlets, leaflets and direct mailings. Ministry of Education is putting a "Functional Literacy and Family Life Education" project into its Adult Education Program.
- F. Special Teacher Training Training being prepared for members of mobile family planning information units. Some teacher training colleges are experimenting in this field, but no conclusions yet.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for family planning encouraged. Advertising of condoms and IUD's permitted. Pills advertised to physicians only (Medicines Act, Secs. 88, 90) (possibly amended since above information). Any advertising aimed at school children would not be permitted.
- H. Customary Laws Sexuality education presumed still to be taboo.
- * Information from East-West Communications Institute, and from Dr. Damrong Dharmaralesa, of Law & Population Project.

TUNISIA*

- A. Forbidden, Tolerated or Encouraged Government would welcome both population and sexuality education in schools, but culture and social attitudes are still contrary. Use of words "sex education" would be impossible. Some parts of the subject might possibly be included under other terminology. Population education is slowly being introduced into secondary schools as part of other courses.
- B. General Gov't Policy on Population Government has strong policy to limit population growth and has set up a cabinet level organization for this purpose.
- C. Does Such Education Exist In Practice? Sexuality education does not yet exist except as special courses at higher grades since 1970, and population education is starting. Need is very great and public has little understanding of physiology of sex. The National Office of Family Planning and Population has requested the UNFPA to finance a pilot project on population and sex education for secondary schools starting in 1974. Out-of-school information programs for adults are strongly pushed (see line E).
- D. Legislation or Regulations Law No. 73 of March 23, 1973 and Decree No. 74 of January 31, 1974. The Director-General of the National Office of Family Planning and Population is charged with carrying out the family planning program.
- E. How Organized? Govt. has established a Nat'l Office of Family Planning and Pop. among whose purpose is "to undertake a permanent program of population information and education at the family, school and professional levels." The Nat'l Office has a High Council with the Prime Minister as Chairman which includes the Mins. of Ed. and Health, as well as a number of family planning authorities. The Min. of Ed. is beginning pop. ed. in secondary schools with some sexuality ed. at the highest levels. Relig. ed. is compulsory and might be developed to include some sexuality ed. at least for boys. The Family Planning Ass'n is planning training courses for technical and high school teachers in the hope of getting pop. and sex. ed. established in the secondary schools. The Nat'l Office, the Family Planning Ass'n, the Nat'l Union of Tunisian Women, the Tunisian Organization for Ed. and Family, various ministries, and the principle political party all conduct info. campaigns out of school. Use is made of mass media, lectures, meetings in industrial establishments, home visits, film shows and adult ed. programs. UNESCO and UNFPA organized a regional project in a rural environment as a form of adult ed. (See also line C.)
- F. Special Teacher Training None at present but see line E. A seminar for teachers held in 1969.
- G. Publicity for Contraception and/or Advertising Permitted Publicity for family planning is encouraged. Advertising for contraceptives to general public is permitted, provided authorization is obtained from Public Health Service.
- H. Customary Laws Moslem custom is strongly opposed. However, present Government appears prepared to push an educational program through, and where attempted, it has been accepted, according to IPPF Eur. Reg. Info. Bull. (Jan. 1975).
- *Information from M. Mabrouk, Director, Law and Pop. Programme, Faculty of Law of Tunis, and from East-West Communication Inst., Information, Education, Communication in Population (Honolulu, 1974).

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TRINIDAD AND TOBAGO

- A. Forbidden, Tolerated or Encouraged Sexuality education encouraged. Govt. sponsored a Conference on Family Life Ed. in 1969 to consider the need for family life education program. Government sponsored a Workshop on Sex Education in 1974 organized by the IPPF. (See IPPF News, July 1974). Government will launch a pilot project in "Family Life Education", including sexuality education in 1975 as an experiment. Will be put in all post primary schools if successful on permanent basis.
- B. General Governmental Policy on Population Special Convention of People's National Movement in 1967 called for a national family planning program. Government agreed. Government's Five Year Plan calls for better balance between birth and death rates. Government has a Population Council to advise Ministry of Health on organization of a national program of family planning and to carry it out. Services are paid for by Government. Government wants to reduce growth rate by 50%.
- C. Does Such Education Exist In Practice? Nonschool programs exist (see line E). In 1974 Ministry of Education organized a workshop and developed a plan to put sexuality education into school curricula (a). Government announced plan to introduce "Family Life Education" in 1975 using syllabus, charts and booklets prepared by Ministry. Courses will start after the Primary grades, including junior secondary schools if 1975 experiment succeeds. Courses will cover entire field of family life.
- D. Legislation or Regulations No laws. Services are provided on basis of administrative directives.
- E. How Organized? For in-school education a Sub-Committee of the Population Council examined situation with intention of preparing a comprehensive program for schools. The Sub-Committee had members from Ministries of Health, Education, Community Development, Youth Affairs, Colleges, Churches, Family Planning Association, etc. The Family Planning Association of Trinidad and Tobago maintains a nonschool information and motivation program through mass media (including radio, TV and press) film shows (in collaboration with the Health Education Division of the Ministry of Health), a post-partum program in hospitals, leaflets, home visits, etc.
- F. Special Teacher Training Lectures have been organized at teachers training colleges.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception is promoted, and the advertising of family planning is undertaken in the press by the family planning association.
- H. Customary Laws

* Information from Awon and Kherma, "Trinidad and Tobago," Country Profiles (The Population Council, Aug. 1971), p. 7, and communication, dated 9 January 1975, from Mr. Hubert de Four, Executive Director, Family Planning Assoc. of Trinidad. (a) Dr. Palaez, Western Hemisphere Region, IPPF, New York City, Aug. 1974).

TURKEY *

- A. Forbidden, Tolerated or Encouraged Neither sexuality nor population education forbidden, but do not exist except in universities. However, Min. of Education's Adult Ed. Div. has experimented in 5 provinces with a functional literacy program which dealt, inter alia, with population growth and family size.
- B. General Govt. Policy on Population Generally favorable to family planning and government and social security hospitals supply certain services, but the program is not given priority. Second Five-Year Plan (1967-1971) stressed family planning.
- C. Does Such Education Exist in Practice? In-school population or sexuality education do not exist in practice except at university level. Mobile teams to educate public sent to villages, to drum up support for, and interest in, family planning before arrival of medical teams. Government has also presented some film and radio programs to advocate family planning on an irregular and sporadic basis. The Planned Parenthood Association has prepared sexuality education materials for use in rural areas on a nonschool basis.
- D. Legislation or Regulations Law No. 557 of April 10, 1965, establishes a government Family Planning program. See also Regulation No. 6/8305. Responsibility for population planning given to Directorate General of Population Planning in Ministry of Health. It has an Information and Education Section.
- E. How Organized? See lines C and F.
- F. Special Teacher Training Training for teachers is provided at graduate level at Hacettepe Institute of Population Studies in Ankara, but not directed especially to population or sexuality education. Directorate General has occasionally organized seminars for policy makers and for religious and opinion leaders. Films have been distributed to health teachers in the provinces.
- G. Publicity for Contraception and/or Advertising Permitted? Population matters and family planning are covered on TV and radio. State supported services are advertised. Some advertising of contraceptives occurs but it requires approval of Ministry of Health. (See Medical Products Law [No. 1262] para 13.) Limitations placed on counter display of contraceptives.
- H. Customary Laws Religious attitudes are negative, and they have some influence.
- * Information from Professor Bulent N. Esen, Director of Law & Population Project for Turkey, and from East-West Communication Institute, Information Education Communication in Population (Honolulu, 1974).

UNITED KINGDOM *

- A. Forbidden, Tolerated or Encouraged Sexuality ed. unofficially encouraged; no directive from London Govt. There is a growing degree of acceptance among local school authorities. Content of courses not agreed and under study by public and private groups, and various materials are now being tried out. Little or no attention paid to population awareness at secondary school level. Public opposition to sexuality education subsiding. The Report of the Population Panel (Table 1, 5258 [1973] p. 117) and the Southampton Domiciliary Family Planning Service and other similar organizations have recommended that sexuality education be given in schools. The Min. of Education in London has put out pamphlets calling for special courses for teachers and advocating sexuality education. Government Reports since 1959 have advocated sexuality education in schools (Crowther, Newsom, Cohen and Plowden Reports), and special programs for parents.
- B. General Govt. Policy on Population The Central Government has been increasingly liberal on family planning in general. The Labor Government on March 28, 1974 announced further liberalizing steps such as making family planning services and materials free to all requesters at National Health Service Clinics and Hospitals. Negotiations are proceeding with N.H.S. doctors.^(a)
- C. Does Such Education Exist in Practice? Health and sexuality education courses are given in secondary schools, frequently by representatives of local health departments or teachers of biology which may include contraceptive information.^(b) The specific plans of the different local or regional authorities vary. The material is often incorporated into the normal curriculum. Contraception probably not covered in most cases.^(c)
- D. Legislation or Regulations Education Act of 1944, Section 76, states that "local education authorities" must have regard to the wishes of parents. This could include pressure for sexuality education. The obscenity laws (Obscene Publications Act, Indecent Advertisements Act, and Unsolicited Goods and Services Act) do not seem to prevent sexuality education. Kirk reports^(d) that there has been "no recent example of restriction of responsible action to disseminate information."
- E. How Organized? Left to the 104 regional educational authorities, and each school has considerable autonomy. Mass media, church organizations, marriage guidance councils and family planning associations have given courses to public.
- F. Special Teacher Training Various schools of education offer training in sexuality education. See line A.
- G. Publicity for Contraception and/or Advertising Permitted? There is no specific legal limitation on advertising of contraception, or on publicity for family planning. Commercial advertising of contraceptives is, in fact, limited by certain "voluntary codes" which do prevent some advertising.
- H. Customary Laws
- (a) The "Lane Report," (Report of the Committee on the Working of the Abortion Act [Cmd. 5579] London, H.M. Stationery Office, 1974) states: "A public educated to a more mature and responsible attitude toward sexual behavior and to contraception will be the most sure guarantee that recourse is made less often to therapeutic abortion of unwanted pregnancies."

(b) A school boy in the United Kingdom described sex education as follows: "The parson came to school and told us not to do it, the doctor came to school and told us how not to do it, and then the headmaster came and told us where not to do it." (The Boston Globe, Wednesday, Nov. 12, 1974, p. 15, col. 6.)

(c) See M. Kozakiewicz and N. Rea, in IPPF, 4 Europe, Regional Info. Bull., No. 2 (April 1975).

(d) Maurice Kirk, "Report on the United Kingdom," Study of Legislation Directly or Indirectly Influencing Fertility in Europe (IUSSP, 1973), p. 260.

*Information principally from Dr. R.G. Lawson, Faculty of Law, Univ. of Southampton.

UNITED STATES - Federal Government

- A. Forbidden, Tolerated or Encouraged Tolerated but not fully encouraged. Sexuality ed. (including contraception) and pop. ed. for all, both inschool and nonschool, were recommended by the Fed. Govt.'s Commission on Population and the American Future (a) and by the Commission on Obscenity and Pornography which recommended "a massive sex ed. effort" in and out of school. (b) The benefits of these commissions have not been officially accepted. The only active encouragement, so far, is the very small authorization for grants (see lines B and D).
- B. General Govt. Policy on Population A number of laws (see line D) set forth policy of making family planning available to all. This to include pop. info. and ed. The Commission on Population Growth "found no convincing argument for continued material population growth." (c) However, the report of the Comm. on Obscenity was rejected by the Senate and Pres. Nixon, and the report of the Comm. on Pop. was not given unanimous governmental approval.
- C. Does Such Education Exist in Practice? Commission on Obscenity and Pornography stated (1970) that most adults had had no inschool sexuality education and such younger people as had received it found it inadequate. (d) Although federal laws authorize appropriations to states for this purpose, actual amounts made available have been small. (e) Strong private organizations exist to promote both Sexuality Education (f) and Population Education. (g)
- D. Legislation or Regulations Elementary and Secondary Education Act of 1965 (Tit. III) provides some financial support for state programs of sexuality education. Family Planning Services and Population Research Act of 1970 (P.L. 91-572) (Sec. 10005a) authorized Secretary of HEW to "make grants to public or non-profit private entities...to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information." It authorizes appropriations for sexuality and population information and education. The Environmental Education Act of 1970 provides limited funding for population education, although this is not the primary purpose of the Act. It is expected that the federal courts will find no constitutional difficulty with sexuality education courses (especially on religious grounds), particularly if parents may withdraw their children. (h) There have been no Supreme Court opinions on the matter as yet. On the other hand, a Michigan statute providing for sexuality education but forbidding contraception information, has been allowed to stand by the Supreme Court without opinion. (i) A federal court has upheld the constitutional right of a church to give a sexuality education course despite a state's threatened charge of obscenity. (j)
- E. How Organized? Federal Government may make appropriations of funds to the states for this purpose (see line D). School programs are run by the states, as are most of nonschool information programs not run by private organizations.
- F. Special Teacher Training Both the Commission on Population and the American Future and the Commission on Obscenity and Pornography find present teacher training inadequate and the former recommends "that federal funds be appropriated for teacher training." So far, however, few if any funds have been made available. (k) 70% of the medical schools have a specific sexuality education course. (l)
- G. Publicity for Contraception and/or Advertising Permitted? No federal law against publicity for contraception, and government officially favors it (see line B.). However, federal law still forbids use of mail for sending unsolicited contraceptives or advertising to non-medical persons (Title 39, Sec. 3001 [b] [1 & 2] of U.S. Code).
- H. Customary Laws
- (a) See Report of Commission on Population and the American Future (G.P.O., 1972), Chap. 9, pp. 79, 83. (Former Pres. Nixon did not personally agree with all the Commission's recommendations, but the Report remains the latest official publication covering the field.)
- (b) See Report of Commission on Obscenity and Pornography (G.P.O., 1970), pp. 46, 266.
- (c) See Report of Commission on Population and the American Future, supra note a, p. 75.
- (d) See Report of Commission on Obscenity and Pornography, supra note b, p. 267.
- (e) Apparently no, or virtually no, funds have in fact been actually appropriated to the states for sexuality education under the Family Planning Service and Population Research Act, and funds appropriated under the Environmental Education Program have been very limited. (See line D.)
- (f) Sex Information and Education Council of the U.S. ("SIECUS"), Suite 922, 122 East 42nd Street, New York City 10017.
- (g) National Education Association ("NEA"), 1201 16th Street, N.W. Washington, D.C. 20036.
- (h) Hobolth v. Greenway et al., 218 N.W. (2d) 98 (Mich., 1974). See Michigan, M.S.A. Sec. 15.3798 et seq. which excuses child from attendance at request of parent.
- (i) In the case of Mercer v. Michigan State Board of Education, the Supreme Court affirmed by summary order the judgment of the Federal Dist. Court, Eastern Dist. of Michigan (379 F. Supp. 580, 1974) which upheld validity of Michigan statute prohibiting teaching of family planning methods as part of permitted sexuality education course. (43 Law Week 3354, Dec. 24, 1974).
- (j) Unitarian Church West v. McConnell, 337 F. Supp. 1252 (1972).
- (k) See Report of Commission on Population and the American Future, supra note a, p. 80; Report of the Commission on Obscenity, supra note b, p. 275.
- (l) H.I. Lief and R.K. Ebert, A Survey of Sex Education in United States Medical Schools, paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974), MCH/SYM/73.23.

UNITED STATES - States (including District of Columbia) *

- A. **Forbidden, Tolerated or Encouraged** Inschool sexuality and population education generally tolerated or encouraged in 42 out of 51 states (including D.C.).^(a) Nine states forbid discussion of contraceptive methods (e.g. Pennsylvania),^(b) including one (Louisiana)^(c) which forbids all sexuality education by law. Three states affirmatively suggest contraception education (Maryland, Minnesota and New Mexico).^(d) The remaining 39 states permit it. Discussion of population problems (population awareness) permitted or encouraged in all but one state.^(e)
- B. **General Govt. Policy on Population** All states permit contraceptive distribution (with some residual restrictions) and many provide contraceptive services. Trend is to liberalize. One state (Oregon) is considering the discouragement of population growth. (See *New York Times*, May 7, 1973, p. 31, col. 1.) The Temporary Commission on Population Stabilization of Hawaii has proposed that that state adopt policy of population stabilization.^(f)
- C. **Does Such Education Exist in Practice?** Sexuality education exists in most states (at least in some schools) and in varying degrees of completeness. It has been blocked by organized minority harassing opposition in thirteen states.^(g) Sexuality education courses are gaining in popular acceptance.^(h) Nat'l Ed. Ass. reports that 79% of teachers now favor it, and the Ass. itself is promoting a comprehensive program. Nearly half of univ.-level insts. offer courses in demography and pop. problems, and pop. ed. courses are now given in pub. schools in Baltimore and a few other places.
- D. **Legislation or Regulations** As of 1972, twenty-seven states had legislation or written guidelines covering sexuality education, but 47% of states had no written policies and left matter wholly to local school boards. Most legal attacks on sexuality education programs have been dismissed in the courts, but they have impeded them.⁽ⁱ⁾ (However, according to the Report of the Commission on Obscenity and Pornography, a number of states put limitations on the distribution of sexuality materials to young people on obscenity grounds.)^(j)
- E. **How Organized?** Almost all states leave final decisions on sexuality education to local school boards or even to individual schools with or without guidelines. Usually local boards are instructed to enlist community support (e.g. Oregon), to integrate sexuality education into health education or other courses (South Carolina), to require special parental consent and permit parental inspection of materials (Oklahoma). Occasionally, classes are segregated by sex (Nebraska). Four states (Georgia, Maryland, New Hampshire and South Carolina) require family planning literature be supplied to applicants for marriage licenses.^(k) Some states (e.g. Connecticut) require a course on venereal disease.
- F. **Special Teacher Training** Although many of written state guidelines stress importance of teacher training (e.g. Nebraska),^(l) and call for special teacher training, a sample of 100 teacher training schools in 1972 showed that only 13 provided training of any kind on sexuality education.^(m) In California, Governor Reagan vetoed a statute providing such training.⁽ⁿ⁾ Planned Parenthood of New York City, a private organization, is establishing (1974) training institutes for high school teachers (*N.Y. Times*, July 28, 1974).
- G. **Publicity for Contraception and/or Advertising Permitted?** Three states forbid publicity about contraception, but these laws are probably unconstitutional, and are never enforced. The majority of states permits advertising and display. A few states either confine advertising to medical publications or place some other restriction on advertising or display.
- H. **Customary Laws** By tradition, sexuality education is a matter for the parents, but in view of their failure to perform this function satisfactorily, the states are increasingly relying on the schools. Churches increasingly favoring sexuality education.^(o)

- (a) Parcel and Kenep, "The Status of State Policies Concerning Birth Control Education." 42 *Journal of School Health*, 614 (1972).
 (b) Guidelines for Sex Education in Public Schools (1969) p. 3.
 (c) Louisiana Code, Title 17, Sec. 281, Education Act of 1970, no. 53, Sec. 1.
 (d) Standards and Procedures for Family Life and Human Development Programs (1970) p. 3 (Maryland); Statement on Family Life and Sex Education approved 1969, by Minnesota State Board of Education, p. 2; New Mexico, Guidelines for Family Life and Sex Education Programs (1970) p. 4; see also Oregon Law ORS 336.067, State Board of Education, Policy Manual, para 2.
 (e) Parcel and Kenep, *supra*, p. 616; see also New Mexico Guidelines, *supra*, note e, p. 7.
 (f) See Population Crisis, July 1972; also Fisher, Hawaii, Growing Pains in Paradise (Pop. Ref. Bureau, 1973) p. 6.
 (g) See Report of the Commission on Obscenity and Pornography (G.P.O. 1970) p. 271.
 (h) *Ibid.*, pp. 267, 271. See also Report of Commission on Population and the American Future (G.P.O., 1972) p. 84. According to a report in a recent periodical, the majority of parents in Maryland approve the teaching of contraception in the sexuality education course in the high schools (2 Impact, No. 9 [Sept. 1974] p. 7).
 (i) *Ibid.*, p. 272.
 (j) e.g. Tennessee Code Annotated, Sec. 39-1013, but also Sec. 49-1924, where sexuality education in schools authorized when approved by State Board of Education.
 (k) See 2 Family Planning/Population Reporter (1973) p. 119.
 (l) Resolution of State Board of Education (Dec. 17, 1970) para 3 (e).
 (m) See Report of Commission on Obscenity and Pornography, *supra*, note g, p. 275.
 (n) 2 Family Planning/Population Reporter (1973) p. 137.
 (o) Report of Commission on Obscenity and Pornography, *supra*, note g, p. 276.

* A 1972 study on Major Legal Aspects of Sex Education in The Public Schools of the U.S.A. by J. H. Bartoo is available on microfilm from University Microfilm, 300N Zeeb Rd., Ann Arbor, Michigan 48106.

URUGUAY *

- A. Forbidden, Tolerated or Encouraged Tolerated, but information on contraception or on population awareness is not given in the schools
- B. General Govt. Policy on Population There is no established official government population policy, and the government changes its position from time to time. There is no felt problem of population pressure in Uruguay, and the Government does not take the general significance of the problem into consideration. Government was considering some suggested legal regulations of a pro-natalist character, but according to Dr. Vila of Family Planning Ass'n, Government accepts Bucharest Plan of Action resolution calling family planning a human right and calling for education concerning responsible parenthood. There is no special policy on sexuality education.
- C. Does Such Education Exist in Practice? The Family Planning Association of Uruguay gives courses and occasional classes in official institutions without difficulty. Sexuality education covering human reproduction only is given in some high schools, clubs, etc. Sexuality courses are given at the university and medical school level. Christian Family Movement gives marriage preparation courses.
- D. Legislation or Regulations At present, there are no laws or regulations on the subject, but a new law on the Ministry of Education lays the ground work for sexuality education in the future.
- E. How Organized? The Family Planning Association provides such education on contraception as is available, but not in the public schools.
- F. Special Teacher Training Special Training for Teachers was undertaken by the Association.
- G. Publicity for Contraception and/or Advertising Permitted? There are no legal obstacles to publicity for contraception or to advertising of contraceptives.
- H. Customary Laws The general custom in Uruguay is to consider discussion of sex as a taboo.

* Information from Prof. H. Alvarez, of Faculty of Medicine, Univ. of Montevideo, contained in Responsible Parenthood and Sex Education, IPPF, London (1969), from Dr. Jorge Vila, Executive Director, Family Planning Association of Uruguay, and from P. Marangoni, Sex Education; Latin America and the Caribbean (Guayaquil, 1974).

WEST GERMANY *

- A. Forbidden, Tolerated or Encouraged Sexuality education now compulsory in all secondary schools.
- B. General Govt. Policy on Population Government favors family planning. Ministries of Economics and of Economic Cooperation and Development provide funds for family planning and Ministry of Youth, Family and Health active in field of effectiveness of family and sexuality education.
- C. Does Such Education Exist in Practice? Yes. Federal Ministry of Health furnishes a textbook for all schools to be used at age of fourteen.
- D. Legislation or Regulations
- E. How Organized? See line C. German Family Planning Association ("Pro-Familia") furnishes lecturers for schools and organizes discussion groups for teachers. Also organizes special programs for students.
- F. Special Teacher Training See line C. Giessen, Hamburg and Frankfurt Universities offer special training for physicians.(a) Pro-Familia trains nurses and midwives.
- G. Publicity for Contraception and/or Advertising Permitted? No restriction.
- H. Customary Laws
- (a) B. Megenburg and V. Sigusch, Sex Education for Health Professionals and Sexual Treatment in Western Germany, Paper for WHO Meeting on Education and Treatment in Human Sexuality (Geneva, Feb. 1974) MCH/SYM/73.26.
- * Information from Dr. D.J. Pierotti, Legislation Passée et Présente sur la Contraception, l'Avortement et l'Education Sexuelle, National School of Public Health (Rennes, 1974).

YUGOSLAVIA*

- A. Forbidden, Tolerated or Encouraged Sexuality education required. "Sex education should be included in the programs of all educational institutions, giving due consideration to the age of children and to the adolescent's stage of mental and physical development" (Resolution of the Yugoslav Federal Assembly of April 25, 1969, Sluzbeni List SFRJ 1969/20, p. 612, No. 307, Sec. II). All educational institutions instructed to carry this out (Sec. LV). See also Fed. Assembly Resolution on Education and Upbringing on the Basis of Self-Management (1970) requiring that "special attention" be given to train youth to understand relations between sexes.
- B. General Government Policy on Population Official policy is to encourage family planning. Slovenian Republic has provision on this in its constitution. Policy based on human rights considerations. Government accepts fact that human right of family planning includes appropriate information, so as to create conditions under which every child shall be wanted (Resolution Section I, paras. 2, 3, and 4). Physicians required to explain to women having an abortion the advantage of contraception (Resolution on Family Planning, Sluzbeni List SFRJ of 1969, No. 20, Section 5).
- C. Does Such Education Exist in Practice? Republics have been slow to implement the federal resolutions as a result of lack of trained teachers and manuals. Slovenia started non-compulsory courses in 1960's, and new compulsory program for grades I to VIII began in 1973-74 with contraception included in grades VII and VIII. Plans had been elaborated for Croatia, Bosnia, and Serbia by March 1973. As of 1973 sex education was still largely handled out-of-school, but this changing, since manuals were made available.
- D. Legislation or Regulations For Federal Assembly Resolutions, see Line A. Implementing laws and regulations are left to the Republics.
- E. How Organized? Regular school courses in all educational institutions are being developed in accordance with the level and type of school or university department. Federal Council for Family Planning has worked out a concrete program for elementary schools. (See lines C and D)
- F. Special Teacher Training General medical practitioners to receive training. All teaching, medical and social work personnel to be given education in this field. (Resolution, Section II, para. 2). Slovenia has organized annual series of seminars for teachers, and the Federal Council for Family Planning has also prepared materials on this.
- G. Publicity for Contraception and/or Advertising Permitted? Publicity for contraception encouraged. Advertising of medicaments by mass media or in shop windows is forbidden (Uradni List SFRJ of 1973, No. 6, Section 45, paras. 1 and 2).
- H. Customary Laws

* Information from Mrs. Vida Tomšič, "Social Welfare Aspects of Family Planning in Yugoslavia." (Belgrad, 1973)

- 19/ *Legal Aspects of Menstrual Regulation*, by **Luke T. Lee and John M. Paxman** (1974).
- 20/ *Symposium on Law and Population: Text of Recommendations, Tunis, June 17-21, 1974*.
- 21/ *Law and Population Growth in Iran*, **Parviz Saney** (1974).
- 22/ *Law and Population Growth in Kenya*, **U. U. Uche** (1974).
- 23/ *Law and Population Growth in Mexico*, by **Gerardo Cornejo, Alan Keller, Susana Lerner, Leandro Azuara** (1975).
- 24/ *The Impact of Law on Family Planning in Australia*, by **H. A. Finlay** (1975).
- 25/ *The World's Lates and Practices on Population and Sexuality Education*, by **Edmund H. Kellogg, David K. Kline and Jan Stepan** (1975).

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