

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (75) 29

ON LEGISLATION RELATING TO FERTILITY AND FAMILY PLANNING¹

*(Adopted by the Committee of Ministers on 14 November 1975
at the 250th meeting of the Ministers' Deputies)*

The Committee of Ministers,

1. Having regard to Recommendation No. 2 of the 2nd European Population Conference on certain social and economic aspects of fertility trends in Europe, and to the studies carried out and conclusions put forward by its Committee of Demographic Experts ;
2. Noting that Resolution 2436 (XXIII) of the General Assembly of the United Nations refers to "the right of parents to decide freely and responsibly on the number and spacing of their children" ;
3. Noting that the World Population Plan of Action adopted by the World Population Conference held in Bucharest in August 1974 affirms that all couples and individuals have the right to decide freely and responsibly the number and spacing of their children ;
4. Noting further that in the programme of concerted international action for advancement of women (1970), the General Assembly of the United Nations declared one of the minimum targets of the second United Nations Development Decade to be the making available to all persons who so desire of the necessary information and advice to enable them to exercise that right ;
5. Noting the differences in legislation pertaining to contraception, abortion and economic and social aid to families in member states, and noting also the marked differences between the *de jure* and *de facto* situations which frequently exist in this field ;
6. Noting that these differences may lead to social injustice ;
7. Noting that the recent decline in fertility in nearly all developed countries has occurred despite these differences in legislation and in its application ;
8. Conscious that legislation affecting family planning and aid to families should be seen primarily as a means of allowing people to exercise their discretion,

Recommends member governments :

- I. i. when formulating policies relating to population to have full regard to the rights and needs of families ;

1. Under Rule 10 of the Rules of Procedure for meetings of the Ministers' Deputies, when it was adopted,
— the Representative of *Belgium* reserved his government's right not to comply with the text of paragraph D of this resolution ;
— the Representative of the *Federal Republic of Germany* reserved his government's right not to comply with the text of paragraph D of this resolution ;
— the Representative of *Ireland*, who had abstained when the vote was taken, reserved his government's right not to comply with the text of the resolution as a whole.

ii. to enable all persons who so desire to have the information and means to decide freely and responsibly on the number and spacing of their children ;

II. in order to realise these objectives, to take the following legislative and administrative measures :

A. Family planning services

To make family planning information, advice and means available to all sections of the population as an integral part of health and social services, by means of :

i. increasing the range and efficiency of family planning services, and ensuring that they are well distributed geographically so as to be within easy reach of the whole population ; in this context, special attention needs to be paid to rural areas and the socially disadvantaged areas of large cities ;

ii. supporting, where appropriate, the work of non-governmental family planning organisations ; this should not be seen as a substitute for action by governments, but should play a clearly defined role in the overall national family planning structure, such organisations being encouraged to continue their work in association with the public health service ;

iii. creating, where necessary, a national authority or system of co-ordination for action concerning family planning ;

iv. taking all necessary steps to publicise family planning services, with the aim of ensuring that all sections of the population are fully informed of the facilities to which they are entitled ;

v. authorising the supervised advertisement of contraceptives and their distribution after officially approved technical and clinical testing ;

vi. ensuring that family planning consultation and the provision of all contraceptives requiring medical supervision are organised in such a way that all income groups may have equal access to them ;

vii. encouraging the medical profession to play a part in family planning programmes as an important contribution to good standards of family and community health.

B. Education in family planning

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

i. ensuring that those who are responsible for school curricula, at appropriate levels, are aware of the importance of education in family planning ;

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

iii. ensuring that those who are responsible for the curricula of medical schools are aware of the importance of including training in the role of doctors in the family planning services ;

iv. training social workers, youth workers and paramedical personnel to provide adequate guidance on family planning.

C. Sterilisation

1. To ensure that persons who desire sterilisation are made fully aware that in the present state of knowledge the operation is generally irreversible.

2. To make sterilisation by surgical procedure available as a medical service.

D. Abortion

1. To reduce the need to resort to abortion, in particular by implementing the measures recommended in the other sections of this resolution.
2. To ensure that all legal abortions are carried out under the best possible medical conditions.
3. To ensure that abortion, in those cases where it is permitted by law, is available as a medical service to all women regardless of their social or economic position.
4. To take all necessary steps to eliminate the practice of illegal abortion with its attendant dangers.

E. Economic and social assistance to families

1. To reconsider current systems and levels of family allowances, as well as their periodical revision, and to assess how far the present structure of priorities in social provision—including the relationship between direct and indirect benefits, e.g. tax relief—is appropriate to present social and family needs.
 2. To pay special attention to the specific needs of certain families which are statistically in a minority (single-parent families, families with several children etc.).
 3. In framing government housing policy, to take account of the real needs of families, having regard to their varying size and structure.
 4. To review the position of working people with direct family responsibilities, in particular with regard to maximum possible flexibility of working hours, including opportunities for part-time work, and by extending the provision of crèches, nursery schools and similar services ;
- III. to report every four years to the Secretary General of the Council of Europe on the action they have taken on this resolution.