Legal Handbook on Contraception, Voluntary Sterilization and Abortion

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PREFACE

During the last few years, family planning has been recognized not only as an important concomitant to social and economic development, but also as a basic human right. Consequently, according to the 1969 United Nations Declaration on Social Progress and Development, couples are entitled to receive not only the "knowledge," but also the "means necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children." This has been reaffirmed by the World Population Plan of Action adopted by the World Population Conference in Bucharest in 1974 and the World Plan of Action adopted by the World Conference of International Women's Year in Mexico City in 1975.

The present handbook covers the laws on contraception, voluntary sterilization and abortion of 135 countries. It is divided into two parts: The first part is a country-by-country survey of the relevant laws; the second part consists of checklists designed to enable the reader to make general cross-country comparisons on a number of topics.

With increasing world-wide support for family planning programs, as well as the constant improvement of techniques for pregnancy avoidance and termination, the laws are certain to change continually. Nevertheless, it is hoped that this handbook will be of use to those presently involved in the population field.

In general, the scope of the handbook is limited to the de jure situation, although notations are made where the actual practice clearly runs contrary to the law. In the case of contraception, the de facto situation is often noted, especially where a government program or Family Planning Association is involved and the laws are unclear. With respect to voluntary sterilization (except where specific

1Article 22(b) of General Assembly Resolution 2542 (XXIV), adopted on 11 December 1969.


3ECOSOC, International Women's Year: Note by the Secretary-General (U.N. Doc. E/5725), paras. 19, 142.

4For example, the new techniques of early uterine aspiration raise interesting legal questions, since a physician must evacuate the contents of a woman's uterus without knowing if she is actually pregnant. See Luke T. Lee and John M. Paxman, Legal Aspects of Menstrual Regulation (Law and Population Monograph No. 19, Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts 1974).
legislation applies) the criminal law which conceivably would apply is mentioned; in most cases, however, no information is available as to whether the criminal law actually is enforced against those performing sterilization operations. Penalties for different offenses are noted where clearly applicable.

Several important references, of which extensive use has been made, should be noted. The World's Laws on Contraceptives and The World's Laws on Voluntary Sterilization for Family Planning Purposes are two useful monographs by Jan Stepan and Edmund H. Kellogg. The World Health Organization publication, International Digest of Health Legislation, proves to be very useful. Also of value are the various publications prepared by Henry P. David and the Transnational Family Research Center, in Washington, D.C. Finally, much reliance is placed on various materials of the International Planned Parenthood Federation (IPPF).

Most of the data presented in this handbook have been verified by United States Agency for International Development (AID) missions. In addition, since the material on contraception has formed a separate study on "Laws Regulating Contraceptive Supply, Demand and Procurement," for the International Contraceptive Study Project (ICOSP) of the United Nations Fund for Population Activities (UNFPA), its content has been verified, wherever feasible, by responsible officials in each country through UNFPA Coordinators, Resident Representatives of United Nations Development Programme (UNDP), and IPPF and its affiliates around the world. The final product thus represents a collaborative effort involving governmental, non-governmental and international organizations. To all of the officials who have contributed to this compilation, an expression of gratitude is due, although space regrettably prevents the naming of each of them individually. The cut-off date for material to be included in this volume is 14 November 1975.

The Law and Population Programme is particularly indebted to Jill Metcalf and Bernard Wolf, both Research Fellows at the Programme, whose painstaking efforts at the detailed compilative task have made this handbook possible.

See Law and Population Monograph Series Nos. 8 and 17.
LIST OF COUNTRY PROFILES

Afghanistan
Albania
Algeria
Argentina
Australia
Bahrain, Quatar,
   Oman (& the United
   Arab Emirates)
Bangladesh
Barbados
Belgium
Bolivia
Botswana
Brazil
Bulgaria
Burma
Burundi
Cameroon
Canada
Central African
   Republic
Chad
Chile
China, People's
   Republic of
Colombia
Congo, People's Republic
   of (Congo-Brazzaville)
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dahomey
Denmark
Dominican Republic
Ecuador
Egypt
Eire (Ireland)
El Salvador
Ethiopia
Fiji
Finland
France
Gabon
Gambia
German Democratic
   Republic
Germany, Federal
   Republic of
Ghana
Greece
Grenada
Guatemala
Guinea
Guyana
Haiti
Honduras
Hong Kong
Hungary
Iceland
India
Indonesia
Iran
Iraq
Israel
Italy
Ivory Coast
Jamaica
Japan
Jordan
Kenya
Korea, Democratic
   People's Republic
of (North Korea)
Korea, Republic of
   (South Korea)
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libyan Arab Republic
Luxembourg
Malagasy Republic
Malawi
Malaysia
Mali
Malta
Mauritania
Mauritius
Mexico
Monaco
Mongolia
Morocco
Nepal
Netherlands
New Zealand
Nicaragua
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Norway
Pakistan
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Papua and New Guinea
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Saudi Arabia
Senegal
Sierra Leone
Singapore
Somali Democratic Republic
South Africa
Spain
Sri Lanka
Sudan
Swaziland
Sweden
Switzerland
Syrian Arab Republic
Taiwan
Tanzania, United Republic of
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
Union of Soviet Socialist Republics
United Kingdom
United States of America
Upper Volta
Uruguay
Venezuela
Yemen Arab Republic
Yemen, People's Democratic Republic of (South Yemen)
Yugoslavia
Zaire
Zambia
I. CONTRACEPTION

A. Government Policy: Although the Government does not have a population policy or programme, family planning for spacing purposes is accepted as part of the family health services to be offered through the basic health network. A semi-government Family Guidance Association, founded in 1968, presently operates 19 clinics, offering family planning services.1

B. Import: Condoms and pills are imported. Since pills are classified as pharmaceuticals, they must be imported and distributed in accordance with the regulations administered by the Ministry of Public Health.2

C. Manufacture: None.

D. Sale of Condoms: Sold by sidewalk vendors, and available in smaller towns in most "general stores."3

E. Sale of Pills: Stated Ministry of Health policy is that oral contraceptives are not prescription drugs. However, see item B.4 Pills are distributed at clinics of the Family Planning Association.5

F. IUD: Inserted at clinics of the Family Planning Association.6

G. Advertisement: Condoms are prominently displayed.7

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: None.8

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.9 Anyone who causes an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from six months to one year and a fine of 200 rupees. (Section 126).
B. Medical: Presumably abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Afghanistan


3 Ibid.

4 Ibid.


6 Ibid.

7 Supra, note 2.

8 Although there is no specific or general statutory provision relating to voluntary sterilization, Moslem religious law (generally interpreted as forbidding voluntary sterilization) may apply. See Jan Stepan and Edmund H. Kellogg, The World's Laws on Voluntary Sterilization for Family Planning Purposes (Law and Population Monograph No. 8), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1973).
Footnotes Afghanistan (Cont.)


ALBANIA

I. CONTRACEPTION

A. Government Policy: The government sponsors no family planning programs. No family planning program exists.

B. Import: No contraceptives are imported.

C. Manufacture: No contraceptives are manufactured.

D. Sale of Condoms: No information available.

E. Sale of Pills: No information available.

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 145 of the Penal Code provides penalties for injuring another. "Social dangerousness" is required for criminal liability (Section 3).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for up to five years. A woman who wilfully induces her own miscarriage may be imprisoned for one year (Section 155).

B. Medical: Presumably, an abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Albania


2 Ibid.

3 IPPF, "Abortion: A World Survey," Supplement to IPPF News/March 1972. Note that under the Albanian Penal Code it is a crime not to protect another's life (Article 157) or health (Article 158) where it is possible to do so.
I. CONTRACEPTION

A. Government Policy: Generally opposed to the dissemination of contraceptives. Since 1967, however, the Government has run pilot family planning clinics in hospitals in Algiers.

B. Import: Ordinance No. 69-14 of March 25, 1969 grants exclusive importation rights for pharmaceuticals to the Algerian Central Pharmacy. However, whether the import of contraceptives is permitted or forbidden by law is unclear. See item C.

C. Manufacture: Unclear whether the manufacture of contraceptives is forbidden by law, because the new Algerian Penal Code of June 8, 1966 contains no provisions on this subject. However, since Algeria was a former department of Metropolitan France, the French law of July 31, 1920 may still be in force. According to this law, the manufacture of contraceptives would be forbidden.

D. Sale of Condoms: Unclear. See item C.

E. Sale of Pills: Unclear. See item C.

F. IUD: Unclear. See item C.

G. Advertisement: Unclear. See item C.

H. Transportation: Unclear. See item C.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: The Penal Code (Ordinance No. 66-156 of June 8, 1966) provides penalties for wounding, or causing another to suffer a total loss of the use of one of his members (Section 264).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine (Section 304). Harsher penalties are imposed on doctors and physicians (Section 306). A woman who wilfully induces her own miscarriage may be imprisoned, for from six months to two years, and fined (Section 309).
B. Medical: Abortion is permitted to save the life of the mother, when it is performed by a physician after he has notified the administrative authorities.6

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Algeria

1 Unless otherwise indicated, all of the material on contraceptives is taken from Jan Stepan and Edmund H. Kellogg, The World's Laws on Contraceptives (Law and Population Monograph No. 17), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1974).


3 See infra, note 4.


5 Ibid.

ARGENTINA

I. CONTRACEPTIVES

A. **Government Policy:** Unfavorable. In 1974, the Government by *Executive Decree* (No. 659 of February 28, 1974) forbade the dissemination of birth control information, and closed the existing family planning institutions.

B. **Import:** The import of contraceptives in finished form is forbidden. *Quaere* whether condoms may be legally imported as prophylactics.

C. **Manufacture:** Contraceptives may be manufactured, but they must be officially tested and registered.

D. **Sale of Condoms:** Unclear. See item A. Formerly sold in vending machines.

E. **Sale of Pills:** The pill can be provided only on a medical prescription in triplicate.

F. **IUD:** Formerly available in registered pharmacies, but see item A.

G. **Advertisement:** Prohibited.

H. **Transportation:** In information available.

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 91 of the Penal Code of Argentian (Ordinance No. 66-156 of June 8, 1966) prohibits causing an injury that produces permanent or "probably incurable" loss of the "capacity to engender or conceive."²

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for from one to four years (Section 85), and a woman who wilfully induces her own miscarriage is subject to the same penalty. (Section 88).

B. **Medical:** A licensed physician may perform an abortion to save the life or health of the mother (Section 86).
C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Abortion is permitted in cases where the pregnancy has resulted from rape, provided criminal proceedings have been initiated (Section 86).

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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**Footnotes Argentina**


2*Codigo Penal de la Republica Argentina* (Cordoba: Libreria y Editorial Orbir, 1968).

I: CONTRACEPTION

A. Government Policy: Federal Australian Government now has a special adviser on Family Planning and is moving towards setting up a full department under Federal Health. A Family Planning Association was formed in 1926.1

B. Import: Permitted. Procedures for the evaluation of oral contraceptives to be imported have been set up by the Australian Drug Evaluation Committee.

C. Manufacture: Various states require a license for the manufacture of medicaments. Victoria (Poisons Act of 1962, Sections 10, 15, 16), Western Australia (Poisons Act, Sections 37-39), and Tasmania (Poison Act, Sections 39-43) require the registration or "classifications" of medicines before marketing. Federal legislation (Therapeutic Goods Act of 1966) gives the Ministry of Health power to set standards on goods for therapeutic use.

D. Sale of Condoms: Unclear. States' laws prohibit the sale of contraceptives in "public places", but quaere whether the laws are strictly enforced.

E. Sale of Pills: Pills are classified as "poisons" in all states, and are sold in pharmacies on prescription only. Physicians may also sell pills.

F. IUD: No legal restrictions. In practice, however, IUD's are inserted only by physicians.

G. Advertisement: Some states specifically prohibit the advertisement of any contraceptive, unless directed to physicians and pharmacists. New South Wales has a new "Indecent Articles and Classified Publications Bill" from which FPA of New South Wales has applied for exemption. Exemption is expected to be granted as soon as the regulations have been drawn up. All states have legislation prohibiting obscene or indecent publications or advertisements. In the case of Ex parte Collins, 9 L.R. (N.S.W.) 497 (1888) the court held that a publication setting forth the methods of contraception was not obscene. Some states (e.g., Victoria, Summary Offenses Act of 1962, Section 41, paragraph b) declare it to be an offense to go "from house to house hawking, selling or offering for sale any contraceptive." Recently newspaper, radio, and television advertisements advocating contraception began in Canberra, sponsored by the Family Planning Association of Canberra.2
II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulation: None.

B. Criminal Law Applicable: All of the states have criminal provisions dealing with the infliction of bodily harm.³ In practice, however, sterilization is considered to be a matter of "ethics and conscience" for the physician, and with this restriction it is probably permitted.⁴

III. ABORTION

A. Illegal: Abortion is generally forbidden under the penal statutes of the various states.⁵ Penalties are indicated for those who perform abortions,⁶ for women who wilfully induce their own miscarriage,⁷ and for people who supply instruments for performing abortions.⁸

B. Medical: Abortion is permitted in all states to save the life or health (mental or physical) of the mother.⁹

C. Eugenic: Forbidden in most states. In the Northern Territory Section 74A of the Criminal Law Consolidation Ordinance)¹⁰ and in South Australia¹¹ abortion is permitted if there is substantial risk that the child may be severely handicapped.

D. Humanitarian: Forbidden in most states. Quaere whether abortion would be permitted on humanitarian grounds in Southern Australia.¹²

E. Socio-Economic: Forbidden in most states. In Southern Australia, account may be taken of the pregnant woman's actual or reasonably foreseeable environment in determining whether continuance of the pregnancy could risk her life or health.¹³

F. Elective: No legal provisions for abortion on this ground in most states. However, the Northern Territory permits a medical doctor to carry out an abortion to 14 weeks if continuation of the pregnancy involves greater risk to her life or injury to her physical or mental health than its termination (Section 79A of Criminal Law Consolidation Ordinance).¹⁴

Footnotes Australia

Footnotes Australia (Cont.)

2IPPF News (London, July 1975)

3See infra, note 6.


6Queensland: imprisonment for 14 years (Section 224); Tasmania: imprisonment (Section 134 (1)); Victoria: imprisonment for up to 15 years (Section 65); Western Australia: 14 years (Section 200); New South Wales: 10 years (Section 83).

7Queensland: imprisonment for 7 years (Section 225); Tasmania: imprisonment (Section 134 (2)); Victoria: imprisonment for up to 15 years (Section 65); Western Australia: 7 years (Section 200); New South Wales: 10 years (Section 82).

8Queensland: imprisonment for three years (Section 226); Tasmania: imprisonment (Section 135); Victoria: imprisonment for up to three years (Section 66); Western Australia: 3 years (Section 201); New South Wales 5 years (Section 84).
Queensland (Criminal Code, Section 282) and Western Australia (Criminal Code, Section 259) have specific provisions that abortion is permitted to save the life of the mother. South Australia has a specific provision that a pregnancy may be terminated to save the life or health of the mother (The Criminal Law Consolidation Act Amendment Act, 1969, quoted in International Digest of Health Legislation, 23, 1972). In various states courts have held that abortion is legal if done to save the life or health of the mother. R.v. Davidson (1969) V.R. 667; R.v. Wald (1971) 3 D.C.R. (N.S.W.) 25.


Supra, note 10.

Ibid.

Ibid.

Supra, note 11.
AUSTRIA

I. CONTRACEPTION

A. Government Policy: Governmental interest in family planning is increasing. A Family Planning Association, subsidized by the Government, disseminates information.

B. Import: No specific restriction. For commercial import of pre-packed pharmaceutical products, an "attestation of conformity" is necessary (Law of June 17, 1970).

C. Manufacture: The manufacture of contraceptives injurious to health is prohibited (Decree of June 26, 1953, BGBI. 120/1953).

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold in pharmacies on medical prescription only (Regulation on Specialties, BGBI. 112/1948, as amended).

F. IUD: A ministerial order of 1953, prohibiting certain contraceptives as detrimental to health, including IUDs was repealed in 1972 (BFBI. 128/1953; 55/1957).

G. Advertisement: Advertising in non-medical or non-pharmaceutical periodicals is prohibited (Order of March 27, 1947).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: See item B.

B. Criminal Law Applicable: The Austrian Penal Code adopted in January, 1974 provides in Section 90 that sterilization performed by a physician with the consent of the sterilized person is lawful where either the person involved is over 25 years of age or where the operation is not against good morals on the strength of other grounds.

III. ABORTION

A. Illegal: Anyone who causes an illegal abortion is subject to one year's imprisonment (Penal Code, Section 96[1]). If the abortionist is not a doctor, he or she is subject to three years' imprisonment (Section 96[2]). A woman who wilfully induces her own miscarriage may be imprisoned for one year (Section 96[3]).
B. Medical: After the third month of pregnancy abortion is permitted to save the life or health (physical or mental) of the mother (Penal Code, Section 97[1]2). 5

C. Eugenic: After the third month, abortion is permitted if it is likely that the child would be born psychologically or physically damaged (Penal Code, Section 97[1]2).

D. Humanitarian: No provisions for abortion on this ground, but see item F.

E. Socio-economic: After the third month, abortion is permitted if the woman is a minor (Penal Code, Section 97[1]2).

F. Elective: Abortion is permitted on request during the first three months (Penal Code, Section 97[1]1).

Footnotes Austria


4Dr. Otto Keukauf and Dr. Herbert Steininger (eds.), Strafgesetzbuch (Prugg Verlag Eisenstadt, 1974).

5Normally a doctor must perform the abortion, but if there is immediate danger to the life of the woman, this requirement is waived (Penal Code, Section 97[1]3).
I. CONTRACEPTION

A. **Government Policy:** None of the countries has a policy on family planning. No Family Planning Association exists.¹

B. **Import:** No information available.

C. **Manufacture:** No information available.

D. **Sale of Condoms:** Reportedly, contraceptives are available commercially in all four nations.²

E. **Sale of Pills:** Oral contraceptives are reportedly available in Qatar and the United Arab Emirates.³

F. **IUD:** No information available.

G. **Advertiseement:** No information available.

H. **Transportation:** No information available.

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** The Penal Code provides penalties for the infliction of grievous harm on another.⁴

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code.⁵ Anyone who causes an abortion is subject to imprisonment for ten years (Section 201). A woman who wilfully induces her own miscarriage may be imprisoned for up to five years (Section 202). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to imprisonment for up to three years, or both (Section 203).

B. **Medical:** Abortion is permitted to save the life of the mother (Penal Code, Section 201).⁶

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.
F. Elective: Forbidden. See item A.

Footnotes Bahrain, Qatar, Oman, and the United Arab Emirates

1Infra, note 2.


3Supra, note 2.

4See infra, note 5.

5Supplement No. 9 to the Persian Gulf Gazette, July 1. 1955 (Her Majesty's Stationery Office, 1955). The Penal Code was promulgated in 1956, and presumably was adopted by Bahrain, Qatar and Oman upon becoming independent.

6Quaere whether Rex v. Bourne (1938) would apply. See discussion under "Jamaica".
I. CONTRACEPTION

A. Government Policy: The Government began a nationwide program on integrated health and family planning services in January 1974, replacing the single-purpose programs of the Pakistan era. In addition, the Government has established a Population Control and Family Planning Division under the Ministry of Health to provide family planning services at all levels and for coordination of all population control activities.

B. Import: There are no legal restrictions on importation of contraceptives. Scarcity of foreign exchange is the principal constraint to commercial imports. Large quantities of donated contraceptives are imported under the programs of the major aid donors.

C. Manufacture: Oral contraceptives are tableted and packaged in the country by private-sector pharmaceutical companies. Production is limited by foreign exchange availability for imported components. No condoms or IUD's are manufactured.

D. Sale of Condoms: Condoms are available free of cost through field workers, home visits and family planning clinics. They are also sold in urban and rural drug and medicine shops at highly subsidized prices.

E. Sale of Pills: Available through the same channels as condoms (item D). Prescription and screening by physicians are not required.

F. IUD: Available in hospitals and clinics. Paramedical personnel are authorized to insert IUD's.

G. Advertisement: There are no press restrictions in force for advertisements. However, there is extant an Indecent Advertisements Act (1963). In practice, official agencies advertise service facilities and the concept of fertility control in the press and other mass media, as do commercial oral pill manufacturers. Radio and television advertise oral pills among the commercial announcements upon approval of the Ministry of Health, Population Control and Family Planning. The approach must be "indirect and sophisticated."

H. Transportation: There are no restrictions on transportation of contraceptives.
II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.

III. ABORTION

A. Illegal: No information available.

B. Medical: No information available.

C. Eugenic: No information available.

D. Humanitarian: The Government has permitted abortions for women who have been raped during the war of independence.

E. Socio-economic: No information available.

F. Elective: No information available.

Footnotes Bangladesh

I. CONTRACEPTIVES

A. Government Policy: The Barbados Family Planning Association (BFPA) was founded in 1955, and it was established as an incorporated (quasi-governmental) body in 1967.

B. Import: The Government reportedly incorporated into the Customs Act of 1962 a provision for BFPA to receive duty-free concessions on contraceptives.

C. Manufacture: No information available.

D. Sale of Condoms: Disseminated by BFPA.

E. Sale of Pills: Disseminated by BFPA.

F. IUD: Inserted by physicians and midwives.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 15 of the Offenses against the Person Act, 1868 (Act No. 17 of February, 1868) provides penalties for the infliction of grievous harm on another.²

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Offenses against the Person Act, 1868.³ Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment (Section 59).⁴ A person who supplies anything, knowing that it will be used to perform an abortion, is subject to imprisonment for three years, or not less than two years (Section 60).

B. Medical: Presumably, abortion is permitted to save the life or health of the mother.⁵

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden: See item A.
E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Barbados


3*Supra*, note 2.

4Life imprisonment, imprisonment for not less than three years, or imprisonment for not more than two years.

5*Rex v. Bourne* (1938). See discussion of this case under "Jamaica".
BELGIUM

I. CONTRACEPTION

A. Government Policy: The Government has legalized the dissemination of information on contraceptives. A Family Planning Association is represented on the High Council for the Family, which is affiliated with the Ministry of Family Affairs.

B. Imports: Contraceptives may be legally imported for private use.

C. Manufacture: No law prohibits the manufacture of contraceptives.

D. Sale of Condoms: Sold in pharmacies and other shops. The law forbids the sale or distribution to persons younger than eighteen years of "indecent objects, the nature of which would incite their imagination." (Penal Code, Section 386 bis).

E. Sale of Pills: Sold in pharmacies on prescription only.

F. IUD: Must be supplied by physician or pharmacist on prescription.

G. Advertisement: Paragraphs 7, 8 and 9 of Section 383 of the Penal Code, which prohibited the advertising of contraceptives, were repealed by the Law of July 9, 1973. However, certain restrictions applicable to all medicaments are still applicable.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: The Penal Code (Law of June 8, 1867) provides penalties for deliberately wounding or inflicting blows on another. Note that consent of the victim to grave bodily injury has no exculpatory effect.

III. ABORTION

A. Illegal: Abortion is forbidden under the Criminal Code. Anyone who performs an abortion is subject to imprisonment for from two to five years and a fine of from 100 to 500 francs (Section 350). A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 351). Higher penalties are imposed on doctors or pharmacists who perform abortions (Section 353).
Footnotes Belgium


4Supra, note 2.
I. CONTRACEPTION

A. Government Policy: A Family Planning Association (PROFAM) was established in 1973. In January, 1974, the Ministry of Health issued a Resolution requesting BENFAM's cooperation in the national family planning effort.

B. Import: To import any kind of contraceptives it is necessary to obtain special permission from the Director of the National Pharmacy Department of the Ministry of Health.

C. Manufacture: No information available.

D. Sale of Condoms: See item E.

E. Sale of Pills: The Maternal-Child Care Department of the Ministry of Health has contraceptive services in five government hospitals. Possibly in 1976, if the UNFPA Programme is approved the contraceptive services will be available in government hospitals, maternity and health care centers. Pills are available without prescription and can be bought at any drugstore.

F. IUD: See item E.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 540 and 541 of the Penal Code (Decree Law No. 10426 of August 23, 1972) imposes penalties on anyone (who is not a surgeon acting to cure an illness) who wilfully makes useless, by any method, another's reproductive organs.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from one to three years (Section 263).

B. Medical: Abortion is permitted to save the life or health of the mother (Penal Code, Section 266).
C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Abortion is permitted where the pregnancy is the result of rape or abduction, provided criminal proceedings have been initiated (Penal Code, Section 266).

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Bolivia

I. CONTRACEPTION

A. Government Policy: Favorable toward family planning. A Government program operates within the Maternal and Child Health Services. No Family Planning Association exists.¹

B. Import: A license to import is required (Customs, Excise and Sales Duty Act, 1970, as amended by the Amendment of Schedules (No. 19) Notice, 1972, Article 61 (1). Condoms: A general duty of 50% or 125₧/100 is imposed; the rate is 20% for imports from Most Favored Nations (Same Act, Schedule, Section 40.12.10). Pills: No duty (Same Act, Schedule, Section 30.03.30).²

An application has been made on behalf of the Ministry of Health to have custom duty on all contraceptives waived by the Common Custos Union of the Republic of South Africa, Botswana, Lesotho and Swaziland. It is anticipated that this will be successful.

C. Manufacture: None in Botswana.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Most health facilities (hospitals, health centers, and clinics) provide oral contraceptives and IUDs.³ Prescription is required by law. Within the health services pills given by doctors and trained nurse-midwives are "assumed" prescribed. Sale of pills in chemists' shops is only on a doctor's prescription.

F. IUD: See item E.

G. Advertisement: There are various provisions regarding the advertisement of obscene materials, but no indication that these provisions would apply to contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: No information available.⁴

III. ABORTION⁵

A. Illegal: No information available.

B. Medical: No information available.
C. Eugenic: No information available.

D. Humanitarian: No information available.

E. Socio-economic: No information available.

F. Elective: No information available.

Footnotes Botswana


4 The Penal Code of Botswana is Law No. 2 of 1964. The authors have been unable to obtain a copy of the text.

BRAZIL

I. CONTRACEPTION

A. Government Policy: As of August, 1974, contraception is "a matter for decision by the family unit." The Government intends to provide birth control "information and means" to families of limited income. A Family Planning Association was established in 1962.

B. Import: Formerly, the Service of Medical Control did not permit the import, manufacture or sale of products labelled as "contraceptives..." Presumably, this is no longer true in light of changed governmental policy. Import duties are imposed on pills (37% c.i.f.) and condoms (37% c.i.f.). The status of IUD imports is unclear.

C. Manufacture: Pills may be sold only after having been licensed by the Service of Medical Control (Law No. 1472 of November 24, 1951, Section 61). A central laboratory for the Inspection of Drugs and Medicaments has been established to make examinations and analyses, to give technical opinions on new products and to propose the withdrawal of license for products, etc. (Law No. 2, 187 of February 16, 1954). See also item B.

D. Sale of Condoms: Formerly sold in pharmacies as "prophylactics" against venereal disease. See also item B.

E. Sale of Pills: Formerly sold in pharmacies, on prescription only as drugs used for ovulation control and medical regularization. See also item B.

F. IUD: No information available: See item A.

G. Advertisement: Congress is now considering a law which would repeal present prohibition of contraceptive advertisement.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulation: None.

B. Criminal Law Applicable: Section 132, para. 2 of the Brazilian Penal Code (Decree Law No. 1.004 of October 21, 1969) may be applicable, but the actual situation is unclear. Note that the Code of Ethics (presumably without the effect of law) authorized sterilization only on medical grounds after consultation with two physicians (Article 52).
III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to four years (Section 125). A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 124).

B. Medical: Abortion is permitted to save the life of the mother (Penal Code, Section 130).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted where the pregnancy is the result of rape (Penal Code, Section 130).

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Brazil

1 Statement by the Brazilian Representative at the Third World Population Conference, General Debate, Plenary Session, Bucharest, August 26, 1974.


4 Professor Dr. Benjamin Moraes, Professor of Criminal Law of the Faculty of Law at the University of Rio, and the final drafter of the new code, states specifically (16 Bulletin of the Regional Council of Medicine of Guanabara, pp. 18-19[1970] that a surgical operation, including an operation for tubal ligation with the consent of the patient is not a crime under the new code. See Jan Stepan and Edmund H. Kellogg, The World's Laws on Voluntary Sterilization for Family Planning Purposes (Law and Population Monograph No. 8), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1973).

5 Ibid.

6 Also, the normal penalties are reduced if the woman induces an abortion for the sake of honor.
I. CONTRACEPTION

A. Government Policy: No Family Planning Association exists, but family planning services are available at hospitals and poly-clinics. Note Decree No. 61 of December 28, 1967, to increase the birth rate.

B. Import: Condoms are purchased mainly from Czechoslovakia. Some pills are imported from the German Democratic Republic. See item C.

C. Manufacture: No contraceptives are currently being manufactured. However, Order No. 16 of 1973 provides that the import, production and utilization of pharmaceutical preparations not included in current pharmacopoeia or in publications of equivalent status are subject to licensing by the Ministry of Public Health and Social Welfare.

D. Sale of Condoms: Distributed in pharmacies and other shops.

E. Sale of Pills: Sold in pharmacies on prescription only. Also, see item C.

F. IUD: Requires a prescription.

G. Advertisement: No law prohibits the advertising of contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 128, paragraphs 1 and 2 of the Bulgarian Penal Code (Law No. 22 of March 15, 1968) might apply. However, consent of the victim would be grounds for exculpation.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Criminal Code (Law of February 13, 1951). Anyone who performs an abortion is subject to imprisonment for up to three years (Section 135).

B. Medical: For women with one or no living children, abortion
is permitted where there is the presence of diseases (included in a list approved by the Minister of Public Health) endangering the life of the woman or her offspring (Section 1 (a) of Instruction No. 0-27 of the Ministry of Public Health). For women with more than one living child, see Item F.

C. Eugenic: No provision for abortion on this ground.

D. Humanitarian: For women with one or no living children, abortion is permitted when the pregnancy is the result of rape or incest (Instruction No. 0-27, Sections 1 (c) and 1 (d). For women with more than one living child, see Item F.

E. Socio-economic: No provision for abortion on this ground.

F. Elective: During the first 10 weeks of pregnancy, abortion is permitted on request for women with at least two living children (including adopted children, and children of a previous marriage of the husband who are living on a permanent basis in the family), women who are separated, unmarried women, married women with one living child and are over 40 years of age, and alien women irrespective of the number of living children.

Footnotes Bulgaria


6 Ibid.

7 Ibid.

8 Ibid.

9 Jan Stepan and Edmund H. Kellogg, *The World’s Laws on Voluntary Sterilization for Family Planning Purposes* (Law and Population Monograph No. 8), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1973)


12 Ibid.

13 Section 2 of Instruction No. 0-27 of the Ministry of Public Health as amended. Note that Section 3 of the Instructions lists various contraindications.
I. CONTRACEPTION

A. Government Policy: No Government family planning program exists. A Family Planning Association was established in 1960, but its activity has virtually ceased since 1963.1

B. Import: The Government exerts strict controls on the import of contraceptives.2

C. Manufacture: No information available.

D. Sale of condoms: No information available.

E. Sale of Pills: Section 312 [a] of the Penal Code provides: "Whoever, for the physical or mental health of a woman, with the object of rendering her incapable of bearing a child, and with the recommendation of a body appointed by the Government, wilfully, through surgery or medication, renders her so incapable, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine."3

Section 312 [b] is an identical provision for men. Presumably, both provisions would forbid the sale of contraceptives for family planning purposes, as well as the performance of voluntary sterilization.

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulation: None.

B. Criminal Law Applicable: Sections 312 [a], 312 [b], 312 [c], 312 [d] provide penalties for anyone who sterilizes another or voluntarily submits to sterilization.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.5 Anyone who performs an abortion is subject to imprisonment for three years, or a fine. A woman who wilfully induces her own miscarriage is subject to the same penalties (Sections 312 and 313).
B. **Medical:** Abortion is permitted to save the life of the mother (Penal Code, Section 312).

C. **Eugenic:** Forbidden: See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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Footnotes Burma


4Ibid. See discussion under item E of the section dealing with contraceptives.

5Ibid.
I. CONTRACEPTION


B. Import: Importation of medicines needs authorization by the health authorities (Ordinance No. 27 bis/Hyg. of March 15, 1933, Sections 11 and 13).

C. Manufacture: There are no contraceptives manufactured in Burundi.

D. Sale of Condoms: Display or free distribution of contraceptives is illegal (Penal Code of 1970, Section 178). Condoms are sold in pharmacies by physicians' prescription.

E. Sale of Pills: Sold in pharmacies on prescription only. Where no pharmacy exists within 15 km., physicians may sell pills (Ordinance of March 15, 1933, Sections 3, 9, 10).

F. IUD: Currently there are no insertion programs, but the Pathfinder and IPPF programs have inserted them in the past.

G. Advertisement: Prohibited (Penal Code, Section 178, paragraph 4). Violation is punishable with imprisonment for up to one year and/or a fine of 1,000 francs. Nonetheless, free literature is distributed by local representatives of international organizations and the law has never been used to suppress it.

H. Transportation: Sending information on contraception through the mail is prohibited. See item G.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 47 of the Penal Code provides penalties for maiming or mutilating another.3

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.4 Anyone who performs an abortion is subject to imprisonment for from two to ten years (Section 165). A woman who wilfully induces her own miscarriage may be imprisoned for from two to five years (Section 166).
B. Medical: Presumably, an abortion would be permitted to save the life of the mother.¹

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Burundi

¹Unless otherwise indicated, all of the material on contraceptives is taken from Jan Stepan and Edmund H. Kellogg, The World's Laws on Contraceptives (Law and Population Monograph No. 17), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1974).


³Ibid.

⁴Ibid.

⁵Ibid. Note that the advertisement of abortifacients is illegal (Penal Code, Section 178).

I. CONTRACEPTION

A. Government Policy: Generally opposed to the dissemination of contraceptives, but is prepared to allow family planning as a protective health measure.1

B. Import: Import of contraceptives is forbidden. See item E.

C. Manufacture: Forbidden. See item E.

D. Sale of Condoms: Available in pharmacies as protection against venereal disease. Otherwise forbidden. See item E.

E. Sale of Pills: Available in pharmacies on physician's prescription, only for health reasons. Otherwise forbidden under the law of June 11, 1968 (Law No. 68-LF-8), and the French law of July 31, 1920.2

F. IUD: Forbidden. See item E.

G. Advertisement: The law of July 11, 1968 (see item E) provides that an inspection service, under the direction of a National Association of Pharmacists, is empowered to make certain that pharmacies adhere to regulations governing the advertisement of pharmaceutical products, including contraceptives.

H. Transportation: Using the mails to transport contraceptives is forbidden. See item E.

II. VOLUNTARY STERILIZATION

A. Specific legislation or regulations: None.

B. Criminal law applicable: Section 277 of the Penal Code (Law No. 65-LF-24 of November 12, 1965)3 forbids the infliction of bodily harm. However, consent may be exculpatory.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.4 Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 100,000 to 2,000,000 CFA francs (Section 337 (2)). A woman who wilfully induces her own miscarriage may be imprisoned for from fifteen days to one year and/or a fine of from 5,000 to 200,000 CFA francs (Section 337 (1)). Increased penalties are provided for a physician who performs an abortion. (Section 337 (3)).

B. Medical: A qualified person may perform an abortion if one is necessary to save the mother from serious danger to her health (Section 339).
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted in cases where the pregnancy has resulted from rape. The facts of the case must have been verified by the public prosecutor's office. (Section 339).

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Cameroon


4Ibid.
I. CONTRACEPTION

A. Government Policy: There is an active Family Planning Association, and the federal government has had a program since 1970 for training, research, and information in family planning. It also shares the cost of contraceptives supplied through provincial and local governments.

B. Import: Imports are permitted. Detailed provisions are found in the Food and Drug Regulations. An importer has a duty to furnish previous notification to the Director of the Food and Drug Administration (Food and Drug Regulation C.09.005). An inspector may examine, take specimens of and detain devices imported (Food and Drug Regulation A.01.040).

C. Manufacture: There is a "notification" requirement for manufacturers (Food and Drug Regulation C.09.002). There are detailed control provisions in the Regulations. Also, sale or advertisement of a "new drug" requires authorization from the Ministry of Health (Food and Drug Regulation C.08.002).

D. Sale of Condoms: Condoms must be labelled before they can be sold (Food and Drug Regulation K.01.002).

E. Sale of Pills: Sold in pharmacies on prescription only as oral contraceptives listed in "Schedule F" (i.e. prescription drugs) of the Food and Drug Regulations. Labelling is required (Food and Drug Act, Section 9, paragraph 2; Food and Drug Regulation C.01.004). Drugs may not be distributed as samples (Food and Drug Act, Section 14, paragraph 1).

F. IUD: The law as to who may insert an IUD is unclear.

G. Advertisement: Pills (Drugs Schedule F) may not be advertised (Food and Drug Regulation C.01.044). Contraceptive "drugs" not listed in Schedule F may be advertised to the general public (Food and Drug Act, Section 3, paragraph 3: Regulation C.01.625, as amended by P.C. 1970-37 of January 14, 1970). Condoms may be advertised, but not by distribution of samples or through the mail (Food and Drug Regulation K.01.001), as amended by P.C. 1970-37). The amendment cited excludes IUDs from advertisement to the public. Advertisement of pills on radio and television is subject to official approval (See regulations amended in Canada Gazette of July 14, 1971). SOR/71-300-SOR/71-302.
H. **Transportation:** Sending by mail of sample of drugs is prohibited, except to physicians (Post Office Regulation of 1970, 1102.3).

**II. VOLUNTARY STERILIZATION**

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 228 of the Penal Code indicates penalties for wounding or maiming another.¹

**III. ABORTION**

A. **Illegal:** Abortion is generally forbidden under the Penal Code.² Anyone who performs an abortion is subject to life imprisonment (Section 251(1)). Anyone who wilfully induces her own abortion may be imprisoned for two years (Section 251(2)). A person who supplies anything knowing that it will be used to perform an abortion, is subject to imprisonment for two years. (Section 252).

B. **Medical:** Section 251 does not apply to a qualified medical practitioner (other than a member of a therapeutic abortion committee of a hospital) who performs an abortion in an accredited or approved hospital, provided that the therapeutic abortion committee of the hospital has reviewed the case and has, by a majority vote, certified in writing that the continuation of the pregnancy of the woman concerned "would be likely to endanger her life or health" (Section 215(4)). The Supreme Court has recently upheld a strict interpretation of this provision.³

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Canada:


²Ibid.

³Ibid.
CENTRAL AFRICAN REPUBLIC

I. CONTRACEPTION

A. Government Policy: Generally opposed to the dissemination of contraceptives. No Family Planning Association exists.

B. Import: There are no express laws governing the import of contraceptives. However, since the Central African Republic was formerly part of Metropolitan France, the French law of July 31, 1920 may still be in force. According to this law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden.¹

C. Manufacture: Unclear. See item B.

D. Sale of Condoms: Freely sold in drugstores as protection against venereal disease.

E. Sale of Pills: Oral contraceptives are legally sold in pharmacies on medical prescription.

F. IUD: Unclear. See item B.

G. Advertisement: Unclear. See item B.

H. Transportation: Unclear. See item B.

VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 183 and 184 of the Penal Code (Law No. 61.239 of July 18, 1961) forbid wounding another, and provide special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.²

ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 100,000 to 1,000,000 CFA francs. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years and for a fine of from 50,001 to 500,000 CFA francs (Section 190).

B. Medical: Presumably, abortion would be permitted to save the life of the mother.⁴

C. Eugenic: Forbidden. See item A.
D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Central African Republic


2*Journal Officiel de la Republique Centrafricaine*.

3*Ibid*.

I. CONTRACEPTION

A. Government Policy: Generally opposed to the dissemination of contraceptives. In response to question about Government decrees governing the sales of contraceptives by pharmacies, an official in the Ministry of Public Health and Social Affairs said that in general Chad continues to operate under inherited French law on this matter, but that the regulations are not precise. Pharmacies are authorized to sell contraceptives, but only upon a doctor's prescription. There is no Family Planning Association.

B. Import: Import of contraceptives is forbidden. See item D.

C. Manufacture: Forbidden. See item D.

D. Sale of Condoms: Forbidden under Law No. 28 of December 29, 1965. Punishable by imprisonment for six months to three years and by a fine of from 24,000 to 720,000 francs (Section 97). However, in response to the question whether or not pharmacies are authorized to sell condoms as a protection against venereal disease, two N'Djamana pharmacies responded "yes" and proceeded to describe the variety of products they have available.

E. Sale of Pills: Forbidden. See item D. However, in response to the question whether or not pharmacies are legally authorized to sell contraceptive pills, the same two pharmacies said "yes" and that sales had begun. Sales are made only upon a doctor's prescription.

F. IUD: Forbidden. See item D.

G. Advertisement: Forbidden. See item D.

H. Transportation: Forbidden. See item D.

II. VOLUNTARY STERILIZATION

A. Specific legislation or regulations: None.

B. Criminal law applicable: Unclear.

III. ABORTION

A. Illegal: Abortion is presumably illegal.

B. Medical: Presumably, abortion is permitted to save the life of the mother.
C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.

E. Socio-economic: Presumably forbidden.

F. Elective: Presumably forbidden.

Footnotes Chad


3See discussion under "Dahomey," note 6. The French Law of July 31, 1920 has been replaced by Chad Law No. 28 of December 29, 1965 (as discussed under contraceptives). The provisions of the new law are similar to those of the old French laws.

I. CONTRACEPTION

A. Government Policy: There has been a Government program since 1967. Reportedly, the new Government gives family planning "top priority." On February 1, 1974 Chile formed a national commission to define and coordinate family planning policy.

B. Import: Importation requires the consent of the Ministry of Economics, Industry and Commerce. Transactions in foreign exchange are handled by the Executive Committee of the Central Bank. Also, see item C.

C. Manufacture: The importation and manufacture of "pharmaceutical products" requires special authorization from the Director General of Health (Decree No. 725 of 1967, Section 102; Exec. Decree No. 471 of 1971; Decree No. 269 of 1972, Article 4). Quality controls are carried out by the National Health Service (Decree No. 269 of 1972, Article 54).

D. Sale of Condoms: No legal restrictions, but normally sold in pharmacies.

E. Sale of Pills: Sold in pharmacies and places specially authorized by the National Health Service. (Regulation of Pharmaceutical Products, Decree No. 471 of 1971 and Decree No. 269 of 1972, Article 8). Authorized midwives are permitted to prescribe pills by a resolution of the Ministry of Health.1

F. IUD: Midwives are authorized to prescribe and insert IUDs.2

G. Advertisement: Only those products which have been authorized or recognized by the National Health Service may be advertised "as medicaments or as products of medical utility." (Health Code, Article 54). Misleading advertising of pharmaceutical products is prohibited under Article 12 of Decree No. 471 of 1971 and Decree No. 269 of 1972.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Circular No. 432 of December 2, 1974 of the Subdepartment of Health Development, Ministry of Health, provides that in cases where for clinical reasons surgical sterilization is necessary, it is permitted. Sterilization on socio-economic grounds or on the request of the couple may be permitted by a zonal health committee after detailed inquiry into the circumstances.
B. Criminal Law Applicable: Section 397, paragraph 1 of the Penal Code (Decree No. 536 of April 2, 1971) provides penalties for causing impotence or impediment to an important member.3

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.4 Anyone who performs an abortion is subject to imprisonment for from 540 days to three years. A woman who wilfully induces her own miscarriage may be imprisoned for from three to five years (Section 344). Harsher penalties are imposed on a physician who procures an abortion (Section 345).

B. Medical: An abortion may be performed for therapeutic purposes. The written approval of two physicians must be obtained. Decree No. 725 of December 11, 1967.5

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Chile

1Regulation of the Ministry of Health, promulgated 9 August 1974.
2Ibid.
4Ibid.

I. CONTRACEPTION

A. Government Policy: The Government has launched a nationwide drive toward the reduction of fertility. Family planning is a special responsibility of Family Planning Committees, which are associated with the various communal, factory, and neighborhood unit hospitals.

B. Import: Reportedly, the duty on the import of contraceptives was lifted in 1962.1

C. Manufacture: No legal restrictions. Pills, condoms, and the steel ring IUD are produced in China.

D. Sale of Condoms: No legal restrictions. Contraceptives are free, and they are distributed through the health organization.

E. Sale of Pills: Pills are delivered from health units, through paramedical personnel. There is no restriction as to sales in pharmacies, or as to prescription by physicians.

F. IUD: Inserted in the local health units, mainly by trained nurses or midwives. In some places they may be inserted by "barefoot doctors."

G. Advertisement: No "commercial" advertisements exist, in view of the political system and public administration of health care. Propaganda posters are freely used.3

H. Transportation: No restriction. Can be sent through the mails without restriction.

II. VOLUNTARY STERILIZATION4

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.

III. ABORTION

A. Illegal: No information available.

B. Medical: See item F.

C. Eugenic: See item F.
D. Humanitarian: See item F.

E. Socio-economic: See item F.

F. Elective: The texts of the Chinese laws or regulations on abortion are not available, but abortion is, in fact, available on request.

Footnotes People's Republic of China


2International Planned Parenthood Federation; personal correspondence, July 23, 1975.

3Ibid.

4In fact, tubal ligations are commonly performed on request. The husband's permission is not necessary (only the woman's word that he does not object). Vasectomy is not widespread, although the Government introduced a movement to popularize the method in 1970. See "China," IPPF Situation Report, supra, note 2.

I. CONTRACEPTION

A. Government Policy: A Government Program has existed since 1967. Family planning activities of the Ministry of Public Health are carried out as an integral part of the Maternal and Child Health Program at the central, sectional, and local levels. A Family Planning Association was established in 1965.

B. Import: A license by the Ministry of Public Health is required to import drugs (Regulation of 1964, Section 2). Customs laws require an import to deposit 130% of the value of the imports with a bank. A 60% ad valorem duty is imposed on the invoice value of pills. Importation of pills is free: that is, it does not require any import deposit with a bank and the ad valorem duty imposed on the invoice value is only of 1% (Decree 1324, July 8, 1974, section VI, subchapter XI, Code 29.38 to 29.40).

C. Manufacture: No condoms or IUD's produced as of 1970. Pills are compounded locally.

D. Sale of Condoms: Sold in drugstores.

E. Sale of Pills: Sold in pharmacies on prescription only (Regulations of 1964, Section 5). In practice, pills are sold freely in drugstores without any prescription.

F. IUD: Inserted mostly in clinics. A few are inserted by physicians in private practice.

G. Advertisement: Commercial advertisement of contraceptive pills to consumers is prohibited (Regulations of 1964, Section 10). Advertisements for pills may appear only in scientific publications, brochures and other sources of information intended exclusively for physicians. The Office for the Control of Pharmaceutical Preparations reviews the advertisements periodically. In practice publicity on family planning has been carried out by Profamilia.

H. Transportation. No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 374, paragraph 2 of the Penal Code (Law No. 95 of April 24, 1936) provides penalties for disturbing the function of an organ or limb, either temporarily or permanently.
III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion, or a woman who willfully induces her own miscarriage, is subject to imprisonment for from one to four years (Section 386). Higher penalties are imposed on physicians, surgeons, pharmacists or midwives who perform abortions (Section 388).

B. **Medical:** Quaere whether abortion would be permitted to save the life of the mother.

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. 6

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Columbia


5Ibid.

6However, Section 389 of the Penal Code provides for a reduced sentence where an abortion is performed to protect the honor of one's mother, spouse, daughter, sister or adopted daughter.
PEOPLE'S REPUBLIC OF THE CONGO (CONGO-BRAZZAVILLE)

I. CONTRACEPTION

A. Government Policy: The Government of the People's Republic of the Congo have recently developed a plan to provide family planning services, and has asked the U.N. Fund for Population Activities for assistance. Prior to this time there have been no organized family planning activities.

B. Import: There are no express laws governing the import of contraceptives. However, since the People's Republic of the Congo was formerly under French rule, the French law of July 31, 1920 may still be in force. According to this law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden.

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden. See item B. Quaere whether condoms may legally be sold in pharmacies for health reasons.

E. Sale of Pills: Forbidden. See item B. Quaere whether oral contraceptives may be legally sold in pharmacies for health reasons.

F. IUD. Forbidden. See item B.

G. Advertisement: Forbidden. See item B.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.


III. ABORTION

A. Illegal: In general, abortion is presumably forbidden.

B. Medical: Presumably, abortion would be permitted to save the life of the mother.
C. Eugenic: Presumably forbidden.
D. Humanitarian: Presumably forbidden.
E. Socio-economic: Presumably forbidden.
F. Elective: Presumably forbidden.

Footnotes


4Apparently, the People's Republic of the Congo still uses the French Penal Code which was in effect in 1958. See "Dahomey", note 6. It is reported that the Government is in the process of drafting a new Penal Code.

5Ibid.

COSTA RICA

I. CONTRACEPTION


B. Import: Oral contraceptives are imported as "Patent Medicines" or "Pharmaceutical Specialties." Each import of drugs or medical articles requires a sealed permit from the Board of Registration of Drugs. The import and manufacture of drugs in confined to the College of Pharmacists and its authorized establishments (Sanitary Code, Section 70; also Regulation under Art. 101). All new medical supplies must be registered with the College of Pharmacists in the Ministry of Public Health (Sanitary Code, Sections 70 and 88).

C. Manufacture: No special restrictions. Control function is assigned to the College of Pharmacists (Sanitary Code, Section 70 and Regulations under Art. 101). General provisions of the Sanitary Code for all drugs apply to contraceptives under Official Pharmacopoeia (Sanitary Code, Section 78).


E. Sale of Pills: Sold on prescription only in pharmacies or sanitary units authorized by the Ministry of Public Health (Sanitary Code, Section 77 and Executive Decree of July 31, 1964).

F. IUD: As a contraceptive the IUD is considered a "patent medicine" (prescription medicine). Its distribution, import and sale are regulated by the same laws which regulate oral contraceptives. The IUD is prescribed in Family Planning Centers of the National Program of Family Planning and Sex Education, as well as by private physicians. Only medical personnel are authorized to insert IUDs and presently nursing personnel are carrying out this activity.

G. Advertisement: The only restriction which exists with regard to advertising the sale of contraceptives is found in the Penal Code, Article 274, Inc. 4, in the chapter dealing with controversies. It states that a penalty of 3 to 30 days in jail can be imposed upon one who advertises procedures or substances destined to induce an abortion or avoid a pregnancy.
Because contraceptives which hinder or suppress ovulation are available only on medical prescription, their advertisement to the general public is prohibited. Contraceptives may be exhibited for sale in pharmacies because there is no law which prohibits this, since they are governed by the laws on pharmaceutical products.

H. Transportation: In view of the fact that the country does not produce contraceptives, all are imported from the exterior by ship or air in special cases. Within national boundaries the Costa Rican Demographic Association distributes them to health care centers and commercial distributors, using both public and private means of transportation.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 210, paragraph 2 of the Penal Code (Law No. 192 of August 30, 1941) provides penalties for injuring another so as to cause the loss of his sexual functions. Consent of the victim does not eliminate the punishment, but may reduce it (Section 207).¹

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.² Anyone who performs an abortion is subject to imprisonment for from one to three years (Section 194). A woman who wilfully induces her own miscarriage may be imprisoned for from six months to three years (Section 197).

B. Medical: Abortion is permitted to save the life or health of the mother, provided there has been advanced consultation with two other physicians (Penal Code, Section 199).³

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Costa Rica

1 Atilio Vincenzi, *Código Penal y Código de Policía* (San Jose: Imprenta Trejos Hermanos, 1965).

2 Ibid.

3 The Decree of June 22, 1970, embodying the Code of Medical Ethics, provides that abortion is permitted to save the life of the mother, provided two other physicians have been consulted and written consent is obtained from the woman and her husband.
CUBA

I. CONTRACEPTION:

A. Government Policy: Cuba's public health facilities have offered free family planning services, on request since 1966, and the Government plans to expand its family planning program with a grant from the United Nations Fund for Population Activities.

B. Import: No information available.

C. Manufacture: No information available.

D. Sale of Condoms: No information available.

E. Sale of Pills: No information available.

F. IUD: No information available.

G. Advertisement: No information available

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Minimum Law Applicable: No information available.

III. ABORTION

A. Illegal: No information available.

B. Medical: No information available.

C. Eugenic: No information available.

D. Humanitarian: No information available.

E. Socio-economic: No information available.

F. Elective: No information available.

Footnotes Cuba

I. CONTRACEPTION

A. Government Policy: A Family Planning Association was founded in 1971.1 Contraceptives have been available on the local market.2

B. Import: The marketing (which includes importation) of the pill can only be performed by persons who are holders of a "marketing license" issued by the "Drugs Council" under the provisions of Law No. 6, 1967.

C. Manufacture: The manufacture of pharmaceutical preparations is restricted to persons holding a special license, which is granted by the Drugs Council for a specified establishment and for a fixed period (Law No. 6 of 1967).3

D. Sale of Condoms: The sale of condoms is not controlled by law, but their use is very limited.

E. Sale of Pills: A license is needed to sell pharmaceutical products (Law No. 59 of 1962).4 Pills are specified in the Fourth Schedule to the Pharmacy and Poisons Regulations and, therefore, their sale can only be made by pharmacists upon a medical prescription. This requirement is not strictly observed.

F. IUD: Permitted, and reportedly popular.

G. Advertisement: The Minister of Health is empowered to promulgate provisions regarding the advertising of medicaments (Law No. 6 of 1967).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 231 of the Penal Code forbids the infliction of grievous harm on another.5

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Criminal Code.6 Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 167). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 168). A person who supplies anything, knowing it will be used to perform an abortion, is subject to three years imprisonment (Section 169).
B. **Medical:** Abortion is permitted to save the life or mental health of the woman.7

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Abortion is permitted where pregnancy is the result of rape, following a certification by the appropriate police authority and by a medical doctor.8

E. **Socio-Economic:** Abortion is permitted where the pregnancy will cause "serious breakdown."9

F. **Elective:** Forbidden. See item A.

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**Footnotes Cyprus**


6 Ibid.


8 Ibid.

9 Ibid.
CZECHOSLOVAKIA

I. CONTRACEPTION

A. Government Policy: Generally favorable to family planning. The Government has started an advertising campaign urging couples to adopt contraception as a family planning technique rather than relying on abortion as has been the practice in the past.

B. Import: Import of a private supply of pharmaceutical contraceptives is permitted, if the attending physician issues a certificate (Minister of Health Instruction No. 13, June 3, 1968).

C. Manufacture: Manufactured by State enterprises exclusively (Law of December 19, 1949, No. 271/1949, Section 2).

D. Sale of Condoms: No legal restrictions. However, only enterprises of a public character can trade in pharmaceutical products.

E. Sale of Pills: Sold in pharmacies on prescription only (Law No. 271/1949, Section 5; Regulation of June 13, 1966, No. 42/1966, Section 32).

F. IUD: Inserted only by gynecologists in gynecological clinics or departments.

G. Advertisement: No restrictions.

II. VOLUNTARY STERILIZATION

A. Specific legislation or regulations: Section 27 of Law No. 20 of March 17, 1966 permits voluntary sterilization, under conditions laid down by the Ministry of Health.

B. Criminal law applicable: Section 89(6) (c), 222/1 of the Czechoslovak Penal Code (Law No. 140 of February 29, 1961) might apply. Consent may be exculpatory.

III. ABORTION

A. Illegal: Abortion is punishable under Law No. 68 of December 19, 1957. Anyone who performs an abortion is subject to imprisonment for from one to five years [Article 5 (1)]. A woman who wilfully induces her own miscarriage is not subject to any punishment (Article 6).
B. Medical: Abortion is permitted to save the life of the mother or on specified medical grounds (Order No. 71 of May 16, 1973, Sections 2 [2] and 3 [2]).

C. Eugenic: Abortion may be authorized on genetic grounds.

D. Humanitarian: Abortion may be permitted if the pregnancy is the result of rape or another criminal act (Order No. 71, Section 2 [2] [c]).

E. Socio-economic: Abortion may be permitted if the woman is over 40 years old; if she has at least three living children; if the pregnancy has given rise to a difficult situation (in the case of an unmarried woman); if the woman has no husband or the father is in a poor state of health; if there are housing or financial difficulties seriously affecting the standard of living of the family; or if the family unit has manifestly broken down (Order No. 71, Section 2 [2]).

F. Elective: No provision for abortion on this ground.

Footnotes Czechoslovakia


2. The information on voluntary sterilization is taken from Jan Stepan and Edmund H. Kellogg, The World's Laws on Voluntary Sterilization for Family Planning Purposes (Law and Population Monograph No. 8), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1973).

3. Implementing regulations: (a) of the Czech Ministry of Health of December 17, 1971, No. LP 252.3-19.11. 1971; (b) of the Slovak Ministry of Health of April 14, 1972, No. Z-4582/1972 - B/1. Supra, note 2. Note that among the conditions laid down by the Ministry of Health is the requirement that the operation be performed in a hospital with a surgery department or a policlinic with a urological department, and that the applicant have at least three children.


6 See Urean List Ceskoslovenske republiky, December 30, 1957, No. 132, pp. 857-860, quoted in Henry P. David, Family Planning and Abortion in the Socialist Countries of Central and Eastern Europe (New York: The Population Council, 1970). Section 3 (3) of Order No. 71 of May 16, 1973 (supra note 5) provides that abortion may be authorized on genetic ground up to the 24th week of pregnancy, even if the woman has had another abortion during the previous year.

7 Provided there are no contraindications, as specified in Section 3: (a) the pregnancy is of more than 12 weeks' duration; (b) the woman has contracted various diseases which accentuate the risks associated with an abortion; (c) the woman has had an abortion during the previous year (unless she has four or more children, in which case abortion is permitted if at least six months have passed since the previous termination of pregnancy).

8 Ibid. Note that if the woman has one or no children, abortion will be granted only on an exceptional basis with respect to some of those grounds (Section 2 (3)).
DAHOMEY

I. CONTRACEPTION

A. Government Policy: Generally favorable. The government has permitted the creation of a private Family Planning Association, and the Pathfinder Fund and Christian Aid have financed the family planning addition to the government Maternity and Child Health Clinic, which began operating in the Cotonou in 1971.

B. Import: There are no express laws governing the import of contraceptives. However, the French Law of July 31, 1920 may still be in force, since it was adopted into French West Africa in 1933. According to the French Law, the import, manufacture, sale, advertisement or transportation of contraceptives would be forbidden. In actual practice, the government appears to permit the import, sale and advertisement of contraceptives.

C. Manufacture: Unclear. See item B.

D. Sale of Condoms: Unclear. See item B. Quaere whether condoms may legally be sold in pharmacies as protection against venereal disease.

E. Sale of Pills: Unclear. See item B. Quaere whether oral contraceptives may be legally sold in pharmacies for health reasons.

F. IUD: Unclear. See item B.

G. Advertisement: Unclear. See item B.

H. Transportation: Unclear. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None


III. ABORTION

A. Illegal: In general, abortion is presumably forbidden.

B. Medical: Abortion is permitted to save the life of the mother. The performing physician must consult with two other doctors, one of whom must be an expert attached to the civil courts (Ordinance No. 73-14 of February 8, 1973, Part II, Section 37). However, employment of therapy which may bring on the interruption of a pregnancy as a secondary effect is also permitted.
C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.

E. Socio-economic: Presumably forbidden.

F. Elective: Presumably forbidden.

Footnotes Dahomey


5Apparently, Dahomey still uses the French Penal code which was in effect in 1958. See infra, note 6.

6Abortion was illegal in the former colony of French West Africa, of which Dahomey was a part. See article 317 of the text cited in Gaston Jean Bouvenet, Recueil annoté des textes de droit penal en Afrique occidentale francaise, Editions de l'Union francaise, 1955, reproduced in Library of Congress, Legal Provisions Pertaining to Abortion (1965). It is reported that Upper Volta, Ivory Coast, Togo, Chad, and the People's Republic of the Congo (Congo-Brazzaville) still use the French Penal Code which was in effect in 1958. Under this code, abortion was forbidden. Note also that the French Law of July 31, 1920, which is still technically in force in Dahomey (see discussion under contraceptives section) as well as in other countries in Sub-Saharan Francophone Africa, provides penalties for provoking abortion. For a general discussion of abortion laws in this region, see John C. Caldwell, "Africa", in Bernard Berelson et al., Family Planning and Population Programs, Chicago, University of Chicago Press, 1966.

DENMARK

I. CONTRACEPTION

A. Government Policy: Contraception is encouraged as a means to avoid abortion. Denmark joined the International Planned Parenthood Federation in 1955.

B. Import: The importation of pills must be approved by the National Health Service (Detailed Regulation by Order No. 185 of National Health Service of May 23, 1972).

C. Manufacture: Contraceptive products may be sold only if they have been approved by the National Health Services (Law No. 120 of March 24, 1970, Section 9). Any manufactured hormonal contraceptive must be approved by the National Health Service. Approval may be granted only after completion of Pharmacological, toxicological, and clinical studies. See item B.

D. Sale of Condoms: No legal restrictions. Condoms of the normal type may be sold in any shop or vending machine, even in public. (order No. 185 of May 23, 1972).

E. Sale of Pills: Sold in pharmacies of prescription only (Order No. 185 of May 23, 1972, of the National Health Service which covers labelling also). Under the abortion law, Law No. 350 of June 13, 1973, the National Health Service must approve contraceptives before they can be sold. Contraceptives may be sold in pharmacies or in places approved by the competent medical officer on consultation with the police.

F. IUD: On medical prescription only. See item E.

G. Advertisement: Condoms may be advertised to the general public; pills only to physicians and pharmacists or in professional journals of these professions.

H. Transportation: No information available.

VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 318 of June 13, 1973 provides that (a) Persons over 25 "shall be entitled to be sterilized"; (b) Persons under 25 may be sterilized if they meet one of several conditions (see infra) and obtain authorization by a Board; (c) Persons under 18 may not be sterilized except under special circumstance.
The conditions under which a person aged 18-25 may apply for authorization for sterilization are:

1. A woman under 25 may be sterilized without authorization by the Board, in order to protect her life or health (physical or mental).

2. In the above case, the woman's husband may be granted authorization for sterilization in her stead.

3. Hereditary conditions.

4. Mental or physical disorders making the person unfit to give proper care to children.

5. Substantial risk that the spouse "will not be able to support a future pregnancy" or that the child will be deformed or incapable of surviving.

6. Socio-economic conditions, making it desirable to prevent the birth of a child (health, housing, family income, number of children, increased workload).

Authorization by the Board must be unanimous, and the procedure must be performed in a hospital or clinic by a physician.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally permitted up to the twelfth week of pregnancy under Law. No. 350 of 13 June 1973. A physician who performs an abortion subsequent to the twelfth week is subject to imprisonment for up to five years, or a fine. A non-physician who performs an abortion is subject to imprisonment for up to four years (Chapter 5).

B. Medical: The law of 13 June 1973 permits abortion at any time without prior authorization to save the life or health (physical or mental) of the mother (Chapter 1, paragraph 2). In addition abortion may be performed after the twelfth week, upon authorization, if continuation of the pregnancy, childbirth, or care of the child could risk deterioration of the mother's health.

C. Eugenic: After the twelfth week, authorization for an abortion may be granted where there is a danger that the child would be affected by a serious physical or mental disorder (Chapter 1, paragraph 3).
D. **Humanitarian:** After the twelfth week, authorization for an abortion may be given where pregnancy has resulted from rape or incest (Chapter 1, paragraph 3).

E. **Socio-economic:** After the twelfth week, authorization for an abortion may be granted on the basis of the woman's "youth" or "immaturity" (Chapter 1, paragraph 1).

F. **Elective:** Abortion is generally available on request up to the twelfth week of pregnancy (Chapter 1, paragraph 1).

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Footnotes Denmark


I. CONTRACEPTION

A. Government Policy: In 1968, the Government established the National Population and Family Council, attached to the Ministry of Health and Social Welfare. A Family Planning Association was founded in 1966.1

B. Import: In July, 1970, a Presidential decree removed all import duties on contraceptives.2

C. Manufacture: No local manufacture of contraceptives.

D. Sale of Condoms: Contraceptives are sold at all pharmacies without prescription.3 Maximum retail prices are fixed by the Secretariat of Health and the General Board of Price Control.4

E. Sale of Pills: See item D.

F. IUD: See item D.

G. Advertisement: No legal prohibition or limitation.

H. Transportation: No legal limitation.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 309 of the Penal Code (Law of August 20, 1884) provides penalties for anyone who mutilates another or causes him to lose the use of a member.6

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 317 of the Penal Code (as modified by Law No. 1690 of April 19, 1948).7 Anyone who performs an abortion is subject to imprisonment for from two to five years. A woman who wilfully induces her own miscarriage is subject to the same penalties. Harsher penalties are imposed on physicians and pharmacists who procure abortions.

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.
D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Dominican Republic:


3 Ibid.


5 Montas, supra, note 2.


7 Ibid.
I. CONTRACEPTION

A. Government Policy: A Family Planning Association was established in 1966. Ecuador does not have an official population policy as such, but does make family planning services available as part of a comprehensive health service available to all. All family planning activities, public and private, are under the supervision of the Government through the Ministry of Public Health.

B. Import: Pills which are imported must be accompanied by a certificate of analysis under Section 142 of the Health Code (Law No. 188 of February 4, 1971). Imports must be registered with the Division of Medical and Medical-related Professions. Import permission must also be obtained from the Department of Health.

C. Manufacture: All medical drugs and devices which are to be produced, marketed, or transported must be registered with the National Directorate of Health (Health Code, Section 100).

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Sold on prescription only (Health Code, Section 129.) Pills and IUDs are disseminated in clinics of the Family Planning Association. In practice, however, pills are available at any pharmacy to anyone who asks for them.

F. IUD: See item E.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 443 of the Penal Code (Law of March 22, 1938) provides penalties for anyone who inflicts injuries on another which result in the loss of the use of a principle organ.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from two to five years (Section 419).
woman who wilfully induces her own miscarriage may be
imprisoned for from one to five years (Section 420). Harsher
penalties are imposed on physicians, obstetricians, or
pharmacists who procure abortions (Section 422).

B. Medical: Abortion is permitted to save the life or health
of the mother (Section 423 (1)).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted if the pregnancy is a
result of rape or violation committed on an idiot or insane
woman. (Section 423 (2))

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Ecuador

1 IPPF, Family Planning in Five Continents (London: October, 1974, p. 15).


4 "Ecuador," IPPF Situation Report (London: July 1973). Note that under Section 73(b) of Resolution No. 3128 of November 9, 1955, the sale of pharmaceutical products considered to have contraceptive or abortifacient properties was denominated a "very serious offense," and punished as such (See WHO, International Digest of Health Legislation, Vol. 8, 1957). Quaere whether this provision (at least insofar as it refers to contraceptives) was nullified by the 1971 Health Code.


6 Ibid.

7 In the latter case, the consent of the legal representative of the woman is required for the abortion.
EGYPT

I. CONTRACEPTION

A. Government Policy: Presidential Decree No. 4075 of 1965 (amended by Presidential Decree No. 1054 of 1972) established a High Council for Family Planning. Other social and health centers also promote family planning.

B. Import: No legal restrictions.

C. Manufacture: No legal restrictions.

D. Sale of Condoms: No legal restrictions. Sold in pharmacies and other shops.

E. Sale of Pills: Sold in medical centers and pharmacies. No prescription is necessary.

F. IUD: Available in clinics and family planning centers free of charge.

G. Advertisement: No legal restrictions.

H. Transportation: No legal restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code (Law No. 58 of 1937). Anyone who performs an abortion is subject to punishment by imprisonment (Article 261). Harsher penalties are imposed if the abortionist is a physician, surgeon, pharmacist or midwife (Article 263). A woman who wilfully induces her own miscarriage may be punished by imprisonment.

B. Medical: Abortion is permitted upon certification by a team of medical doctors that continuation of the pregnancy could endanger the life of the prospective mother. The husband's consent is necessary.

C. Eugenic: Forbidden. See Item A.

D. Humanitarian: Forbidden. See Item A.
E. **Socio-economic:** Forbidden. See Item A.

F. **Elective:** Forbidden. See Item A.

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**Footnotes Egypt**

1. There is no law against sterilization of men, but the operation has found little acceptance in Egypt. Islamic religious law forbids permanent sterilization except in justified cases, such as physical deformity, psychological or mental illness, and incurable or hereditary diseases. See Magdi M. El-Kammash and Gloria F. El-Kammash, "United Arab Republic," in Luke T. Lee and Arthur Larson (eds.), *Population and Law* (Durham: Rule of Law Press, 1971).

IRE (IRELAND)

I. CONTRACEPTIVES
A. Government Policy: The Government sponsors no family planning program. A Family Planning Association was established in 1969.1
B. Import: Prohibited for commercial purposes. The Irish Supreme Court decided on December 19, 1973 (McGee case) that the ban on import of contraceptives for private purposes is unconstitutional. Thus, the court invalidated Section 17 of the Criminal Law Amendment Act of 1935.
C. Manufacture: Section 17 (see item B) does not restrict manufacture, but forbids "keeping for sale any contraceptive."
D. Sale of Condoms: Forbidden (Section 17, paragraph 1, Criminal Law Amendment Act, 1935). 
E. Sale of Pills: Oral contraceptives may not be sold as such, but may be sold in pharmacies on medical prescription for the purpose of cycle control.
F. IUD: Forbidden.
G. Advertisement: Forbidden to "offer, advertise" contraceptives (Section 17; See item B).
H. Transportation: No information available.

II. VOLUNTARY STERILIZATION
A. Specific Legislation or Regulations: None.
B. Criminal Law Applicable: Section 18 of the Offenses Against the Person Act of 1861 provides penalties for the infliction of grievous bodily harm on another.2

III. ABORTION
A. Illegal: Abortion is generally forbidden under the Offenses Against the Person Act of 1861.3 Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from two years to life (Section 58). Similar penalties may be imposed on a person who supplies anything, knowing that it will be used to perform an abortion (Section 59).
B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Eire


3 Ibid.
I. CONTRACEPTION

A. Government Policy: Government Population Policy was announced in a presidential message on July 1, 1974.1 A Cabinet-level National Commission on Population was created.

B. Import: The import, sale or advertisement of pharmaceutical specialties is permitted only under authorization issued by the Higher Council of Public Health. Requirements among others are authorization of specialties in the country of origin; a certificate issued by the Department of Health in the country of origin.2

C. Manufacture: Pharmaceutical specialties must be manufactured in chemical or biological laboratories duly registered with the Higher Council of Public Health (Regulations with regard to Pharmaceutical Specialties, Section 4).

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: In spite of the regulations clearly indicating that pills must be sold on prescription, oral contraceptives are available on a non-prescription basis all over the country.

F. IUD: Approximately 15% of all users in country have selected IUDs as a contraceptive method. MOH, ISSS, SDA clinics give consultations on IUDs.

G. Advertisement: The advertising of pharmaceutical specialties must be written in a simple manner, and it must be discreet and "in conformity with morality, decency and truth" (Regulations with regard to Pharmaceutical Specialties, Section 23).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 368 of the Penal Code provides penalties for anyone who renders another impotent, or causes another to lose an organ or member.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.6 Anyone who performs an abortion is subject to im-
prisonment for from two to four years (Section 162). A woman who wilfully induces her own miscarriage may be imprisoned for from one to three years (Section 161). Harsher penalties are imposed on a physician or pharmacist who procures an abortion. (Section 163).

B. Medical: Abortion is permitted to save the life of the mother (Section 169).

C. Eugenic: Abortion is permitted when grave deformity of the fetus is likely (Section 169).

D. Humanitarian: Abortion is permitted when pregnancy results from rape. (Section 169).

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes El Salvador

1CONAPLAN, Politica Integral de Poblacion, Republic of El Salvador, C.A.


4Ibid.

5Rafael B. Colindres (ed.), Codigo Penal de la Republica de El Salvador (San Salvador: Tipografia "La Vanguardia", 1920).

ETHIOPIA

I. CONTRACEPTION

A. Government Policy: The Government permits family planning as part of maternal and child health care. Since 1966, Ethiopia has had a voluntary Family Guidance Association.1

B. Import: Pharmacies and drugstores import all types of contraceptives without restrictions.

C. Manufacture: No local manufacturing.

D. Sale of Condoms: There is no legal prohibition against the use or sale of contraceptives.2

E. Sale of Pills: Some clinic services are offered in the Government facilities.3 Available in pharmacies in the urban and rural areas.

F. IUD: See item D.

G. Advertisement: Advertisement or display in public of contraceptives is forbidden (Penal Code, Proclamation No. 158 of 1957, Section 802).4

H. Transportation: It is forbidden to send contraceptive publications or samples to persons who did not solicit them or who are not, by reason of their profession, interested in them (Penal Code, Art. 802).5

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 538(b) and 542 of the Penal Code Provide penalties for maiming or disabling the essential limbs or organs of another.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for up to five years [Section 530 (1)]. A woman who wilfully induces her own miscarriage may be imprisoned for from three months to five years (Section 529).

B. Medical: Section 534 of the Penal Code Provides that abortion is permitted to save the life or health of the mother. The following legal requirements must be met: First, the danger must be certified in writing by a registered medical practitioner. Second, the abortion is still conditioned on
(a) authorization by a second doctor, qualified as a specialist in the alleged defect of health from which the pregnant woman is suffering, and (b) the consent of the pregnant woman (or, where she is physically or legally incapable, the consent of her next of kin or legal representative).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: The court may mitigate the normal punishment where an abortion has been performed following rape or incest (Section 533).

E. Socio-economic: The court may mitigate the normal punishment where an abortion has been performed due to the "extreme poverty" of the mother (Section 533).

F. Elective: Forbidden. See item A.

Footnotes Ethiopia


5 Ibid.
FIJI

I. CONTRACEPTION

A. Government Policy: A government family planning program has existed since 1962. A Family Planning Association was founded in 1963.¹

B. Import: There is no restriction on the import of contraceptives, but all imports are subject to general regulations. (Customs Ordinance, Sections 50 and 51).²

C. Manufacture: There is no local manufacture.

D. Sale of Condoms: No legal restrictions except on supply through automatic vending machines.³

E. Sale of Pills: Oral contraceptives are specifically exempted from the Fourth Schedule of the Poisons Regulations,⁴ and are available without prescription.⁵

F. IUD: Widely used.

G. Advertisement: Subject to approval by Minister for Health.

H. Transportation: No legal restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 258 of the Penal Code provides penalties for the infliction of grievous harm on another.⁶

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.⁷ Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 165). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 166). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years' imprisonment (Section 167).

B. Medical: Presumably, abortion would be permitted to save the life of the mother.⁸

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.
Footnotes Fiji

1IPPF, **Family Planning in Five Continents** (London: October 1973) p. 34.

2Donald McLoughlin and Harold Picton Simth (eds.), **The Laws of Fiji** (Sembley, Western Australia: Alex B. Davis, 1967).

3Family Planning Association of Fiji, personal correspondence, July, 1975.


5IPPF, **People** (London: April 1974) p. 38.

6Supra, note 2.

7Ibid.

FINLAND

I. CONTRACEPTION

A. Government Policy: The Government supports contraception as a means of preventing abortion. A Family Planning Association was established in 1941.1

B. Import: Permitted for both commercial and private use.

C. Manufacture: The manufacture of oral contraceptives requires the permission of the Ministry of Social Affairs and Health (Act on Pharmaceutical Articles, No. 374 of December 12, 1935, Section 3). Pills may be distributed only after each product has been authorized by the National Board of Health (Law on Pharmaceutical Articles, Section 10, paragraph a).

D. Sale of Condoms: Sold in various shops. No legal limitation.

E. Sale of Pills: Sold in pharmacies and health centers on medical prescription only.

F. IUD: Insertion by gynecologists only

G. Advertisement: No restrictions.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 283 of April 24, 1970 permits voluntary sterilization, provided that it is performed in a hospital by a physician. The person undergoing the sterilization (and the spouse) must be informed of the significance and consequences of the operation. Authorization for the operation must normally be obtained from the State Medical Board, but in some cases the opinion of two licensed physicians is sufficient. Conditions which may be adequate to permit sterilization are:

   (1) It is likely that any offspring would be retarded;
   (2) The person concerned would be unable to care for a child;
   (3) A child would bring socio-economic hardships to the family;
   (4) It would be difficult to prevent childbirth by any other means;
   (5) Pregnancy could endanger a woman’s life or health.

B. Criminal Law Applicable: None.
III. ABORTION

A. Illegal: Abortion is generally forbidden under the Criminal Code of December 19, 1889. Anyone who performs an abortion is subject to imprisonment for from four to six years. A woman who wilfully induces her own miscarriage may also be imprisoned, although the penalty may be waived if there are mitigating circumstances (Chapter 22, Article 5).

B. Medical: Under Law No. 239 of March 24, 1970, an abortion may be performed upon the recommendation of two physicians to save the life or health of the mother (Section 1).

C. Eugenic: Abortion is permitted up to the sixteenth week where authorization is given by the State Medical Board that there are grounds for presuming that the child will be mentally retarded or will later develop a serious disease or physical defect (Section 1).

D. Humanitarian: Abortion is permitted up to the sixteenth week where the pregnancy is the result of rape or incest (Section 1).

E. Socio-economic: Abortion is permitted up to the twentieth week of pregnancy if the woman is either less than seventeen years old or more than forty, or if she has already had four children. Abortion is permitted up to the sixteenth week, upon the recommendation of two physicians, where the delivery and care of a child would place considerable strain on the woman in light of her living conditions. Abortion is also permitted if disease, mental disturbance, or some other comparable factor would seriously limit the capacity of the parents to care for the child (Section 1).

F. Elective: Forbidden. See item A.

Footnotes:


The authorities must be notified of the crime. Two physicians must give their approval for the abortion.
FRANCE

I. CONTRACEPTION

A. Government Policy: The Government has recently made contraception generally available on prescription through pharmacies, family planning clinics and state health centers. Social security funds will cover much of the costs.¹

B. Import: Condoms and IUDs may be imported only by firms authorized, if they present "necessary guarantees" (Section 1, paragraph 2 of Decree No. 69-104 of February 3, 1969, implementing Section 2 of Law 67-1176, of December 28, 1967).

C. Manufacture: Pills may be manufactured only by firms authorized under the conditions prescribed in Section 598 of the Public Health Code; IUDs and condoms by firms authorized by the Minister of Social Affairs (Law 69-104, Section 2).

D. Sale of Condoms: Sold only in pharmacies (Law 74-1026, Section 1).

E. Sale of Pills: Available at pharmacies on prescription.

F. IUD: Only physicians may insert IUDs in a specialized hospital establishment, or in their office (Law 74-1026, Section 1).

G. Advertisement: Commercial contraceptive information is forbidden except for publications intended solely for doctors and pharmacists (Law 74-1026, Section 3).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION²

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 309 and 310 of the French Penal Code of 1810 forbid wounding another, and provide special penalties for acts which result in mutilation, amputation or deprivation of the use of a limb. Consent is not exculpatory.³

III. ABORTION

A. Illegal: Abortion is generally forbidden by the Penal Code and by the Public Health Code, Art. 647, as amended by Law No. 75-17 of January 17, 1975. Anyone who performs an abortion is subject to imprisonment for two months to two years and/or a fine of 2,000 to 20,000 francs.

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B. Medical: After 10 weeks gestation an abortion may be performed following the certification of two doctors that the woman's life is seriously endangered by the pregnancy (Section 11, Article 162-12).

C. Eugenic: After 10 weeks gestation an abortion may be performed after two doctors certify that the child will probably be born with a serious incurable abnormality (Section II, Article 162-12).

D. Humanitarian: See item F.

E. Socio-economic: See item F.

F. Elective: Up to 10 weeks gestation, an abortion may be performed on a woman after she is informed of medical risks, referred to social agencies and waits one week from her first visit to a doctor (Section I, Article 162).  

Footnotes France


2The information on voluntary sterilization is taken from Jacques Doublet and Hubert de Villedary, Law and Population Growth in France (Law and Population Monograph No. 12), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (L973).

3Arrêt of July 1, 1973 by the Cour de Cassation. See Doublet and Villedary, supra, note 3.

I. CONTRACEPTION


B. Import: The import of contraceptives is not forbidden and pharmacies are authorized to purchase all contraceptives.

C. Manufacture: Forbidden.

D. Sale of Condoms: Sold in pharmacies without restrictions. See item B.

E. Sale of Pills: Sold in pharmacies on prescription and for therapeutic purposes only. A board of three physicians may prescribe pills where: (a) a woman's health could be endangered by a further pregnancy or (b) the well-being of the family so requires (Ordinance No. 64-69 of October 4, 1969).

F. IUD: Doctors may prescribe them. See item B.

G. Advertising: Forbidden.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 230 and 231 of the Penal Code (Law No. 21-63 of May 31, 1963) forbid wounding another, and provide special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb. ¹

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. ² Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 24,000 to 50,000 CFA francs. Higher penalties are imposed on physicians and pharmacists who perform abortions (Section 244). A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years, and fined from 24,000 to 240,000 CFA francs (Section 245).
B. Medical: Presumably, abortion is permitted to save the life of the mother.  

C. Eugenic: Forbidden. See item A.  

D. Humanitarian: Forbidden. See item A.  

E. Socio-economic: Forbidden. See item A.  

F. Elective: Forbidden. See item A.  

Footnotes Gabon  

1 Unless otherwise indicated, all of the material on contraceptives is taken from Jan Stepan and Edmund H. Kellogg, The World's Laws on Contraceptives (Law and Population Monograph No. 17), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1974).  


3 Ibid.  

I. CONTRACEPTION

A. Government Policy: The Family Planning Association, established in 1969, is permitted to use the clinics and personnel of the Ministry of Health in providing family planning services.¹

B. Import: Contraceptives are imported duty-free.²

C. Manufacture: No specific information available. Persons selling or compounding drugs must be licensed and registered, under the Druggists Act.³

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Distributed in clinics of the Family Planning Association.⁴

F. IUD: See item E.

G. Advertisement: The Government permits the Family Planning Association to have free use of the radio and press (which are state-owned).⁵

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 212 and 214 of the Criminal Code forbid the infliction of grievous harm on another.⁶ However, a person is not criminally liable for performing with reasonable skill a surgical operation upon another for the latter's benefit (Section 219).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.⁷ Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 140). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 141). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years' imprisonment (Section 142).

B. Medical: Presumably, abortion would be permitted to save the life or health of the mother.⁸
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Gambia


6Supra, note 3.

7Ibid.

8Rex v. Bourne (1938). See discussion of this case under "Jamaica."
GERMAN DEMOCRATIC REPUBLIC

I. CONTRACEPTION

A. Government Policy: Contraception is encouraged as the best birth control method, as distinguished from both abortion and sterilization. The Ministry of Health has established the Association for Marriage and Family to help in the development of contraceptive activities.

B. Import: The private import of contraceptives for personal use is prohibited (Law on Import of Medical Goods).

C. Manufacture: Medicaments may be distributed only after they have been "sufficiently researched and included in the Drug Register of the Ministry of Health" (Law on Medicaments of May 5, 1964, GB1, Part II, p. 109). Also sold in indoor vending machines.

E. Sale of Pills: Supplied free of charge in pharmacies on medical prescription only.

F. IUD: Supplied by pharmacies to gynecologists for administration to their patients.

G. Advertisement: No legal provisions.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 116 of the Penal Code (Law of January 12, 1958) forbids the infliction of severe bodily injury on another.\(^1\)

III. ABORTION

A. Illegal: Article 153 of the Penal Code provides that anyone who performs an illegal abortion is subject to imprisonment for from one to three years.\(^2\)

B. Medical: After the twelfth week of pregnancy, abortion is permitted to save the life or health (physical or mental) of the mother (Law of March 9, 1972, Section 2[1], and Regulations of March 9, 1972, Section 5[3]).

C. Eugenic: No specific provision, but see item F.

D. Humanitarian: Abortion is permitted after the twelfth week
if the pregnancy was "the result of rape and certain other forms of sexual misconduct." Permission must be given by a commission of medical specialists (Law of March 9, 1972, Section 1[2]).

E. Socio-economic: No specific provision, but see item F.

F. Elective: During the first twelve weeks of pregnancy, abortion is available on request. The performing physician must explain the medical significance of the operation to the woman and advise her on the future use of contraceptives (Law of March 9, 1972, Section 1[2]).

Footnotes German Democratic Republic


4Ibid. Note that a pregnancy may not be terminated if a period of less than six months has elapsed since the most recent termination, unless special permission is given by a commission of medical specialists (Section 3[2]).

5Ibid.
I. CONTRACEPTION

A. Government Policy: There is no official government family planning program, but the Government is planning legislation to facilitate the increased dissemination of contraceptives.

B. Import: No import restriction. The producer must prove that he possesses a production permit valid for his own country (Law on Medicines of 1961, BGBI, Part 1, p. 533, Section 21, paragraph 3). For medical specialties a production permit is necessary (Law on Medicines of 1961, Section 12, paragraph 1). The product as imported must be labelled with the name of the producer (Section 11).

C. Manufacture: A license is necessary to produce medicaments commercially (Law on Medicines, Section 12, paragraph 1). The licensee must declare the production of IUDs (Law on Medicines, Section 18). Pills must be registered with the Federal Health Office before they are sold (Law on Medicines, Section 20). Inspectors of quality control must visit producers and other enterprises, as a rule, once in two years (Law on Medicines, Section 40).

D. Sale of Condoms: No special prohibitions. Sale in vending machines is forbidden "at" the streets and public places (Law of February 5, 1960, BGBI, Part 1, p. 61).

E. Sale of Pills: Sold in pharmacies on prescription only (Law on Medicines, Sections 28 and 35).

F. IUD: Only physicians may insert.

G. Advertisement: Paragraph 3, Section 184 of the Penal Code was repealed in 1973. It had forbidden the advertising or exhibition of "Means, objects or methods" designed to prevent venereal diseases (condoms). Pills (as medicaments to be sold only on medical prescription) cannot be advertised to the general public for commercial purposes (Law on Advertisement of Medicines of July 11, 1965, BGBI, Part 1, Section 604).

H. Transportation: Contraceptives must be mailed closely packed. This excludes the possibility of mailing "samples" as such, since samples must be mailed unsealed.
II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: In 1974 the Criminal Code was amended to permit voluntary sterilization by a physician of a person over 25 years of age who has given his informed consent. A person under 25 years of age may be sterilized if special circumstances exist as in the case of a woman who already has four children. A voluntary sterilization which does not comply with the new provision may be treated as a crime of intentional grave bodily injury.

III. ABORTION

A. Illegal: Abortion is generally forbidden. See also item B.

B. Medical: The West German Constitutional Court, after declaring a new law permitting abortion on request during the first three months of pregnancy unconstitutional, stated that abortion in the first three months of pregnancy is constitutional where the pregnancy is the result of rape, causes danger to the mother's health, when there is a possibility a deformed child may be born or when a birth could cause a grave hardship.

C. Eugenic: Permitted. See item B.

D. Humanitarian: Permitted. See item B.

E. Socio-economic: Permitted. See item B.

F. Elective: Not permitted. See item B.

Footnotes German Federal Republic (West Germany)


GHANA

I. CONTRACEPTION

A. Government Policy: In 1970 the Government issued a new policy to discourage population growth. A National Family Planning Program now works with four Ministries and a Planned Parenthood Association has existed since 1966.1

B. Import: A license is needed to import pills and condoms. (Pharmacies and Drugs Regulations, 1961, Regulation 23). There is a 50% duty on condoms and IUDs, but no duty on pills or gift contraceptives.

C. Manufacture: Organizations which manufacture pills must be licensed by the Pharmacy Board (Pharmacies and Drugs Act of 1961, Article 64, Section 17, paragraph 1).

D. Sale of Condoms: Sold in pharmacies and supermarkets. Sold by the National Trading Corporation and also distributed by the National Family Planning Program.

E. Sale of Pills: Sold in pharmacies on prescription only. A prescription book must be kept.

F. IUD: May be inserted by a physician or by a nurse-midwife who has graduated from the official six-week program given by the Ghana National Family Planning Program. Official services make IUDs available.

G. Advertisement: Commercial advertisement is prohibited, unless published by direction of the Ministry of Health (Pharmacies and Drugs Act of 1961, Article 64, Section 32, paragraph 1).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 42 and 69 of the Criminal Code (Act 29 of 1960) forbid the infliction of grievous harm on another. Consent is not listed as a defense.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 58 of the Criminal Code. Reportedly, on June 25, 1969, the crime was reduced from a first degree felony with a minimum ten-year prison sentence to a second degree felony subject to an indeterminate sentence not to exceed ten years or a fine.
Footnotes Ghana

^IPPF, Family Planning in Five Continents (October 1973,) p. 6.
GREECE

I. CONTRACEPTION

A. Government Policy: The Government has no organized family planning programs.1

B. Import: The private import of medicaments (including certain contraceptives) requires a concession from the State Laboratory for the Center of Pharmaceutical Products under the Ministry of Social Welfare.2

C. Manufacture: No law prohibits the manufacture of contraceptives, but the Ministry of Industry licenses the manufacture of condoms as prophylactics against venereal disease. In fact, no oral contraceptives are manufactured.3 See item E.

D. Sale of Condoms: Condoms are freely sold.4

E. Sale of Pills: Oral contraceptives are reportedly available, but they are not manufactured by local pharmaceutical industries or tested by the Government. They may be obtained in pharmacies.5 A medical prescription is normally required, although the requirement is seldom enforced.

F. IUD: The IUDs available as of 1975 are the SAF-T-Coil, Lippes' Loop and Gravigord.

G. Advertisement: Oral contraceptives are advertised for their gynecological indications rather than their contraceptive value. Advertising of contraceptives must be approved by the Government.7

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Reportedly, sterilization is punishable unless performed for therapeutic reasons.8

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 304 of the Penal Code (Law 1492/1950, as amended).9 Anyone who performs an abortion, or supplies the means to perform an abortion is subject to imprisonment for at least six months. A woman who wilfully induces her own miscarriage may be imprisoned for up to three years.
B. **Medical**: Abortion is permitted to save the life of the mother, provided the need for abortion is certified by a second physician (Section 304).

C. **Eugenic**: No provisions for abortion on this ground.

D. **Humanitarian**: Abortion is permitted if pregnancy has resulted from rape, incest, or the seduction of a girl under 16 years of age (Section 304).

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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**Footnotes Greece**


3Ibid.

4Ibid.


6Ibid.

7Ibid. See also IPPF Europe, supra, note 2.

8IPPF Europe, supra, note 2.

9Siambos, supra, note 5.
I. CONTRACEPTION

A. **Government Policy:** The Government has announced an official population policy and supports regulation of family size. A Family Planning Association exists, and the Government allows it to use public health facilities and personnel on a voluntary basis.

B. **Import:** The Government allows the Family Planning Association to import contraceptives free of duty.

C. **Manufacture:** No information available.

D. **Sale of Condoms:** No information available.

E. **Sale of Pills:** Distributed at clinics and subclinics of the Family Planning Association.

F. **IUD:** No information available.

G. **Advertisement:** No information available.

H. **Transportation:** No information available.

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** The Criminal Code provides penalties for anyone who inflicts grievous harm on another (Section 223).

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under Section 250 of the Criminal Code. Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for ten years.

B. **Medical:** Abortion is permitted if done for the purposes of medical or surgical treatment of a pregnant woman (Criminal Code, Section 266(2)).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.
B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Grenada


3Ibid.

4Ibid.


6Ibid.
GUATEMALA

I. CONTRACEPTION

A. Government Policy: A Government family planning program began in 1969. To date the Government has not defined a population policy with demographic goals, but bases its program on responsible parenthood.1 A Family Planning Association (APROFAM) was established in 1962.2

B. Import: A permit is required to import pharmaceuticals.3

C. Manufacture: No information available.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Distributed in clinics of the Family Planning Association,4 the majority of MOH Health Centers, 125 Government-sponsored municipal pharmacies, and in commercial pharmacies.

F. IUD: Inserted in clinics of the Family Planning Association,5 and in MOH Health Centers.

G. Advertisement: APROFAM uses all methods of mass and individual communication to advertise family planning.6

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 309 and 310 of the Penal Code (Law No. 2.164 of 1936) provide penalties for the infliction of an injury which results in impotence. Consent by the victim may reduce the punishment, but it is not exculpatory (Section 317).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.7 Anyone who performs an abortion is subject to imprisonment for from one to three years (Section 135). Harsher penalties are imposed on physicians and other medical personnel who procure abortions (Section 140).

B. Medical: Abortion is permitted to save the life or health of the mother if the danger cannot be avoided in any other way.8
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted if the pregnancy is the result of rape and criminal proceedings are initiated. See item A.

E. Socio-economically: Forbidden. See item A.

F. Elective: Forbidden.

Footnotes Guatemala


5Ibid.


8As amended by Congressional Decree No. 17-73 of 1973. A copy of this Decree is on file at the Law and Population Programme, Tufts University, Medford, Massachusetts.


10Ibid.
GUINEA

I. CONTRACEPTION


B. Import: There are no express laws governing the import of contraceptives. However, since Guinea was formerly a part of metropolitan France, the French law of July 31, 1920 may still be in force. According to this law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden.

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden. See item B. Quaere whether condoms may legally be sold in pharmacies as protection against venereal disease.

E. Sale of Pills: Forbidden. See item B. Quaere whether oral contraceptives may be legally sold in pharmacies for health reasons.

F. IUD: Forbidden. See item B.

G. Advertisement: Forbidden. See item B.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 261 of the Penal Code forbids wounding another, and provides special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to two years, a fine of from 40,000 to 400,000 CFA francs, or both. A woman who wilfully induces her own miscarriage may be imprisoned for from sixteen days to a year and fined from 36,000 to 150,000 CFA francs (Section 269).

B. Medical: Presumably, abortion would be permitted to save the life of the mother.
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Guinea


5Ibid.

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning activities. Responsible Parenthood Association founded 1974; private organization receiving funds from IPPF.

B. Import: Import tariffs same as for all imported drugs under Food & Drug Act, no special regulations exist.

C. Manufacture: The manufacture of pills must be carried out under the direct charge and supervision of a duly registered chemist or druggist [Pharmacy and Poison Ordinance, Section 19 (1)].

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Pills are listed as poisons under the First Schedule, Part III, of the Pharmacy and Poison Ordinance. They may not be sold, without a prescription, to anyone under 20 years of age (Section 20).

F. IUD: No information available.

G. Advertisement: Food & Drug Act applies.

H. Transportation: Food & Drug Act applies.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 50 of the Penal Code forbids the infliction of grievous bodily harm on another.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to life imprisonment (Section 80). A woman who wilfully induces her own miscarriage may be imprisoned for ten years (Section 79). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to imprisonment for five years (Section 78).

B. Medical: Presumably, an abortion would be permitted to save the life and health of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.
E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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Footnotes


2Ibid.

3Ibid.

4Rex v. Bourne (1938). See discussion of this case under "Jamaica."

HAITI

I. CONTRACEPTION

A. **Government Policy:** Legislation in 1971 created a Division of Family Hygiene within the Department of Health, which is drafting a long-range plan to provide a framework for future maternal-child health and family planning programs.¹ No Family Planning Association exists, but there are several privately-supported clinics.²

B. **Import:** The Government requires an Import Permit.

C. **Manufacture:** All drugs manufactured must adhere to the French Codes (Law of August 19, 1955 to regulate the importation, manufacture, distribution and sale of pharmaceutical products, Section 9).³

D. **Sale of Condoms:** No legal restrictions.

E. **Sale of Pills:** Sold in pharmacies on prescription only (Law of August 19, 1955, Sections 5 and 14).

F. **IUD:** Insertions are performed by health services.

G. **ADVERTISEMENT:** The advertisement of pills may be restricted, under Section 32 of the Law of August 19, 1955.

H. **Transportation:** No information available.

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 255 of the Penal Code (Law of August 11, 1835) provides penalties for the infliction of harm on another.⁴

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under Section 262 of the Penal Code.⁵ Anyone who performs an abortion, or a woman who willfully induces her own miscarriage, is subject to imprisonment for from three to nine years. Harsher penalties are imposed on physicians or pharmacists who procure abortions.

B. **Medical:** *Quaere* whether an abortion would be permitted to save the life of the mother.

C. **Eugenic:** Forbidden. See item A.
D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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**Footnotes Haiti**


5Ibid.
HONDURAS

I. CONTRACEPTION

A. Government Policy: A Government family planning program began in 1966. A Family Planning Association was established in 1961.1

B. Import: The Government allows the tax-free importation of contraceptives.2

C. Manufacture: No specific information available. The Secretariat for Public Health and Social Welfare may promulgate regulations on the preparation, importation, storage and sale of pharmaceutical products (Sanitary Code, Section 131).3

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Quaere whether a prescription is required. Pills are distributed in clinics of the Family Planning Association.4

F. IUD: Inserted in clinics of the Family Planning Association.5

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Section 110 of the Fundamental Law with Regard to the Association of Physicians of Honduras (Decree No. 94 of June 25, 1964) permits sterilization if three physicians approve and the person concerned gives his consent.6

B. Criminal Law Applicable: Sections 413 and 414 of the Penal Code (Law of January 19, 1906) provides penalties for castration or mutilation of the member of another.7

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.8 Anyone who performs an abortion is subject to imprisonment for from two to three years (Section 409, paragraph 3). A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 411).

B. Medical: Abortion is permitted to save the life or health of the mother. Authorization must be received from a medical commission (Fundamental Law with Regard to the Association of Physicians of Honduras, Sections 105-107.)9
C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Honduras


4 *Supra*, note 2.

5 *Ibid*.


7 *Código Penal* (Tegucigalpa: Tipografia Nacional, 1906).

8 *Ibid*.

I. CONTRACEPTION

A. Government Policy: A Government program begun in 1973 provides extensive family planning services throughout the colony. A Family Planning Association was founded in 1936.

B. Import: No information.

C. Manufacture: No information.

D. Sale of Condoms: No information.

E. Sale of Pills: Low dosage pills, that is, those with estrogenic content not over 50 mcg. and progestational content not over 5 mcg. are freely available without prescription. Higher dosage pills require a doctor's prescription. Introducing a health warning on packages of all pills is being considered. Users of oral contraceptives are advised by the Director of Medical and Health Services to consult Family Planning Clinics before commencing use.

F. Advertisement: No information.

G. Transportation: No information.

II. VOLUNTARY STERILIZATION

No information available.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Crimes Ordinance. Anyone who causes an abortion, or a woman who wilfully induces her own miscarriage, is subject to life imprisonment (Section 46). A person who supplies anything, knowing that it will be used to procure an abortion, may be imprisoned for three years (Section 47).

B. Medical: Abortion is permitted on the advice of two doctors where there is risk to the life of the woman, or her physical or mental health considering the woman's "actual or foreseeable environment." (Section 47A of the Penal Code, adopted in 1972, extended 1974).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: See item B.

F. Elective: Forbidden. See item A.
HUNGARY

I. CONTRACEPTION

A. Government Policy: The Government supports contraception as an alternative to abortion. A recent decision by the Council of Ministers makes contraceptive medicines and devices generally available in appropriate quantity, quality and variety.

B. Import: No information available.

C. Manufacture: An oral contraceptive, Infecundin, has been manufactured since 1967. In addition, IUDs are manufactured in Hungary.

D. Sale of Condoms: Sold in pharmacies and other shops, vending machines.

E. Sale of Pills: Sold in specified pharmacies. Regulated by Decree of Ministry of Health No. 36/1968/Eu.K.13 (on Infecundin and Bisecurin). Pills are prescribed for only six months at a time, by a specialist in the local health institution after tests.

F. IUD: Regulated by Ministry of Health Directive No. 40/1971/Eu.K.22. May be inserted only in specialized health institutions, and only on women who have had births or who are older than eighteen. An IUD may be inserted either for health reasons or to avoid unwanted pregnancies.

G. Advertisement: No legal restrictions.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 257, paragraph 3 of the Penal Code (Law No. V of 1961) forbids the infliction of grievous harm on another. Lack of "social dangerousness" may be grounds for exculpation (Section 2).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Criminal Code (Law No. V of 1961). Anyone who performs an abortion is subject to punishment for up to three years (Section 256 [1]). A woman who wilfully induces her own miscarriage may be imprisoned for up to six months (Section 256 [4]).
B. **Medical:** Abortion is covered by regulations which came into force on January 1, 1974. Health reasons affecting either the mother or the fetus are considered in determining whether an abortion may be granted, but the decision rests with a special commission set up by the Minister of Health.

C. **Eugenic:** No legal provisions.

D. **Humanitarian:** Abortion is available to women who are the victims of

E. **Socio-economic:** Abortion is available to women who have three or more children, to single women or women separated from their husbands for more than six months, and to couples with no homes of their own.

F. **Elective:** An abortion is permitted on request for women over 40 years of age (35 years of age by 1979).

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**Footnotes Hungary**


ICELAND

I. CONTRACEPTION

A. Government Policy: The Government is not hostile to the dissemination of contraceptives, but it sponsors no organized family planning activities.  

B. Import: The import of contraceptives is permitted, subject to pharmaceutical requirements in the case of oral contraceptives and spermicides.  

C. Manufacture: Reportedly, no law prohibits the manufacture of contraceptives.  

D. Sale of Condoms: No legal restrictions.  

E. Sale of Pills: Sold in pharmacies on prescription only (Law No. 30 of April 29, 1963).  

F. IUD: No information available.  

G. Advertisement: Oral contraceptives and spermicides may be advertised only in medical journals (Law No. 30 of April 29, 1963).  

H. Transportation: No information available.  

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 16 of January 13, 1938, prohibits sterilization except on medical or medico-legal grounds. Application for the operation must be made to the Chief Medical Officer, and approval must be obtained from a committee.  

B. Criminal Law Applicable: None.  

III. ABORTION

A. Illegal: Illegal abortions are punishable according to the provisions of the Criminal Code relating to murder.  

B. Medical: The Law of January 28, 1935, on the Prevention of Pregnancy and Abortion, permits abortion to protect the health of the mother, where the pregnancy has not passed the twenty-eighth week. If the woman has been pregnant for more than eight weeks, the abortion may be performed only if there exists a serious danger which cannot be eliminated by any other means. The operation must be performed in an approved hospital on the basis of the substantiated report of two physicians certifying the necessity for the pregnancy to be terminated.
C. **Eugenic:** Abortion is permitted if there doubts that the child can be delivered alive, or if the woman (or members of her family) have suffered serious illness (Law of January 28, 1935).

D. **Humanitarian:** Unclear if abortion is permitted on humanitarian grounds.

E. **Socio-economic:** In determining whether the woman's health would be endangered by continuance of the pregnancy (see item A), account must be taken of whether the woman has given birth to several children in a short period of time, or whether her living conditions are poor because of many children or poverty (Law of January 28, 1935).  

F. **Elective:** No provision for abortion on this ground.

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**Footnotes Iceland**


3 Ibid.

4 Ibid.


6 Ibid.


I. CONTRACEPTION

A. Government Policy: There has been an official central Government program since 1951. Under the Indian Constitution, the responsibility for public health, including family planning, rests with the state governments. However, the central Government has adopted family planning as a "national program" and has set up a separate Department of Family Planning within the Central Ministry of Health and Family Planning to plan, coordinate and direct the program.

B. Import: Commercial import of condoms is prohibited under the current Government of India Import Trade Control Policy framed under the provisions of the Imports and Exports (Control) Act, 1947 (Act 18 of 1947). The law also applies to pills. The restrictions on importation are to protect and encourage local manufacture. A license is required for the importation of all drugs (Drugs and Cosmetics Act of 1940, Section 10, sub-section c).

C. Manufacture: Pills and condoms are both subject to regulations of the Central Government (Drug Control Act of 1950, Sections 4-6 et seq; also, Drugs and Cosmetics Act of 1940 and regulations thereunder). Condoms are also covered by Schedule R, Rule 125, Drugs and Cosmetics Act of 1940.

D. Sale of Condoms: Sold at a specially subsidized price and distributed free of charge in Government family planning centers, and non-governmental organization centers funded by the Government.

E. Sale of Pills: Sold in pharmacies on prescription only (Schedule L of Drugs and Cosmetics Act of 1940) and distributed free through all urban Family Planning Welfare Planning Centers and through such Primary Health Centers as can monitor the oral pills programs.

F. IUD: Permitted.

G. Advertisement: The advertising of a drug for the prevention of contraception is forbidden (Drug and Magic Remedies Act of 1954, Section 3). However, the Government may in its discretion permit such advertisement (same Act, Section 15). Condoms are heavily advertised in the press and on radio by the Government. Pills require a prescription under Schedule L of the Drugs and Cosmetics Act of 1940; however, advertisement is made to the general public through the press and possibly other media in the future. Obscenity rules under the Indian Penal Code are strict and any advertising should broadly comply with these rules.
H. Transportation: Transportation of contraceptives within the country is allowed.

I. Fee for Services: No charge is made for sterilization or IUD insertions at family planning centers. Nor are charges made for other family planning methods. The Government pays a nominal amount to sterilization and IUD acceptors to compensate them for travel to the clinic, loss of wages and other incidental expenses.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: The Government has issued "policy guidelines" (which are not legally binding) that no person may be sterilized unless he is married, has a minimum of three living children, and has given his consent, after being advised that the procedure is irreversible.2

B. Criminal Law Applicable: Sections 320 and 325 of the Indian Penal Code (Act XLV of October 6, 1860) provide penalties for the infliction of grievous harm on another.3 Consent of the victim is grounds for exculpation.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 312 of the Penal Code of 1860.4 Anyone who performs an abortion is subject to imprisonment for three years, fine, or both. The same penalties apply to a woman who wilfully induces her own miscarriage.

B. Medical: Section 312 of the Penal Code permits abortion to save the life of the mother. The Medical Termination of Pregnancy Act of 1971 (Law No. 34 of August 10, 1971)5 permits abortion prior to the twentieth week to save the health (mental or physical) of the mother (paragraph 3).6

C. Eugenic: Abortion is permitted if there is a substantial risk that the child might suffer such physical or mental abnormalities as to be seriously handicapped (Medical Termination of Pregnancy Act of 1971, paragraph 3).7

D. Humanitarian: Abortion is permitted where the pregnancy is the result of rape (Medical Termination of Pregnancy Act of 1971, paragraph 3).

E. Socio-economic: The woman's actual and foreseeable environment is taken into account in determining the risk of injury to health. See item B. Also, abortion is permitted when pregnancy is the result of the failure of contraceptive devices or procedures (Medical Termination of Pregnancy Act of 1971, paragraph 3).
F. Elective: Forbidden. See item A.

Footnotes India


4Ibid.


6If the pregnancy is less than twelve weeks, only one physician must give his approval. If it is between twelve to twenty weeks, two physicians must approve.

7The same conditions listed in note 6, *supra*, apply.
I. CONTRACEPTION


B. Import: No legal restrictions.

C. Manufacture: No legal restrictions.

D. Sale of Condoms: No legal restrictions. Sold in pharmacies and small tobacco shops, and is experimentally sold by mail.

E. Sale of Pills: Sold in pharmacies on prescription only. In actual practice, nurses and midwives give out pills. Pill resupply is currently being made by lay people in selected villages in West, Central and East Java, as well as Yogya, Karta and Bali.

F. IUD: Government-supported services insert IUDs. There is, apparently, a custom of requiring the consent of the husband before the insertion of the IUD.

G. Advertisement: Commercial advertisement is forbidden by Chapter VI, Article 534 of the Penal Code. No information on contraception may be disseminated to persons under; this would constitute a "crime against morals." (Penal Code, Chapter XIV, Articles 283 and 283 [bis]). However, initial experimentation of advertising condoms is being done without significant objection from either the Government or the people.

H. Transportation: No apparent restrictions. See item D.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for five and a half years (Section 348). A woman who wilfully induces her own miscarriage may be imprisoned for up to four years (Section 346). Physicians, midwives and pharmacists who perform abortions are subject to harsher penalties (Sections 349 and 350).
B. **Medical**: Quaere whether abortion would be permitted to save the life of the mother.

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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**Footnotes Indonesia**

1Since Indonesia is a Moslem country, Islamic religious law may be directly applicable. In practice, sterilization is sometimes performed on medical grounds, and with the written consent of the spouse. See Jan Stepan and Edmund H. Kellogg, *The World's Laws on Voluntary Sterilization for Family Planning Purposes* (Law and Population Monograph No. 8), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1974).

I. CONTRACEPTION

A. Government Policy: The Government has had an official family planning program since 1967. There is also a Family Planning Association, which receives Government support.

B. Import: An import license from the Ministry of Health is required, but only an import license for condoms is easy to obtain, since a 1972 law requires all pills to be sold in Iran to be processed in the country. However, some of the pills used by the Family Planning Association are given as free gifts by the International Planned Parenthood Federation, and the Ministry of Health gives permission to import them.

C. Manufacture: Approval of the Ministries of Health, Economy, and Justice is required for the manufacture of any drug. The manufacturing company must be at least 51% Iranian. Both the Drug Administration of the Ministry of Health and the Technical Committee of the Family Planning Division of the Ministry pass on the quality of the pills.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Pills are available without prescription in the provinces and rural areas from the Co-op stores and are also distributed by midwives without prescription.

F. IUD: Inserted in clinics by qualified midwives.

G. Advertisement: Commercial advertisement to the medical profession is permitted. Public advertising must be approved by the Ministry of Health.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: A revised Penal Code states in Article 42, Section 2, that any surgical or medical operation which is necessary and performed with the consent of the person involved or his guardian or legal representative, and in accordance with technical and scientific criteria is not deemed a crime. Sterilization is permitted for social as well as medical reasons.
III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Law.\(^1\) Anyone who performs an abortion is subject to imprisonment for from one to three years (Section 181). A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 182).\(^2\) Higher penalties are imposed on physicians, midwives, surgeons or pharmacists who perform abortions (Section 183).

B. Medical: Abortion is permitted to save the life of the mother. The performing physician must have the approval of two other physicians, and he must make a report (within 24 hours of performing the operation) to the High Council of the Iran Medical Association (Section 183). See also item E.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: A Declaration of Parliament of September 197 permits abortion for social, as well as medical reasons. As of yet no regulations have been established.\(^3\)

F. Elective: Forbidden. See item A.

Footnotes Iran


2. Note that if the husband orders the abortion, he - rather than the woman - may be punished (Article 182).

IRAQ

I. CONTRACEPTION

A. Government Policy: A Family Planning Association was established in 1971. The official policy is to accept family planning as a social welfare measure.¹

B. Import: The importation of medicaments and pharmaceutical specialties must be conducted in conformity with the provisions of the Law on the General Establishment of Drugs. Imported drugs must be registered with the Ministry (Law No. 40 of 1970).²

C. Manufacture: A license is required from the Minister to manufacture drugs. There are quality controls (Law No. 40 of 1970).

D. Sale of Condoms: No apparent legal restrictions. Condoms are available commercially.³

E. Sale of Pills: A recent decree of the Ministry of Health permits sale of pills by pharmacies without a prescription. Pills are distributed in clinics of the Family Planning Association and are available commercially in pharmacies.⁴

F. IUD: Inserted in clinics of the Family Planning Association, and by private physicians on prescription.

G. Advertisement: Medicaments may be advertised only by medical and pharmaceutical journals (Law No. 40 of 1970).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code of 1969.⁶ Anyone who performs an abortion is subject to imprisonment for one year, a fine of 100 dinars, or both. A woman who wilfully induces her own miscarriage is subject to the same penalties [Section 417(1)]. Higher penalties are imposed on physicians who perform abortions [Section 417 (3)].
B. **Medical:** Abortion is permitted if two specialists report that such an operation is necessary to save the pregnant woman's life (Medical Ethics Code).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** It is a mitigating legal circumstance if a woman aborts herself to save the dishonor of an illegitimate pregnancy. The same applies to relatives up to the second degree who procure her abortion [Penal Code, Section 417(4)].

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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Footnotes Iraq


3*Supra*, note 1.


ISRAEL

I. CONTRACEPTION

A. Government Policy: Population policy aims at achieving a better balance in family size between the different sectors of the population, because large families are found mainly among those strata of the population which are least equipped to meet the requirements of life in a modern society. The Ministry of Health has stated publicly its favourable attitude towards family planning, and has initiated the introduction of services (advisory and contraceptive), in a small number of clinics. The public health services run by the Sick Fund of the General Federation of Labour, which is subsidised by the Government and covers about 70% of the population, has also declared its favourable attitude and has initiated some services. Both of these bodies, as well as the Ministry of Education and Culture, have initiated "information and education" programmes, intended both for public health professionals and for the public.

B. Import: Imports for both commercial and private use are permitted. Section 42A of the Pharmacists' Ordinance (Law of Palestine, Vol. II, p. 1124) empowers the Ministry of Health to control the import of drugs.

C. Manufacture: Contraceptives are treated like other drugs under Section 42A of the Pharmacists' Ordinance (see item B), which empowers the Ministry of Health to control the manufacture of drugs.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold in pharmacies and treated like other drugs. No prescription is required. The Medical Practitioners' Ordinance (Laws of Palestine, Vol. II, p. 909 [1933]) could be interpreted to require a prescription, but there has never been any such interpretation.

F. IUD: No legal restrictions. See item E.

G. Advertisement: Commercial advertisement of medicaments is allowed to physicians and pharmacists only.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.
III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code, but in all cases no legal proceedings are taken if the woman induces her own abortion. Amendments proposed by a Government-appointed Committee, intended to liberalise the law to include permission for social and psychological reasons as well, are at present under review by the Knesset (Israeli Parliament).

B. Medical: In 1952 the District Court of Haifa declared that abortion for bona fide medical grounds is permissible if done openly.

C. Eugenic: Forbidden, but see item A.

D. Humanitarian: Forbidden, but see item A.

E. Socio-economic: Forbidden, but see item A.

F. Elective: Forbidden, but see item A.

Footnotes Israel


ITALY

I. CONTRACEPTION

A. Government Policy: Existing family planning programs are run by private institutions.

B. Import: Not prohibited, but medical specialties must be registered before being distributed (Testo Unico degli Leggi Sanitarie, Section 162).

C. Manufacture: The manufacture of medical specialties requires authorization by Ministry of Health. There is mandatory government testing of all medicaments. (Testo Unico, Section 161).

D. Sale of Condoms: Sold in various types of shops, by vending machines and through mails.

E. Sale of Pills: Sold in pharmacies on prescription only (on "medical grounds").

F. IUD: Inserted only by physicians (on "medical grounds").

G. Advertisement: Formerly prohibited under Testo Unico, Sections 112/1, 114/1; Penal Code Section 553. These provisions were declared unconstitutional by the decision of the Italian Constitutional Court of March 16, 1971, No. 49. Other legislation remains in force which prohibits publicity for the prescription of contraceptives.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 552 of the Penal Code (Law No. 1398 of 1930) provides that anyone who sterilizes a person of either sex is subject to imprisonment for from six months to two years and a fine of from 40,000 to 200,000 lire. Anyone who consents to sterilization is also punishable.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from two to five years (Section 546). A woman who wilfully induces her own miscarriage may be imprisoned for from one to four years (Section 547). Health personnel are subject to heavier penalties (Section 555).
B. Medical: Abortions may be performed to protect the life or health of the mother (Penal Code, Section 54, and Section 21 of Law No. 860, 1959\(^4\)). A February 18, 1975 decision of the Italian Constitutional Court held that an abortion may be had where there is danger to the mother's health or sanity.\(^3\)

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A. However, if abortion is performed to preserve one's honor or that of a close relative, the penalty is reduced by one-half to two-thirds.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Italy


3 Ibid.


IVORY COAST

I. CONTRACEPTION

A. Government Policy: Although the French law of July 31, 1920 (see item B) might technically be in effect, the Government does not, in practice, prohibit contraception.¹

B. Import: There are no express laws governing the import of contraceptives. However, the French Law of July 31, 1920, may still be in force, since it was adopted into French West Africa in 1933.² According to the old French law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden. *Quaere* whether the law is actually enforced, however.

C. Manufacture: Unclear. See item B.

D. Sale of Condoms: Unclear. See item B. In practice, contraceptive devices may be purchased openly in pharmacies.³

E. Sale of Pills: Unclear. See item B. In practice, contraceptive pills may be purchased openly in pharmacies, usually without medical prescription.⁴

F. IUD: Unclear. See item B.

G. Advertisement: Unclear. See item B.

H. Transportation: Unclear. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 309 and 310 of the French Penal Code of 1810, still in force in the Ivory Coast,⁵ forbid wounding another, and provide special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb. Consent is not exculpatory.⁶

III. ABORTION

A. Illegal: Abortion is forbidden under the French Penal Code (still in force in the Ivory Coast).⁷

B. Medical: Decree No. 62-248 of July 31, 1962, provides that an abortion may be performed by a physician to save the life of the mother. The physician must receive written corroboration by two other physicians that an abortion is absolutely necessary (Article 38).⁸
C. **Eugenic:** Forbidden.

D. **Humanitarian:** Forbidden.

E. **Socio-economic:** Forbidden.

F. **Elective:** Forbidden.

Footnotes Ivory Coast


3Dubois, *supra*, note 1.

4Dubois, *supra*, note 1.

5See note 6, under "Dahomey."


7See note 6, under "Dahomey." Also, see IPPF, "Abortion: A World Survey," Supplement to IPPF News/March 1972.

JAMAICA

I. CONTRACEPTION


B. Import: No imports are permitted from countries that do not import Jamaican goods. Otherwise, there are no restrictions on condoms. Pills are imported under a general license and each new type of pill must be registered with the Drug and Poisons Control Board. The importer must prove that the drug is authorized in the country of origin, and that it is registered in the United Kingdom, United States or Canada. The Government of Jamaica has removed oral contraceptives from the prescription list and has exempted them from customs duties. Condoms pay 22% plus port charges.

C. Manufacture: No legal restrictions.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: No prescription needed. See item B.

F. IUD: No legal restrictions.

G. Advertisement: Pills may not be advertised commercially, but condoms may be, if cleared with the Family Planning Board.

H. Transportation: No information available.

II. VULNERARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 16 of the Offenses Against the Persons Act forbids the infliction of grievous bodily harm on another.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Offenses Against the Person Law. Anyone who performs an abortion, or a woman who willfully induces her own miscarriage, is subject to imprisonment (Section 65). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to imprisonment for three years, or not less than two years (Section 66).
B. Medical: Abortion is permitted where there is danger to the woman's mental or physical health.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted in cases of rape, incest, or carnal knowledge.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Jamaica

1 Wilbut J. Wallace, Public Health Advisor for Family Planning Division of United States AID Mission to Jamaica, personal correspondence, April 28, 1975.


3 Ibid.

4 Life imprisonment, imprisonment for not less than three years, or imprisonment for no more than two years.
I. CONTRACEPTION

A. Government Policy: After World War II, a policy supporting the curbing of population growth was developed. The Government presently provides international aid for family planning and gives support to a Japanese Family Planning Association.

B. Import: Permission to import condoms takes ten days. A license to import drugs is necessary. (Pharmacy Law No. 145 of 1960, Section 22). No type of pill or IUD has yet been authorized for import.

C. Manufacture: Drug manufacturers must have a license. (Pharmaceutical Affairs Law, Section 12). The Japanese IUD (Ota-Ring) is manufactured, but no other IUD has been authorized. No oral contraceptive pill has been authorized for manufacture or sale. Quality standards are prescribed for condoms by both industry and the Ministry of Health.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: No pill has been authorized for sale. Some contraceptives may be available in pharmacies on prescription for "non-contraceptive use."

F. IUD: See item C.

G. Advertisement: False or exaggerated statements on the efficiency of drugs is prohibited. (Pharmaceutical Affairs Law, Section 66). Condoms may be displayed for sale, and are sold door-to-door. Prescription drugs may not be advertised. (Code or advertising practice for drug and cosmetic products and medical devices, Section 6).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Under the Eugenic Protection Law (Law No. 156 of July 13, 1948), sterilization may be performed by a physician where the life of the mother would be endangered by pregnancy, or where the mother has several children and her state of health seems to be seriously affected by each delivery. The person in question, and the spouse, must consent to the operation. A commission makes the actual decision, and the law provides for appeal.
B. Criminal Law Applicable: None.

C. Eugenic: Abortion is permitted where the woman or her husband suffers from psychosis, mental deficiency, psychopathy, hereditary bodily disease or hereditary malformation, or where a relative within the fourth degree suffers from any such condition, (Eugenic Protection Law, Paragraph 1, Article 14).

D. Humanitarian: Abortion is permitted where the pregnancy is the result of rape. (Eugenic Protection Law, Paragraph 1, Article 14).

E. Socio-economic: Abortion is permitted when, from an economic viewpoint, continuation of pregnancy or delivery may seriously affect the health of the mother. (Eugenic Protection Law, Paragraph 1, Article 14).

F. Elective: Forbidden. See item A.

Footnotes Japan


2International Digest of Health Legislation, Vol. 16, 1956. Unlike induced abortion, there are no legal specifications as to the qualification of a physician who can perform the operation. In fact, any surgeon or gynecologist may do it if he is sufficiently competent. See Family Planning Federation of Japan, Inc., Japan's Experience in Family Planning - Past and Present (Tokyo: March 1967).


4Supra, note 2.
I. CONTRACEPTION

A. Government Policy: A Family Planning Association, subsidized by the Government, was established in 1963.1

B. Import: No information available.

C. Manufacture: No information available.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Distributed at clinics of the Family Planning Association.2

F. IUD: Inserted at clinics of the Family Planning Association.3

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 177 of the Penal Code forbids the wounding of another—including the infliction of an injury which results in the disablement of a member.4

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code (Jordanian Criminal Law No. 16, 1960).5 Anyone who performs an abortion is subject to imprisonment for from one to three years [Section 322(1)]. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to three years (Section 321). Doctors who perform abortions are subject to higher penalties (Section 325).

B. Medical: Quaere whether abortion is permitted to preserve the life or health of the mother.6

C. Eugenic: Forbidden. See item A.

D. Humanitarian: A mitigating excuse can be claimed by a woman who procures a miscarriage to protect her honor. Any person can have the same mitigation if he procures an abortion to protect the honor of one of his descendants or relatives to the third degree (Jordanian Criminal Law No. 16, 1960, Section 324).
E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Jordan


3 Ibid.


6 Reportedly, abortion for these reasons is accepted and practiced when approved by two specialists. Ibid.
KENYA

I. CONTRACEPTION

A. Government Policy: The Government began a family planning program in 1966, and there are both Government and Association clinics.

B. Import: Permitted. Under the Pharmacy and Poisons Act, Rule 3 requires a licensed dealer to obtain a permit to import any poisons or appliances. Drugs come within the provisions of the Imports, Exports and Essential Supplies Act, and come in duty-free.

C. Manufacture: Permitted but does not yet take place. Quality control is governed by provision 36 of the Pharmacy and Poisons Act as well as Sections 10, 11 and 12 of the Food, Drugs and Chemical Substances Act.

D. Sale of Condoms: Condoms are sold generally and also distributed through Government and Family Planning Association clinics.

E. Sale of Pills: Pills are available through pharmacies on prescription only (Pharmacy and Poisons Ordinance, Chapter 244, Law of Kenya [1962], Article 25, paragraph 2[a]; Part 1 of list).

F. IUD: Both Government and Association clinics offer free insertion.

G. Advertisement: Condoms are advertised but pills are not. Advertisement of pills is not illegal under Pharmacy and Poisons Ordinance, Chapter 244, Law of Kenya (1962).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 237 of the Penal Code imposes penalties on anyone who wounds another. Consent by the victim is not exculpatory (Section 242). However, one who performs a surgical operation on another with reasonable care and for another's benefit, is not criminally responsible.
III. ABORTION

A. **Illegal**: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 158). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 159). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years imprisonment (Section 240).

B. **Medical**: Abortion is permitted if performed in good faith to save the life of the mother (Article 240). The courts have permitted abortion when the woman's mental or physical health is endangered.

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Kenya

2. Ibid.
3. Quaere whether abortion would be permitted to save the life and health of the mother under *Rex v. Bourne* (1938). See discussion of this case under "Jamaica."
DEMONCATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

I. CONTRACEPTION

A. Government Policy: No information available.
B. Import: No information available.
C. Manufacture: No information available.
D. Sale of Condoms: No information available.
E. Sale of Pills: No information available.
F. IUD: No information available.
G. Advertisement: No information available.
H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.
B. Criminal Law Applicable: Section 121 of the Penal Code may apply. "Social dangerousness" is required for criminal liability (Section 7).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for up to three years (Section 119). However, a woman who wilfully induces her own miscarriage is not subject to any punishment.
B. Medical: A physician may perform an abortion for "important reasons" (Penal Code, Section 119).
C. Eugenic: Forbidden. See item A.
D. Humanitarian: Forbidden. See item A.
E. Socio-economic: Forbidden. See item A.
F. Elective: Forbidden. See item A.
Footnotes Democratic People's Republic of Korea (North Korea)


I. CONTRACEPTION

A. Government Policy: The Planned Parenthood Federation of Korea (PPFK), in co-operation with the Korean Government, has provided family planning services since 1962. In 1970 the National Family Planning Center was established to work with the PPFK in delivering contraceptive services to the public.

B. Import: The import of contraceptives is not permitted.

C. Manufacture: A license to manufacture is required. The company must submit clinical data on the product to be manufactured, including a statement on side effects. Foreign companies must operate through a Korean partner. No product can have the same chemical make-up as another on the market. There are also restrictions on quality, purity, packaging and labelling of condoms. Side effects and contraindications must be marked on the packets.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold commercially in pharmacies only. A prescription is not required. Physicians, midwives, nurses and nurse-aides with special training are authorized to give guidance (Maternal and Child Health Law, Article 7). Pills are also sold at approximately 1/7 the commercial rate by workers in local centers and by authorized offices of local Mothers' Clubs.

F. IUD: Inserted by physicians, examiners, and nurses who are trained for more than two months at medical institutions designated by the Ministry of Health and Social Affairs (Mother and Child Health Law of 1973, Law 2514, Section 71 also Regulations regarding the enforcement of the Law, Presidential Ordinance 6713, Section 2).

G. Advertisement: The law of May 1971 (restricting the advertisement of contraceptives) has been repealed. Now, contraceptives may be advertised, provided that possible side effects are indicated.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.
B. **Criminal Law Applicable:** Section 257 of the Criminal Code may be applicable. Consent of the victim is exculpatory.²

### III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for up to one year or a fine of up to 1,000 won (Article 269). Higher penalties are imposed if the abortionist is a physician, surgeon, pharmacist or midwife (Article 270). A woman who wilfully induces her own miscarriage may be imprisoned for up to one year or fined up to 1,000 won (Article 269).

B. **Medical:** A physician may perform an abortion, with the consent of the pregnant woman and her spouse, if the continuation of the pregnancy is likely to damage the health of the mother. Abortion is also permitted if the woman or her spouse suffers from an infectious disease, as defined by Presidential Decree 6713, Article 3.3 (Maternal and Child Health Law of May 10, 1973, Article 8).⁴

C. **Eugenic:** Abortion is permitted if the woman or her spouse suffers from either a "eugenic or hereditary, mental or physical disease," as defined by Presidential Decree 6713, (Maternal and Child Health Law, Article 8).

D. **Humanitarian:** Abortion is permitted where pregnancy results from rape or incest (Maternal and Child Health Law).

E. **Socio-economic:** No legal grounds specified.

F. **Elective:** No legal grounds specified.

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Footnotes Republic of Korea (South Korea)

1 Law passed on August 1, 1973. (This information was obtained from a communication from the Planned Parenthood Federation of Korea).


KUWAIT

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning activities. No Family Planning Association exists.1

B. Import: An import license is needed. The right to import is limited to Kuwaitis, Kuwaiti firms in which all partners hold Kuwaiti nationality, or shareholding companies in which Kuwaiti capital makes up 51% of the aggregate capital (Ordinance No. 43/1964 concerning imports).2

C. Manufacture: No information available.

D. Sale of Condoms: Condoms are available commercially.3

E. Sale of Pills: Available commercially.4

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Presumably, the Penal Code provides penalties for the infliction of grievous harm on another.5

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.6 Anyone who performs an abortion is subject to imprisonment for up to ten years, to which a fine of 10,000 rupees may be added. Higher penalties are imposed if the abortionist is a physician, pharmacist or midwife (Section 174). A woman who wilfully induces her own miscarriage may be imprisoned for up to five years, a fine of 5,000 rupees, or both (Section 176). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to imprisonment for up to three years, a fine of 3,000 rupees, or both (Section 177).

B. Medical: Abortion is permitted to save the life of the mother (Penal Code, Section 175).7

C. Eugenic: Forbidden. See item A.
Footnotes Kuwait


2As reprinted by the Government.

3Supra, note 1.

4Ibid.

5The text of the present Penal Code is unavailable, but the former Penal Code, promulgated in 1956, provided penalties for the infliction of grievous harm on another. See Supplement No. 9 to the Persian Gulf Gazette, July 1, 1955 (Her Majesty's Stationery Office, 1955).


7Also, see Article 18 of the Law on the Practice of Medicine and Dentistry in Kuwait, which provides that physicians may not perform abortions, but that obstetricians may do so to save the life of the mother. Supra, note 6.
LAOS

I. CONTRACEPTION

A. Government Policy: Formerly, the Government had established a Family Planning Association and a Family Planning Commission. These have been abolished by the Government as against new population policy.

B. Import: Situation uncertain. See item A. Since Laos was formerly a part of French Indochina, the French law of July 31, 1920 is still technically in force. According to this law, the import, manufacture, sale, advertisement, or transportation of contraceptives is forbidden.

C. Manufacture: None.

D. Sale of Condoms: Situation uncertain. See item A.

E. Sale of Pills: Situation uncertain. See item A.

F. IUD: Situation uncertain. See item A.

G. Advertisement: Unclear.

H. Transportation: Unclear.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Laws Applicable: Unclear.5

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code, and is reportedly punishable by imprisonment for from five to ten years.6

B. Medical: Abortion is permitted to save the life of the mother.7

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Laos


3Ibid.


5It is reported that the Government minimizes its support for voluntary sterilization because the operation is essentially irreversible. See Abhay, supra, note 1.

6Communication from Dr. Maniso Abhay, Executive Director of the Lao Family Welfare Association.

7Ibid. See also IPPF, "Abortion: A World Survey," Supplement to IPPF News/March 1972.
LEBANON

I. CONTRACEPTION

A. Government Policy: An Advisory Population Commission was established in the Ministry of Planning by Ministerial Decree No. 73/1 on 4 December 1972. The Family Planning Association has been given "public utility" (tax exempt) status by a Presidential Decree of 1971, and the Association has the support of the Ministries of Health, Labor and Social Affairs.

B. Imports: Legally forbidden by implication (Penal Code, Articles 537 and 538). In fact, contraceptives are imported.

C. Manufacture: Legally forbidden. See item B.

D. Sale of Condoms: Legally forbidden (see item B), but in fact available as prophylactic against venereal disease.

E. Sale of Pills: Legally forbidden (see item B), but in fact available in pharmacies without prescription as cycle regulators.

F. IUD: Legally forbidden (see item B), but in fact available for insertion through the Family Planning Association, some hospitals, private physicians, and on sale in many pharmacies.

G. Advertisement: Prescribing, spreading or giving publicity to contraceptives is forbidden. (Penal Code, Article 209, paragraphs 2, 3 and 537). Condoms, however, have been advertised in the press, but without reference to their purpose.

H. Transportation: Legally forbidden (see items B and G).

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 557 of the Lebanese Penal Code (Legislative Decree No. 340/N1 of March 1, 1943) provides penalties for mutilation, removal of an organ, or amputation of a member.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from six months to three years. A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 541).
B. Medical: An abortion may be performed if the attending physician receives written confirmation by two other doctors that the pregnancy must be terminated to save the mother's life. The consent of the woman is normally required, but if she is in "a very dangerous condition, unconscious..." the physician must perform the abortion even if the woman's husband or relatives object. (Presidential Decree No. 13187, issued on October 20, 1969, Article 31).3

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Lebanon


2Ibid.

3Reproduced, and on file at the library of the Law and Population Programme, Tufts University, Medford, Massachusetts.
I. CONTRACEPTION

A. Government Policy: A Government program has existed since 1972. A Family Planning Association was organized in 1967 and has operated in cooperation with Government hospitals since 1972. The Government indicates in its five year plan an intention to reduce the rate of population growth.

B. Import: There is no import duty on contraceptives. The Government maintains an inventory on all types of contraceptives as does the LFPA.

C. Manufacture: No restrictions. No contraceptives are presently manufactured.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Prescription not required, although recommended. Most private physicians provide services.

F. IUD: Lippes Loop widely used by LFPA and the Government. Nurse practitioners are being trained to insert.

G. Advertisement: No commercial advertisement, although education programs are conducted by FPA and the Government.

H. Transportation: No apparent restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.


III. ABORTION

A. Illegal: The legal status of abortion is unclear, although abortion is probably forbidden.

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Unclear.

D. Humanitarian: Unclear.

E. Socio-economic: Unclear.

F. Elective: Unclear.
Footnotes Lesotho

1 Lesotho has no specific statute dealing with many crimes, and these are covered by common law. The common law of Lesotho is, with substantial qualifications, South African common law. See Vernon V. Palmer and Sebastian M. Poulter, The Legal System of Lesotho (Charlottesville, Virginia: The Michie Company, 1972).

2 Supra, note 5. For further discussion of the common law attitude in South Africa toward abortion, see "South Africa."

LIBERIA

I. CONTRACEPTION

A. Government Policy: President Tolbert has endorsed family planning as an integral part of the country's development plan.\(^1\) A Family Planning Association was founded in 1956.\(^2\)

B. Import: Reportedly, there is no duty on imported contraceptives and equipment.\(^3\) The Director General of the National Public Health Service has the final authority as to the admissibility of all medicinal and pharmaceutical products (Revenue and Finance Law 35, Schedule I, Item 2).\(^4\)

C. Manufacture: No information available.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: A license is needed to dispense drugs and an annual license fee is required (Public Health and Safety Law, Sections 31.352 and 31.353).\(^5\)

F. IUD: No information available.

G. Advertisement: There are various provisions regarding the advertisement of obscene materials, but no indication that these provisions would apply to contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 242 of the Penal Code (Title 27) provides penalties for anyone who "...injures another by cutting off or otherwise depriving him of any of the members of his body..." with the intention of diminishing his physical vigor.\(^6\)

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.\(^7\) Anyone who performs an abortion is subject to imprisonment for from six months to two years. A woman who wilfully induces her own abortion is subject to the same penalty (Section 237).

B. Medical: Section 237(3) of the Penal Code provides: "A medical doctor who may, after consultation with one or more doctors or experienced midwives, for the good of the mother,
or to save the life of the child, extract a child from any woman experiencing difficulty in delivery, is not guilty of an offense under this section. 8

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Liberia


5Ibid.

6Ibid.

7Ibid.

8See also IPPF, "Abortion: A World Survey." Supplement to IPPF News/March 1972. Note that the rules of American and English common law are enforceable in Liberia so long as they are not repugnant to the provisions of some statute or unsuited to the form of government. Flowers v. Republic (1899), I Liberian Law Reports 334.
LIBYAN ARAB REPUBLIC

I. CONTRACEPTION


B. Import: No information available.  

C. Manufacture: No information available.  

D. Sale of Condoms: See item E.  

E. Sale of Pills: Pharmacies are not allowed to sell contraceptives without medical prescriptions and doctors are instructed not to prescribe them except for medical reasons.  

F. IUD: See item E.  

G. Advertisement: No information available.  

H. Transportation: No information available.  

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.  

B. Criminal Law Applicable: No information available.  

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code (Law of November 18, 1953). Anyone who causes an abortion is subject to imprisonment for at least six months (Section 391). A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 392).  

B. Medical: Presumably, an abortion would be permitted to save the life of the mother.  

C. Eugenic: Forbidden. See item A.  

D. Humanitarian: Forbidden. See item A.  

E. Socio-economic: Forbidden. See item A.  

F. Elective: Forbidden. See item A.
Footnotes Libyan Arab Republic


5Note that if an abortion is performed to preserve the honor of the offender or any of his relatives, the penalty will be reduced by one-half (Section 394).
LUXEMBOURG

I. CONTRACEPTION


B. Import: Not prohibited.

C. Manufacture: Not prohibited.

D. Sale of Condoms: Not prohibited.

E. Sale of Pills: Sold on prescription only.

F. IUD: No information available.

G. Advertisement: Not prohibited.

H. Transportation: Not prohibited.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 398 and 400 of the Penal Code (Law of June 18, 1879) forbid wounding another, and provide penalties for anyone who causes the total loss of the use of an organ or serious mutilation. Consent of the victim is not exculpatory.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from two to five years and a fine of from 50 to 500 francs (Article 350). A woman who wilfully induces her own miscarriage is subject to the same penalties (Article 351). Higher penalties are imposed on doctors, nurses or midwives who procure abortions.

B. Medical: Presumably, abortion is permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Luxembourg

1 Unless otherwise indicated, all of the material on contraceptives is taken from IPPF Europe, A Survey of the Legal Status of Contraception, Sterilisation and Abortion in European Countries (London: March 1973).


5 Supra, note 3.

6 Supra, note 1.
MALAGASY REPUBLIC

I. CONTRACEPTION

A. Government Policy: The French law of 1920 remains in force. No contraceptives are provided by the Government health services for any reason whatsoever. A Family Planning Association was established in 1967 and is recognised by the Government on the grounds that it reduces abortions and safeguards maternal health through the spacing of children and regulation of menstrual periods. However, the Association's services are available only to mothers of at least four children, except for treatment of sterility and exceptional medical cases.

B. Import: The French law of July 31, 1920 was adopted by the Malagasy Republic (then Madagascar) through the Decree of July 22, 1933. Thus, the import, manufacture, sale, advertisement, or transportation of contraceptives is forbidden.

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Condoms are freely available in drugstores as prophylactics against venereal disease, at approximately $4 a dozen. They are forbidden as contraceptives.

E. Sale of Pills: Pills are sold on prescription on the grounds of promoting maternal health and combating sterility. (See item A). The drugstore is required by the Ministry of Health to keep a list of both the doctors and the patients concerned. Pills are forbidden as contraceptives.

F. IUD: Forbidden. See item B.

G. Advertisement: Condoms are advertised regularly. See item D. Other advertisement of contraceptives is forbidden.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 309 and 310 of the Penal Code forbid wounding another, and provide special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 317 of the Penal Code. Anyone who performs an abortion is subject
to imprisonment for from one to five years and a fine of from 90,000 to 1,800,000 CFA francs. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years and fined from 18,000 to 360,000 CFA francs.

B. Medical: Quaere whether an abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Malagasy Republic


³Ibid.
MALAWI

I. CONTRACEPTION

A. Government Policy: The Government favors an increase in the population size. There are no organized national family planning programs.¹

B. Import: Unless the importer is a duly qualified medical practitioner or registered pharmacist, he may not import oral contraceptives without a permit from the Pharmacy and Poisons Board (Pharmacy and Poisons Act, Section 35).²

C. Manufacture: Drugs must conform to the standards laid down in the current edition of the British Pharmacopoeia or British Pharmaceutical Codex (Pharmacy and Poisons Act, Section 33).

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Under the Fourth Schedule, oral contraceptives are classified as poisons, and may be sold only on prescription by a licensed seller of poisons. The sale must be made on registered premises (Pharmacy and Poisons Act, Sections 20 and 21).

F. IUD: No information available.

G. Advertisement: There are various provisions regarding the advertisement of obscene materials, but no indication that these provisions would apply to contraceptives.

H. Transportation: If oral contraceptives are sent by post, they must be sent by registered post (Pharmacy and Poisons Act, Section 25 [5]).

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 235 of the Penal Code (Act of April 1, 1930) provides penalties for anyone who inflicts grievous harm on another.³ However, a person is not criminally responsible for performing in good faith and with reasonable skill a surgical operation upon any person for the latter's benefit (Section 243).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.⁴ Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 149). A woman who
wilfully induces her own abortion may be imprisoned for seven years (Section 150). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years' imprisonment (Section 151).

B. **Medical**: Presumably, an abortion would be permitted to save the life and health of the mother.⁵

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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**Footnotes Malawi**


3Ibid.

4Ibid.

5*Rex v. Bourne* (1938). See discussion of this case under "Jamaica."
I. CONTRACEPTION

A. Government Policy: There has been a Government program since 1966. Both the Family Planning Association (subsidized by the Government) and the National Family Planning Board distribute contraceptives. There are reports that the Government is planning to integrate family planning services into maternal and health services.

B. Import: A license is required to import pills under Poisons Ordinance No. 29/52. Condoms are subject to quotas under the Customs Duty List.

C. Manufacture: Local manufacturers are granted "pioneer" status and are registered. However, pioneer status is given based on the merit of each case. If pills are eventually manufactured, the manufacturer will be subject to control under Poisons Ordinance No. 29/52. The Standards Institute of Malaysia promulgates standards set by the Chemistry Department for pills.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold by pharmacies, licensed wholesalers and medical practitioners (Section 18, Poisons Ordinance No. 29/52). The same section requires a prescription, but in actual practice pills may often be obtained without a prescription.

F. IUD: Inserted by physicians only.

G. Advertisement: Contraceptives may be advertised to members of the medical profession only.

H. Transportation: There is no restriction on the use of the mail, and it is used for the transmission of contraceptives. The Post Office Ordinance of 1947 (Section 28) contains a Government prohibition of obscene articles in the mail, but this section is not applied to contraceptives.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 320 and 322 of the Penal Code (Law of October 8, 1860) provide penalties for the infliction of grievous harm—including emasculation or the permanent impairment of any member.
III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for three years, fine or both. A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 312).

B. **Medical:** Abortion is permitted if performed in good faith to save the life of the mother (Penal Code, Section 312).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Malaysia


Mali

I. CONTRACEPTION

A. Government Policy: A Family Planning Association was formed in 1972, and there is a Government-sponsored clinic in the capital dispensing pills and IUDs.

B. Import: Permitted. The Minister of Public Health and Population is instructed to establish a Medical Council to prepare a list of authorized contraceptive methods and products (Ordinance of June 1972 which repeals Articles 3 and 4 of the French law of July 31, 1920).¹

C. Manufacture: Permitted. See item B.

D. Sale of Condoms: Permitted. See item B.

E. Sale of Pills: Permitted. See item B.

F. IUD: Permitted. See item B.

G. Advertisement: Permitted. See item B.

H. Transportation: Permitted. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 166 of the Penal Code (Law No. 99 A.N. du R.M. of August 3, 1961) forbids wounding another, and provides special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.²

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 20,000 to 1,000,000 CFA francs. A woman who wilfully induces her own miscarriage is subject to the same penalties. Higher penalties are imposed on physicians and pharmacists who perform abortions.

B. Medical: Presumably, an abortion would be permitted to save the life of the mother.⁴

C. Eugenic: Forbidden. See item A.
D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Mali

1All of the material on contraceptives is taken from Jan Stepan and Edmund H. Kellogg, *The World's Laws on Contraceptives* (Law and Population Monograph No. 17), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1974).

2The text of the Ordinance has been seen in draft form only, but presumably the law is in effect. See Stepan and Kellogg, supra, note 1.


4Ibid.


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MALTA

I. CONTRACEPTION

A. Government Policy: No organized Government family planning program exists. There is no Family Planning Association.

B. Import: The importation of contraceptives is not prohibited. The old Post Office Act, Section 85, which prohibited import by mail has recently been repealed by the Post Office Act of 1975.

C. Manufacture: A police license is required to manufacture contraceptives, or any other product.

D. Sale of Condoms: No legal restriction.

E. Sale of Pills: Sold on prescription only, as menstrual cycle regulators.

F. IUD: No information available.

G. Advertisement: The Press Ordinance (Chapter 117) was repealed by the Press Act, 1974. The current law does not prohibit the advertisement of contraceptives as such. Printed material, according to Section 7, is punishable only if it injures public morals or decency.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 230(a)(ii) and 232 of the Criminal Code forbid the infliction of grievous harm on another.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from eighteen months to three years. A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 255). Harsher penalties are imposed on a physician or pharmacist who induces an abortion (Section 257).

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.
C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Malta


3 Ibid.

4 Ibid.


6 Ibid.

7 No such grounds are mentioned in the 1942 edition of the Penal Code (*supra*, note 8). However, under the old Penal Code (Ordinance IV of 1871), found in Stephen Leicester (ed.), *Penal Code* (Penang: Heap Lee and Co., 1875), abortion was specifically permitted to save the life of the mother (Section 312). Also, *quaere* whether the English case of *Rex v. Bourne* would apply in Malta, so as to permit abortion to save the life or health of the mother. See discussion of this case under "Jamaica."
MAURITANIA

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning program. No Family Planning Association exists.1

B. Import: There are no express laws governing the import of contraceptives. However, since Mauritania was a former French colony, the French law of July 31, 1920 may still be in force. According to this law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden.2

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden. See item B. Quaere whether condoms may legally be sold in pharmacies as protection against venereal disease.

E. Sale of Pills: Forbidden. See item B. Reportedly, oral contraceptives are available in drug stores (presumably for medical reasons).3

F. IUD: Forbidden. See item B.

G. Advertisement: Forbidden. See item B.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 285 of the Penal Code (Law No. 72.158 of July 31, 1972) forbids wounding another, and provides special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.4

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.5 Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 50,000 to 1,000,000 francs. A woman who wilfully induces her own miscarriage may be fined from 25,000 to 300,000 francs (Section 293).

B. Medical: Presumably, abortion would be permitted to save the life of the mother.6
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Mauritania


5 Ibid.

MAURITIUS

I. CONTRACEPTION

A. Government Policy: A Family Planning Association was established in 1957, and it has been given official status by virtue of the Mauritius Family Planning Association (Incorporation) Ordinance (Ordinance No. 15 of 1967). Action Familial was formed in 1963 to encourage the use of the rhythm method. In 1972 the Government integrated all but two of the Mauritius Family Planning Association's clinics into the Ministry of Health's Maternal and Child Health Program.

B. Import: A license is required to import pills (Pharmacy and Poisons Act, 1955, Section 44). The Government may restrict or forbid the importation of any product under Section 46 of Customs Ordinance, 1947 (Ordinance No. 65 of 1947).

C. Manufacture: Drugs must conform to the standards laid down in the current edition of the British Pharmacopeia, British Pharmaceutical Codex, or French Codex (Pharmacy and Poisons Act, 1955, Section 25).

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold on prescription only by a person specially licensed (Sections 32 and 44 of the Pharmacy and Poisons Act, 1955; see also Schedule A, Part 1). Pills are given free of charge at the Family Planning Association clinics.

F. IUD: Inserted at Family Planning Associations clinics and Government FP and MCH clinics.

G. Advertisement: There are various provisions regarding the advertising of obscene materials but no indication that these provisions would apply to contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 234 of the Penal Code Ordinance (Law of December 29, 1838) forbids the amputation or destruction of any organ necessary to generation.
III. ABORTION

A. **Illegal**: Abortion is generally forbidden under the Penal Code Ordinance.\(^\text{i}\) Anyone who performs an abortion is subject to imprisonment for ten years. A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 235).

B. **Medical**: Quaere whether an abortion would be permitted to save the life and health of the mother.\(^\text{ii}\)

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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Footnotes Mauritius

1 Ordinances (Port Louis, Mauritius: L. Carl Achile, 1967).


4 Sir Charlton Lane (ed.), The Laws of Mauritius (London: Waterlow and Sons, Ltd., 1946).

5 Ibid.

6 Ibid.

7 Ibid.


9 Supra, note 3.

10 Ibid. Note also that the advertisement of abortifacients is forbidden under the Pharmacy and Poisons Act, 1955. Supra, note 3.

11 Rex v. Bourne (1938). See discussion of this case under "Jamaica."
I. CONTRACEPTION

A. Government Policy: A Family Planning Association was founded in 1965. In 1974 a General Law on Population was promulgated, which creates a National Population Council, to be in charge of Mexico's demographic planning. The Congress has passed a Constitutional amendment to guarantee the right of the individual to family planning, amending Article IV of the Constitution.

B. Import: Permission to import is required from the Ministries of Health and Industry and Commerce. The Ministry of Health sets standards of quality for import and manufacture. The duty on condoms is 50 pesos plus 100% of value, plus 10%. The duty on IUDs is 110% of value, plus fees. Raw materials can be imported under lower tariffs for the local manufacture of contraceptives.

C. Manufacture: Standards, similar to those of the U.S. Food and Drug Administration, are set by the Ministry of Health. A new manufacturer must show that it is 51% Mexican-owned, and has less than 5% foreign staff.

D. Sale of Condoms: Sold in pharmacies only.

E. Sale of Pills: Sold in pharmacies.

F. IUD: Inserted by medical personnel with gynecological experience. Paramedical personnel are being trained by the Ministry of Health and FEPAC.

G. Advertisement: Commercial advertisement of pills, IUDs and condoms may be to medical personnel only and must contain information on contra-indications, as approved by the Ministry of Health. Only doctors may receive samples.

H. Transportation: Samples of IUDs, pills and condoms are barred from the mail.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 292 of the Federal Penal Code (Law of January 2, 1931) forbids the infliction of an injury that results in the victim suffering permanent loss of sexual functions. Loss of sexual functions is defined as the permanent incapacity to have intercourse and to engender or conceive.
III. **ABORTION**

A. **Illegal:** Abortion is generally forbidden under the Federal Penal Code.\(^6\) Anyone who performs an abortion with the woman's consent is subject to imprisonment for from one to three years (Section 330). A woman who wilfully induces her own abortion may be imprisoned for from six months to five years (Section 332).

B. **Medical:** Abortion is permitted to save the life of the mother. One other doctor must corroborate the opinion of the attending physician (Section 330). Consent of the woman is also required.

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Abortion is permitted where pregnancy has resulted from rape (Section 333).

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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**Footnotes Mexico**


5Ravi Carranca y Trujillo and Raul Carranca y Rivas (eds.), *Código Penal Anotada* (Mexico City: Editorial Porrúa, S.A., 1972). Note that under Article 24, Title One, Book One of the New Civil Code for the Federal District and Territory (October 1932): "An adult has the ability to dispose freely of his person and of his property with the exception of the limitations set by law."

6*Supra*, note 4.
I. CONTRACEPTION

No information available.

II. VOLUNTARY STERILIZATION

No information available.

III. ABORTION

A. Illegal: Abortion is forbidden under Section 305 of the Criminal Code. Anyone who performs an abortion, as well as a woman who wilfully induces her own miscarriage, is subject to imprisonment for from five to ten years. Higher penalties are imposed on doctors, surgeons, hospital officials or pharmacists who procure abortions.

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Monaco

1Code Pénal (Monaco: Imprimerie de Journal, 1875).
MONGOLIA

I. CONTRACEPTION

A. Government Policy: No information available.
B. Import: No information available.
C. Manufacture: No information available.
D. Sale of Condoms: No information available.
E. Sale of Pills: No information available.
F. IUD: No information available.
G. Advertisement: No information available.
H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.
B. Criminal Law Applicable: Section 73 of the Penal Code forbids the wilful infliction of serious bodily injury which results in the loss of any organ.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 80 of the Criminal Code. A non-medical person who performs an abortion is subject to imprisonment for five years. A physician who performs an abortion may be imprisoned for up to two years.
B. Medical: Quaere whether an abortion would be permitted to save the life of the mother.
C. Eugenic: Forbidden. See item A.
D. Humanitarian: Forbidden. See item A.
E. Socio-economic: Forbidden. See item A.
F. Elective: Forbidden. See item A.
Footnotes Mongolia


2Ibid.
MOROCCO

I. CONTRACEPTION

A. Government Policy: A National Population Commission was established in 19661 (Royal Decree No. 180-66 of August 26, 1966), comprising 12 ministers and under the chairmanship of the Minister of Health. Each province as well has a Population Commission, chaired by the Governor. There is also a Moroccan Family Planning Association, created in 1971.2

B. Import: No information available.

C. Manufacture: Any establishment used for the manufacture of pharmaceutical products must be owned by a pharmacist. All drugs manufactured must conform to the French Pharmacopoeia (Dahir No. 1-59-367 of February 19, 1960).3

D. Sale of Condoms: Available at pharmacies.

E. Sale of Pills: The 1939 law that forbade the advertisement and sale of contraceptives was repealed in 1967 (Royal Decree No. 181-66 of July 21, 1967).4 Contraceptives issued in urban and rural health centers and participating hospitals are dispensed by physicians and paramedical personnel, the latter working under the supervision of doctors. Pills are also available at private pharmacies. A prescription is required for the first cycle, but virtually anyone is permitted to resupply the consumer.5

F. IUD: Inserted by physicians and paramedical personnel (latter working under the supervision of doctors), under direction of the Ministry of Public Health.6

G. Advertisement: Permitted. See item E.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 402 of the Penal Code (Dahir No. 1-59-413 of November 26, 1962) provides penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.7
III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Any person who performs an abortion is subject to imprisonment for from one to five years and a fine of from 120 to 500 dirhams (Article 449). A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years and fined from 120 to 500 dirhams (Article 454).

B. Medical: An abortion may be performed by a physician to protect the life or health of the mother. Permission from the spouse must be obtained, except in the case where the physician considers that the life of the mother is in danger (Royal Decree No. 181-66, Section 453).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Morocco


8Ibid.

9Supra, note 4.
I. CONTRACEPTION

A. Government Policy: A Government family planning program has existed since 1966. This program has been rapidly expanded in an attempt to offer basic family planning and MCH services throughout Nepal. A private Family Planning Association was established in 1958, and is presently active.

B. Import: No restrictions. As on pharmaceuticals, there is a 1.5 percent customs duty on contraceptives imported in Nepal. Contraceptives for the Government-sponsored program are imported free of duties and taxes.

C. Manufacture: Contraceptives are not presently manufactured in Nepal, although there is no specific prohibition against their manufacture.

D. Sale of Condoms: Condoms are available free at family planning centers and are sold at designated shops at a highly subsidized rate. They are also available widely in chemist's shops, being imported commercially. A plan is currently under consideration for a large-scale commercial marketing system, including both condoms and oral contraceptives.

E. Sale of Pills: Oral contraceptives are available free at family planning centers and are sold at designated shops without prescription. They are also available in chemist's shops at commercial prices. Screening for contraindication is sometimes carried out by paramedicals.

F. IUD: No information available.

G. Advertisement: Family planning services are advertised on the radio both by the Government and the private programs. There is no restriction on the commercial advertisement of contraceptives or family planning services.

H. Transportation: No restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: No information available.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 28 of the Penal Code. The punishments vary according to the
period of pregnancy of the woman.

B. Medical: Abortion is permitted "on grounds of benevolence."\(^3\)

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Nepal


2In actual fact, vasectomies are performed at all health centers, family planning clinics and hospitals. Laparoscopic tubal ligation was introduced in Nepal in 1971. See Inter-Governmental Coordinating Committee, Southeast Asian Regional Cooperation in Family and Population Planning, Sterilization and Abortion Procedures (Proceedings of a meeting held in Penang, Malaysia, during January 3-5, 1973).


4Thaba, supra, note 7.
I. CONTRACEPTION

A. Government Policy: There is no Government program, but a number of non-profit organizations are being subsidized to promote family planning. Since 1972, use of the pill and sterilization are covered by the health insurance fund.

B. Import: Permitted. No special license or registration required.

C. Manufacture: Permitted. See item B.

D. Sale of Condoms: No restrictions. The sale of contraceptives from vending machines is specifically permitted in hotels, restaurants and cafes (Law of July 1, 1970).

E. Sale of Pills: Sold in pharmacies on prescription only. Since 1972 contraceptives requiring a prescription are supplied free of charge to those covered by the health insurance scheme (about 70% of the population).¹

F. IUD: Inserted only on prescription by a physician.²

G. Advertisement: In 1969 Parliament repealed a provision of the Penal Code which prohibited the display and sale of contraceptives to minors under eighteen. Instead, the municipalities were given the right to issue ordinances prohibiting the sale of contraceptives in public ways. Some municipalities have used this right to restrict vending machines.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 302 and 303 of the Penal Code (Law No. 35 of March 3, 1881) provide penalties for anyone who inflicts grave bodily injury on another.³

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.⁴ Anyone who performs an abortion is subject to imprisonment for at least four and a half years (Section 297). A woman who wilfully induces her own miscarriage may be imprisoned for three years or more (Section 295). Harsher penalties are imposed on doctors or pharmacists who help induce abortion (Section 298).
B. Medical: Quaere whether abortion would be permitted to save the life of the mother.5

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-Economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes The Netherlands


Ibid.

I. CONTRACEPTION

A. Government Policy: A Family Planning Association, now subsidized by the Government, was founded in 1935.1

B. Import: For the purpose of importation, preparations prescribed for contraceptive purposes are not deemed to be "pharmaceutical requirements," and hence are excluded from the tariff on medicines and drugs (Drug Tariff 1970, Section 3 [K]).2 An import license is required for most contraceptives—condom, pill, IUD—although it is not required for diaphragm, and duty must be paid. Oral contraceptives, as prescription poisons, are subject under the Poison Act to restrictions on packing. Other restrictions can be imposed. Chemical contraceptives, as therapeutic drugs, are subject to the Food and Drug Act of 1969 and importers must report untoward effects from their use. The Food and Drug Act imposes a strict liability for any offenses by persons named on the label of the original package of any drug. One such offense relates to the misleading branding of any drug or medical device.

C. Manufacture: Under the Food and Drug Act the manufacturer of any therapeutic drug (chemical contraceptive) must report any untoward effects from their use. Strict liability for any offense of persons named on the label of the original package of any drug. Manufacturers are required to have a poison packers' license under the Poisons Act of 1960.3

D. Sale of Condoms: Not to be sold to persons under age 16.4

E. Sale of Pills: Oral contraceptives are prescription poisons known as "registered drugs" under the Poisons Regulations of 1964 and can be sold only by prescription. The regulations also provide that oral contraceptives sold by wholesale must be clearly marked "restricted drug." The Pharmacy Act of 1970 provides for regulations over the storage, handling, preparation, and dispensing of drugs including therapeutic drugs (chemical contraceptives). The sale of chemical contraceptives and the distribution of new or changed therapeutic drugs (chemical contraceptives) are restricted by the Food and Drug Act of 1969. This Act imposes a general restriction on the manner of sale of therapeutic drugs and makes an offense the misleading branding of any drug or medical device.

F. IUD: No restrictions. Hospital clinics, Family Planning clinics and some general practitioners make them available and fit them.5
G. **Advertisement:** Chemical contraceptives are subject to restrictions on advertising imposed by the Food and Drug Act of 1969.

H. **Transportation:** The Post Office (Inland Post) Regulations of 1973 require the registration of any postal article containing a "restricted drug" under the Poisons Act of 1960 (oral contraceptives).

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 188 of the Crimes Act of 1961 forbids the infliction of grievous bodily harm on another.6

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Crimes Act of 1961.7 Anyone who performs an abortion is subject to imprisonment for up to fourteen years (Section 183). A woman who wilfully induces her own miscarriage may be imprisoned for up to seven years (Section 185). A person who supplies anything, knowing that it will be used to perform an abortion, is also subject to imprisonment for up to seven years (Section 186).

B. **Medical:** Abortion is permitted if performed in good faith to preserve the life of the mother (Section 182 [a]).8

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes New Zealand


4New Zealand Family Planning Association, personal correspondence (July 15, 1975).

5Ibid.


7Ibid.

8Quaere whether abortion would be permitted to save the health of the mother. See Rex v. Bourne (1938). Discussion of this case may be found under "Jamaica."
NICARAGUA

I. CONTRACEPTION
   B. Import: No information available.
   C. Manufacture: No information available.
   D. Sale of Condoms: No apparent legal restriction.
   E. Sale of Pills: Distributed at Government clinics.
   F. IUD: Inserted at Government clinics.
   G. Advertisement: No information available.
   H. Transportation: No information available.

II. VOLUNTARY STERILIZATION
   A. Specific Legislation or Regulations: None.
   B. Criminal Law Applicable: Sections 360 and 361 of the Penal Code (Law of September 3, 1949) forbid castration, or the rendering useless of the reproductive organs of another (even with the latter's consent).

III. ABORTION
   A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to two years (Section 398). A woman who wilfully induces her own miscarriage may be imprisoned for four years (Section 400).
   B. Medical: Abortion is permitted to save the life of the mother (Penal Code, Section 399).
   C. Eugenic: Forbidden. See item A.
   D. Humanitarian: Forbidden. See item A.
   E. Socio-economic: Forbidden. See item A.
   F. Elective: Forbidden. See item A.
Footnotes Nicaragua


3Ibid.

4Dr. Manuel Escobar (ed.), Codigo Penal de la Republica de Nicaragua (Masaya: 1950).

5Ibid.

6If a woman induces her own abortion to protect her honor, the penalty is reduced by one-half (Section 400).
NIGER

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning programs. A small family planning center has been established in Niamey with the consent of the Government, and the approval of the Minister of Health, as well as the mayor of Niamey. ¹

B. Import: All contraceptives as well as all pharmaceutical products are imported through the Office Nationale des Produits Pharmaceutiques et Chimiques, which distributes the products to pharmacies and hospitals.

C. Manufacture: Not formally forbidden. There is no pharmaceutical industry.

D. Sale of Condoms: Available free in pharmacies, presumably as prophylactics against venereal disease.

E. Sale of Pills: Sold in pharmacies for medical reasons, on prescription and with the consent of the husband.

F. IUD: Provided only for medical reasons and under supervision of a "Conseil de Sante" (3 doctors). Consent of the husband is required.

G. Advertisement: Not formally forbidden, but forbidden in actuality.

H. Transportation: No known restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 222 of the Penal Code (Law No. 61-27 of July 15, 1961) forbids wounding another, and provides special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb. ²

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 295 of the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to five years, and a fine of from 50,000 to 500,000 CFA francs. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years and fined from 20,000 to 200,000 CFA francs.
B. **Medical:** Presumably, an abortion would be permitted to save the life of the mother. 

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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**Footnotes Niger**


Ibid.

I. CONTRACEPTION

A. Government Policy: There is no national policy on family planning. However, the 1970-1974 Development Plan announced the intention to establish a federal government program, and many Family Planning Association clinics are on federal or state government clinic or hospital premises.

B. Imports: Permitted. A certificate of analysis should be presented to pharmacy inspectors at ports. Contraceptives are usually allowed exemption from duties.

C. Manufacture: Permitted since 1968, but no local manufacture yet exists. The Nigerian Enterprises Promotion Decree (No. 4 of 1972) would require 40% of the shares of a local company to be held by Nigerians. Tax advantages would be provided.


E. Sale of Pills: Available in pharmacies or recognized family planning centers on prescription only. In fact, pills can be purchased without prescription.

F. IUD: Available free at clinics.

G. Advertisement: Subject to regulations of the Nigerian Pharmacists Society and must be in professional journals. Contraceptives may be displayed in pharmacies.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections of the Penal Codes forbid maiming or inflicting grievous harm on another. Consent is a defense.1 In Lagos, Eastern Nigeria, and Western Nigeria, one who performs a surgical operation upon another, with reasonable care and for the latter's benefit, is not criminally responsible (Section 297).2

III. ABORTION

A. Illegal: Abortion is generally forbidden under the various Penal Codes.3 Penalties are indicated for those who perform
abortions, for women who wilfully induce their own miscarriages, and for people who supply instruments used for performing abortions.

B. Medical: In Northern Nigeria, abortion is permitted to save the life of the mother (Section 232). Presumably, abortion would be permitted throughout Nigeria to save the life or health of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Nigeria


2Supra, note 1.

3Supra, note 1.

4Northern Nigeria: Imprisonment for 14 years, fine, or both (Section 232). Lagos, Eastern Nigeria and Western Nigeria: 14 years' imprisonment (Section 228).

5Northern Nigeria: Imprisonment for 14 years, fine, or both (Section 232). Lagos, Eastern Nigeria and Western Nigeria: 7 years (Section 229).

6Northern Nigeria: No penalty mentioned. Lagos, Eastern Nigeria and Western Nigeria: Imprisonment for 3 years (Section 230).

I. CONTRACEPTION

A. Government Policy: A Family Planning Association, established in 1969, is subsidized by the Government. The Government also provides services through its own health network.1

B. Import: Reportedly, no law prohibits the private import of contraceptives for personal use.2

C. Manufacture: The manufacture of contraceptives is permitted, although oral contraceptives are subject to special regulations. Anyone seeking to manufacture medicaments for commercial purposes other than in a pharmacy must obtain a license from the Ministry of Health, which may stipulate special conditions (cf. Act relating to Medicinal Goods and Poisons, June 20, 1964, and Regulations for Pharmaceutical Specialties and for Advertising of Drugs, May 6, 1966).3

D. Sale of Condoms: Sold in pharmacies, various shops, and indoor vending machines.4

E. Sale of Pills: Sold in pharmacies on prescription only.5

F. IUD: A prescription is needed.6

G. Advertisement: Oral contraceptives come within the scope of the Act relating to Medicinal Goods and Poisons, and the Regulations for Pharmaceutical Specialties and for Advertising of Drugs, Sections 18, 19 and 20, so that their advertising requires the approval of the Director of Public Health. Oral contraceptives may be advertised to medical practitioners, but not to the public.7

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: The Sterilization Act (Law No. 2 of June 1, 1934) permits voluntary sterilization for "reputable motives."8 The approval of the Director-General of Health is required, unless the sterilization is performed on medical grounds.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 245 of the Criminal Code.9 Anyone who performs an abortion is
subject to imprisonment for from three to six years. A woman who wilfully induces her own miscarriage may be imprisoned for up to one year.

B. Medical: Abortion is permitted to save the life or health of the mother (Act of November 11, 1960, Section 1).  

C. Eugenic: Abortion is permitted if there is obvious danger that the expected child may, as a consequence of a hereditary disease of its mother or father, suffer a serious illness or serious physical or mental defects (Act of November 11, 1960, Section 1).

D. Humanitarian: Abortion is permitted where the pregnancy is the result of rape or incest (Act of November 11, 1960, Section 1).

E. Socio-economic: The woman's living conditions and other circumstances which might cause illness or poor physical or mental health may be taken into account in determining whether the abortion is necessary to prevent serious danger to the life or health of the woman (See item B), (Act of November 11, 1960, Section 1).

F. Elective: Forbidden. See item A.

Footnotes Norway

3 Ibid.
4 Ibid.
5 Ibid.
6 Ibid.
7 Ibid.
8 Almindelig Borgerlig Straffelov (Oslo: Grondahl and Son Forlag, 1966).
PAKISTAN

I. CONTRACEPTION

A. Government Policy: The Government family planning program began in 1960, and in 1965 the Government set up a separate official service. A Family Planning Association was established in 1953.1

B. Import: Imports are permitted. Free of custom or other duties.

C. Manufacture: Both of oral pills and condoms versus other contraceptives permissible under law.

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Sold in pharmacies, retail shops through agents and program personnel. A prescription is no longer required.

F. IUD: Inserted by physicians and paramedicals of all categories.

G. Advertisement: No legal restriction except the Indecent Advertisements Prohibition Act of 1963, which has never been invoked to prevent the advertisement of contraceptives.

H. Transportation: No restriction for the transport of condoms within country.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None

B. Criminal Law Applicable: Sections 320, 322 and 325 of the Penal Code (Act XLV of October 6, 1860) forbid the infliction of grievous harm—including emasculation, or the destruction or permanent impairment of any member.2 Consent of the victim is exculpatory (Section 88).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.3 Anyone who performs an abortion is subject to imprisonment for up to three years, fine, or both. A woman who willfully induces her own miscarriage is subject to the same penalties (Section 312).

B. Medical: An abortion is permitted to save the life of the mother (Penal Code, Section 312).
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden.

Footnotes Pakistan


3Ibid.
I. CONTRACEPTION


B. Import: Only establishments duly licensed by the Directorate of Pharmacies, Pharmaceutical Preparations and Foodstuffs may import, manufacture, sell or handle pharmaceutical, chemical or biological products. Any other person or establishment doing so may be subject to penalties under the Health Code (Law No. 24 of January 29, 1963).

C. Manufacture: See item B.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Sold on prescription only (Health Code, Section 18). Pills are distributed by the Family Planning Association.


G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 48 of May 13, 1941 permits voluntary sterilization for (1) woman with at least five children, who suffers from difficult socio-economic conditions, or (2) a woman whose life or health would be endangered by childbirth or pregnancy. Application must be made in writing, with accompanying documentation, to the Sterilization Board.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code (Law No. 72 of 1934). Anyone who performs an abortion is subject to imprisonment for from twenty months to three years (Section 327). A woman who wilfully induces her own miscarriage may be imprisoned for from eight to thirty months (Section 326). Harsher penalties are imposed on medical personnel who procure abortions (Section 329).

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.8

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Panama


3Ibid., Vol. 5, 1954.


5Ibid.


7Codigo Penal de la Republica de Panama (Panama: La Estrella de Panama, 1944).

8If the abortion is performed to protect the honor of the woman or a close relative, the penalties may be reduced from one-third to two-thirds (Penal Code, Section 330).
I. CONTRACEPTION


B. Import: All contraceptives are imported. No information on duties or regulations available.

C. Manufacture: None.

D. Sale of Condoms: Sold in pharmacies and trade stores. Samples are distributed in Government and church related clinics.

E. IUD: Inserted free of charge in Government and church related clinics.

F. Advertisement: No information available.

G. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Punishments are provided for the infliction of grievous harm on another.¹

III. ABORTION

A. Illegal: Abortion is generally forbidden under the criminal law. Penalties are provided for anyone who causes an abortion or for a woman who wilfully induces her own miscarriage.²

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Papua and New Guinea

¹See The Laws of the Territory of Papua, 1888-1945, Vol. II

Ibid. See Sections 224–226 of both codes.
I. CONTRACEPTION

A. **Government Policy:** The Government provides family planning services at several clinics. A Family Planning Association was established in 1966.¹

B. **Import:** Paraguay has no laws which specifically treat the importation, production, or use of contraceptives. Decree Law 2001, Organic Laws of Public Health, Chapter IV, "Pharmacies, Pharmaceuticals, and Laboratories," Articles 22-27, 15 June 1938, assigns responsibility for supervision of drugs and medicines to the Ministry of Health. All types of contraceptives are imported under the Ministry of Finance's Tariffs and Customs, Sections 30.03.01 and 30.03.02 "Pharmaceuticals Used in Medicine and Veterinary Medicine," 1973. Contraceptives are available for commercial purchase without prescription. (See "Encuesta Sobre Venta y Distribución de Anticonceptivos en el Paraguay," 1973, copies of which were given PAA/POP personnel in San Jose, Costa Rica, 4 December 1973.) However, the Ministry of Health requires, under Resolution SG 84/72, that its Department of Family Protection (DEPROFA) and the IPPF affiliate, the Paraguayan Center for Population Studies (CEPEP) have a doctor perform a medical examination on each patient before initial prescription of any contraceptive except condoms. All recognized public and private family planning programs are under the direction of these two organizations.

C. **Manufacture:** See item B.

D. **Sale of Condoms:** No apparent legal restrictions.

E. **Sale of Pills:** No prescription is required.² Distribution in clinics of the Family Planning Association.³

F. **IUD:** Inserted in clinics of the Family Planning Association,⁴ MOH clinics and private physicians.

G. **Advertisement:** Decree Law 2848, Article 5, 9 December 1937, prohibits all written or spoken propaganda in favor of abortion and sterilization...with a penalty of one to three months in prison for violating this law." No law or policy prohibits spread of information on family planning, but in the opinion of CEPEP and DEPROFA the social climate prevents aggressive information campaigns. Bot CEPEP and DEPROFA use materials and lectures to spread information: CEPEP uses radio to a limited extent. Television and the press occasionally discuss both sides of family planning and population issues.
...Transportation: No restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 341 of the Penal Code forbids the infliction of bodily harm—including loss of the use of an organ.5

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.6 Anyone who performs an abortion is subject to imprisonment for from two to five years (Section 352). A woman who wilfully induces her own miscarriage may be imprisoned for from fifteen to thirty months (Section 349).

B. Medical: Abortion is permitted to save the life of the mother (Penal Code, Section 352).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.7

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Paraguay


4Ibid.

5Codigo Penal de la Republica del Paraguay (Asuncion: Talleres Grafios del Estado, 1914).

6Ibid.

7If the abortion is performed to protect the honor of the wife, mother, daughter or sister, the penalties are reduced by one-half (Section 353).
PERU

I. CONTRACEPTION

A. Government Policy: In July 1975 the Government adopted a responsible parenthood program motivated by health, rather than demographic concerns. The program will operate through the health infrastructure. Information and services will be available to all women in the target areas. The Peruvian Association for Family Planning was closed by the Government in January of 1974.

B. Import: Permitted.

C. Manufacture: Permitted.

D. Sale of Condoms: The sale of contraceptives without a medical prescription is prohibited under Section 24 of the Sanitary Code (see item E). However, since the condom is considered a "prophylactic" rather than a contraceptive, it is available in any pharmacy without a prescription.

E. Sale of Pills: Sold only in pharmacies on medical prescription (Section 24 of the Sanitary Code [Law No. 17,505 of March 18, 1969], and [Code of Medical Ethics, 1970, Section 40]). Contraceptives must be "used under the control of the physician" (Sanitary Code, Section 24).

F. IUD: Medical prescription and subsequent medical control required (Sanitary Code, Section 24).

G. Advertisement: Commercial advertisement of contraceptives is not legally prohibited. However, it is in fact prohibited by the Ministry of Health. On December 28, 1974, the MOH issued a Ministerial Resolution prohibiting the use of the term "to avoid pregnancies" in advertisements placed in news media. This does not prohibit the use of terms such as "family planning," or "responsible parenthood." The resolution was issued because it might be inferred that the term referring to avoiding pregnancies implied abortion, which is prohibited by law.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 165, paragraph 2 of the Penal Code (Law No. 4,868 of 1927) imposes penalties on anyone who mutilates or causes harm to the function of an
III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from two to four years (Section 160). A woman who wilfully induces her own miscarriage may be imprisoned for up to four years (Section 159). Harsher penalties are imposed on physicians, pharmacists, surgeons and midwives who procure abortions (Section 162).

B. **Medical:** An abortion may be performed to save the life or health of the mother (Penal Code, Section 163).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

Footnotes Peru


4 Ibid.
THE PHILIPPINES

I. CONTRACEPTION

A. Government Policy: The Population Act of 1971 (Republic Act 6365, as revised in 1972 through Pres. Decree Nos. 69 and 79, Section 4, Paragraphs f and i) declares that it is national policy to make available to citizens all acceptable methods of contraception. The Constitution was amended in 1973 to include a state responsibility to "achieve and maintain population levels most conducive to the national welfare." The Labor Code requires certain employers to provide free family planning services to their employees,1 and in March of 1974, the Government began offering financial incentives to encourage limitations of family size.

B. Import: A former ban on the importation of contraceptives has been repealed (Republic Act No. 2352, repealing Section 6 of Republic Act No. 1394; also Republic Act No. 1927, Section 102, deleted by Pres. Decree No. 34 of 1972). All importers of pharmaceutical products must register annually with the Food and Drug Administration (Food and Drug Act of 1963). Each drug must also be approved and registered by the Food and Drug Administration. Import duties are 30% c.i.f. on pills and 13% c.i.f. plus 7% sales tax on condoms.3

C. Manufacture: All pharmaceutical products must be approved by the Food and Drug Administration, and the manufacturer must be registered annually (Food and Drug Act of 1963). Drug regulations are issued by the Department of Health.

D. Sale of Condoms: Sold in drug stores (Republic Act No. 4729, 1966, Sections 1-2). Also sold by street vendors. In 1972 the Population Commission (POPCOM) was ordered to use all available channels to disseminate contraceptives.

E. Sale of Pills: Sold only in "licensed" drugstores or pharmaceutical companies (Republic Act No. 4729 of 1966, Sections 1-3). Under Presidential Decree 79 of 1972, POPCOM was ordered to train paramedicals to "dispense and administer all acceptable methods" (Section 5, paragraph a). Prescription not required.4

F. IUD: May be distributed or dispensed only by a "licensed drug store or pharmaceutical company and with the prescription of a qualified medical practitioner." (Rep. Act No. 4729 of 1966, Sections 1-2). Formalities for the prescription are set forth in Republic Act No. 5921 of 1969, Article IV. Nurses and midwives are being trained especially by POPCOM.

G. Advertisement: Commercial advertisement of condoms is not
prohibited by law, but it was only attempted during one month (in 1971) and was then stopped, apparently due to pressures exerted against it. Advertising of other contraceptives is banned from the mails (Revised Administration Code of 1958, Section 1954, paragraph C). This provision however, was liberalized by Presidential Decree 79, Section 5, paragraphs b and c of 1972. The advertising of pills and IUDs to physicians and medical personnel is permitted (Revised Admin. Codes of 1954, paragraph C). Note that Presidential Order No. 18 of December 8, 1972 orders all mass media to promote the concept of family planning.

H. Transportation: Formerly, the use of the mails was prohibited for contraceptives (Revised Admin. Code of 1958, Section 1954, paragraph C). However, Legger of Instruction No. 47 of December 8, 1972 ordered the Postmaster General to help in disseminating family planning information, and repealed all inconsistent acts. Note that Revised Penal Code, Section 201 (regarding obscene publications) makes no specific reference to contraceptives.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 262 of the Penal Code (Act No. 3,851 of 1930) provides penalties for anyone who intentionally mutilates another by depriving him either totally or partially of some essential organ for reproduction. However by Opinion No. 131 of September 17, 1973, the Secretary of Justice stated that voluntary sterilization of either sex cannot be regarded as illegal "mutilation" under Art. 262 of the Penal Code, because of the patients' consent and in the light of the national policy set forth in the Revised Population Act.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from six months to six years (Section 256). A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 258). Physicians or midwives who procure abortions are subject to the maximum penalty specified above (Section 259).

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.
E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes The Philippines

1"Labor Code of the Philippines of May 1, 1974, Section 132 (as quoted in Law and Policy, Population Report, Series E, No. 1, July 1974, p. 311.


6Section 11 of the Penal Code provides that no criminal liability is imposed on a person who, in order to avoid an evil or injury, does an act which causes damage to another. The following prerequisites must be present: a) the evil sought to be avoided actually exists; b) the injury feared is greater than that due to avoid it; and c) there is no other practical and less harmful means of preventing the evil.

7Note that if the abortion is performed by the woman or her parents to conceal her dishonor, the penalty is reduced (Section 258).
I. CONTRACEPTION

A. Government Policy: The Government supports contraception as an alternative to abortion. A Family Planning Association was founded in 1957.

B. Import: All goods must be imported by specially licensed state enterprises of foreign trade (Decree of January 11, 1967). The importation of oral contraceptives is allowed only if (1) the product is included in the official list of medicines and (2) special permission is given by the Ministry to import (Law of January 8, 1951, Sections 9, 16, and 19).

C. Manufacture: Permission from the Ministry of Health and Social Welfare is needed to produce medicines (Decree of the Ministry of Health and Social Welfare of July 29, 1965). Any medicine may be produced only if included in the official list of medicines published by the Ministry of Health and Social Welfare (Law of January 8, 1951, Section 9; Decree of the Ministry of Health and Social Welfare of April 3, 1963).

D. Sale of Condoms: Sold in pharmacies, drug stores, and in booths selling newspapers. Also sold by distribution centers of Public Health Service institutions (Ministry of Health and Social Welfare Regulation No. 34 of July 18, 1960).

E. Sale of Pills: Sold in pharmacies only (Law of January 8, 1951; Regulation No. 34, July 18, 1960). A medical prescription is required (Decree of Ministry of Health and Social Welfare of April 1, 1969; Regulation No. 34 of 1960). Official distribution is concentrated in the distribution centers of the Public Health Service (Regulation No. 34 of 1960).

F. IUD: Only physicians specialized in gynecology and specially trained nurses may insert IUDs (Ministry of Health and Social Welfare Regulation of April 12, 1963, No. 19). Official distribution is concentrated in distribution centers of the Public Health Service (Regulation No. 34 of 1960).

G. Advertisement: Mechanical contraceptives may be advertised to the general public. Oral contraceptives may be advertised only in professional medical or pharmaceutical periodicals, or in pamphlets distributed directly to physicians or pharmacists (Decree of the Ministry of Health and Social Welfare of September 22, 1959, No. 354, Dz. Ust.).

H. Transportation: No information available.
II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 155 of the Penal Code (Law No. 94 of April 19, 1969) provides penalties for anyone who deprives another of his ability to procreate or causes a serious illness or infirmity. Social dangerousness is required for the act to be a crime (Section 1).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an illegal abortion is subject to imprisonment for from six months to eight years (Section 154).

B. Medical: Abortion is justified on medical grounds if performed by a medical practitioner (Law No. 6 of April 27, 1956). However, every woman who wishes to undergo an abortion must apply to a physician for a certificate attesting that the interruption of pregnancy is permissible. If the certificate is not granted, the woman may appeal her case to a local health agency (Ordinance of December 19, 1959).

C. Eugenic: No legal grounds specified.

D. Humanitarian: Abortion is permitted where there is presumptive evidence that the pregnancy is the result of a criminal act (Law of 1956).

E. Socio-economic: Abortion is justified "by reason of the difficult living conditions of the pregnant woman" (Law of 1956).

F. Elective: No legal grounds specified.

Footnotes Poland


I. CONTRACEPTION

A. Government Policy: A Family Planning Association, subsidized by the Government, was established in 1967.1 The Ministry of Social Affairs has announced the creation of an inter-ministerial commission on population policy and declared an intention of the Government to supply family planning services in the future.2

B. Import: Apparently not prohibited.

C. Manufacture: Apparently not prohibited.

D. Sale of Condoms: All contraceptives are considered medical and require a prescription [Decree Law No. 48,547 of August 27, 1968, Section 48, paragraph 1(a)].

E. Sale of Pill3: Sold in pharmacies on prescription only. See item D.

F. IUD: See item D.

G. Advertisement: The advertising of contraceptives is prohibited, even in the medical press (Decree Law No. 48,547 of August 27, 1968, Section 104/1).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Illegal: Abortion is generally forbidden under Section 358 of the Penal Code.5 Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from two to eight years. Harsher penalties are imposed on physicians and pharmacists who procure abortions.

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 358 of the Penal Code.5 Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from two to eight years. Harsher pen-
alties are imposed on physicians and pharmacists who pro-
cure abortions.

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Portugal


3 Antonio Patacas, ed., Código Penal y Código de Proceso Penal (Lis-

4 IPPF Situation Report, "Portugal" (May 1974).

5 Supra, note 3.
I. CONTRACEPTION

A. Government Policy: The Government is officially pro-natalist. No Family Planning Association exists.1

B. Import: Pills and IUDs are not imported. Condoms are imported officially from other Socialist countries.2

C. Manufacture: Pills and IUDs are not manufactured. Some condoms are manufactured.

D. Sale of Condoms: Available in stores.

E. Sale of Pills: Not generally available.

F. IUD: Not generally available, although reportedly some IUDs are inserted by physicians on a private basis.3

G. Advertisement: Advertising and giving advise on contraceptives was discontinued in 1966.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 182 of the Penal Code (Law No. 30 of June 21, 1968) forbids the mutilation of the organ of another.4 Social dangerousness is required for the act to be a crime (Section 17).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code, and penalties are specified.5

B. Medical: During the first three months of pregnancy an abortion may be performed to preserve the life and health (physical or mental) of the mother (Sections 2 [a] and 2 b of Decree No. 770 of September 29, 1966 of the Council of State).6

C. Eugenic: During the first three months of pregnancy, abortion is permitted if one of the parents suffers from a serious disease of a hereditary nature or one which is liable to cause serious congenital malformations (Decree No. 770).
D. **Humanitarian:** During the first three months, abortion is permitted if the pregnancy is the result of rape or incest (Decree No. 770).

E. **Socio-economic:** During the first three months, abortion is permitted if the woman is more than forty-five years old (Decree No. 770).

F. **Elective:** No provision for abortion on this ground.

Footnotes Romania


3Ibid.


6*Buletinul Oficial al Republicii Socialiste Romania*, Part I, October 1, 1966, as quoted in *International Digest of Health Legislation*, Vol. 18, 1967. Note that Section 3 provides that "In exceptional cases, when a grave pathological condition is found to be endangering the life of the woman, an abortion may be carried out up to the sixth month."
I. CONTRACEPTION

A. Government Policy: There has been a Government program since 1967. A Family Planning Association was formed in 1954. Government and private activities were integrated in 1970 and a new family planning unit created in 1974.¹

B. Import: No information available.

C. Manufacture: No information available.

D. Sale of Condoms: No information available.

E. Sale of Pills: A prescription is not required.²

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Uncertain. However, the Assistant Secretary of Health for Family Planning has stated that the Government is offering free voluntary sterilization to all who desire it after a 72 hour waiting period.³

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden by Section 1051 of the Penal Code. Anyone who performs an abortion is subject to imprisonment of 2-5 years.⁴

B. Medical: Abortion by a physician is permitted to save the life of a woman.⁵

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Puerto Rico


5 Ibid.
RWANDA

I. CONTRACEPTION

A. Government Policy: While the Government which came to power under General Juvenal Habyarimana has recognized the existence of a population problem in Rwanda, it has insisted that the solution to that problem must be found within the Rwandan value system. A demographic national scientific committee on demography is presently studying the problem.

B. Import: Permitted.

C. Manufacture: None.

D. Sale of Condoms: Permitted.

E. Sale of Pills: Permitted.

F. IUD: Used occasionally.

G. Advertisement: None.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.2

III. ABORTION

A. Illegal: In general, abortion is presumably forbidden.3

B. Medical: Presumably, an abortion would be permitted to save the life of the mother.4

C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.

E. Socio-economic: Presumably forbidden.

F. Elective: Presumably forbidden.
Footnotes Rwanda


2 See infra, note 3.

3 The Penal Code of Rwanda is presently unavailable. However, the 1940 Penal Code of the Belgian Congo (Decree of January 30, 1940) was adopted by the former colony of Ruanda-Urundi through Ordinance No. 43/Just. of May 18, 1940, Bulletin Officiel du Ruanda-Urundi, cited in Pierre Leroy Legislation du Ruanda-Urundi (Usumbara: Les Presses Lavigerie, 1949). According to the 1940 Penal Code of the Belgian Congo (which has subsequently been adopted by Zaire and Burundi), abortion was a punishable offense. It is assumed that Rwanda also retained the provisions of the law.

SAUDI ARABIA

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning program. No Family Planning Association exists.¹

B. Import: Following a ruling of the World Moslem League that contraception violates Islamic law, all forms of birth control have been declared illegal.² Smuggling contraceptive pills into the country is punishable by six months in prison.³

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden. See item B.

E. Sale of Pills: Forbidden. See item B.

F. IUD: Forbidden. See item B.

G. Advertisement: Forbidden. See item B.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Islamic criminal law is applied. Permanent sterilization would presumably be forbidden, except in the case of hereditary disease or malformities that may be transmitted to the offspring.⁴

III. ABORTION

A. Illegal: Islamic criminal law is applied. Legal scholars agree that abortion is prohibited after the fourth month, but disagree about whether a pregnancy may be terminated before the fetus has gained a life of its own.⁵

B. Medical: It is generally agreed that abortion should be permitted to save the life of the mother.⁶

C. Eugenic: Unclear.

D. Humanitarian: Unclear.

E. Socio-economic: Unclear.

F. Elective: Unclear.
Footnotes Saudi Arabia


5El-Kammesh, in Lee and Larson, supra, note 1.

6Ibid.
I. CONTRACEPTION

A. Government Policy: In March 1971, President Senghor declared in Parliament that his government favored family planning. In April 1974 the Ministry of Health announced the establishment of a new Family Planning Association. However anti-contraception laws technically remain in effect. See item B.

B. Import: There are no express laws governing the import of contraceptives. However, the French Law of July 31, 1920 may still be in force, since it was adopted into French West Africa in 1933, and was retained by Senegal upon becoming independent. According to the French law, the import, manufacture, sale, advertisement, or transportation of contraceptives would be forbidden.

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden. See item B. Quaere whether condoms may legally be sold in pharmacies as protection against venereal disease.

E. Sale of Pills: Forbidden. See item B. Quaere whether oral contraceptives may be legally sold in pharmacies for health reasons.

F. IUD: Forbidden. See item B.

G. Advertisement: Forbidden. See item B.

H. Transportation: Forbidden. See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 295 of the Penal Code (Law No. 65-60 of July 21, 1965) forbids wounding another, and provides special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb.

III. ABORTION

Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to five years and a fine of from 20,000 to 100,000 CFA francs. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years and fined from 20,000 to 100,000 CFA francs. (Section 305.)
B. **Medical:** Abortion is permitted to save the life of the mother. The attending physician must receive written corroboration from two other doctors that the pregnancy should be terminated (Decree No. 67-147 of February 10, 1967).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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Footnotes Senegal


SIERRA LEONE

I. CONTRACEPTION

A. Government Policy: The Government maintains an official position of neutrality, but it permits the local Family Planning Association to provide services in public and private facilities.¹

B. Import: Contraceptives may be imported duty-free² [Also, see Customs Tariff Ordinance, Cap. 772, Second Schedule 45(a), which exempts medicines and drugs from the tariff].³

C. Manufacture: A license to manufacture pills is required from the Director of Medical Services, unless the manufacturer is a duly qualified medical practitioner registered in Sierra Leone (Medical Practitioners, Dentists and Druggists Ordinance, Section 20).⁴

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Pills are classified as Schedule B poisons, and may be sold only on prescription (Medical Practitioners, Dentists and Druggists Ordinance).⁵

F. IUD: Inserted in various clinics of the Family Planning Association.⁶

G. Advertisement: Various laws forbid the advertisement of obscene materials, but there is no indication that these laws would apply to contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 18 of the Criminal Law and Procedure Act forbids the infliction of bodily harm on another.

III. ABORTION

A. Illegal: The English law known as the Offenses Against the Person Act of 1861 is still in force.⁸ Under this law, penalties are imposed on anyone who performs an abortion, on a woman who wilfully induces her own miscarriage, and on a person who supplies anything, knowing that it will be used to perform an abortion.
B. **Medical:** Presumably, abortion would be permitted to save the life or health of the mother.\(^9\)

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.

E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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Footnotes Sierra Leone


4. Ibid.

5. Ibid.


7. Supra, note 3.

8. The general reception statute for Sierra Leone is found in Ames, supra, note 3, Vol. I, p. 58. The Infanticide Ordinance (Act of June 15, 1939), found in Ames, supra, note 3, specifically mentions that the Offenses Against the Person Act of 1861 is in force in Sierra Leone. For discussion of the English Act, see Kiana M. Kloss and Bertram L. Railsbeck, *Law and Population Growth in the United Kingdom* (Law and Population Monograph No. 11), Law and Population Programme, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts (1973). Note also that the advertisement of abortofacients is illegal in Sierra Leone (Section 6 of the Undesirable Advertisements Ordinance, found in Ames, supra, note 3).

I. CONTRACEPTION

A. Government Policy: A Government program implemented by a statutory authority, the Singapore Family Planning and Population Board, has existed since 1966. The FPA, a voluntary agency partially subsidized by the Government complements the work of the Board.

B. Import: Imports are permitted, but the Singapore Family Planning and Population Board (SFPPB) can control all activities in the family planning field. See item D.

C. Manufacture: Permitted under SFPPB control.

D. Sale of Condoms: Sold in pharmacies, in the family planning clinics and by street vendors. SFPPB is authorized to control all activities of sale or distribution (Section 11, paragraph 2, Family Planning and Population Act of 1965).

E. Sale of Pills: Sold in pharmacies on prescription, family planning clinics, maternal and child health clinics and by doctors.

F. IUD: SFPPB is authorized to control all activities of sale or distribution. See item D.

G. Advertisement: The Information, Education and Communications Unit of SFPPB utilizes the media of radio, television, and press as well as produces publicity materials such as pamphlets, posters, banners and car stickers to convey the family planning message to the masses.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: The Voluntary Sterilization Act of 1974 (Law No. 25 of 1974) in force December 28, 1974, permits sterilization by a registered medical practitioner of a person over 21 years of age who consents, or of a person under 21 whose guardian consent. This law removes the former requirements of Eugenic Board approval, spousal consent, and prior birth of one child.

B. Criminal Law Applicable: None.

III. ABORTION

A. Illegal: Abortion is generally forbidden unless performed under the provisions of the Abortion Act of 1969 (Act No. 25
Anyone who performs an abortion in violation of the Act is subject to imprisonment for up to three years, a fine of up to $3000, or both (Paragraph 5).

B. **Medical:** After 24 weeks gestation, abortion is permitted to prevent permanent injury to the woman's physical or mental health. Before 24 weeks gestation see item F.

C. **Eugenic:** See item F.

D. **Humanitarian:** See item F.

E. **Socio-economic:** See item F.

F. **Elective:** Abortion may be performed after consultation with a medical doctor, up to the 24th week. A specialist medical doctor must perform the abortion after the sixteenth week of gestation.

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**Footnotes Singapore**


SOMALI DEMOCRATIC REPUBLIC

I. CONTRACEPTION

A. **Government Policy:** The Government has not sponsored any family planning activities. No Family Planning Association exists.¹

B. **Import:** The import of all pharmaceutical products has been brought under state control.²

C. **Manufacture:** No information available.

D. **Sale of Condoms:** The Government took control of all medical services in March 1972. No further private practice is permitted.³ No specific information is available about whether condoms are, in fact, distributed.

E. **Sale of Pills:** See item D.

F. **IUD:** See item D.

G. **Advertisement:** No information available.

H. **Transportation:** No information available.

II. VOLUNTARY STERILIZATION

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 423 of the Penal Code provides that anyone who sterilizes a person of either sex is subject to imprisonment for from six months to two years, and a fine of from 1,000 to 5,000 Sh. So.⁴ Anyone who consents to sterilization is also punishable.

III. ABORTION

A. **Illegal:** Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to imprisonment for from one to five years (Section 419). Harsher penalties are imposed on doctors who perform abortions (Section 424).⁵

B. **Medical:** Presumably, an abortion would be permitted to save the life of the mother.⁶

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Forbidden. See item A.
E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Somali Democratic Republic


3 Ibid.


5 Ibid.


7 Note that Article 422 of the Penal Code provides that the normal punishment will be reduced by one-third to one-half if an abortion is performed to safeguard one's own honor or that of a near relative.
I. CONTRACEPTION

A. Government Policy: The Government provides family planning services. A Family Planning Association was founded in 1932.1

B. Import: A license to import is required (Customs and Excise Act, No. 91 of 1964).2 Condoms: A general duty of 50% or 125¢/100 is imposed; the rate is 20% on condoms imported from Most Favored Nations (Same Act, Tariff Schedule, Section 40.12.10). Pills: No duty (Same Act, Tariff Schedule, Section 30.03.30). On importation, drugs may be inspected (Foods, Drugs and Disinfectants Act, No. 13 of 1929, Section 11). Also, see item E.

C. Manufacture: Drugs intended for human use must be registered (Drugs Control Act, No. 101 of 1965).3 In order to compound or dispense prescribed medicines, a medical practitioner must pay a license fee prescribed by law (Medical, Dental and Pharmacy Act, No. 13 of 1928).4 Also, see item E.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Oral contraceptives are classified as "potentially harmful drugs" and are sold only by prescription [Medical, Dental and Pharmacy Act; No. 13 of 1928, Division II, Schedule 6]. The use, importation, sale, manufacture, and transport of pills requires the authorization of the Minister of Health, subject to conditions to be determined by him [Same act, Section 92(A)].

F. IUD: No information available.

G. Advertisement: In the Transvaal, the advertisement of contraceptives is a punishable offense Criminal Law Amendment Act (Act No. 38 of 1909, Section 2). There are various laws, applicable to the entire country, regarding the advertisement of obscene materials, but no indication that these provisions would apply to contraceptives.6

H. Transportation: See item E.

III. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 2 of 1975, the Abortion and Sterilization Act, 1975, provides that consent by one capable of giving it justifies the treatment. Sterilization must be performed at designated institutions and with written authority of the person in charge.7
III. ABORTION

A. **Illegal**: Section 2 of the Abortion and Sterilization Act of 1975 states that it is illegal to procure an abortion otherwise than in accordance with the Act.  

B. **Medical**: Abortion is permitted when the woman's life or physical health is endangered or when 2 medical doctors agree her mental health is threatened. (Section 3a and b).

C. **Eugenic**: Abortion is permitted where there is a serious risk of deformity (Section 3c).

D. **Humanitarian**: Abortion is permitted where the pregnancy is the result of rape, incest, or where the woman is an imbecile (Section 3d).

E. **Socio-economic**: Not permitted. See item A.

F. **Elective**: Not permitted. See item A.

III. AB

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Footnotes South Africa


3. Ibid.

4. Ibid.


6. Note that Section 18A of the Immorality Act, No. 23 of 1957 prohibits the manufacture, sale or supply of any article which is intended to be used to perform an "unnatural sex act." See Isaacs, supra, note 2.


8. South Africa follows Roman and Dutch common law, which has no specific provision concerning sterilization, but forbids general assault.
Supra, note 7.
SPAIN

I. CONTRACEPTION

A. Government Policy: The Government has sponsored no family planning activities. No Family Planning Association exists.¹

B. Import: Private importation for personal use is not forbidden.

C. Manufacture: Forbidden (Penal Code, Section 416, No. 2). Violation is punishable by a fine of up to 25,000 pesetas.

D. Sale of Condoms: Condoms are available as prophylactics against venereal disease, but not as contraceptives.² See item C.

E. Sale of Pills: Pills are available on prescription from private physicians as cycle regulators. Otherwise, they are forbidden. See item C.

F. IUD: IUDs are available to enhance fertilization by keeping the uterine cavity open.³

G. Advertisement: Contraceptives may not be advertised or displayed in public. See item C.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 420, No. 2 of the Penal Cod. (Decree No. 691 of March 28, 1963) provides penalties for anyone who strikes another, so as to render him impotent or cause him to lose the use of an important member.⁴

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.⁵ Anyone who performs an abortion is subject to imprisonment for from six months to six years (Section 411). A woman who wilfully induces her own miscarriage is subject to the same penalty (Section 413). Harsher penalties are imposed on physicians and midwives who perform abortions (Section 415).

B. Medical: Quaere whether abortion would be permitted to save the life of the mother.

C. Eugenic: Forbidden. See item A.
D. **Humanitarian**: Forbidden. See item A.6

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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Footnotes Spain


3Ibid.


5Ibid.

6The penalty is reduced where the abortion is performed to protect the woman's honor (Section 414).
SRI LANKA

I. CONTRACEPTION

A. Government Policy: The Government's family planning program has existed since 1965, and it is part of the 1971 Five-Year Plan. The Government subsidizes the Family Planning Association. Contraceptives are distributed by the Government through its network of hospitals. Family planning is also part of the Ministry of Health's Maternal and Child Health Service, which distributes contraceptives at .05 cents per condom, 75 cents per cycle, and inserts IUDs free of charge.

B. Import: The State Pharmaceutical Corporation of Ceylon controls the import and manufacture of drugs. The only restriction on import is that a commercial importer must receive an allocation of foreign exchange from the Import Controller. The IPPF also imports condoms and oral pills for the Family Planning Association, duty free, as part of the IPPF community-based distribution program.

C. Manufacture: The State Pharmaceutical Corporation has the power to control the manufacture of drugs (Government Gazette Notification of 1971).

D. Sale of Condoms: No legal restrictions.

E. Sale of Pills: Pills must be sold by prescription in terms of the Price Control Act. In practice pills are sold only in pharmacies. Recently however, the Health Department has allowed the midwives employed by the Department to distribute the pills under the guidance of doctors.1

F. IUD: No legal restriction, although in practice inserted only by physicians.

G. Advertisement: Commercial advertising is allowed in the printed media to the general public. Sri Lanka Broadcasting Corporation does not allow contraceptive advertisements on the radio. Medical headings no longer required. Condoms advertised openly.2

H. Transportation: Since April 1975, the sale of condoms to the prospective user through the mails has been suspended.3

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None. However, consent of the spouse is obtained before sterilization is performed even though there is no statutory requirement that it be given.4

B. Criminal Law Applicable: Sections 311 and 316 of the Penal
Code forbid the infliction of grievous hurt—including emasculation, or the destruction or permanent impairment of any member. Consent by the victim may be exculpatory (Section 81).

III. ABORTION

A. **Illegal**: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for up to three years, fine, or both. A woman who wilfully induces her own miscarriage is subject to the same penalties (Section 303).

B. **Medical**: Abortion is permitted to save the life of the mother (Penal Code, Section 303).

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

Footnotes Sri Lanka


A. Majeed Khan, Coordinator UNFPA/UNDP, personal correspondence, August 1975.

Supra, note 1.
SUDAN

I. CONTRACEPTION

A. Government Policy: The Government gives support to family planning and allows the Family Planning Association, established in 1965, to open clinics in the Government Health Centers. There are presently 15 Family Planning Clinics in the capital and about the same number in the provinces. The Family Planning Association works closely with the Ministers of Health, Youth and Social Care, Department of Statistics and the University.

B. Import: The FPA and pharmaceutical agencies import contraceptives.

C. Manufacture: None.

D. Sale of Condoms: There are no legal restrictions and condoms are freely available from drugstores.

E. Sale of Pills: No restrictions. Drugstores and Family Planning Clinics stock several varieties. Sales are reportedly substantial.

F. IUL: No restrictions. Lippes' Loop and other types are obtainable.

G. Advertisement: No restrictions.

H. Transportation: Permitted.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 272 and 278 of the Penal Code forbid the infliction of grievous hurt—including emasculation, or the destruction or permanent impairment of any member.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for up to three years, five, or both (Section 262).

B. Medical: Abortion is permitted to save the life of the mother (Penal Code, Section 262).

C. Eugenic: Forbidden. See item A.
D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Sudan


4 Ibid.

5 Presumably, a woman who wilfully induces her own miscarriage could also be punished.
SWAZILAND

I. CONTRACEPTION

A. Government Policy: The Government encourages family planning in a maternal-child health context. A law of January 9, 1965 established a center of information on family matters and birth control, to inform the public of all medical, social and psychological problems relating to birth control.

B. Import: A permit issued by authority of the Ministers is needed to import any product (Commerce and Tract Act 46/1939 (3)).

C. Manufacture: A Government inspector may test all medicines (Sale of Adulterated and Tainted Foodstuffs Act, 1896).

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Oral contraceptives are classified as "potentially harmful drugs" and are sold on prescription only. [A prescription book must be kept Medical, Dental and Pharmacy Act, No. 28 of 1929, as amended in 1967].

F. IUD: No information available.

G. Advertisement: The Obscene Publications Act, 1927, forbids the exposure to public view of any "indecent or obscene publication or other obscene object." There is no indication that this provision would apply to the advertisement of contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.

III. ABORTION

A. Illegal: No information available.

B. Medical: No information available.

C. Eugenic: No information available.

D. Humanitarian: No information available.

E. Socio-economic: No information available.
F. Elective: No information available.

Footnotes Swaziland


4 Ibid.

5 Ibid.

6 Ibid.

7 The Penal Code which Swaziland still follows is Crimes Act No. y of 1889. The authors have been unable to see a copy of the text. Abortion is reportedly illegal except on unspecified medical grounds. See Emily Campbell Moore-Cavar, International Inventory of Information on Abortion (New York: Division of Social and Administrative Sciences, National Institute for the Study of Human Reproduction, Columbia University, 1974). See also IPPF, "Abortion: a world survey," supplement to IPPF News/ March 1972.
I. CONTRACEPTION

A. Government Policy: The Government fully supports family planning. On 1 January 1975 the Act (no. 525) concerning reimbursement for certain birth control activity, etc., came into force. According to the Act, those who without cost provide advisory service on the use of contraceptives are entitled to reimbursement under the sickness insurance scheme. Contraceptives (pessar and IUD) which are being tried out and applied in connection with the advisory service shall be free of charge. Other contraceptives (condoms and chemical substances may to a limited extent be delivered in connection with the advisory service.

B. Import: Permission for import of contraceptives must be obtained from the National Board of Health and Welfare (Royal Order of 14 December 1973, no. 1041). The Board may stipulate conditions for the import.

C. Manufacture: Contraceptives must not be sold unless they are approved by the National Board of Health and Welfare. Sale must be carried out under conditions which are satisfactory from a hygienic point of view (Royal Order of 24 April 1970, no. 149).

D. Sale of Condoms: Sold in various shops, vending machines and pharmacies.

E. Sale of Pills: Sold in pharmacies on medical prescription. As far as costs are concerned, pills are treated as drugs prescribed in case of illness.

F. IUD: See item A.

G. Advertisement: There are no special regulations concerning advertisement of contraceptives.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Law No. 120 of April 21, 1972 permits sterilization on the following grounds, provided the person in question and his spouse consent, and authorization is obtained from the National Board of Health and Welfare: (1) Where a person is likely to transmit mental disease to his offspring, or where because of mental disturbance he is incapable of providing care for additional children; or (2) if the life of the mother would be endangered by pregnancy.
B. Criminal Law Applicable: Chapter 3, Section 5 of the Penal Code (Law No. 700 of December 21, 1962) forbids the infliction of bodily harm on another.

III. ABORTION

A. Illegal: The provisions of the Penal Code regarding abortion (Chapter 14, Section 42) have been changed. The threat of sanctions against the woman has been removed entirely. Provisions for penalties for illegal abortions performed by other than medical practitioners, and for breaches of the stipulations by medical practitioners, have been incorporated into the new law.

B. Medical: Abortion is permitted to save the life or health of the mother.

C. Eugenic: See item F.

D. Humanitarian: See item F.

E. Socio-economic: See item F.

F. Elective: Prior to the thirteenth week of pregnancy, the question of abortion is to be decided by the woman herself; she may be refused the operation only if it would involve a serious risk to her life and health. Between the twelfth and eighteenth weeks, an abortion can be obtained upon authorization by a doctor, after special inquiry by a social worker. After the eighteenth week, abortion can be authorized only by the Board of Health and Welfare, when there is strong reason for it.

Footnotes Sweden

1A new Abortion Act has been enacted in Sweden, and it will come into force as of January 1, 1975. A summary of the new act is contained herein. Information is obtained from Current Sweden, No. 27 (Sweden: The Swedish Institute, April, 1974).

2Supra, note 3.
SWITZERLAND

I. CONTRACEPTION

A. Government Policy: In the Canton de Vaud, family planning is integrated into the health service. A Swiss Family Planning Association was founded in 1971.  

B. Import: Reportedly, no law prohibits the import of contraceptives.  

C. Manufacture: No information available.  

D. Sale of Condoms: Distributed in pharmacies and in indoor automatic vending machines.  

E. Sale of Pills: Contraceptive pills are drugs of category B (which require a prescription) and may be sold only in pharmacies (Articles 16 and 29 of IKS Regulativ). The pharmacist may repeat the sale, unless there is explicit prohibition by the physician.  

F. IUD: No information available.  

G. Advertisement: The advertising of contraceptives is not prohibited, special regulations apart.  

H. Transportation: No information available.  

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.  

B. Criminal Law Applicable: Section 122 of the Penal Code (Law of December 21, 1937 forbids mutilating another or rendering an organ or member unable to function).  

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for at least five years (Section 119). A woman who wilfully induces her own miscarriage may be imprisoned for three years or more (Section 118).  

B. Medical: Abortion is permissible to save the life or health of the mother. Unless an emergency exists, the opinion of a second doctor must be obtained (Penal Code, Section 120).
C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Switzerland


2 M. Livi Bacci, "Draft Working Paper of the Committee on Legislation Directly or Indirectly Influencing Fertility in Europe."


4 Supra, note 2.

5 Supra, note 3.


7 Ibid.

SYRIAN ARAB REPUBLIC

I. CONTRACEPTION

A. Government Policy: The Government in 1974 announced plans to integrate family planning into the health structure, creating the Family Planning Unit, attached to MCH. This unit is working in close cooperation with the Syrian Family Planning Association, which began its activities in 1974. The SFPA has three branches (Damascus, Aleppo, and Lattakia), as well as several clinics in the cities where women can be examined, receive technical advice, plus appropriate contraceptives.

B. Import: Legally forbidden. In fact, contraceptives are imported for "medical reasons." See item C.

C. Manufacture: Forbidden under Section 524 of the Penal Code (Legislative Decree No. 148 of June 22, 1949). Violation is punishable by imprisonment from one month to one year, and a fine. The law, however, has been greatly criticized and quære whether it is actually enforced.

D. Sale of Condoms: Legally forbidden. In fact, sold for medical reasons. See item C.

E. Sale of Pills: Legally forbidden, but in fact sold for medical reasons. See item C.

F. IUD: Legally forbidden. In fact, sold for medical reasons. See item C.

G. Advertisement: Forbidden (Penal Code, Article 523). See item C.

H. Transportation: Legally forbidden. In fact, transportation of contraceptives does take place for medical reasons. See item C.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 543 of the Penal Code forbids mutilating another or causing the complete loss of the use of an organ.
III. ABORTION

A. **Illegal**: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from one to three years (Section 526). Higher penalties are imposed if the abortionist is a doctor or pharmacist (Section 532). A woman who wilfully induces her own miscarriage may be imprisoned for from six months to three years (Section 526).

B. **Medical**: Abortion is permitted to save the life of the mother (Section 47B of Legislative Decree No. 12 of January 7, 1970). Three conditions must be satisfied: (1) The abortion must be carried out by a medical specialist with the agreement of another physician; (2) A certificate must be drawn up before the operation to the effect that the abortion is absolutely necessary; and (3) Four copies of the written record must be prepared, signed by the two physicians, the patient, and the spouse (or guardian).

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

E. **Elective**: Forbidden. See item A.

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Footnotes Syrian Arab Republic


2Ibid.

3**Code Penal** (Damascus: Bureau des Documentations Syriennes et Arabes, 1953).


5**Supra**, note 3.

6Ibid.

7**International Digest of Health Legislation**, Vol. 23, 1972. Note that a pharmacist may not refill a prescription for abortifacient substances unless the prescribing physician has so ordered in writing, [Same Decree, Section 47D(11)].
I. CONTRACEPTION

A. Government Policy: A Government family planning program has existed since 1964. A Family Planning Association was formed in 1954.\(^1\)

B. Import: As of 1971, commercial contraceptives remained on the Customs Bureau list of dutiable drugs.\(^2\)

C. Manufacture: No information available.

D. Sale of Condoms: Condoms were officially introduced into the family planning program in May, 1970.\(^3\)

E. Sale of Pills: Provided by the family planning program and sold in drugstores.\(^4\)

F. IUD: The Government Maternal and Child Health Association pays half the cost of loop insertion to private doctors.\(^5\)

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: No information available.

B. Criminal Law Applicable: No information available.\(^6\)

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 288 of the Criminal Code.\(^7\) A woman who wilfully induces her own abortion is subject to imprisonment for up to six months or a fine of 100 yuan.

B. Medical: An abortion may be performed to preserve the health or life of the woman (Penal Code, Section 288[III]).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes Taiwan


3Ibid.


UNITED REPUBLIC OF TANZANIA

I. CONTRACEPTION

A. Government Policy: In 1969 the Government included family planning as part of maternal and child health in its second Five Year Development Plan. A Family Planning Association was founded in 1959, but it does not operate in Zanzibar.\(^1\)

B. Import: Zanzibar prohibits the import of contraceptives. The Government has granted duty-free status to all commodities supplied to the Family Planning Association.\(^2\)

C. Manufacture: Neither contraceptive devices nor drugs are manufactured in the country.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: Distributed in clinics of the Government and Family Planning Association.\(^3\)

F. IUD: Inserted in clinics of the Government and Family Planning Association.\(^3\)

G. Advertisement: Advertisement of family planning activities is included in overall health education as part of mother and child health programmes.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Presumably, penalties are provided for the infliction of grievous harm on another.\(^5\)

III. ABORTION

A. Illegal: Presumably, abortion is generally illegal.\(^6\)

B. Medical: Presumably, an abortion would be permitted to save the life or health of the mother.\(^7\)

C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.

E. Socio-economic: Presumably forbidden.

F. Elective: Presumably forbidden.
Footnotes United Republic of Tanzania


2. Ibid.

3. Ibid.

4. Ibid.


6. Abortion was forbidden under the Penal Codes of Tanganyika and Zanzibar. Supra, note 5.

THAILAND

I. CONTRACEPTION

A. Government Policy: The Government has had a program since March 17, 1970, when the Council of Ministers approved a policy of voluntary family planning presented by the National Economic Development Board.

B. Import: A personal supply of contraceptives may be imported without duty (Medicines Act of 1967, Section 13, paragraph 4). Otherwise, a duty exists on pills (10% of c.i.f. plus 7.7% sales tax) and condoms (50% of c.i.f. plus 7% sales tax, plus 2.3% clearing charge). An importer must employ a pharmacist (Medicines Act of 1967, Section 24). An open general license to import pills and condoms is required, with yearly renewal necessary (Medicines Act of 1967, Sections 12-18).

C. Manufacture: Condoms are manufactured locally. Since June 1974 oral contraceptives have been manufactured in Thailand by Schering, A.G. Sales of the local product are expected to begin in the Spring of 1975 after current production establishes an adequate inventory.

D. Sale of Condoms: No legal restrictions. Vending machines are permitted, but not used.

E. Sale of Pills: Sold in pharmacies on prescription only. A license is required (Medicines Act of 1967, Sections 21, 32, 39, 44; see also Regulation of Ministry of Health, Sections 26 and 27). In fact, pills are available without a prescription, and in 1970 the Ministry of Public Health ruled that auxiliary midwives could prescribe pills.

F. IUD: According to Ministry Regulation, (Medical Treatment Control Act B.E. 2479 [1936], revised by the Medical Treatment Control Act [MoPH order #6] B.E. 2504 [1961], specified by MoPH order #5 [1975]), IUDs may be inserted by both physicians and properly trained nurses.

G. Advertisement: Commercial advertising of condoms is permitted, except that certain words may not be used. Commercial advertising of pills may be made to physicians only, but not "by means of a gift" (Medicines Act, Sections 88, 90). IUDs are promoted in the mass media by the National Family Planning Project Advertising is moni-

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION
A. Specific Legislation or Regulations: According to an administrative regulation of the Ministry of Public Health, sterilization may be performed on a woman in hospitals under the Ministry's jurisdiction if the Director of the hospital finds that such an operation is justified by the economic and living conditions of the woman's family.¹

B. Criminal Law Applicable: Sections 297 and 298 of the Penal Code (Law of November 13, 1956) forbid the infliction of grievous bodily harm—including the loss of genital organs or reproductive ability.²

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for up to five years, a fine of 10,000 baht, or both (Section 302). A woman who wilfully induces her own miscarriage may be imprisoned for up to three years, fined 6,000 baht, or both (Section 301).

B. Medical: Abortion is permitted to save the life or health of the mother (Penal Code, Section 305).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Abortion is permitted where the pregnancy has resulted from rape, or where the woman is under 13 (Section 305).

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Thailand


³Ibid.
TOGO

I. CONTRACEPTION

A. Government Policy: Government has for many years offered family planning counselling at those Government-sponsored social and health centers which are staffed by personnel trained in family planning. Acceptors are then referred to hospitals, private clinics and private physicians for contraceptive devices. Negotiations are currently underway within MOH to permit, on a pilot basis, personnel of Zongo Social Center under supervision of physician, to actually dispense contraceptives at the Center. In January 1975, l'Association Togolaise pour le Bien-Etre Familial was created with assistance of IPPF.

B. Import: A decree dated 30 May 1933 applied the 1920 French Law to Togo. Though law remains on books, since Independence it has never been applied. Contraceptives are imported, sold and transported apparently without penalty. IUDs, pills and condoms are available from private clinics and doctors and at hospitals. Condoms and pills are available from most pharmacies.

C. Manufacture: Forbidden. See item B.

D. Sale of Condoms: Forbidden, See item B.

E. Sale of Pills: See item B.

F. IUD: See item B.

G. Advertisement: See item B.

H. Transportation: See item B.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.


III. ABORTION

A. Illegal: In general, abortion is presumably forbidden.

B. Medical: Presumably, abortion is permitted to save the life of the mother.

C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.
E. **Socio-economic:** Presumably forbidden.

F. **Elective:** Presumably forbidden.

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Footnotes Togo

1"Apparently, Togo still uses the French Penal Code which was in effect in 1958. See note 6 under "Dahomey."

2Ibid.

I. CONTRACEPTION


B. Import: Only medical practitioners, drug manufacturers, licensed importers, pharmacists, or wholesalers dealing in drugs may import pills (Food an. Drugs Regulations, 1965). 1

C. Manufacture: Contraceptives are not manufactured in Trinidad and Tobago.

D. Sale of Condoms: There are no legal restrictions on condoms and they may be obtained free of charge at all family planning clinics in the Government's Population Programme or through the Family Planning Association. 3

E. Sale of Pills: Contraceptive pills are not only sold at pharmacies without prescription, but are also distributed at Government and Family Planning Clinics. 4 (See Third Schedule, Food and Drugs Regulations, 1965). 5

F. IUD: Inserted at Government and Family Planning Clinics, as well as by private physicians.

G. Advertisement: The Family Planning Association of Trinidad and Tobago has an active information program which includes the advertisement of its activities in the media.

H. Transportation: No special restrictions.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 34 of the Offenses Against the Person Ordinance forbids the infliction of grievous bodily harm on another. 7

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Offenses Against the Person Ordinance. 8 Anyone who performs an abortion, or a woman who wilfully induces her own miscarriage, is subject to four years' imprisonment (Section 57). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to two years' imprisonment (Section 58).
B. Medical: Presumably, an abortion would be permitted to save the life or health of the mother.9

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Trinidad and Tobago.


3U.N.D.P. Trinidad and Tobago, personal Correspondence, Sept. 22, 1975.

4Ibid.


6Supra, note 2.

7Elliot Francis Maingot, Trinidad and Tobago, Revised Ordinances, 1950 (London: C.F. Roworth Ltd., 1951).

8Ibid.

9Rex v. Bourne (1938). "See discussion of this case under "Jamaica."
I. CONTRACEPTION


B. Import: The import of contraceptive products and medications is subject to the regulation of pharmaceutical products by Decree Law No. 60-12 of March 16, 1960. (Law No. 61-7 of January 9, 1961). A license is required from the Minister of Health for any medicine which has not already been authorized in France (Decree of January 1, 1942, Sections 7 and 12). The Central Pharmacy of Tunisia has a monopoly on the importation of foreign pharmaceutical specialties (Decree Law No. 61-2 of January 16, 1961).

C. Manufacture: A license from the Ministry of Health is necessary before a medicine is admitted for sale (Decree of January 1, 1942, Section 8).

D. Sale of Condoms: Condoms can only be sold in pharmacies.

E. Sale of Pills: Sold in pharmacies on prescription only (Decree Law No. 60-12, Sections 24 and 29). Physicians may sell medicines only where there is no pharmacy within a radius of 15 km. (Same act, Sections 29 and 31).

F. IUD: Sales of IUDs are subject to the same regulations applying to pills.

G. Advertisement: Commercial advertisement of medicines is allowed (1) to the general public after a "previous visa" by the public health authority; or (2) to physicians and pharmacists, if the name and ingredients of the product and name of the producer are given (Decree of January 1, 1942, Sections 1, 3 and 5).

H. Transportation: There are no regulations concerning transport of contraceptives.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 218 and 219 of the Penal Code (Decree of July 9, 1913) forbid wounding another, and provide special penalties for acts which result in mutilation, amputation, or deprivation of the use of a limb. However, a decree by the President in April 1973, declared
that sterilization is not in contradiction of Moslem law, indicating that the criminal law may not apply to voluntary sterilization.²

III. ABORTION

A. **Illegal**: Abortion is generally forbidden under Article 214 of the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for five years and a fine of 10,000 francs. A woman who wilfully induces her own miscarriage may be imprisoned for two years and fined 2,000 francs.

B. **Medical**: After the first three months of pregnancy, abortion is legal (if performed in an authorized establishment) to preserve the physical or mental health of the mother (Penal Code, Article 214, as modified by Law No. 73-57 of November 19, 1973).⁴

C. **Eugenic**: After the first three months of pregnancy, abortion is legal if it is likely that the unborn child will suffer a serious infirmity (Penal Code, Article 214).

D. **Humanitarian**: No provision for abortion on this ground, but see item F.

E. **Socio-economic**: No provision for abortion on this ground, but see item F.

F. **Elective**: During the first three months of pregnancy, abortion is permitted on request, provided that it is performed by a physician in an authorized establishment (Penal Code, Article 214).

Footnotes Tunisia


³ Supra, note 2.

I. CONTRACEPTION

A. Government Policy: The Government has had a family planning program since Law No. 557 of April 1965. Law No. 931 of 1967 puts population planning chiefs in each province and health region.

B. Import: The import of any kind of pills to be used as contraceptives is forbidden, due to the fact that they are sufficiently manufactured in the country. Importers of contraceptive devices have to pay custom duties. Nevertheless, devices sent for research purposes are exempted from duties. Custom duties are calculated ad valorem of c.i.f. The percentage of duty is worked out on the raw material of which the product is made. Custom duties for finished condoms made of rubber is 25%. For IUDs, custom duties paid by the importer is due to pay the production tax, which is 10% of the c.i.f. value.

C. Manufacture: Law No. 557 specifically authorizes the manufacture of pills, but a license is required from the Ministry of Health. Foreign firms may apply, but requirements are detailed and a fee (3,300 T.L.) is required. The Ministry of Health also supervises the processing of the pill.

D. Sale of Condoms: No legal restrictions. Sold in pharmacies and in small "general merchandise" shops.

E. Sale of Pills: Sold in pharmacies (or doctor's "drug chests" in small towns) on prescription only. In fact, the prescription requirement is not strictly enforced.

F. IUD: Permitted.

G. Advertisement: Contraceptives may be exhibited in pharmacies. Short announcements of the availability of prescription drugs are allowed with Ministry of Health approval. Advertisement is unrestricted in Turkey and no approval is required from the MOH.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: Decision No. 6/8305 of June 12, 1967 of the Council of Ministers authorizes voluntary sterilization in the following cases: (a) the woman suffers from a defect or disease, which would make
pregnancy undesirable; (b) the man or woman suffers from a serious hereditary disease.¹

B. Criminal Law Applicable: Section 471 of the Penal Code (Law No. 765 of March 1, 1926) provides that anyone who causes another to become sterile is subject to imprisonment for from six months to two years and a fine of from 100 to 500 dinars.² Anyone who gives consent to the performance of such acts upon himself may also be punished.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.³ Anyone who performs an abortion is subject to imprisonment for from two to five years. A woman who wilfully induces her own miscarriage may be imprisoned for from one to five years. A person who supplies any thing, knowing that it will be used to perform an abortion, is subject to imprisonment for from six months to two years (Section 468).

B. Medical: Abortion is permitted to save the life or health of the mother,⁴ providing authorization is obtained from the Therapeutic Abortion Committee.⁵

C. Eugenic: An abortion may be authorized where there is a risk of a serious congenital defect or where the normal development of the fetus is impossible.⁶

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.

Footnotes Turkey


³Ibid.

⁴Supra, note 1.

⁵Authorization is not required in an emergency situation.

⁶Supra, note 1.
I. CONTRACEPTION
A. Government Policy: A Family Planning Association was established in 1957. The Government supports the idea of family planning and has indicated it will give support to the Family Planning Association.1
B. Import: A license may be needed to import pills.2
C. Manufacture: No specific information available. Legal Notice No. 266 of October 2, 1958, provides that no person may manufacture any drug without a license issued by the Board of Pharmacists.3
D. Sale of Condoms: No apparent legal restrictions.
E. Sale of Pills: A prescription is required. (Pharmacy and Poisons Act Fourth Schedule).4 Pills are distributed at the clinics of the Family Planning Association.5
F. IUD: No information available.
G. Advertisement: No information available.
H. Transportation: No information available.

II. VOLUNTARY STERILIZATION
A. Specific Legislation or Regulations: None.
B. Criminal Law Applicable: Section 234 of the Penal Code (Law of June 15, 1950) forbids castration, or the amputation or destruction of any organ necessary to generation.6

III. ABORTION
A. Illegal: Abortion is generally forbidden under the Penal Code.7 Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 136). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 137). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years imprisonment. (Section 138).
B. Medical: Presumably, abortion would be permitted to save the life or health of the mother.8
C. Eugenic: Forbidden. See item A.
D. Humanitarian: Forbidden. See item A.
E. **Socio-economic:** Forbidden. See item A.

F. **Elective:** Forbidden. See item A.

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**Footnotes Uganda**


UNION OF SOVIET SOCIALIST REPUBLICS

I. CONTRACEPTION

A. Government Policy: The Government family planning is on a private, non-governmental basis. It is concerned with protecting the right of women to decide whether they wish to have children or not.

B. Import: No prohibition. Carried out by enterprises of a public character.

C. Manufacture: No prohibition. See line B.

D. Sale of Condoms: No limitations on sale.

E. Sale of Pills: No limitations other than on medical grounds and limited supply.

F. IUD: Inserted by physicians.

G. Advertisement: No prohibitions. Display at the point of sale is permitted.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 108 of the Penal Code (Law of October 28, 1968) forbids the intentional infliction of bodily injury which results in the loss of any organ, or the loss of its function. Social dangerousness is required for criminal responsibility (Section 7).

III. ABORTION

A. Illegal: A doctor who performs an illegal abortion is subject to imprisonment or correctional labor for one year. Anyone else who performs an illegal abortion may be imprisoned for two years or given up to one year of correctional labor (Penal Code of the RSFSR, Section 116).

B. Medical: See item F.

C. Eugenic: See item F.

D. Humanitarian: See item F.

E. Socio-economic: See item F.
F. Elective: Abortion is permitted on request, up to the twelfth week, provided that there are no medical contra-indications and that the woman has not had a pregnancy terminated during the previous six months (Instructions of December 28, 1955). A woman desiring an abortion must receive a certificate from the local medical officer, a gynecologist or in some cases, a physician in a welfare advisory center (Decree of November 23, 1955).

Footnotes Union of Soviet Socialist Republics


3Grzybowski, in Lee and Larson, supra, note 2.

UNITED KINGDOM

I. CONTRACEPTION

A. Government Policy: Free family planning services are provided by the National Health Service through family planning clinics, hospitals and family doctors. Contraceptive advice and supplies are available to all, irrespective of age or marital status.

B. Import: Permitted for both commercial and private use. A product license is required for marketing tablets, chemical contraceptives and spermicidal preparations, since they are "medical products" (Medicines Act of 1968, Section 7, paragraph 3). Although it is generally assumed that condoms will not require a product licence under the Medicines Act, this may remain a possibility.

C. Manufacture: A manufacturer of contraceptive pills needs a license issued by the Secretary of State for Social Services (Medicines Act of 1968, Section 8). Manufacture for sale must be in accordance with a product license. See item B.

D. Sale of Condoms: No legal limitations, although individual local by-laws in many areas prohibit the sale from vending machines in public places.


F. IUD: As a matter of practice, inserted only by physicians. At present IUDs are not covered by the Medicines Act, as they are considered "appliances" (except copper IUD, operating chemical reaction), but an order will shortly be made, requiring them to be subject to licensing as medicinal products.

G. Advertisement: There is no specific limitation on the advertisement of contraceptives. Indecent advertisements are prohibited (Section 3 of the Indecent Advertisements Act of 1889 - as amended). The publication of obscene matter is banned (Obscene Publications Act of 1959). It is a criminal offense to send unsolicited matter describing sexual technique (Unsolicited Goods and Services Act of 1971, Sept. 4). Contraceptives are advertised in newspapers and magazines. Their acceptance on TV, radio and some public places is limited however.
Transportation: According to local arrangements where necessary.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: The National Health Service (Family Planning) Amendment Act of 1972 (Law of October 26, 1972) provides that a local health authority in England or Wales may give advice on voluntary vasectomy.

B. Criminal Law Applicable: Sections 18 and 20 of the Offenses Against the Person Act of 1861 provide penalties for the infliction of grievous harm on another.

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Offenses Against the Person Act of 1851. Anyone who performs an abortion is subject to imprisonment for from two years to life. A woman who willfully induces her own miscarriage is subject to the same penalties (Section 58). A person who supplies anything, knowing that it will be used to perform an abortion, may be similarly punished (Section 59). Abortion after the twenty-eighth week, except to save the life of the mother, is punishable by life imprisonment (Infant Life [Preservation] Act, Section 1).

B. Medical: Part II, Chapter 87 of the Abortion Act of 1967 (Law of October 27, 1967) permits abortion to save the life of the mother or the health (physical or mental) of either the mother or any of her existing children. Two medical practitioners must give their approval for the operation, which must be performed in a hospital before the twenty-eighth week of pregnancy. Notification must be given to the State.

C. Eugenic: Abortion is permitted before the twenty-eighth week where there is substantial risk that the child, if born, would suffer such physical or mental abnormalities as to be seriously handicapped (Abortion Act of 1967).

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: The woman's actual or reasonably foreseeable environment may be taken into account in determining whether a pregnancy, if continued, would involve a risk of injury to health. See item B.

F. Elective: Forbidden. See item A.
Footnotes United Kingdom


4. Ibid.


7. Quaere whether rape could constitute a risk to the mental health of the mother, as per *Rex v. Bourne* (1938) 3 All E.R. 615; (1939) 1 K.B. 687.
I. CONTRACEPTION (Federal Laws)

A. Government Policy: The Supreme Court has stated that the right to decide whether and when to have a child is protected by the Federal Constitution (Eisenstadt v. Baird, 405 U.S. 438). The Family Planning Services and Population Research Act of 1970 states that the rational policy is to make comprehensive voluntary services readily available to all persons desiring them (Section 2[1]) and subsidizes service projects by state and local agencies and private organizations.

B. Import: Imports are permitted (Title 21, Section 381, U.S.C.A.). A foreign manufacturer of "drugs" may register under Title 21, Section 360(i). If approved, he may import. Duties are 6% on condoms, 5% on most pills, and 18% on IUDs.

C. Manufacture: A license to manufacture is required (Title 21, Section 355, U.S.C.A.) if the new drug is "introduced into interstate commerce." The manufacturer must register under Section 360(b) with the Department of Health, Education and Welfare. An IUD with "heavy metal" (copper) or a drug incorporated is considered a "drug" (FDA Regulations, Section 130.50, adopted February 28, 1973). The Federal Government (and some states) controls quality, purity, packaging and labelling of condoms (Title 21, Sections 351 and 352, U.S.C.A.). Adequate directions, warning of side effects and contraindications for drugs and devices must be marked under Title 21, Section 352(f) and (n). A special warning for pills must be made (FDA Regulations Section 130.45[d]).

D. Sale of Condoms: The packaging, labelling and purity of condoms are under FDA and state control.

E. Sale of Pills: Sold in pharmacies on prescription only (FDA Regulations, Section 130.45(a) [i]).

F. IUD: See item C.

G. Advertisement: Unsolicited contraceptives and unsolicited advertisement thereof may not be sent through the mail except to physicians, pharmacists, and hospitals (Title 39, Section 3001[b], (and 2), U.S.C.A.). Title 21, Section 352 (n), U.S.C.A., and FDA Regulations 21, Section 1.105(e) require advertisements for prescription drugs to show side effects and contraindications.
I(a). CONTRACEPTION (State Laws)

A. Government Policy: As of September 1971, 28 states had no laws restricting information on sale or distribution of contraceptives. Most of the other states had mild restrictions.

B. Import: Federal matter.

C. Manufacture: Some states (e.g. California, Colorado) have quality controls.

D. Sale of Condoms: Permitted in pharmacies. The majority of states permit vending machines with certain limitations, but some state laws restrict sales of condoms to pharmacies.

E. Sale of Pills: Sold in pharmacies (controlled by federal law).

F. IUD: Most states have no legal restrictions.

G. Advertisement: Most states have no restriction on advertising or display, but some states allow advertising of contraceptives only in medical or pharmaceutical publications, or in literature enclosed with packages. Some states restrict the advertising and display of condoms.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: See item B.

B. Criminal Law Applicable: Legislation varies in the different states.

III. ABORTION

A. Illegal: See item B.

B. Medical: During the second trimester of a woman's pregnancy, the states may, if they choose, regulate the abortion procedures "in ways that are reasonably related to maternal health." During the last trimester ("the stage subsequent to viability") the states may regulate or even forbid abortion except where necessary to save the life or health of the mother (Roe v. Wade (1973), 410 U.S. 113, 93 S. Ct. 705); (Doe v. Bolton (1973) 410 U.S. 719).

C. Eugenic: See item A.
D. **Humanitarian:** See item A.

E. **Socio-economic:** See item A.

F. **Elective:** During the first trimester, "the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician" (Roe v. Wade).

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**Footnotes States of America**

UPPER VOLTA

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning program. The Government of Upper Volta has given approval to the Voltan Women's Association for the establishment of a Centre Voltaizue pour la Promotion et la Protection de la Famille.

B. Import: There are no express laws governing the import of contraceptives.

C. Manufacture: Not practiced.

D. Sale of Condoms: Condoms can be purchased from local pharmacies.

E. Sale of Pills: Female contraceptives are available at local pharmacies to women upon presentation of a doctor's prescription.

F. IUD: Permitted.

G. Advertisement: Permitted. (Seminars on family planning & sex education lectures are given).

H. Transportation: Permitted.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.


III. ABORTION

A. Illegal: In general, abortion is presumably forbidden.

B. Medical: Presumably, abortion would be permitted to save the life of the mother.

C. Eugenic: Presumably forbidden.

D. Humanitarian: Presumably forbidden.

E. Socio-economic: Presumably forbidden.

F. Elective: Presumably forbidden.
Footnotes Upper Volta

1 Apparently, Upper Volta still uses the French Penal Code which was in effect in 1958. See note 6 under "Dahomey."

2 Ibid.

URUGUAY

I. CONTRACEPTION

A. Government Policy: A Family Planning Association was founded in 1961. The Ministry of Health allows its hospitals and health centers to be used for family planning.

B. Import: Establishments which manufacture, import or distribute pharmaceutical substances may supply such products only to pharmacies and institutions duly authorized to distribute them (Resolution of December 11, 1962).

C. Manufacture: See item B.

D. Sale of Condoms: No apparent legal restrictions.

E. Sale of Pills: A permit issued by the Ministry of Public Health is required to sell pharmaceuticals (Decree No. 1 of July 21, 1954). Pills and IUDs are distributed by the Family Planning Association.

F. IUD: See item E.

G. Advertisement: The Family Planning Association has conducted advertising via TV and radio and by distribution of pamphlets. It has also conducted courses at education centers and youth organizations aimed at grammar and high school aged people, as well as directing information of a more technical nature to doctors and paramedical personnel.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 317 and 318 of the Penal Code (Law No. 9.155 of December 4, 1933) forbid the impairment of an organ or a mutilation which causes the loss of another's reproductive capacity. Consent of the victim may be grounds for exculpation (Section 88).

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from six to twenty-four months (Section 325). A woman who wilfully induces her own miscarriage may be imprisoned for from three to seven months (Section 325).
B. **Medical:** Abortion is permitted to save the life or health of the mother (Penal Code, Section 328).

C. **Eugenic:** Forbidden. See item A.

D. **Humanitarian:** Abortion is permitted where the pregnancy has resulted from rape (Penal Code, Section 328, paragraph 2).[^8]

E. **Socio-economic:** Abortion is permitted during the first three months of pregnancy where there is a serious economic difficulty (Penal Code, Section 328, paragraph 4).

F. **Elective:** Forbidden. See item A.

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### Footnotes Uruguay


[^5]: Supra, note 2.


[^7]: Ibid.

[^8]: The penalty may be reduced by one-third to one-half if the abortion is performed to protect the honor of the woman.
I. CONTRACEPTION

A. Government Policy: In November, 1974 an office of Family Planning was created in the Ministry of Health and Social Assistance to centralize, coordinate, supervise, and evaluate family planning services.¹ There has been a government program since 1964, and a Family Planning Association since 1966.² The Government has provided financial support to the Family Planning Association since 1972.³

B. Import: Imports are permitted, if the medicine is registered. For private import for personal use, a medical prescription must be enclosed. For commercial imports a license is required from the Ministry of Development. There is a customs duty of 1% c.i.f. on both pills and condoms.⁴

C. Manufacture: Authorization from the Pharmaceutical Department is necessary to manufacture pills. In some cases, medical products are tested by the Instituto Nacional de Higiene.

D. Sale of Condoms: Legally sold in pharmacies only, but in fact, many are sold by vendors.

E. Sale of Pills: Legally sold in pharmacies on prescription only, but in fact, they can often be obtained without prescription.

F. IUD: Sold to physicians by medical suppliers.

G. Advertisement: Commercial Advertisement of prescription drugs requires the approval of the Administration of Pharmacies.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 416 of the Penal Code (Law of June 27, 1964) provides penalties for causing the loss of another's reproductive ability or the use of some organ.⁵

III. ABORTION
A. **Illegal**: Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for from twelve to thirty months. A woman who wilfully induces her own miscarriage may be imprisoned for from six months to two years. Harsher penalties are imposed on physicians and other medical persons who procure abortions (Sections 432-436).

B. **Medical**: Abortion is permitted to save the life of the mother (Penal Code, Section 435).

C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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Footnotes:


3*Supra*, note 1.

4*Distribution of Contraceptives in the Commercial Sector of Selected Developing Countries*; Summary Report, Westinghouse Population Center, Health Systems Division (Columbia, Ma.: April 1974 p. 55.


6*Ibid*.

7The penalty is reduced by one-third to two-thirds if the abortion is performed to protect the honor of the defendant's wife, mother, daughter or sister.
YEMEN ARAB REPUBLIC

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning program. No Family Planning Association exists.1

B. Import: No information available.

C. Manufacture: No information available.

D. Sale of Condoms: No information available.

E. Sale of Pills: No information available.

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Islamic criminal law is applied. Permanent sterilization would presumably be forbidden, except in the case of hereditary disease or malformities that may be transmitted to the offspring.2

III. ABORTION

A. Illegal: Islamic criminal law is applied. Legal scholars agree that abortion is prohibited after the fourth month, but disagree about whether a pregnancy may be terminated before the fetus has gained a life of its own.3

B. Medical: It is generally agreed that abortion should be permitted to save the life of the mother.4

C. Eugenic: Unclear.

D. Humanitarian: Unclear.

E. Socio-economic: Unclear.

F. Elective: Unclear.
Footnotes Yemen Arab Republic


3El-Kammesh, in Lee and Larson, supra, note 1.

4Ibid
PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN (SOUTHERN YEMEN)

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning program. No Family Planning Association exists.1

B. Import: No information available.

C. Manufacture: No information available.

D. Sale of Condoms: Reportedly, contraceptive supplies are available locally.2

E. Sale of Pills: See item D.

F. IUD: No information available.

G. Advertisement: No information available.

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Sections 320 and 322 of the Penal Code forbid causing grievous hurt -- including emasculation, or the privation of any member or joint.3

III. ABORTION

A. Illegal: Abortion is generally forbidden under Section 312 of the Penal Code.4 Anyone who causes an abortion, or a woman who willfully induces her own miscarriage, is subject to imprisonment for three years, fine or both.

B. Medical: Abortion is permitted to save the life of the mother. (Penal Code, Section 312).

C. Eugenic: Forbidden. See item A.

D. Humanitarian: Forbidden. See item A.

E. Socio-economic: Forbidden. See item A.

F. Elective: Forbidden. See item A.
Footnotes People's Republic of Yemen (Southern Yemen)


4. Ibid.
I. CONTRACEPTION

A. Government Policy: A new Constitution provides that "it is a human right to decide freely on the birth of children," and integrates the subject of planned parenthood into the sections dealing with education, information and health protection. Contraception and family planning are currently part of the regular medical services. A Family Planning Association has existed since 1966.

B. Import: The importation of contraceptives (except condoms) is governed by the laws on medicines. Contraceptives are exclusively distributed by the Social Security Organization on a commercial but not a professional basis. There are quality controls (Uradni List SFRJ of 1974, No. 390, p. 544).

C. Manufacture: A license is required. (See Sluzbeni List of 1965, No. 15, p. 700, and List of 1973, No. 6, p. 130.) Licenses and registrations are issued on a republic (not federal) level by the republic Institutes for Medical Control.

D. Sale of Condoms: No prohibitions. Sold in pharmacies, drugstores and small shops.

E. Sale of Pills: Sold in pharmacies on medical prescriptions only.

F. IUD: No legal provisions. Only gynecologists can insert, as a matter of practice.

G. Advertisement: The law on the distribution of Medicaments (Uradni List SFRJ of 1973, No. 6) provides in Section 43, paragraph 1: "Enterprises which produce, import or distribute medicaments can advertise in the professional, medical, pharmaceutical press." However, they must draw attention to indications and contraindications. Section 43, paragraph 2 states: "It is forbidden to advertise medicaments by mass media, and in areas or shop windows of the health institutions or other enterprises." Section 45, paragraph 2 states: "It is forbidden to advertise medicaments of which the sale has not been authorized or to distribute samples thereof."

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.
B. **Criminal Law Applicable:** Section 141, paragraph 2 of the Penal Code (Law No. 13 of 1951) forbids the infliction of grave bodily harm, or the destruction or permanent weakening of an important organ.

III. **ABORTION**

A. **Illegal:** Abortion is generally forbidden under Section 141 of the Penal Code. It is not a crime for a woman wilfully to induce her own miscarriage.

B. **Medical:** Abortion is permitted to save the life or health of the mother (Decree of April 26, 1969, Section 3[1]).

C. **Eugenic:** Abortion is permitted when on the basis of scientific research it can be expected that the child, because of a sickness of the parents, will be born with serious physical and psychological defects (Decree of April 26, 1969, Section 3[2]).

D. **Humanitarian:** Abortion is permitted if the pregnancy was the result of an act of the Penal Code: rape (Article 179 P.C.); adultery over a powerless person (Article 180 P.C.); adultery over an under-age person (Article 181 P.C.); adultery done by the misuse of position (Article 182 P.C.); seduction (Article 185 P.C.); or incest (Article 198 P.C.) [Decree of April 26, 1969, Section 3(3)].

E. **Socio-economic:** Abortion is permitted if the woman, during pregnancy and after birth, could fall into "serious personal, family, material and other troubles" (Decree of April 26, 1969, Section 4).

F. **Elective:** No provision for abortion on this ground.

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Footnotes Yugoslavia


4Ibid.

6Ibid.


8The text of the law is found in Henry P. David, Family Planning and Abortion in the Socialist Countries of Central and Eastern Europe (The Population Council, 1970).

9Note that an abortion on eugenic or humanitarian grounds may be done after the third month of the pregnancy only if it would not endanger the life or health of the mother (Article 3).
I. CONTRACEPTION

A. Government Policy: The Government is in favor of family planning. A National Council for Promotion of Desirable Births was established in 1973.1

B. Import: Authorization by the health authorities is needed to import medicines (Ordinance No. 27 bis/Hyg. of March 15, 1933, Sections 11 and 13).

C. Manufacture: No information available.

D. Sale of Condoms: The display or free distribution of contraceptives is illegal (Penal Code of 1940, Section 178, paragraph 3). Violation is punishable with imprisonment for up to one year, a fine of 1000 francs, or both.

E. Sale of Pills: Sold in pharmacies on prescription only. Where there is no pharmacy within 15 km., physicians may sell pills (Ordinance of March 15, 1933, Sections 3, 9, 10).

F. IUD: No information available.

G. Advertisement: Forbidden (Penal Code, Section 178, paragraph 4).

H. Transportation: No information available.

II. VOLUNTARY STERILIZATION

A. Specific Legislation or Regulations: None.

B. Criminal Law Applicable: Section 1 of the Penal Code forbids wounding another, and provides penalties for acts which result in the permanent loss of the use of an organ or a severe mutilation.2

III. ABORTION

A. Illegal: Abortion is generally forbidden under the Penal Code.3 Anyone who performs an abortion is subject to imprisonment for from two to ten years (Section 165). A woman who wilfully induces her own miscarriage may be imprisoned for from two to five years (Section 166).

B. Medical: Presumably, an abortion would be permitted to save the life of the mother.4
C. **Eugenic**: Forbidden. See item A.

D. **Humanitarian**: Forbidden. See item A.

E. **Socio-economic**: Forbidden. See item A.

F. **Elective**: Forbidden. See item A.

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**Footnotes Zaire**


3. Ibid.

I. CONTRACEPTION

A. Government Policy: The Government sponsors no family planning programs. A non-governmental Family Planning Association receiving assistance from IPPF, was established in 1971,\(^1\) with which the Government cooperates in implementing family planning programs by authorizing Government medical personnel to advise patients on family planning methods and to prescribe contraceptive devices. Government medical personnel receive training in family planning measures.

B. Import: There is no duty on the import of contraceptive pills or other contraceptive devices, e.g. condoms or IUDs (Customs and Excise Act, First Schedule, Section 30.01.00 and 40.12.00 respectively).\(^2\) This exemption from custom duties applies no only to imports by the Family Planning Association, but also to imports for commercial sale. Imports of oral contraceptives are carried out through normal channels by authorized importers, pharmacists, or medical practitioners (Pharmacy and Poisons Act, Section 25).\(^3\)

C. Manufacture: Drugs must conform to the standards laid down in the current edition of the British Pharmacopoeia or British Pharmaceutical Code (Pharmacy and Poisons Act, Section 24). This act is now under review to allow other pharmacopoeal standards.

D. Sale of Condoms: No apparent legal restrictions, but see item E.

E. Sale of Pills: Sold only on prescription by a registered pharmacist (Pharmacy and Poisons Act, Sections 11 and 12). Contraceptives are not sold at Government facilities, as they offer only free medical services. The Family Planning Association gives away, and registered pharmacies sell pills on prescription from private practitioners or government doctors.\(^4\)

F. IUD: See item E.

G. Advertisement: There is no evidence that restrictions on advertisement of obscene materials apply to contraceptives, oral or otherwise. A display on contraceptives was mounted by the FPWAZ at the Ministry of Health exhibit at the annual Agricultural, Commercial, and Industrial Fair in Lusaka last October.
H. **Transportation:** If oral contraceptives are sent by post, they must be sent by registered post (Pharmacy and Poisons Act, Section 16[5]).

II. **VOLUNTARY STERILIZATION**

A. **Specific Legislation or Regulations:** None.

B. **Criminal Law Applicable:** Section 229 of the Penal Code provides penalties for the infliction of grievous harm on another. Consent by the victim is generally not exculpatory (Section 236). However, a person is not criminally liable for performing in good faith and with reasonable skill a surgical operation upon another for the latter's benefit (Section 234).

III. **ABORTION**

A. **Illegal:** Abortion is generally forbidden under the Penal Code. Anyone who performs an abortion is subject to imprisonment for fourteen years (Section 151). A woman who wilfully induces her own miscarriage may be imprisoned for seven years (Section 152). A person who supplies anything, knowing that it will be used to perform an abortion, is subject to three years' imprisonment (Article 153).

B. **Medical:** According to Section 3 of the Termination of Pregnancy Act, 1972 (Act No. 26 of 1972), abortion is permitted if performed by a registered medical practitioner in a hospital. It is necessary that he and two other registered medical practitioners (one of whom has specialized in the branch of medicine in which the patient is specifically required to be examined before an abortion can be recommended) agree that: (a) the continuance of the pregnancy would involve risk to the life or health (mental or physical) of either the mother or any of her existing children, or (b) there is a substantial risk that if the child were born it would suffer from "such physical or mental abnormalities as to be seriously handicapped" (Subsection 2).

C. **Eugenic:** See item B.

D. **Humanitarian:** No specific provision for abortion on this ground.

E. **Socio-economic:** In determining whether the continuance of the pregnancy would involve risk to the life or health of the mother (see item B), account may be taken of her "actual or reasonable foreseeable environment or of her age" (Termination of Pregnancy Act, Section 3, Subsection 2).
F. Elective: Forbidden. See item A.

Footnotes Zambia

1IPPF, Family Planning in Five Continents (London: IPPF, October 1973) p. 11.


3Ibid.


5Supra, note 2.

6Ibid.


8Note that according to Subsection 4, approval by two other registered medical practitioners is not required, where an abortion is immediately necessary to save the life or health (physical or mental) of the mother. Such an abortion need not be performed in a hospital (Subsection 3).
NOTE EXPLAINING USE OF THE CHECKLISTS

The countries surveyed in the checklists are arranged by geographic regions: Africa (South of the Sahara), North Africa, America, Asia and Oceania, Eastern Europe, Northern Europe, Western Europe, and the Middle East. This contrasts with the country profiles (Part I), which are arranged alphabetically without regard to geographic region. The material on which the checklists are based is drawn exclusively from material contained in the country profiles. Any questions concerning notations should be referred to the individual country profile. In most cases the checklists represent the de jure situation, and not the de facto. Any exception to this practice, usually where an inference has been drawn from the de facto situation, is indicated by parentheses around the check—"(x)."

Where an asterisk "*" follows the name of a country, it indicates that no profile exists for that country.

Several caveats should be noted. A checklist, by its very nature, requires the arbitrary categorization of what is often a complex body of law. Moreover, the categories themselves are not always clearly distinguishable. For example, the case of Rex v. Bourne is applicable in many English Commonwealth nations, and it has been used in the checklist as proof that abortion is permitted to save the life and health of the mother. However, the Bourne case concerned an abortion performed on a young woman who had been raped; conceivably, therefore, it might also be cited to justify abortion on humanitarian grounds, especially since rape usually has some effect (temporary or otherwise) on the mental health of a woman. Similarly, abortion for socio-economic reasons might be deemed to be included in the category of "abortion to save the life and health of the mother," since the social and economic hardships which an unwanted pregnancy brings are often detrimental to the woman's health. In fact, the law in many countries recognizes this relationship by specifying that account may be taken of the pregnant woman's reasonably foreseeable environment in determining whether continuance of the pregnancy could risk her life or health.1

The section of the checklist dealing with contraception also requires comment. Legislation and regulations governing contraceptives are ordinarily not found in the penal codes, but must be pieced together from laws concerning customs, public health, postal services and other various subjects. Many of these laws do not specifically mention contraceptives but would appear to have some effect on their use. As a result of the difficulty in obtaining information, it should be read with a discerning eye. Thus, when using the contraceptive checklist, the reader should not assume that there is a specific statutory reference dealing with the subject matter simply because there is a check in a particular category. For in many cases the statutes involved are so worded as to appear to cover the subject matter, even though not explicitly so stated. At the same
time, the fact that there is no check in a particular category does not mean that no statutory material exists on that subject; rather, it means that information is not available on the matter. It is hoped that as more information is gathered the gaps will begin to be filled.

Notes

1It should also be noted that in some Latin American and Middle Eastern countries, the penalty is mitigated where the abortion is performed to preserve the honor of the woman or a relative. Exactly how these mitigating provisions should fit into the checklist is not clear.
CONTRACEPTION

AFRICA
(South of the Sahara)

A. Pills

1. Importation
   a. Prohibited
   b. Authorization required
   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions

2. Manufacture
   a. Prohibited
   b. Restricted
   c. Quality control
   d. No restrictions
   e. Fiscal inducement

3. Sale or distribution
   a. Prohibited
   b. Prescription required
   c. Site
      (i) Pharmacy
      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Prohibited
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions

4. Advertisement
   a. Prohibited
   b. Restricted
   c. No restrictions

5. Transportation
   a. Prohibited
   b. Restricted
   c. No restrictions
## CONTRACEPTION

### AFRICA
(cont.)

#### A. Pills

1. Importation
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

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2. Manufacture
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

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3. Sale or distribution
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   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

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4. Advertisement
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5. Transportation
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### AFRICA

(See t.)

#### A. Pills

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

   - (x) Togo
   - (x) Uganda
   - (x) Zaire
   - (x) Zambia

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
### AFRICA

(Cont.)

#### B. Condoms

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

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2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. No restriction
   - d. Quality control
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Forbidden
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. **Transportation**
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   - b. Restricted
   - c. No restrictions
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AFRICA
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C. IUD

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   b. Authorization required
   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions

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2. Manufacture
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   b. Restricted
   c. Quality control
   d. No restriction
   e. Fiscal inducement

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   b. Prescription required
   c. Site
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      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Prohibited
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions

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   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions

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   b. Restricted
   c. Quality control
   d. No restriction
   e. Fiscal inducement

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3. Sale or distribution
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   b. Prescription required
   c. Site
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      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Prohibited
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions

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   b. Restricted
   c. No restrictions

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### NORTH AFRICA

(CONT.)

A. Pills

1. Importation
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. Manufacture
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

3. Sale or distribution
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. Advertisement
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. Transportation
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   - b. Restricted
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| c             |         |       |       |         |       |         |
| d             |         |       |       |         |       |         |
| e             |         |       |       |         |       | x       |

| Sale or distribution |         |       |       |         |       |         |
| a                    |         |       |       |         |       |         |
| b                    |         |       |       |         |       |         |
| c                    |         |       |       |         |       |         |
| (i) Pharmacy         |         |       |       |         |       |         |
| (ii) Medical clinic  |         |       |       |         |       | x       |
| (iii) No restrictions|         |       |       |         |       | x       |

| Display            |         |       |       |         |       |         |
| a                    |         |       |       |         |       |         |
| b                    |         |       |       |         |       |         |
| c                    |         |       |       |         |       |         |
| (i) Prohibited      |         |       |       |         |       |         |
| (ii) Restricted     |         |       |       |         |       | x       |
| (iii) No restrictions|         |       |       |         |       | x       |
| e                    |         |       |       |         |       |         |

| Advertisement      |         |       |       |         |       |         |
| a                    |         |       |       |         |       | x       |
| b                    |         |       |       |         |       |         |
| c                    |         |       |       |         |       |         |

| Transportation     |         |       |       |         |       |         |
| a                    |         |       |       |         |       | x       |
| b                    |         |       |       |         |       |         |
| c                    |         |       |       |         |       |         |

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NORTH AFRICA
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Xcont'.

I8

B.

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02

Cond6ms

1. 'Importation'
a. Prohibited
b. Authorization

_x)l

required

x

c. Quota
d. Customs duties
e. Currency
restrictions
f. No restrictions

x

2. Manufacture
a. Prohibited
b. Restricted
c. No restriction

(xJ8
x
x

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Z(x

d. Quality control
e.

Fiscal
inducement

3. Sale or distribution

a.

Prohibited

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(x- 8

b. Prescription
required
c. Site
(i) Pharmacy
(ii)Medical
clinic
(iii) No restric-

x
x

tions
d. Display

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(i) Forbidden
(ii)Restricted
(iii) No restric­
tions
x

e. No restrictions

4. Advertisement
a. Prohibited
b. Restricted

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5. Transportation
a. Prohibited

(x)
x

b. Restricted
No restrictions
c. ----­

x

X

c. No restrictions

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### NORTH AFRICA (Cont.)

#### C. IUD

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restriction
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Insertion requirements**

5. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

6. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
### CONTRACEPTION

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CONTRACEPTION

AMERICA
(Cont.)

A. Pills

1. Importation
   a. Prohibited
   b. Authorization required
   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions

2. Manufacture
   a. Prohibited
   b. Restricted
   c. Quality control
   d. No restrictions
   e. Fiscal inducement

3. Sale or distribution
   a. Prohibited
   b. Prescription required
   c. Site
      (i) Pharmacy
      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Prohibited
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions

4. Advertisement
   a. Prohibited
   b. Restricted
   c. No restrictions

5. Transportation
   a. Prohibited
   b. Restricted
   c. No restrictions
B. Condoms

1. Importation

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(Cont.)

### B. Condoms

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. No restriction
   - d. Quality control
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Forbidden
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

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- c. Quota
- d. Customs duties
- e. Currency restrictions
- f. No restrictions

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#### 3. Sale or distribution
- a. Prohibited
- b. Prescription required
- c. Site
  - (i) Pharmacy
  - (ii) Medical clinic
  - (iii) No restrictions
- d. Display
  - (i) Prohibited
  - (ii) Restricted
  - (iii) No restrictions
- e. No restrictions

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  - (ii) Medical clinic
  - (iii) No restrictions |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | x |
| d. Display
  - (i) Prohibited
  - (ii) Restricted
  - (iii) No restrictions |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | |
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#### 5. Advertisement
- a. Prohibited
- b. Restricted
- c. No restrictions

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#### 6. Transportation
- a. Prohibited
- b. Restricted
- c. No restrictions

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**Note:** The table above summarizes the regulations for IUDs in various countries, with codes indicating whether certain activities are prohibited, authorized with or without restrictions, or have no restrictions. The table is structured to highlight the varying legal environments across countries.
**Americas (Cont.)**

**C. IUD**

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restriction
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Insertion requirements**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
   - (x)

5. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
   - (x)

6. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
   - (x)
CONTRACEPTION

ASIA & OCEANIA

### A. Pills

#### 1. Importation

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## CONTRACEPTION

### ASIA & OCEANIA (Cont.)

#### A. Pills

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
### B. Condoms

#### 1. Importation

- **a. Prohibited**
- **b. Authorization required**
- **c. Quota**
- **d. Customs duties**
- **e. Currency restrictions**
- **f. No restrictions**

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#### 2. Manufacture

- **a. Prohibited**
- **b. Restricted**
- **c. No restriction**
- **d. Quality control**
- **e. Fiscal inducement**

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#### 3. Sale or distribution

- **a. Prohibited**
- **b. Prescription required**
- **c. Site**
  - (i) Pharmacy
  - (ii) Medical clinic
  - (iii) No restrictions
- **d. Display**
  - (i) Forbidden
  - (ii) Restricted
  - (iii) No restrictions
- **e. No restrictions**

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#### 4. Advertisement

- **a. Prohibited**
- **b. Restricted**
- **c. No restrictions**

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- **b. Restricted**
- **c. No restrictions**

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### ASIA & OCEANIA

(Cont.)

#### B. Condoms

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   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

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2. **Manufacture**
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   - b. Restricted
   - c. No restriction
   - d. Quality control
   - e. Fiscal inducement

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3. **Sale or distribution**
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   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Forbidden
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

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   - a. Prohibited
   - b. Restricted
   - c. No restrictions

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5. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

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### ASIA & OCEANIA

(Cont.)

#### C. IUD

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties.
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restriction
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Insertion requirements**

5. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

6. **Transportation**
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   - b. Restricted
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CONTRACEPTION

EASTERN EUROPE

A. Pills

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2. Manufacture

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## EASTERN EUROPE

(Cont.)

### B. Condoms

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- b. Authorization required
- c. Quota
- d. Customs duties
- e. Currency restrictions
- f. No restrictions

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#### 2. Manufacture
- a. Prohibited
- b. Restricted
- c. No restriction
- d. Quality control
- e. Fiscal inducement

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#### 3. Sale or distribution
- a. Prohibited
- b. Prescription required
- c. Site
  - (i) Pharmacy
  - (ii) Medical clinic
  - (iii) No restrictions
- d. Display
  - (i) Forbidden
  - (ii) Restricted
  - (iii) No restrictions
- e. No restrictions

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- a. Prohibited
- b. Restricted
- c. No restrictions

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- b. Restricted
- c. No restrictions

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CONTRACEPTION

NORTHERN EUROPE

A. Pills

1. Importation
   a. Prohibited
   b. Authorization required
   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions
      
      | Denmark | Finland | Iceland | Norway | Sweden |
      |---------|---------|---------|--------|--------|
      | x       | x       | x       |        |        |

2. Manufacture
   a. Prohibited
   b. Restricted
   c. Quality control
   d. No restrictions
   e. Fiscal inducement
      
      | Denmark | Finland | Iceland | Norway | Sweden |
      |---------|---------|---------|--------|--------|
      | x       | x       | x       | x      | x      |

3. Sale or distribution
   a. Prohibited
   b. Prescription required
   c. Site
      (i) Pharmacy
      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Prohibited
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions
      
      | Denmark | Finland | Iceland | Norway | Sweden |
      |---------|---------|---------|--------|--------|
      | x       | x       | x       | x      |        |

4. Advertisement
   a. Prohibited
   b. Restricted
   c. No restrictions
      
      | Denmark | Finland | Iceland | Norway | Sweden |
      |---------|---------|---------|--------|--------|
      | (x)     | x       | x       |        |        |

5. Transportation
   a. Prohibited
   b. Restricted
   c. No restrictions
      
      | Denmark | Finland | Iceland | Norway | Sweden |
      |---------|---------|---------|--------|--------|
      |         |         |         |        |        |
B. Condoms

1. Importation
   a. Prohibited
   b. Authorization required
   c. Quota
   d. Customs duties
   e. Currency restrictions
   f. No restrictions

2. Manufacture
   a. Prohibited
   b. Restricted
   c. No restriction
   d. Quality control
   e. Fiscal inducement

3. Sale or distribution
   a. Prohibited
   b. Prescription required
   c. Site
      (i) Pharmacy
      (ii) Medical clinic
      (iii) No restrictions
   d. Display
      (i) Forbidden
      (ii) Restricted
      (iii) No restrictions
   e. No restrictions

4. Advertisement
   a. Prohibited
   b. Restricted
   c. No restrictions

5. Transportation
   a. Prohibited
   b. Restricted
   c. No restrictions
### C. IUD

#### 1. Importation
- **a. Prohibited**
- **b. Authorization required**
- **c. Quota**
- **d. Customs duties**
- **e. Currency restrictions**
- **f. No restrictions**

#### 2. Manufacture
- **a. Prohibited**
- **b. Restricted**
- **c. Quality control**
- **d. No restriction**
- **e. Fiscal inducement**

#### 3. Sale or distribution
- **a. Prohibited**
- **b. Prescription required**
- **c. Site**
  - (i) Pharmacy
  - (ii) Medical clinic
  - (iii) No restrictions
- **d. Display**
  - (i) Prohibited
  - (ii) Restricted
  - (iii) No restrictions
- **e. No restrictions**

#### 4. Insertion requirements

#### 5. Advertisement
- **a. Prohibited**
- **b. Restricted**
- **c. No restrictions**

#### 6. Transportation
- **a. Prohibited**
- **b. Restricted**
- **c. No restrictions**

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## CONTRACEPTION

### WESTERN EUROPE

#### A. Pills

1. Importation
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. Manufacture
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

3. Sale or distribution
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. Advertisement
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. Transportation
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
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## CONTRACEPTION

### A. Pills

1. Importation
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. Manufacture
   - a. Prohibited
   - b. Restricted
   - c. Quality control
   - d. No restrictions
   - e. Fiscal inducement

3. Sale or distribution
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Prohibited
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. Advertisement
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. Transportation
   - a. Prohibited
   - b. Restricted
   - c. No restrictions
### MIDDLE EAST

(Cont.)

#### B. Condoms

1. **Importation**
   - a. Prohibited
   - b. Authorization required
   - c. Quota
   - d. Customs duties
   - e. Currency restrictions
   - f. No restrictions

2. **Manufacture**
   - a. Prohibited
   - b. Restricted
   - c. No restriction
   - d. Quality control
   - e. Fiscal inducement

3. **Sale or distribution**
   - a. Prohibited
   - b. Prescription required
   - c. Site
     - (i) Pharmacy
     - (ii) Medical clinic
     - (iii) No restrictions
   - d. Display
     - (i) Forbidden
     - (ii) Restricted
     - (iii) No restrictions
   - e. No restrictions

4. **Advertisement**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

5. **Transportation**
   - a. Prohibited
   - b. Restricted
   - c. No restrictions

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<th>Saudi Arabia</th>
<th>Turkey</th>
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#### 6. Transportation

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<th>Jordan</th>
<th>Kuwait</th>
<th>Lebanon</th>
<th>Muscat**</th>
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<th>Saudi Arabia</th>
<th>Turkey</th>
<th>Syria</th>
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Notations to Checklist  
(Contraception)

1. Forbidden as contraceptive, but available for health reasons.

2. Actual practice appears to be different.

3. Inserted by doctors only (either by law or as a matter of practice).

4. Display in pharmacies.

5. Insertion by doctors and trained paramedicals (or nurses).

6. Foreign manufacturers must obtain approval.

7. This applies to some, but not necessarily all states or territories.

8. Pills may also be sold by licensed wholesalers.

9. This does not apply to imports for personal use.

10. Sale is restricted (or appears to be) to persons 18 years or older.

11. No specific duties for contraceptives, but general duties may be imposed.

12. Individual local by-laws in many areas prohibit sale from vending machines in public places.

13. Sold at designated shops.

14. This does not apply to imports for personal use, except by mail.

15. Commercial import prohibited. Gifts may be imported.

16. Pills may not be sold without a prescription to anyone under 20 years of age.

17. May be inserted only in specialized health institutions.

18. Birth control materials available to mothers with four or more children.
VOLUNTARY STERILIZATION

AFRICA
(South of the Sahara)

A. General Criminal Law Applicable
   - x
   - x
   - x
   - x
   - x
   - x
   - x
   - x

B. Prohibited

C. Restricted
   1. Information concerning implications
   2. Spousal Consent
   3. Age requirement
   4. Minimum number of children
   5. Person must be married
   6. Males only
   7. Females only
   8. Medical grounds
   9. Economic grounds
   10. Social grounds
   11. Committee authorization
   12. Other

D. No Restrictions
VOLUNTARY STERILIZATION

AFRICA
(con't)

A. General Criminal Law Applicable

B. Prohibited

C. Restricted

1. Information concerning implications
2. Spousal Consent
3. Age requirement
4. Minimum number of children
5. Person must be married
6. Males only
7. Females only
8. Medical grounds
9. Economic grounds
10. Social grounds
11. Committee authorization
12. Other

D. No Restrictions

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*Note: Certain countries have unclear laws regarding voluntary sterilization.*
VOLUNTARY STERILIZATION

AFRICA

(con't.)

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A. General Criminal Law Applicable

B. Prohibited

C. Restricted

1. Information concerning implications
2. Spousal Consent
3. Age requirement
4. Minimum number of children
5. Person must be married
6. Males only
7. Females only
8. Medical grounds
9. Economic grounds
10. Social grounds
11. Committee authorization
12. Other

D. No Restrictions
VOLUNTARY STERILIZATION

NORTH AFRICA

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### VOLUNTARY STERILIZATION

#### ASIA & OCEANIA

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VOLUNTARY
STERILIZATION

MIDDLE EAST

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<th>Iraq</th>
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</table>
VOLUNTARY STERILIZATION

MIDDLE EAST
(con't.)

A. General Criminal Law Applicable

B. Prohibited

C. Restricted
   1. Information concerning implications
   2. Spousal Consent
   3. Age requirement
   4. Minimum number of children
   5. Person must be married
   6. Males only
   7. Females only
   8. Medical grounds
   9. Economic grounds
  10. Social grounds
  11. Committee authorization
  12. Other

D. No Restrictions

<table>
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<tr>
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<th>South Yezan</th>
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</table>
Notations to Checklist
(Voluntary Sterilization)

1. There is a policy favorable to voluntary sterilization, but criminal provisions also apply.

2. Committee authorization not required for sterilization performed on medical grounds.


4. See the country summary for Indonesia.
ABORTION

AFRICA
(South of the Sahara)

A. Prohibited
B. Restricted
   1. Health
      a. Life of mother
      b. Health of mother
   2. Eugenic
   3. Humanitarian
      a. Rape
      b. Incest
   4. Socio-economic
      a. Number of children
      b. Proximity of previous birth
      c. Economic grounds
      d. Under age
      e. Over age
      f. Failure of contraceptives
      g. Other

C. On Request
   1. During first trimester
      a. Contra indications
      b. Approved medical facilities
      c. Residency requirement
      d. Committee authorization
      e. No restrictions
   2. During the rest of pregnancy

D. Integration Into Public Health Services

<table>
<thead>
<tr>
<th>Botswana</th>
<th>Burundi</th>
<th>Cameroon</th>
<th>Central African Republic</th>
<th>Chad</th>
<th>Congo-Brazzaville</th>
<th>Dahomey</th>
<th>Ethiopia</th>
<th>Gabon</th>
<th>Gambia</th>
<th>Ghana</th>
<th>Guinea</th>
<th>Ivory Coast</th>
<th>Kenya</th>
<th>Lesotho</th>
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<td>x</td>
<td>x</td>
<td>x^2</td>
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</table>

Note: x^1, x^2 indicate restrictions.
ABORTION

AFRICA
(con't)

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
ABORTION

AFRICA
(con't)

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

   1. During first trimester
      a. Contra indications
      b. Approved medical facilities
      c. Residency requirement
      d. Committee authorization
      e. No restrictions

   2. During the rest of pregnancy

D. Integration Into Public Health Services
ABORTION

NORTH AFRICA

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother
      | Algeria | Egypt | Libya | Morocco | Sudan | Tunisia
      | x       | x     | x^1   | x       | x     | x
   2. Eugenic
   3. Humanitarian
      a. Rape
      b. Incest
   4. Socio-economic
      a. Number of children
      b. Proximity of previous birth
      c. Economic grounds
      d. Under age
      e. Over age
      f. Failure of contraceptives
      g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
      | x
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
ABORTION

AMERICA

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
### ABORTION

#### AMERICA

*(con't.)*

A. Prohibited

B. Restricted

1. Health
   - a. Life of mother
   - b. Health of mother

2. Eugenic

3. Humanitarian
   - a. Rape
   - b. Incest

4. Socio-economic
   - a. Number of children
   - b. Proximity of previous birth
   - c. Economic grounds
   - d. Under age
   - e. Over age
   - f. Failure of contraceptives
   - g. Other

C. On Request

1. During first trimester
   - a. Contra indications
   - b. Approved medical facilities
   - c. Residency requirement
   - d. Committee authorization
   - e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
ABORTION

ASIA & OCEANIA

A. Prohibited

B. Restricted

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<tr>
<th>Country</th>
<th>Australia</th>
<th>Bangladesh</th>
<th>Burma</th>
<th>Cambodia</th>
<th>People's Republic of China</th>
<th>Fiji</th>
<th>Hong Kong</th>
<th>India</th>
<th>Indonesia</th>
<th>Japan</th>
<th>North Korea</th>
<th>South Korea</th>
<th>Laos</th>
<th>Malaysia</th>
<th>Mongolia</th>
</tr>
</thead>
</table>

1. Health
   a. Life of mother  
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
#### ABORTION

**ASIA & OCEANIA** (con't)

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<th>New Zealand</th>
<th>Pakistan</th>
<th>Papua and New Guinea</th>
<th>Philippines</th>
<th>Singapore</th>
<th>Sri Lanka</th>
<th>Taiwan</th>
<th>Thailand</th>
<th>Democratic Republic of Viet Nam</th>
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1. **Health**
   - a. Life of mother
   - b. Health of mother

2. **Eugenic**

3. **Humanitarian**
   - a. Rape
   - b. Incest

4. **Socio-economic**
   - a. Number of children
   - b. Proximity of previous birth
   - c. Economic grounds
   - d. Under age
   - e. Over age
   - f. Failure of contraceptives
   - g. Other

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1. **During first trimester**
   - a. Contra indications
   - b. Approved medical facilities
   - c. Residency requirement
   - d. Committee authorization
   - e. No restrictions

2. **During the rest of pregnancy**

D. **Integration Into Public Health Services**
### EASTER EUROPE

**A. Prohibited**

**B. Restricted**

1. **Health**
   - a. Life of mother
   - b. Health of mother

2. **Eugenic**

3. **Humanitarian**
   - a. Rape
   - b. Incest

4. **Socio-economic**
   - a. Number of children
   - b. Proximity of previous birth
   - c. Economic grounds
   - d. Under age
   - e. Over age
   - f. Failure of contraceptives
   - g. Other

C. **On Request**

1. During first trimester
   - a. Contra indications
   - b. Approved medical facilities
   - c. Residency requirement
   - d. Committee authorization
   - e. No restrictions
   - f. Other

2. During the rest of pregnancy

D. Integration Into Public Health Services
## Abortion

### Northern Europe

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<th>Iceland</th>
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<td>b. Proximity of previous birth</td>
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<td>e. Over age</td>
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<td>f. Failure of contraceptives</td>
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<td>g. Other</td>
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<td>b. Approved medical facilities</td>
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<td>c. Residency requirement</td>
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<td>d. Committee authorization</td>
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<td>x</td>
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<td>2. During the rest of pregnancy</td>
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ABORTION

WESTERN EUROPE

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ABORTION

MIDDLE EAST

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services

**See Country Profile**
ABORTION

MIDDLE EAST
(con't.)

A. Prohibited

B. Restricted

1. Health
   a. Life of mother
   b. Health of mother

2. Eugenic

3. Humanitarian
   a. Rape
   b. Incest

4. Socio-economic
   a. Number of children
   b. Proximity of previous birth
   c. Economic grounds
   d. Under age
   e. Over age
   f. Failure of contraceptives
   g. Other

C. On Request

1. During first trimester
   a. Contra indications
   b. Approved medical facilities
   c. Residency requirement
   d. Committee authorization
   e. No restrictions

2. During the rest of pregnancy

D. Integration Into Public Health Services
Notations to Checklist
(Abortion)

1Country under former French rule which presumably has enacted or retained a provision similar to that of Senegal (Decree No. 67-147 of February 10, 1967), which permits abortion to save the life of the mother. See the country summary for Senegal.

2The English case Rex v. Bourne, (1939) 1 K.B. 687, would presumably apply, thereby permitting abortion to save the life or health of the mother.

3Provisions vary according to the individual state.