

Law and Planned Parenthood

In this item we try to present the above topic by means of excerpts taken from the handbook on law and Planned Parenthood, compiled and edited in 116 large size pages for the International Planned Parenthood and Federation Panel on Law and Planned Parenthood by John M. Paxman⁽¹⁾.

Considering the problem of law and planned parenthood as it appears in the Third World and particularly in the Arab countries, we may say that very few of the laws and recommendations proposed by the IPPF Panel have been discussed or presented for consideration by government authorities or by non-governmental associations.

On the other hand, it seems encouraging to notice that the Panel on Law and Planned Parenthood organized in 1973, which had its first meeting in Tunis 1974, was attended by professor George Dib of Lebanon. The Middle East and North Africa Region (Mena), whose chairman is Dr. M. Bouzidi of Morocco, is a member in this panel which regards law as a necessary component of all family planning programs and urges that a legal component be included in the plans and programs of all its member associations.

We hope that the following pages will be, for both Arab and non-Arab countries, a source of information and awareness regarding the importance of law in supporting planned parenthood practices and promoting woman's claims to justice and equality.

During the last forty years, people have increasingly become aware of their right to control their fertility and the role that law could play in impeding or encouraging family planning. Demographers as well as international family planning associations have been warning about the dangers of overpopulation for developing and developed countries alike.

The IPPF Law Panel was organized to help family planning associations understand how laws affect their activities and to encourage them to take the law into account when formulating their works programs.

As a result of assessments made by the Family Planning Associations, the Regional Offices and the Law Panel, the IPPF Law and Planned Parenthood Program has focused its activities on laws and policies affecting :

- Regulation of Contraceptive Drugs and Devices
- Sterilization
- Pregnancy Termination
- Utilization of Health and Auxiliary Personnel
- Status of Women
- Information and Services for Adolescents.

(1) Legal and Policy Aspects of Contraceptive Information and Services

There are two major laws regulating the distribution of contraceptives. First, the doctor's prescription ; second, the pharmacy sale requirement. There is, however, a growing feeling that contraceptives should be made

available in simpler ways, especially for countries where the doctor per capita ratio is low. As a remedy to the situation, the doctor could be replaced by trained and auxiliary personnel who use questionnaires which they distribute to patients with the aim of testing their receptiveness to the Pill. Other techniques are preprinted forms with standing orders or instructions indicating which kind of women can receive oral contraceptives and under what conditions.

Insertion of IUDs (intra-uterine device)

Use of the IUD requires different regulations from those regarding the Pill, because it cannot be self administered. There is, however, a growing trend to authorize non-medical personnel to perform IUD insertions if they have been adequately trained to perform the operation.

(2) Voluntary Sterilization and the law

Most countries do not have laws which specifically regulate voluntary sterilization. As a result, it may be considered legal in those countries whose laws do not expressly, or by interpretation, forbid its practice.

IPPF Policy on Voluntary Sterilization :

1. Sterilization as a method of limiting family size is a matter for individual choice which should be made in full knowledge of alternative methods of contraception and the risks and benefits to health and welfare associated with sterilization.
2. The relative simplicity of present sterilization technology, and the known minimal side effects following sterilization, make it an appropriate procedure for those who have attained their desired family size and wish to choose this method.
3. In the light of current medical technology, it is recommended that male and female sterilization procedures should be regarded as irreversible at the time of choice of the procedure. However, in order to provide for unseen events, such techniques should be used as to give the greatest chance of reversibility.

(3) Pregnancy Termination and the Law

At present, nearly two-thirds of the world's population live in countries where laws permit abortion on a wide variety of grounds.

The requirement that abortions be performed only by registred practitioners is virtually universal. Abortion procedures are legally restricted to qualified doctors. In both developed and developing countries such a law may jeopardize service and disregard an urgent need. In the future, thought will have to be given to utilizing trained midwives, health and auxiliary personnel to conduct abortion procedures early in pregnancy under adequate supervision.

Conclusion Regarding Abortion

As a method of family planning, contraception is generally preferable to abortion. Nevertheless, we are still faced with the fact that no modern method of contraception is 100% fail-proof and no single contraception is appropriate for all. Hence it is unlikely that the need for abortion will ever entirely disappear. Given the present state of contraceptive technology and practice, it is appropriate to have legal abortion

(1) Printed in England by Stephen Austin and Sons Ltd., Hertford, 1980.

available as a back-up alternative where and when it is needed.

(4) Expanding the Roles of Health and Auxiliary Personnel in Family Planning.

As has already been pointed out in preceding paragraphs, there exists a general trend towards enlarging the role of non-doctors in fertility regulation by utilizing them to provide contraceptive services. In a few countries, non-doctors are being trained and used in pilot projects to perform sterilizations and even early abortions.

(5) Fertility Regulation Information and Services for Adolescents

Theoretical support for information programs for adolescents are based on four justifications :

First, the statements in three international documents : the Teheran Proclamation on Human Rights (1968), the United Nations Declaration on Social Progress and Development (1969), and the Plan of Action of the World Population at Bucharest (1974).

Second, the population reduction approach.

Third, the adolescent health approach which considers that sexual activity among adolescents, with its potential risks to health, especially the high risk of unwanted pregnancy, creates unique and sometimes severe health problems.

Fourth, status of women approach, presuming that unwanted pregnancies among young girls forces them to give up important educational and employment opportunities.

In recent years, a number of countries have revamped their policies on this subject. A few of them, principally in Scandinavia, have made sex education in the school setting compulsory. In Sweden, information on contraception is provided to pupils between the ages of 14 and 16.

(6) Changing the Status of Women Through Law

Possible approaches for establishing equal rights of both men and women within the family are summarized as follows :

1. Legislation requiring free and full consent of both spouses at marriage.
2. Legislation specifying a minimum age for marriage and obligatory registration of births and marriages.
3. Establishment of the same minimum age of marriage for both males and females.
4. Abolition of the concept of the male as unique head of the family by re-defining marriage as an equal partnership.
5. Alteration of divorce procedures in order to establish equal rights and responsibilities for both spouses on the dissolution of marriage, including the right of both to initiate divorce proceedings, the use of special family councils or courts to administer divorces, and the abolition of the concept of divorce based on fault.
6. Establishment of equal rights for men and women in determining the number and spacing of their children, including, if applicable, equal regulations regarding spousal consent.
7. Protection of the wife's right to choose a family name and to work and travel without consent of the husband.
8. Establishment of equal rights of both spouses to own, manage, dispose of and inherit property.