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Population
Profiles **2**

Law
and
Population

United Nations Fund
For Population Activities

The United Nations Fund for Population Activities (UNFPA) is a fund established to respond to the needs of developing nations, it is a programme which supports nearly 1400 population projects in more than 100 countries, and it is a bank of ideas and information serving the needs of those concerned about population trends. Its Executive Director is Rafael M. Salas.

The first population project executed directly by the United Nations Fund for Population Activities is a worldwide study of laws affecting population trends. This monograph, the second in UNFPA's series of Population Profiles, is a spin-off from that effort. It pulls together from various quarters of the globe up-to-date information on "pronatalist" laws which encouraged population growth in times and circumstances when high fertility was socially valued, and the new "anti-natalist" laws which have disincentive effect on fertility in accordance with changing social needs and values.

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Law and Population

In our interdependent world, it is not possible nor practicable to attempt to solve problems in isolation. Thus, matters of population must be seen in conjunction with many other factors — including health, education, employment, food supplies, housing, and environment.

This statement was made by Secretary-General Kurt Waldheim in his foreword to UNFPA's compendium, *The United Nations and Population: Major Resolutions and Instruments*, published on the occasion of the World Population Conference in Bucharest in August 1974. The World Population Plan of Action subsequently adopted by the Conference not only affirms the Secretary General's view, but also suggests the need for a "unified analytical approach to the study of these interrelationships and to relevant policies." One such approach to which the Plan of Action gives "high priority" is "the review and analysis of national and international laws which bear directly or indirectly on population factors." The Plan specifically urges review and reform of those laws which affect the status of women, the rights of the child and family welfare.

That the Plan should have approached the various population factors and policies in terms of law is not surprising. For law and policy belong, in essence, to the same continuum. As broad policy options are narrowed to a specific policy choice, a decision to adopt that policy must be reflected in the law—law to refine, coordinate, finance and implement the determined policy. In the absence of such law, a policy will remain ineffectual. Hence, the yardstick for measuring a country's degree of compliance with the World Population Plan of Action lies not in its declared policy, but the actual enactment and implementation of the law adopted in pursuance.

This emphasis on legal reform in the population field is also implicit in the Plan's call for the eradication of "alien and colonial domination . . . and neo-colonialism in all its forms." The Plan states:

True development cannot take place in the absence of national independence and liberation. Alien and colonial domination . . . and neo-colonialism in all its forms, continues to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the people involved.

Despite their political independence, many newly emergent nations have retained the antiquated population-related laws which they inherited from former colonial powers. Ironically, some of those laws have even been discarded by these powers themselves for basic incompatibility with human rights, but are still on the books in the new nations. The retention of the French 1920 anti-contraceptive law by former French colonies in Africa despite its repeal by France in 1967, and the continuation of restrictive abortion laws in many of the former British colonies notwithstanding liberalization in the United Kingdom in 1967, are cases in point. Elsewhere, it is not difficult to discern the continued influence of Dutch law on population matters in Indonesia, the Anglo-French legal presence in the Middle East, which still reflects the divisions of the mandated system, and the Iberian influence on the legal structure of Latin American countries despite their century-old independence from Spain and Portugal.

Thus, it was a great achievement for the World Population Conference that all of these emergent countries should have united in Bucharest in declaring their common opposition to "neo-colonialism in all its forms," as well as their unanimous support for review and reform of population-related laws.

Role of Lawyers

Lawyers can render invaluable service in the population field through the use and coordination of all branches of the law. Their involvement around the world in policy-making and their familiarity with an adversary system, where the merits of opposing views can be fully weighed, increase the usefulness of lawyers in so controversial a subject as population. Robert H. Edwards explained this point at a population meeting in Cali, Colombia, on October 16, 1974, as follows:

As negotiators, as those who could help articulate policy, and as designers of instruments of policy, the lawyers should not be forgotten. Population policy would normally involve a complex balancing of interests and opinions, rather than the simple drafting of legal statutes regarding contraception, abortion, the age of marriage, etc.; lawyers usually needed to take into consideration a jungle of existing conflicting law which bore directly on matters of population policy: the regulation of the manufacture and importation of drugs, restrictive laws on what doctors and paramedical staff can and cannot do, conflicts of law between customary, received and post-colonial enacted law. . . .(1)

All of these qualities help lawyers to put their research findings into action instead of putting them on the shelves.

But the systematic involvement of lawyers in the population field is of comparatively recent origin. In 1965, there was only one lawyer among some 1,000 participants and observers at the United Nations World

(1) Ford Foundation Population Meeting, Report on Session VII-Laws on Contraception, Abortion, Age at Marriage, Family Structure, Welfare, Chair/Rapporteur: Robert H. Edwards. Background paper by Luke T. Lee.

Population Conference in Belgrade, and none of the hundreds of papers presented at the Conference dealt with the legal aspects of population and family planning. Since 1966, however, the study of population law has been accelerated thanks in large part to the following developments:

(a) the statement on population by twelve heads of state in 1966 (increased to thirty in 1967), which asserted that family planning is a basic human right;

(b) the Teheran Proclamation adopted in 1968 by the United Nations Conference on Human Rights stating that couples have the basic human right to plan freely and responsibly the number and spacing of children, together with a resolution that couples also have a right to be sufficiently instructed and informed on family planning;

(c) the General Assembly Declaration on Social Progress and Development in 1969 that the right to family planning includes not only the "knowledge" but also the "means necessary," for the exercise of this right;

(d) the adoption of the World Population Plan of Action by the World Population Conference in Bucharest in August, 1974, stressing, among other things, the need for review of national and international laws which directly or indirectly affect population factors, and for reform of those laws in order to more effectively implement human rights;

(e) the adoption of the World Plan of Action by the World Conference of the International Women's Year in Mexico City in June 1975, stressing the need to review, reform and enforce laws affecting the status of women.

The other note-worthy developments during this period were:

(a) the establishment in April, 1971, of the International Advisory Committee on Population and Law, a non-governmental organization which is now accredited to both ECOSOC and UNICEF;

(b) the convening by UNESCO in Paris in February 1974 of a Workshop on the Teaching of Population Dynamics in Law Schools for the

purpose of developing a textbook on population law for law schools, which was attended by forty law deans or professors from thirty countries;

(c) the holding of the Symposium on Law and Population in Tunis in June 1974.

The symposium adopted specific recommendations for legal reform in such fields as the status of women, family relations, contraception, voluntary sterilization, abortion, paramedics, and the roles of national governments, local governments and international organizations in the field of population.

Thus, in the brief span of nine years from Belgrade to Bucharest, population law has come to the forefront of concern in the population field.

Convinced that it was time to mobilize this untapped reservoir of human resources to join in a common endeavour, UNFPA has sponsored a number of projects since 1971 to involve the active participation of lawyers in the population field.

Definition and Role of Population Law

Population law may be defined as that "body of the law which relates directly or indirectly to . . . population growth [and] distribution and those aspects of well-being affecting, as well as affected by, population size and distribution." (1) The sources of this law include the customs of individual countries, as well as their constitutions, statutes, judicial and administrative decisions and administrative rules and regulations. "Law," as used in this monograph, embraces more

(1) See Lee, L.T., "Population Law: A New Curriculum for Law Schools" (a background paper prepared for the UNESCO Workshop on the Teaching of Population Dynamics in Law Schools, 18-22 February 1974, Paris; published in UNESCO, *Readings on Population for Law Students* (1976), ch. 1.

than the governmental decisions on programmes that are “put into official form and translated into action.” As Eugen Ehrlich points out:

At the present as well as at any other time, the centre of gravity of legal development lies not in legislation, nor in juridical science, nor in judicial science, but in society itself.

Furthermore, he cautions:

To embrace the whole variegated body of human activities in Legal Provisions is about as sensible as trying to catch a stream and hold it in a pond; the part that may be caught is no longer a living stream but a stagnant pool—and a great deal cannot be caught at all. (1)

Population law appears in different forms and covers many fields. In addition to laws dealing with subjects directly concerned with fertility (contraception, sterilization and abortion), there are many more laws whose subject matter indirectly affects fertility: obscenity, marriage age, polygamy, extended family, child allowances, old age security, employment of women, child labor, housing, education (both general and sex education), medical practice, customs, taxation, migration, land tenure and inheritance.

Just as the impact of law upon the behaviour of the people varies from country to country and according to the subject matter, so do the categories of law which have significant bearing on population growth, distribution and well-being. An example is the inheritance law in India. Despite the Hindu Succession Act of 1956 which puts male and female heirs on equal footing, the continued dominance of customary law, which limits succession to males, has exerted a pronatalist effect. A family which already has several daughters will want more children in the hope of producing a son, in order to keep property within the family. On the other hand, in countries where succession is in fact shared equally by sons and daughters, inheritance law would not be a major factor in population matters. For India, therefore, both

(1) Ehrlich, E.M. “The Sociology of Law,” 36 *Harvard Law Review*, 130, 133 (1922).

the statutory and customary laws on inheritance need to be "compiled" and studied. Similarly, since migration affects the population of some countries more than that of others, the migration laws of the former should be included in any compilative work.

Thus, the population problem is multidimensional and can no longer be viewed solely as one of numbers and census-taking to be solved by the provision of contraceptives or family planning services. The World Population Plan of Action underscores the interrelationship between population, on the one hand, and socio-economic development, the status of women, etc., on the other.

From earliest times population laws have been pronatalist. The early codes dating back to Hammurabi and the Emperor Augustus contained such provisions. The United States of America's Declaration of Independence accused King George III of Britain as follows:

He has endeavored to prevent the population of these States: for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

It has only been since World War II that the desirability of growth has been questioned and that human rights and other considerations have entered the population picture. The following may be noted among the factors causing this recent shift in emphasis:

(a) a general perception of the precipitous fall of the death rate, particularly in the developing countries, and of the dramatic increase in the rate of population growth;

(b) a better understanding of the danger both to mothers and children posed by malnutrition and of the consequent health hazard faced by large families in developing countries;

(c) the revolutionary change in the position of women in almost all developed countries and increasingly in the developing countries, where women are gaining equality, not only in political and economic life but also in domestic and sexual life; with the corollary that women should be free to decide for themselves whether or not to bear children.

(d) the increasing recognition of the problems of unwanted children, including emotional disturbance and juvenile delinquency, and of their consequences to the family and society;

(e) widespread illegal abortions and the growing realization that contraception is preferable to abortion;

(f) changing attitudes toward morality and sex, with greater willingness to discuss openly such matters as contraception, voluntary sterilization, abortion and sex education;

(g) the development of new and more reliable contraceptives, such as intra-uterine devices and pills, and also relatively safe abortion operations;

(h) the concept of responsible parenthood, which has been more widely accepted among different religions and ideologies;

(i) the emphasis in United Nations declarations, proclamations and conventions upon various principles of human rights, including the characterization of family planning as a basic human right;

(j) the attainment of independence and self-determination by most nations, which enables them to review and reform their laws in light of their own needs and human rights principles.

Relation with Human Rights

Although population law responds to the immediate challenges presented by the population problem, its ultimate concern is human rights. Family planning, for example, should not be viewed as a goal in itself. Rather, it is a means to achieve a set of basic human rights which include adequate food, health, clothing, shelter, education, work, recreation and old-age security.

A question may be raised in regard to the status of human rights: Are human rights imbued with a legal quality that imposes legal responsibility upon states, or are these merely moral rights, hortatory in nature, but not binding under law?

The status of human rights traditionally has been related to the types of instruments in which human rights are incorporated. Thus, the answer to the question whether human rights are legally or only morally binding upon states hinges upon the fulfillment or nonfulfillment of the various requirements under the law of treaties. Generally, when human rights are detailed in declarations, proclamations, or unratified covenants, they are considered to be only a moral commitment of the parties to the instrument. Only duly ratified conventions are legally binding upon the countries which ratify them. Many jurists have subscribed to this treaty-oriented approach to human rights.

However, the traditional approach of emphasizing the formal or procedural aspects of human rights treaties confuses the instruments stipulating human rights with the substantive *human rights* themselves. Instead, the analysis of the binding force of human rights must be approached with a view to their non-treaty sources: natural law, customary international law, and general principles of law that are recognized by civilized nations. Each category of law has made its contribution to the development of human rights and is recognized by states in the absence of a treaty. For human rights, by definition, are rights which attach to all human beings equally, whatever their nationality. The legal validity of their application cannot be rooted solely in a document signed and ratified by states.

Even assuming a refusal on the part of a country to accord full legal status to human rights, that country's vote on a General Assembly resolution or a human rights declaration must be taken as reflecting its official opinion with all the implications that go with it. Professor Humphrey states:

How, indeed, could that opinion be more officially or more formally reflected? There is, it will be noted, an element of estoppel in the creation of the customary law. How can a State be heard to say on one occasion that the law is such-and-such and later deny that this is the case? (1)

(1) Humphrey, J., *Human Rights and World Law* (working paper presented at the Abidjan World Conference on World Peace through Law, 26-31 August 1973).

Such an official opinion must be understood to be indicative of the country's intention to modify its laws so as to include therein a basic set of human rights. This in itself may initiate review and reform by a country of its own legal codes.

What are human rights within population law? The Plan of Action states a few. In the interest of systematization, 14 such rights already incorporated in various human rights instruments were listed in a background paper prepared for the Second Asian Population Conference in Tokyo in 1972. They are:

1. The right to adequate education and information on family planning.
2. The right of access to the means of practising family planning.
3. The right to the equality of men and women.
4. The right of children, whether born in or out of wedlock, to equal status under the law and to adequate support from natural parents.
5. The right to work.
6. The right to an adequate social security system, including health and old-age insurance.
7. The right to freedom from hunger.
8. The right to an adequate standard of living.
9. The right to freedom from environmental pollution.
10. The right to liberty of movement.
11. The right of privacy.
12. The right of conscience.
13. The right to separation of Church from State, law from dogma.
14. The right to social, economic and legal reforms to implement the above rights.

Fulfillment of these rights requires certain preconditions. The first right, for example, presupposes universal literacy and compulsory education, thus necessitating a revision of education law toward that end as well as requiring, or at least permitting family planning instruc-

tion in schools. If laws forbid publishing, broadcasting, televising or mailing family planning material, they would have to be changed. Moreover, regulations of publicly owned mass communication media may need reexamination to determine their obligation to disseminate family planning information.

In face of a shortage of actual and potential resources, another problem is how the individual's right to adequate education can be harmonized with a society's collective demands. How may a grant of certain benefits—for example, education or child allowances—that meet actual needs, not constitute an incentive to increased fertility? Conversely, how may the withdrawal of certain benefits that further a population policy not penalize the innocent or the needy, and consequently impinge upon their basic rights? What controls must be established to prevent one law from negating another or from frustrating its implementation by inadequate or inconsistent administrative decrees? What should be the relationship between a nation's set of laws and international law with regard to basic human rights?

It is obvious that a systematic approach to such problems calls for a joint and coordinated effort on the part of all affected government agencies. However, in view of the limited amount of available resources, each country must construct its own lists of priorities from the competing demands of the fourteen rights in the light of each country's own social and economic conditions and needs.

Law and Population Projects

The UNFPA has sponsored since 1971 a major study of law and population designed to clarify the impact of certain laws on population trends and to identify inconsistencies between existing legislation and government policy with regard to population. The research is intended to provide the basis for the development of guidelines for the revision

and adaptation of legislation as required in support of population action programmes in the countries concerned.

The project is directly executed by UNFPA through the Fletcher School of Law and Diplomacy of Tufts University in cooperation with Harvard University, and conducted not merely as "an academic study, but a dynamic project which will have long-felt effects on the behaviour of countries that respect the 'rule of law'." Accordingly, the Fund "would like to see the population factor formulated into policies and executed as operationally feasible programmes *in all countries if possible*."

As of April 1976 there were twenty-five country projects, of which nineteen are funded entirely by the UNFPA and the rest by the International Planned Parenthood Federation (IPPF), the World Bank, the Ford Foundation, the Smithsonian Institution and the Population Council. All of these projects share the same objective: the addition of law as a new dimension to existing programmes stressing the sociological, economic, political, religious, psychological, ideological, medical-pharmaceutical, demographic and cultural aspects of population and planning. It starts from the premise that law does have an impact upon the behaviour of people, although the exact extent of the impact varies from state to state and according to the subject matter. Furthermore, while law often reflects contemporary social norms and mores, its potential as a catalyst for social change should not be underestimated.

Since "human rights" impose a legal, and not merely a moral responsibility upon the state, there is a legal duty on the part of the state to see that laws and policies which conflict with the implementation of the rights are amended or abolished and that new laws and policies are adopted to conform with and further these rights.

However, official recognition that family planning is a basic human right has seldom been followed by systematic legal reforms to bring the

existing laws into line with that recognition. Restrictions continue to hamper the importation, manufacture, advertisement and transportation of contraceptives. Education laws do not require the teaching of population dynamics, family planning or human reproduction in schools; public health services remain unresponsive to the need for birth control counsel and clinics. The social welfare and income tax systems may favour large families. And anti-abortion codes contribute to high-cost, high-risk, illegal operations. Even where legal reforms have been instituted, important gaps exist owing to the lack of coordination. Low priority accorded to law codification in many emergent countries means retention of archaic laws inherited wholesale from former colonial powers, which often defeats the official policy favoring population and family planning.

In light of the above-mentioned factors, the law and population projects have concentrated on the following activities:

- *Law Compilation*—To make compilation effective, it was necessary to draw up a classification plan listing all the possible types of law to be considered. This plan is not only useful as a check-list for researchers, but it provides a format for world-wide reporting. Thus, developments in each country can easily be compared. The outline of this classification plan is attached as an appendix.

The compilation task may be more difficult than it first appears. Statutes and decrees are often scattered throughout the body of the law. Administrative and judicial decrees and regulations are usually buried and generally not known. Moreover, customary law is hard to “compile.” In turn, this affects the important question of whether a particular piece of legislation is actually enforced. The compilation stage also may be complicated where a country has a federal-state form of government and two sets of laws.

- *Analysis*—The compiled material must be analyzed from two points of view: its conformity with the human rights principles and its compliance by the actual behaviour of the people. By human rights principles are meant not only the right to family planning and to knowledge and means, but also the rights to the equality of the sexes, the right to work, freedom from hunger, privacy, conscience, old-age security, health care, etc. A major task of a law and population project is to conduct seminars in which the existing laws can be evaluated against the human rights standards and proposed new laws formulated to conform with such standards.

As for the question of compliance with the law, even in countries with relatively developed legal institutions, differences between the law on the books and the law in actual practice inevitably exist. The differences are much greater in many of the developing countries. Thus, adequate methodology involves not only an analysis of the formal legal framework but also a considerable amount of empirical investigation of what people are in fact doing under it. An important part of the analysis stage should, if possible, involve systematic interviewing with such groups as physicians, nurses, pharmacists, public health and welfare officials, educators, prosecutors, judges, lawyers and legislators and a sample survey of public opinion classified according to age, sex, religion, education, occupation, race and geographic region.

Naturally, a successful investigation of this kind would hinge upon full utilization of sociologists who are trained in the preparation of questionnaires, the conduct of field surveys and the evaluation of results. A pilot project undertaken at the University of the Philippines in 1972 demonstrates the feasibility as well as desirability of such interdisciplinary cooperation.

- *Formulation of Recommendations*—The final phase of the review process is the formulation of suggested revisions of laws aimed at the full achievement of "human rights." These revisions should take into ac-

count not only existing laws but the political, social, economic, religious and cultural factors which give rise to such laws. This synthesis of practice and theory and of realism and idealism could help generate the necessary interest in legal reforms as well as provide a basis for concrete action. It is essential to include government officials, particularly policy-makers, in this process.

Four safeguards are built into these projects to ensure that the results will be put to good use instead of languishing on shelves. The first is that any proposal submitted to UNFPA for funding must be accompanied by a Governmental "no objection" to such funding by UNFPA. The relevant Government ministries must therefore examine the usefulness of such a project to the country. Once the approval or "no objection" has been given, there is inevitably an interest in following the development of the project, including its recommendations, by the Government concerned.

Second, the fact that a leading national university is involved in the project means that the research will be undertaken in a semi-autonomous national institution with sufficient academic freedom, yet retaining Governmental connections so that its findings can receive serious consideration by policy-makers, more so than if the project were undertaken by a private institution. It may be noted that, in many countries, there is a great deal of interchangeability between law deans or professors, on the one hand, and government officials like ministers of justice, attorneys general, etc., on the other. There is a natural interest on the part of the latter to follow the progress of the work of their university colleagues.

Third, each of the projects is required to establish a board of advisers consisting of not only academicians, but also high governmental officials to give it guidance and evaluate its work. There would be two-way benefits: These officials, through participation in the project's work, would inevitably broaden their visions, leading hopefully to the

involvement of their own departments or ministries in legal reform. From the standpoint of the project, it could gain considerable insight into political reality, as well as the administrative feasibility of a proposed law change.

Finally, if the project is to have practical effect, its findings and recommendations must be examined by responsible people in the Governments concerned who are in a position to take appropriate action. That is accomplished by the convening of national seminars or conferences where lawyers from the project discuss their recommendations with officials of the various ministries, members of the parliament and outside experts. Such conferences may cover all the topics (as happened in Costa Rica, Indonesia and Sri Lanka) or specialize in one particularly important field (as occurred in Egypt on the subject of pregnancy termination).

A typical law and population project would last two years involving the cooperation of members of law and sociology faculties of a leading national university. Assisted by researchers, they perform the following functions:

- (a) Searching out, compiling and bringing up-to-date all the laws, statutory decrees and decisions which affect, or may affect, population and family planning, as described under "Law Compilation" above;
- (b) Describing customary laws if different from those mentioned above;
- (c) Translating or supervising the translation of the above-mentioned laws into any of three official U.N. working languages;
- (d) Preparing a monograph on *Law and Population* in their countries following a standard outline;
- (e) Describing the procedure for changing the laws of their countries;
- (f) Offering an interdisciplinary seminar on law and population at their universities during the second year of the project;

(g) Requiring the seminar students to draft a proposed set of laws on population and family planning, using as the point of departure the principle that family planning is a basic human right;

(h) Submitting the proposed set of laws to a local board of advisors, made up of distinguished jurists, including high court judges, law professors and leading practitioners, for comment which will be incorporated into the final draft;

(i) Sending copies of the above-mentioned materials to key individuals and organizations in their countries, particularly the ministries of justice, education, health, social affairs, finance, commerce, as well as the attorney general, legislators and educators, as may be appropriate;

(j) Forwarding copies of all the documents mentioned from (a) to (h) to the funding organizations;

(k) Participating in interregional and regional meetings on law and population to exchange views and experiences and to explore the existence of common features in their countries' legal systems related to population;

(l) Promoting national seminars or workshops on law and population to stimulate the awareness of the important role which law plays in population and family planning and to work toward legal reform;

(m) Performing such public services as lecturing and writing in order to explain the significance of the project and its findings; and

(n) Keeping track of new laws affecting population and forwarding their texts to the publishers of *The Annual Review of Population Law* or the proposed *Legislative Series on Population*.

● *Evaluation of Law and Population Projects*—What have been the accomplishments of these projects? Have they led to legal reforms in the countries involved? Have these reforms produced any impact on the well-being of the population? What lessons do they hold for the future?

In the first place, a warning is needed against placing too much expectation on the ability to quantify any direct relationship between law and fertility behavior. Law is only one of many possible causative factors. "Events in the macrosphere of population have to be explained by decisions made in the microsphere of the family and the individual, but that as yet no theory exists which could explain this and which is supported by individual and group psychology." (1)

The evaluation attempted here is limited to examining the recommendations proposed by the various projects for legal reforms. It is conceded that the road is tortuous between the initiation of a process transforming these recommendations into legal reforms and the eventual hoped-for improvement of the well-being of the people concerned. Nevertheless, the longest journey must begin with a first step.

Out of the twenty-five law and population projects which have been established, eighteen have reported, as of April 1976, on the results of their work in compiling, analyzing and reviewing the laws of their countries in the light of the human rights principles as embodied in the various United Nations instruments. These eighteen countries are Brazil, Chile, Costa Rica, Egypt, Ethiopia, Ghana, Indonesia, Iran, Kenya, The Republic of Korea, Lebanon, Malaysia, Mexico, Pakistan, Philippines, Romania, Sri Lanka and Turkey. To these may be added, for the purpose of this monograph, a provisional report from Singapore. These reports either expressly or by implication contain recommendations for law change.

One other aspect of the programme must be understood in evaluating the results of these reports. In several of the countries (e.g., Chile, Mexico), the Governments had already begun the process of law revision while the projects were still at work. Thus, action had already

(1) See Schubnell, H., *Law and Fertility: Procreation, Contraception, Birth* 31 (Wiesbaden: Federal Institute for Population Research, 1974).

been taken as to some laws which might otherwise have been dealt with in the reports, and no recommendations were necessary. To this extent, therefore, the data here dealt with do not reflect the full scope of the projects' findings for legal change.

All of the projects worked on the basis of the Law and Population Classification Plan prepared by the Librarian of the Harvard Law School. The Plan lists those categories of law which are deemed to affect population directly or indirectly. Each project examines the laws of its country in order to determine whether they are in conformity with the human rights principles already accepted by its own Government. After reviewing these laws, most of the projects made specific recommendations as to possible amendments.

The great majority of the recommendations are concentrated in the following general fields, arranged in the order of interest shown in them by the number of countries involved:

Need for clear national policy, plan and organization framework relating to population: twelve countries;

Liberalizing abortion law: twelve countries;

Improvement in the status of women (including marriage, divorce, personal status, education, job opportunities and inheritance): twelve countries;

Availability of contraceptives: eleven countries;

Incentives and disincentives (raising questions of family allowances, housing, maternity benefits, taxation): ten countries;

Raising the minimum marriage age: nine countries;

Child protection (including inheritance rights, filiation, support of children, health and medical assistance, compulsory education and child labor): nine countries;

Sex education: seven countries;

Voluntary sterilization: seven countries;

Old-age security: seven countries;

Population education: five countries;

General education: five countries.

It may be of interest to note that none of the projects made recommendations regarding the laws on sex crimes (*e.g.*, rape, incest, homosexuality, prostitution, etc.).

These results, covering all the major regions of the world, may well reflect the general concern with areas of law which need to be reviewed. The substantive recommendations for legal reform in each of these areas are briefly described below:

Twelve of the project-reports express concern that the population issue has arisen so suddenly that their Governments have not, as yet, established clear and effective policies or programmes, and that existing laws affecting fertility are uncoordinated or may work at cross purposes. Since most of these laws were originally adopted for reasons other than population policy, some are pronatalist and others are anti-natalist in effect. The reports call on Governments to decide what their national population policies are, and to give coordinated direction to the officials and the organizations which administer the laws.

All the Latin American reports raise this issue. In the case of Chile, the project report points out that, without a clear policy, the population problem cannot be dealt with effectively. Costa Rica points out that there are many organizations in the field, but they cannot act effectively without policy direction. The family allowances law may be having an effect contrary to a national population policy, as may the laws on land tenure, migration and rural development. Thus, the report from Costa Rica expresses the need for a general population law similar to that of Mexico. The Brazilian project recommends that its Government announces a policy specifically recognizing the human right to family planning and take steps to make it available to all. Both the Costa Rican and Chilean reports call for a high-level governmental body to carry out the declared policy.

Similar recommendations came from the other regions. The report from the Republic of Korea calls for a separate high-level government

agency for population problems, working directly under the President. It would provide economic, social, legislative and other means of population control and would replace the Government's present reliance solely on the Ministry of Health. It would also formulate a long-term population plan, coordinate the activities of the organizations involved and conduct research. The Sri Lanka report calls for the establishment of a new seat in the Cabinet for population affairs and an inter-ministerial coordinating committee. It suggests that the Parliament appoint a special committee to consider the population effects of new laws under consideration. The Indonesian report suggests that the law and population project be continued for consultation by the Government on the population aspects of new laws. The Pakistan report calls on the Government to adopt a policy giving population planning a high priority, and to make it a part of all industrial and agricultural planning. The Egyptian project recommends that "a well prepared plan should be adopted to increase awareness of the aims of this vital national project" (the dissemination of family planning). The Philippine Government had already taken these steps, but the report suggests that the work be supplemented by improving the country's vital statistics as the basis for policy planning.

The Thai project draws attention to the following provision included in the New Constitution of Thailand:

The State should have a demographic policy appropriate for natural resources, economic and social conditions and technological progress for the purpose of economic and social development and for the security of the State.

In Africa, the Kenyan report calls on the legislature to take action to change out-dated, pro-natalist laws and set a new national policy. It also calls for a new comprehensive family planning law. The Ghanaian report calls for a comprehensive population code which will harmonize the laws bearing on population "in order to promote rather than frustrate declared national policy." The Ethiopian report states that the new Government has, as yet, no population policy, and that

such a policy is necessary "as a component of developmental programmes."

Twelve of the reports discuss the existing abortion laws in their countries and conclude that they should be liberalized, some advocating only slight changes in general terms while others go much further, including termination on request during the early stages of pregnancy. Most point out that abortion is a serious health danger in their countries and should be dealt with from a public health point of view.

The Chilean report refers to the need for a law in line with governmental policy, existing social realities, human rights and prevailing social values. The reports from Lebanon and Indonesia advocate that abortion be authorized on health or medical grounds, with Indonesia suggesting that social and economic grounds also be considered. The Sri Lanka report suggests that abortion be permitted on grounds of physical or mental health, and in cases of rape, incest or threatened abnormalities in the foetus. The Iranian report states that abortion should be "decriminalized" and put into the hands of competent medical personnel. It advocates that abortion be authorized on health, psychological and socio-economic grounds. The report places emphasis on avoiding unwanted babies.

The Ghanaian report favours the most liberal of three drafts pending in its legislature. This would permit abortion for reasons which include the mental health of the mother and the family's inability to care for the child either on physical or economic grounds. The Turkish report calls for general liberalization of abortion laws, and the Malaysian report recommends it in cases of "contraceptive failure, rape or incest." The Egyptian report calls for "radical legislative change in order to meet present-day conditions, and to determine expertly the causes which justify abortion." The report points out that certain schools of Islamic law are more liberal than the present civil law of Egypt which was influenced by Europe.

To complete the list: The Kenyan report advocates abortion on request. The Pakistan report urges acceptance of economic and other grounds, including the wife's fears of labour pains or desires to preserve her health and well-being. The Ethiopian report recommends that social and economic grounds be accepted and that paramedical personnel be trained to perform abortion operations.

Twelve reports recommend specific steps to improve the legal status of women. The recommendations cover such related issues as economic status, access to education and employment, inheritance, polygamy, the extended family, common law marriages, and divorce.

The reports from Costa Rica and Mexico in Latin America, as well as those from Egypt, Indonesia, Iran, Republic of Korea, Pakistan and Turkey in Asia, all raise the issue of women's economic status. The Costa Rican report recommends that the Government's population policy take into account the demographic importance of women's education and equal participation in the economic development of the country, which should be encouraged. The Mexican report questions by inference the right of a husband, under Mexican law, to oppose his wife's obtaining employment if he can show that this would infringe upon her household duties. The Asian countries call for specific measures to encourage employment for women. The Indonesian report calls for jobs for women in the villages, more employment-oriented education for women and equal pay for equal work. The Iranian report stresses the difficulty which a woman encounters in finding a job, and finds it unjust that women get no recognition for the work they do in the home. The report from the Republic of Korea recommends that women be encouraged to enter the professions as well as other types of work. The Pakistan and Turkish reports are equally insistent on such steps, with Turkey giving education and employment for women first priority.

Related to the question of economic status are the comments on inheritance laws. The reports from Indonesia, Iran and Singapore recommend changing the Moslem customary law, which gives daughters

smaller shares than sons, so as to give women more economic independence. The report from the Republic of Korea calls for a similar change in connection with the general problem of equality for women. The report from Ethiopia states that, in fact, women do not inherit, and as a result, their economic status is weakened.

Another major preoccupation of the Egyptian, Indonesian, Iranian and Sri Lankan reports is the protection of divorced women, including the matter of child custody. The Iranian report points out in some detail the weakness of a married woman's position. Until the adoption of a new law in 1974, a woman could be divorced on many grounds and find herself without alimony, without job opportunities and without the custody of her children. This forced her to bear as many children as her husband demanded. The report calls for reforms in this field, and in particular, for guaranteed and enforceable alimony rights. The Indonesian report contains similar findings and recommendations, and the Sri Lankan report calls for the liberalization and formalization of divorce. The report from the Republic of Korea recommends that divorced mothers get custody of their infant children.

There are several references in the reports to the pro-natalist effects of the extended family on fertility. For example, the report from the Republic of Korea recommends the weakening of the (male) family head system and points to the effect of the extended family system in discouraging responsible parenthood. On the other hand, the Kenyan report feels that "the extended family still has a place in the modern state and in a way contributes to the general welfare."

Common law or "free" marriages are referred to in several reports, including those of Mexico and Sri Lanka. The fear is expressed that such marriages might weaken the effect of raising the legal marriage age.

Restriction of polygamy is advocated by the reports from Egypt, Iran and Indonesia in the light of its effect on the status of women, while the Turkish report seeks to end it.

Many reports call for entirely new liberal and comprehensive laws on contraceptives. The Brazilian and Indonesian reports suggest the repeal of the old laws forbidding contraception and the adoption of new laws stressing the human right to contraception and to information about it. The Kenyan report suggests that contraceptives no longer be treated under the "Poisons" law. The Singapore report suggests amendment of the law which now lists contraceptive use as a ground for divorce, and the Pakistan report calls for a new comprehensive liberal law based on the experience and language of the reformed laws of other countries. The reports of Brazil, Ethiopia, Mexico and Sri Lanka all stress the desirability of dissemination of contraceptive information to the public through advertising and publicity.

A number of reports are concerned with getting lower prices for contraceptives. Thus, Indonesia and Mexico call for removal of import barriers such as customs duties and lengthy formalities. The Republic of Korea calls for removal of duties on raw materials used for contraceptives. Mexico and Turkey call for free distribution of contraceptives to the poor, and Ghana calls for government price fixing to "ensure that their prices are within the means of the average person."

The requirement of a prescription for the purchase of contraceptives is attacked in a number of reports. Mexico and Indonesia suggest that this requirement be reduced to a minimum. In a number of countries such as Chile and Pakistan, former regulations requiring prescription of pills and insertion of IUD's by physicians were repealed during the course of the project's work.

The removal of older pro-natalist incentives and the adoption of anti-natalist incentives and disincentives are advocated in different forms by ten countries.

Thus, the Ghanaian, Indonesian, Malaysian and Pakistani reports call for limiting the number of children for which maternity rights and leaves with pay may be claimed. The Indonesian report suggests a maximum of four children; Malaysia, three; and Pakistan, two. The Philippine Government, during the period of the project's work, limited maternity benefits to four pregnancies.

Similarly, the Indonesian, Brazilian, Costa Rican and Turkish reports suggest limiting the number of children for whom allowances may be claimed even though it is admitted that these allowances do not cover the actual expenses of raising children. The Brazilian report questions the value of such allowances. The Sri Lanka report considers the eventual withdrawal of all social welfare benefits, such as special food rations, medical aid, housing, etc., from big families.

The limitation of tax exemptions for dependents to a certain number of children is suggested as an incentive for the small family norm by the reports from the Republic of Korea, Pakistan and Indonesia. Indonesia suggests stopping them after four children, while Pakistan suggests a limit of two or three children. Pakistan would extend the use of tax incentives to gift taxes and estate duties, and Sri Lanka suggests giving tax deductions to employers who supply family planning service to their employees, and can prove effective results. (The Philippines restricted tax exemptions to four dependent children in 1972.)

Three projects recommend the use of housing as an incentive. Sri Lanka advocates the withdrawal of housing priority for large families, and Republic of Korea and Pakistan advocate that government-financed apartments be used to discourage the extended family system.

Several reports (Indonesia, Brazil and Mexico) comment adversely on wage payments which are based on the number of children an employee may have. Although specific recommendations to change these are not made, this is implied.

A number of special suggestions are made in various reports which may be of interest. Thus, the Sri Lanka report suggests that the Government pay a "no-baby-bonus" as an incentive. The Republic of Korea advocates the exemption of single sons from military service so as to discourage efforts by parents to produce more sons. Pakistan advocates educational preference for the first two children and preferences in land allotment for families with three or fewer children. Indonesia suggests that health insurance and allowances for medical treatment be limited to the first three children, and health measures be promoted to reduce child mortality and "thereby induce the preference for small families." (Although Singapore project's recommendations are not yet available, the Government has already put into effect a number of incentives such as high accouchment fees after the second child, education and leave advantages for sterilized couples, etc.)

Nine of the reports advocate a rise in the minimum marriage age, particularly for women.

Although not all of the reports suggest a specific ideal minimum age, those that do suggest minimum ages for girls vary from sixteen (Indonesia) to eighteen (Sri Lanka).

The Mexican report is concerned as to whether this rise will not merely lead to more "free marriages," and the Costa Rican report advocates accompanying the change with a provision for more education, presumably to forestall this result. Although the Egyptian report does not advocate raising the present minimum marriage age of sixteen (for girls), it recommends that the present law be enforced.

The strengthening of child protection laws is advocated by nine of the reports. A major recommendation concerns the tightening of child labor laws as suggested in the reports from Ethiopia, Ghana, Lebanon and Chile. This would be accompanied by increased availability of education to take the time freed from child labor. These changes would

make the children less economically valuable to the parents and would put more of a support responsibility on them. The Republic of Korea, in fact, suggests that the first two children be given free secondary education, and that the parents be required to pay for such education for all subsequent children.

The rights of illegitimate children are discussed in the reports from Costa Rica, Mexico, Chile, Indonesia, Singapore and Turkey. These rights include the right to support from natural fathers and an equal claim on their estates after their deaths. The effect of this on irresponsible fatherhood would appear obvious. The Chilean report is particularly insistent on reforms in the procedures for the protection of such children.

Ten reports call for the effective introduction of sex education into school education. These reports are from Costa Rica, Egypt, Ghana, Iran, Lebanon, Mexico and Turkey.

In Costa Rica, the recommendation is based on the need for "responsible parenthood," in Mexico, the law calling for sex education is now being implemented, with UNFPA support. The Ghanaian report states that "better sex education in the educational institutions is seen as an essential component of the family planning programme."

Many reports also stress the importance of public information programmes on family planning outside the formal education system, for example, through the mass media.

Seven reports refer to the somewhat anomalous status of their countries' laws on voluntary sterilization. Several of these point out that whereas the procedure is being carried on by official programmes or by respectable doctors, it may be, strictly speaking, illegal. All of the reports recommend that the law be clarified. All but one of these recommend that voluntary sterilization be specifically legalized under proper controls. The Sri Lanka report recommends cash and other incentives for sterilization similar to those now offered in Singapore.

Seven reports, from Asia and Africa, refer to the importance of old age protection as an anti-natalist factor. The report from the Republic of Korea calls for the swift implementation of an old age and medical protection law (temporarily suspended), since it will de-emphasize male preference, which is an important factor in the Republic of Korea. The Kenyan report stresses that the need for old age protection is a strong motive for childbearing and suggests that this protection be provided by the Government. The same line is taken in the Indonesian, Iranian, Lebanese and Sri Lanka reports.

Population education is concerned with the causes, nature and consequences of population dynamics and related social and economic problems. It is involved only indirectly with sexuality. Population education is recommended in the reports from Costa Rica, Indonesia, the Republic of Korea, Pakistan and Turkey.

The report from the Republic of Korea calls for the incorporation of material on population at every level of primary education. The Indonesian and Pakistan reports emphasize the development of moral attitudes toward parental responsibility for population growth.

Four reports (Indonesia, Lebanon, Mexico and Pakistan) lay stress on education in general as an important factor in slowing demographic growth. Indonesia points out the need to make education available if child labour laws are to be enforced. The Ethiopian report states: "of all the measures of social reform that have an effect on the family, compulsory education laws and child labour laws must be considered in the forefront."

Notwithstanding the cultural differences among the various regions, it is surprising that so many of the reports should contain similar recommendations. However, it may be possible to suggest, on the basis of the first eighteen reports received, certain possible regional tendencies. Among these are the following:

As to the need for a clearly expressed and coordinated official population policy and programme, the Latin American reports seem to be the ones which lay the most stress on the need for Governmental action. There may be a number of reasons for this, including the fact that the population question has only recently become a matter of concern in the region, and there may be a considerable degree of confusion with regard to what the proper Government policy in the field should be.

As to incentives and disincentives, the Asian countries, particularly those which are having acute difficulties with population pressure, appear to be most interested, with Indonesia, the Republic of Korea, Pakistan, Singapore and Sri Lanka taking the strongest line. It is primarily in Asia that Governments have adopted an official anti-natalist stand.

On the question of abortion, the religious factor has undoubtedly influenced the reports from the Latin American countries. The reports from the Moslem countries appear to reflect the fact that some Moslem authorities do not consider the termination of pregnancy before foetal viability as forbidden by Islam.

As to child protection, it is not surprising that this question was of special concern to the Latin American countries, which have, for some time, been concerned with problems of illegitimacy and responsible parenthood.

On the other hand, it may be surprising that none of the Latin American reports appear to be particularly concerned with the need for old age protection — just the reverse of the Asian reports which see government-provided old age security as a means of discouraging large families.

Finally, the contrast between the Latin American reports and the Asian reports in the education field is striking. The former express considerable interest in sex education, stressing responsible parenthood, while

the latter, in light of cultural objections in Asia against sex education in schools, lay particular stress instead on population education.

It will be interesting to see whether later reports will confirm the above indications.

Other Population Projects
UNFPA's involvement in law and population is not limited to the law and population projects. A number of other projects which seek to complement and make more meaningful the work of these projects have also been supported by UNFPA:

- *United Nations Symposium on Population and Human Rights*—As one of four preparatory symposia supported by UNFPA to pave the way for the World Population Conference, the United Nations Symposium on Population and Human Rights was held in Amsterdam in January 1974. This Symposium was unique in that its theme permeated all the other symposia as well as the parent conference. It is therefore no accident that the World Population Conference and the resultant World Population Plan of Action should be identified so closely with the principles of human rights.

- *UNESCO Workshop on the Teaching of Population Dynamics in Law Schools*—Since an important component in a law and population project is the offering of an interdisciplinary seminar on law and population at the university, it is essential that a textbook on law and population for law students be made available for the use of the seminar. For the purpose of preparing such a textbook, UNESCO, with support from UNFPA, organized a Workshop on the Teaching of Population Dynamics in Law Schools in Paris, February 1974. The Workshop was conducted with the cooperation of the Law and Population Programme of the Fletcher School of Law and Diplomacy, Tufts University (administered with the cooperation of Harvard University). Eight background papers were commissioned covering such areas as law,

economics, education, psychology, demography, sociology, public health, and political science and public administration. Forty law deans or professors from all regions of the world participated in a four-day workshop. It was decided that an international Editorial Advisory Committee be established to assist in the editing of a text, *Readings on Population for Law Students*. At this writing, the text is in the press.

● *Symposium on Law and Population* — The symposium on Law and Population which was held in Tunis in June 1974 has been mentioned earlier in the report. Over one hundred experts in the fields of law, medicine and social sciences from fifty countries participated in the Symposium in their individual capacities to exchange views and experiences and to explore the existence of common features in their countries' legal systems related to population. Ten background papers were prepared covering such topics as the status of women, incentives and disincentives, family relations, contraception, voluntary sterilization, abortion, para-medical personnel, and the roles of national and local Governments and the United Nations system in population. The Symposium adopted recommendations on the above-mentioned subjects in addition to those on the rights of the child, social security, migration, the role of non-governmental organizations, etc.

The English edition of the proceedings, background papers and recommendations of the Symposium was published by UNFPA in 1975. The French edition is planned to be published by the Tunisian Government for UNFPA in 1976.

● *Regional Seminars on Law and Population* — A series of regional seminars on law and population have been co-sponsored by UNFPA to test the validity and applicability of the recommendations adopted by the Tunis Symposium on Law and Population in the regional and national setting. Participants usually include Governmental officials, Family

Planning Association officials and law and population project directors. These seminars have thus far been held in Nairobi (for Anglophone Africa, November 1974), Lomé, Togo (for Francophone Africa, March 1975), and Jakarta (for South and Southeast Asia, July 1975). Another seminar is to be held in Alexandria, Egypt for the Middle East and North Africa in late 1976. The proceedings, background papers and recommendations of all of these seminars will be published by the host organizations.

It may be observed that, notwithstanding regional variations in cultural, religious, economic, social, political and legal factors, many recommendations of the Tunis Symposium have received repeated endorsements from the regional as well as national seminars held to date.

● *Publications*—In addition to the publication activities described in the preceding sections, two more may be mentioned here.

The United Nations and Population: Major Resolutions and Instruments is a 212-page compendium which was published as reference material for the World Population Conference in Bucharest, August 1974. As the Secretary-General noted in his Foreword, the compendium contains also material on "health, education, employment, food supplies, housing, and environment"—all of which affect population. In addition to the United Nations Charter and United Nations sponsored conventions, declarations and proclamations, the compendium includes excerpts of relevant resolutions of the General Assembly, the Economic and Social Council, the regional commissions, the specialized agencies and such other United Nations bodies as UNCTAD, UNIDO, UNICEF, and UNFPA.

The English edition was published by UNFPA in 1974 in time for distribution at the World Population Conference in Bucharest. Both the French and Spanish editions will be published in 1976.

Survey of Contraceptive Laws: Country Profiles, Checklists and Summaries was originally prepared as a report for UNFPA's International Contraceptive Study Project (ICOSP) on laws regulating contraceptive supply, demand and procurement in some 140 countries. In view of widespread interest in such a report, UNFPA decided to publish it after verification of its data by UNFPA coordinators in the field, UNDP resident representatives, officials of IPPF and its regional offices and country affiliates, as well as officials of the relevant ministries in countries surveyed. The volume will be published in the summer of 1976.

Momentum for Legal Change

The country reports draw attention to a gathering momentum of change in population law around the world. These changes have taken place in both developing and developed regions of the world.

The principal cause for this trend has been the quickly spreading awareness of the population problem which has developed relatively suddenly since World War II, and the growing acceptance of the human rights principles. The effect of these factors has been intensified by the various United Nations declarations in this field, and, in particular, the activities relating to the United Nations World Population Year in 1974 and International Women's Year in 1975. The law and population activities supported by UNFPA have also contributed their share in accelerating this trend, particularly in the developing countries. For the action of one country in amending its laws in the population field cannot fail to influence the attitudes of its neighbors who share similar cultural, economic, social and demographic conditions.

The following summary of events which took place in 1974-1975 illustrate the degree to which change in the world's population laws is occurring.

General population policy: Australia and Belgium established parliamentary commissions to study their laws on contraception, sterilization

and abortion with a view to a general revision; Chile, Ecuador, Egypt, and El Salvador established permanent high-level executive commissions and councils to advise on national population policies and to coordinate programmes; Mexico, Thailand and Yugoslavia added provisions to their Constitutions on the subjects of population and family planning; the Philippines adopted a general order in support of the objectives of World Population Year, and the Venezuelan Government pledged the formulation of a national population policy and took responsibility for the provision of family planning services to all its people.

Sterilization: Austria, Chile, Denmark, the Philippines, Singapore, and some states of the United States have adopted laws or reinterpreted laws specifically to authorize voluntary sterilization. El Salvador gave official support to a general programme to make it available to its citizens; and a Swedish Government committee recommended a draft law to Parliament (adopted in 1975) which makes sterilization available to persons over twenty-five years of age.

Contraception: Argentina took steps to limit the spread of contraceptives, but Belgium, the Province of Ontario in Canada, France, the Federal Republic of Germany, India, Japan, the Philippines, the United Kingdom and various states of the United States adopted laws or regulations designed to increase their availability. Chile and Fiji authorized prescription of pills by nurses and mid-wives.

Pregnancy termination: Austria, Bulgaria, Cyprus, Czechoslovakia, France, the Federal Republic of Germany, Hong Kong, Singapore and Sweden liberalized their abortion laws during 1974. In the cases of Austria, France, Singapore and Sweden, abortion was legalized on a request basis during the first stages of pregnancy. Meanwhile, the parliaments of Ghana, Norway and Switzerland began consideration of similar liberal laws. In the United States a number of state governments adopted new laws based on the Supreme Court decision in 1973

that access to abortion in the first trimester is a woman's right. The law of the Federal Republic of Germany ran into constitutional difficulties, but a new liberal bill was submitted to the parliament and is now under consideration there.

Status of women and minimum marriage age: Colombia, France, the Federal Republic of Germany, Indonesia and Iran raised the minimum marriage age for women. More significantly, Colombia, Indonesia and Iran adopted new comprehensive marriage laws designed to equalize the status of the wife with that of the husband, both in marriage and divorce. Finally, Colombia and the Philippines adopted laws providing day care centers for the children of working mothers, which will assist efforts of all women to take employment outside their homes.

Child protection: Colombia's 1974 marriage law contains provisions which make parents liable to reimbursement for outside support given to their children and which protect a child's earnings from being taken by its parents.

Incentives: the Philippines limited the number of pregnancies for which a woman employee can claim maternity benefits to four, and required employers of more than 200 employees or who operate clinics for their workers, to offer family planning services (in 1973). Egypt and Indonesia's new income tax laws cut off the number of deductions which may be claimed for dependents: Egypt's law stops after one child, and Indonesia sets a maximum of six dependents (including wives). A Philippine law requires the Department of Labor to develop bonus schemes to encourage small families.

Education: the Canadian province of Ontario embarked on a full information and education programme, and the Human Rights Commission of the Council of Europe upheld the Danish compulsory sex education law as not inconsistent with the European Convention on Human Rights. Also, the Mexican General Law on Population of 1974

and the Sanitary Code of 1973 call for a programme of family planning education in the public schools, the French Ministry of Education has announced that teaching on contraception will be made compulsory in all secondary schools as of September 1976, and Sri Lanka broadened the scope of its population education curricula in 1975.

The eighteen reports discussed above, as well as other data collected by the international law and population project point out three major trends.

First, There is a felt need in each country to remove obsolete laws and enact new laws to further population policies and human rights. *Second*, Despite the differences which exist among the world's regions, the reports from all the regions have tended to emphasize the same fields of law as needing reform. These include access to the knowledge and means of family planning, improvement in the status of women, and decriminalization of voluntary sterilization and pregnancy termination in the early stages. *Third*, emphasis is placed on the need to transform recommendations for legal reforms into actual reforms and implementation thereof.

Previous Page Blank

APPENDIX

OUTLINE OF LAW AND POPULATION CLASSIFICATION PLAN

- 100 Fertility regulation
 - 110 Sterilization
 - 120 Contraception
 - 130 Abortion
- 200 Family status and welfare
 - 210 Marriage
 - 220 Termination of marriage
 - 230 Extended family obligations
- 300 Children and child welfare
 - 310 Support of children generally
 - 320 Protection of children
 - 330 Artificial insemination
 - 340 Legitimacy of children
 - 350 Registration of births
- 400 Criminal offences penology
 - 410 Criminal law treatment of sexual activity
 - 420 Penology (as affecting ability of prisoners to continue family relations)
- 500 Public welfare
 - 510 Family allowances generally
 - 520 Housing assistance programmes
 - 530 Maternity leaves and benefits
 - 540 Old age and retirement benefits
 - 550 Death benefits to survivors
 - 560 Labour protection and employment standards
 - 570 Personal status and integrity
 - 580 Personal mobility (intra and international migration)

- 600 Public health
 - 610 Health insurance and medical assistance
 - 620 Hospital insurance and public clinics
 - 630 Control of medical facilities
 - 640 Medical profession (licensing, education and regulation)
 - 650 Drugs and pharmaceuticals
 - 660 Food distribution and control
 - 680 Environmental protection programmes (efforts to control population growth as a means of protecting the environment)
- 700 Education
 - 710-720 Compulsory education
 - 730 Literacy programmes
 - 740 Adult education programmes
 - 750 Financial assistance to education
 - 760 Educational opportunities for women
 - 770 Education affecting population directly (health, sex, marriage, contraception and population)
- 800 Property and economic factors
 - 810 Income distribution measures generally
 - 820 Taxation
 - 830 Land tenure and land improvement programmes
 - 840 Distribution of decedents' property
 - 850 Employment guarantee and public works programmes
 - 860 Guaranteed wage and income subsidies
- 900 Miscellaneous
 - 910 Military service
 - 920 Religious law
 - 930 Other