
International Developments

Treaties

Constitution of the World Health Organization as amended done at New York on 22 July 1946. Papua New Guinea's Instrument of Acceptance signed by the Minister for Foreign Affairs and Trade on 7 April 1976 and deposited with the Secretary-General of the United Nations on 29 April 1976. Papua New Guinea admitted as a Full Member of the World Health Organization with effect from 29 April 1976.

Amendments to Articles 24 and 25 of the Constitution of the World Health Organisation, adopted by the Twenty-Ninth World Health Assembly on 17 May 1976. Australia accepted the amendments on 30 March 1977. The amendments are not yet in force.

Amendments to Articles 24 and 25 of the Constitution of the World Health Organisation, adopted on 17 May 1976. New Zealand's Instrument of Acceptance was deposited on 25 March 1980.

Basic Agreement between the World Health Organization and the Government of Papua New Guinea. Signed for the World Health Organization, by the Regional Director in Manila on 27 February 1976. Signed by the Minister for Foreign Affairs and Trade on 28 June 1976.

Memorandum of Agreement regarding Project Execution, Procurement and Use of Funds in Respect of the Bangladesh Population Project done at Washington 4 February 1976. Australia accepted the Agreement on 23 December 1976 and it became effective among all participants on 25 February 1977.

Agreement on Co-operation in the field of Medicine and Public Health between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the German Democratic Republic, Berlin, 14 April 1977 (Cmnd 6914). The Agreement entered into force on 14 April, 1977.

Treaty of the West African Health Community done at Lagos on 25 October 1978 between The Gambia, Ghana, Nigeria, Sierra Leone and Liberia.

The Treaty establishes the West African Health Community, membership of which is open to all the States of the West African Region as defined by the Organisation of African Unity. The Community's objective is to undertake, through co-operation, activities which would contribute towards the attainment of the highest possible standard and protection of health for its peoples.

Convention concerning Occupational Safety and Health in Dock Work, Geneva, 25 June 1979 (ILO Convention 152). The Convention and Recommendation, adopted at the 65th Session of the International Labour Conference, is the longest text adopted on safety and health since the Second World War. It envisages a range of technical and administrative measures designed to ensure the prevention of occupational accidents and diseases to which port workers might be exposed.

It sets out in general terms the objectives to be attained and technical measures concerning installations in docks (surfaces, passageways, container terminals, electrical installations, fire-fighting and first aid facilities), on board ship (holds and cargo decks, hatch covers and hatchways) and lifting appliances and loose gear used in the loading and unloading of ships.

The Recommendation complements various aspects of the Convention in a number of technical details.

The Conference also adopted a Resolution inviting the ILO to increase its assistance to countries wishing to establish training centres for developing instruction in occupation safety and health for dockers.

Convention concerning Hours of Work and Rest Periods in Road Transport, Geneva, 27 June 1979 (ILO Convention 153). The Convention and Recommendation, adopted by the International Labour Conference at its 65th Session, aim at regulating hours of work and rest periods for professional road transport workers.

Some 55 million people are at present engaged in road transport in the world. Conditions of work concern not only the individual employed person and his family but also the safety of all road users. According to WHO statistics, some 300,000 persons are killed annually on the roads and approximately ten million injured.

The Recommendation applies not only to drivers but to wage-earners engaged in transport (mates, conductors, attendants). It contains more detailed provisions than the Convention covering subjects such as normal weekly hours of work, normal daily hours of work, weekly rest and overtime.

Both texts contain provisions for supervision of driving time,

working time and rest periods and indicate the role of the public authorities and employers as well as compulsory inspections and eventual sanctions.

European Convention for the Protection of Animals for Slaughter, Strasbourg, 10 May 1979 (No. 102). The Convention was opened for signature on the same date. The Convention specified uniform rules for the humane treatment of animals in slaughter houses and for the actual means of slaughter.

Additional Protocol to the European Convention for the Protection of Animals during International Transport, Strasbourg, 10 May 1979 (No. 103).

Legislation

Cyprus

The Convention on the Elaboration of a European Pharmacopoeia (Ratification) Law, No. 47 of 1976

This Law ratifies the Convention on the Elaboration of a European Pharmacopoeia done in Strasbourg on 22 July 1964.

Judicial Decisions

United Kingdom

Birching of young offenders

The birching of young offenders as practised in the Isle of Man has been held to be “degrading punishment” in breach of the European Convention on Human Rights. The Isle of Man is a Crown dependency with its own parliament, the Tynwald. Although the United Kingdom parliament may legislate on the Isle of Man’s behalf, it has never done so without the Tynwald’s consent.

The judgment is being studied as well in Guernsey and in Jersey, who also have provisions authorising corporal punishment.

Sunday Times v. United Kingdom

The European Court of Human Rights has held (by 11 votes to nine) that the 1972 United Kingdom Government injunction stopping the Sunday Times publishing an article about the drug, Thalidomide, violated the European Convention on Human Rights, the “freedom of expression” guaranteed by Article 10 of the Convention.

The case arose after parents of children born deformed, allegedly due to their mothers’ use of Thalidomide, had commenced proceedings against the Distillers Company, which manufactured

and marketed the drug. Distillers obtained from the Divisional Court an injunction (on the application of the Attorney-General) against the Sunday Times on the ground that by supplying the information to the public the article tried to bring public opinion to bear on Distillers' attitude. This order was reversed by the Court of Appeal, but restored by the House of Lords on the ground that it was wrong to prejudge the issues in pending proceedings.

The Court while so ruling in support of claims made by the Sunday Times over its right to publish the article, also—

- (i) said that, while the mass media should not exceed limits necessary to the proper administration of justice, it was incumbent on them to impart information on matters of public interest, including those before the courts. The public had a right to such information;
- (ii) rejected the approach taken by the Attorney-General which stressed the need for balance in the conflict between freedom of speech and the fair administration of justice. The court said it saw no choice between two conflicting principles, but rather a clear principle of freedom of expression which must be subjected to certain narrowly interpreted exceptions;
- (iii) stressed that the Thalidomide disaster was a matter of undisputed concern, raising fundamental issues about protection against and compensation for injuries resulting from scientific developments;
- (iv) observed that the families of the Thalidomide victims, who were unaware of the legal difficulties involved, had a vital interest in knowing all the facts: they could be deprived of this crucial information only if it appeared absolutely certain that its diffusion would have threatened the authority of the judiciary—and this was not found to be the case;
- (v) said that the Attorney-General's move to stop publication did not correspond to a social need sufficiently pressing to outweigh the public interest in freedom of expression.

Corporal punishment—whether strapping in schools against wishes of parents' infringement of human rights

The European Commission of Human Rights has held that the punishment imposed on boys in Scottish schools by tawse, a leather strap, against the wishes of their parents, was a breach of the European Convention on Human Rights; Article 2 of the Convention's First Protocol which guarantees the right to education and the right of parents to have their children taught "in conformity with their own religious and philosophical convictions".

Two mothers, whose sons were not punished with tawse, submitted that—

- (a) in one case the mother had asked for, but been refused a guarantee that her child would not be strapped; and

(b) in the other case the boy had been suspended from school after refusing to submit to corporal punishment for climbing a school wall and the Fife education authority would not give an assurance that he would not be liable to such punishment if he returned.

The finding has been referred to the European Court of Human Rights. *G. Cambell and J. Cosans v. U.K.* (The Times newspaper: 14 October 1980).

Rights of a mental patient—right to appeal against detention

The European Convention on Human Rights provides that a person deprived of his liberty should be able to go to a court to challenge the legality of that detention.

One of the five cases submitted to the European Commission concerned a mental patient who was recalled to Broadmoor, the special hospital, after he had been free for three years without (according to the Commission) being given prompt and sufficient reasons for his arrest.

The European Commission found against the U.K. Government on two counts—

- (i) not giving a former patient the reasons for his detention in Broadmoor; and
- (ii) not giving him proper rights of appeal against detention.

The finding has been referred to the European Court of Human Rights and, if confirmed, would result in the redrafting of certain sections of the Mental Health Act 1959.

X v. U.K. (The Times newspaper: 16 October 1980).

Other Developments

Better paternity tests established

The existence of an “almost perfect” method of proving or disproving the paternity of a child was disclosed at a recent international congress in Hamburg. It is based on the examination of between 150 and 170 different factors in the blood, including its protein and enzyme content now known to be hereditary. It has a claimed accuracy of 99 per cent to disprove and 95 to 98 per cent to prove paternity. The new tests have been used to conduct court-ordered examinations in Germany, but are not yet widely known. Professor Hans-Hermann Hope of the West German Central Blood Transfusion Institute explained the method to the congress.

UN Commission on Narcotic Drugs

The Commission, at its recent meeting in Geneva —

- (i) approved plans for more effective action against the illicit production and use of heroin; and

- (ii) called for action to eliminate sharp fluctuations in the supply and demand situation of opiates, as a way to help in establishing adequate international control.

Reasons for an International Convention on Torture

The Secretary General of the International Commission of Jurists has argued strongly that there should be an International Convention on Torture. He notes that it is a crime carried out almost entirely by States acting by their servants or agents, and is a crime committed by the law enforcement agencies whose very duty it is to prevent crime. In this situation, he suggests, external pressure upon offending governments is most important.

Further, imposing obligations under international law would be to elevate the matter to one of international concern and render it no longer one “essentially within the domestic jurisdiction” of the State concerned. The Convention might also extend jurisdiction to try an offence of torture beyond the country where the crime was committed.

He suggests that the argument that only countries which do not practice torture will ratify the Convention is wrong on two counts: first, as with sin, everyone has to declare himself against torture; second, governments change so that a State which does not practice torture under one administration may do so under another more totalitarian regime.

Vasectomy in the polygamous marriage

The Africa Regional Law Panel has endorsed the policy statement on sterilization adopted by the International Planned Parenthood Federation’s Management and Planning Committee—namely, that doctors should, where possible, consult with the other spouse before carrying out a sterilization operation but that consent should not be a legal requirement: in polygamous marriages, doctors should consult all the wives before a vasectomy.

The Panel also recommended that where voluntary sterilization is against the law, Family Planning Associations should lobby for change. Similarly, any barriers should be removed from offering contraceptive services to adolescents, whether married or unmarried.

(Noted at *IPPF News*, September/October, 1977.)

Draft of the Universal Declaration of Animal Rights

The Draft Declaration accepted by UNESCO, 30 years after the United Nations adopted the Universal Declaration of Human Rights, lays down in 14 articles the principles for dealing with the animal world. It declares that—

- (i) all animals are equal and have the same right of existence;
- (ii) the rights of animals must be protected by law against the rights of man;
- (iii) the right of liberty is upheld and acts of cruelty condemned;
- (iv) medical experimentation for scientific or commercial purposes is deplored;
- (v) exhibitions “for the pleasure of man”, such as circuses and zoos, are denounced;
- (vi) the genocide of whole species is deplored.

It is hoped that the United Nations will be able to bring forward a resolution along these lines, before the turn of the century. Furthermore, an interparliamentary association to safeguard the rights of animals has been created with the aim to unite the political parties of every country interested in animal protection and nature conservation, and a new “order of nature” to honour people who have worked for conservation and the defence of the rights of nature and the creatures which make it up has been established.

Charter for protection of plants and animals at risk or endangered species

The 14th General assembly of the International Union for the Conservation of Nature and Natural Resources (IUCN) met in Ashkhabad (26 September—5 October 1978), the capital of Turkmenia in Soviet Central Asia, to consider measures to save plants and animals threatened by extinction and to assess what emergency action must now be taken if certain species are not to become extinct.

One of the main subjects on the agenda was the advance of deserts across the globe. By the year 2,000 the world will lose about a third of its arable land to desert. Other subjects discussed included—

- (i) the influence of water purity on biological productivity of the oceans;
- (ii) the preservation of the habitat of endangered species; and
- (iii) means of increasing soil fertility.

In this connection Britain is to put measures before the Convention on International trade in Endangered species to be held in Costa Rica in March 1979. Trade in wild animals and their skins is closely controlled in Britain and many other countries by a licensing system. Finding it necessary to tighten control of the import and export of manufactured goods of wild animal origin, it is hoped that the new legislation in the United Kingdom would—

- (i) in addition to the leopard skin coats, elephant tusks, and other obvious products of endangered species already under control, add to the list trophy heads, all fur skins of the cat family, parts of bears, otters, exotic monkeys, zebras, elephant and kangaroo hides, all ivory, all rhinoceros horn, even if

powdered and sold for allegedly therapeutic purposes, and reptile skins;

- (ii) for purposes of Customs officers, make clearer the definition of what constitutes the “parts and derivatives of threatened species”.

European Convention on Human Rights

The Legal Affairs Committee, of the Council of Europe Parliamentary Assembly has submitted its recommendations (Council of Europe Doc. 4213 of 27 September 1978) on widening the scope of the Convention, which include the following—

1. Rights connected with employment

30. Given the importance in modern life of work and of conditions of employment, it may be thought that rights connected with employment must occupy a central place in any extension of the convention in the areas under consideration. Although under present economic conditions the right to work itself cannot be included, and although the obligation upon states to aim for full employment cannot be regarded as conferring a directly enforceable right upon the individual, a number of basic rights connected with employment may be appropriate for examination (see also Articles 23 and 24 of the Universal Declaration). Such rights might include

- (i) the right of access to free employment services, to vocational guidance, and to vocational training (Social Charter, Article 1(3), Article 9 and Article 10);
- (ii) the right to just and favourable conditions of work including the right to fair remuneration (Social Charter, Article 4; Covenant, Article 7), possibly including the principle of equal pay for equal work (Social Charter, Article 4(3); Covenant, Article 7(a)(i)) and the right to an annual paid holiday (Social Charter, Article 2(3); Covenant, Article 7(d));
- (iii) the right to strike (Social Charter, Article 6(4), Covenant, Article 8(1)(d));
- (iv) the right to bargain collectively (Social Charter, Article 6(2)).

31. However, there may be some doubt about how far these rights are, on analysis, suited to the system of enforcement provided by the convention. In relation to some of those rights, the correlative obligations are not obligations of the state but of the employer, and the obligations of the state (insofar as the state is not also the employer) are limited to securing that legislation imposes the necessary obligations on employers and provides the necessary remedies for employees. This would seem to be the case for example with the rights mentioned under (ii) and (iii) above. A claim by an employee who had been denied those rights would be brought, in the normal way, against the employer, and the State would be involved, if at all, only if the rights in question had not been fully implemented and protected under national law. Consequently such rights may seem more appropriately provided for under the machinery established by the Charter.

32. Where the state is also the employer, its obligations *qua* employer

will not in principle differ from those of a private employer; indeed they cannot do so from the point of view of a human rights instrument if the rights protected are universal and state employees are not to be put in a privileged position.

33. With regard to the right to bargain collectively, as elaborated in Article 6 of the Social Charter and mentioned under (iv) above, that right seems to be primarily a collective right of workers rather than an individual right to be protected at the instance of the individual under the machinery of the convention. It is true that organizations such as trade unions may bring applications under Article 25 of the convention and reference has already been made to cases brought under Article 11 of the convention which originated in applications by trade unions; but it would seem on a strict analysis of Article 11 that the rights of trade unions are protected only insofar as they are essential for the exercise of the rights of individuals. Although therefore the rights of trade unions can be read into Article 11 by implication, it may be inconsistent with the system of the convention to make express provision for those rights, even if such provision were to be made by way of an addition to Article 11 itself.

a. *The right to choose or accept paid work freely*

34. A right which might be contemplated is that *to choose or accept paid work freely*, in the light of the individual's qualifications for the work concerned and of reasonable geographical and economic considerations. Fundamentally, this right is based in the main on Article 6(1) of the United Nations Covenant which deals with "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts", and on principles 1–18 of Part I of the Social Charter. Although that right taken alone may seem to add little to the prohibition in Article 4(2) of the convention of forced or compulsory labour, it may acquire considerable significance when read in combination with the prohibition of discrimination in Article 14 of the convention. Again, however, the difficulty arises that a complaint of discrimination in relation to employment would lie primarily against the employer rather than against the state.

The following is one possible form for a draft article:

"Any person residing lawfully on the territory of one of the High Contracting Parties shall be entitled to choose or accept paid work freely, regard being had to his qualifications for the work concerned and to reasonable geographical and economic considerations."

b. *The right of access to free employment services, occupational guidance and occupational training*

35. With regard to the rights mentioned under (i) above, it will be noted that Articles 9 and 10 of the Social Charter oblige the Contracting States for the most part only "to provide or promote" the appropriate services; there is therefore no direct obligation on the part of the states to provide such services in all cases themselves. Under Article 1(3) of the Social Charter on the other hand, the Contracting Parties undertake "to establish or maintain free employment services for all workers" and the formulation of this obligation would therefore make it more suitable for inclusion.

A draft article on this principle might well read as follows—

“Everyone residing lawfully on the territory of one of the High Contracting Parties shall have the right of access to the free employment, occupational guidance and occupational training services existing in that state.”

c. The right to an adequate standard of living in the event of involuntary unemployment

36. A different right in connection with employment which is not protected under the Social Charter could be considered for inclusion—namely the right to an adequate standard of living in the event of involuntary unemployment. The recognition of that right is indeed an indirect recognition of the right to work. However, its somewhat negative aspect may make it inappropriate for inclusion in isolation from other rights connected with employment since it might seem unfortunate if the only one of those rights to be protected were a right consequent upon the loss of employment. Possibly such a right could be included in conjunction with other rights such as the right to free employment services. In substance it might comprise the measures of protection enunciated in Article 25 of the European Convention on the Legal Status of Migrant Workers. It could also reiterate the protection provided for in Article 24(2) of that convention in the event of unwarranted cancellation of a work contract.

Article 24 of the convention reads as follows—

Expiry of contract and discharge

1. On the expiry of a work contract concluded for a specified period at the end of the period agreed on and in the case of anticipated cancellation of such a contract or cancellation of a work contract for an unspecified period, migrant workers shall be accorded treatment not less favourable than that accorded to national workers under the provisions of national legislation or collective labour agreements.

2. In the event of individual or collective dismissal, migrant workers shall receive the treatment applicable to national workers under national legislation or collective labour agreements, particularly as regards the form and period of notice, the compensation provided for in legislation or agreements or such as may be due in cases of unwarranted cancellation of their work contracts.

Article 25 of the convention reads—

Re-employment

1. If a migrant worker loses his job for reasons beyond his control, such as redundancy or prolonged illness, the competent authority of the receiving state shall facilitate his re-employment in accordance with the laws and regulations of that state.

2. To this end the receiving state shall promote the measures necessary to ensure, as far as possible, the vocational retraining and occupational rehabilitation of the migrant worker in question, provided that he intends to continue in employment in the state concerned afterwards.

The following is a possible draft article—

“Everyone lawfully residing in the territory of one of the High Contracting Parties who is in a situation of involuntary unemployment so found by the competent authorities, has the right to an adequate standard of living.”

2. *Rights connected with health, social security and social welfare*

37. These rights are covered by Articles 11, 12, 13 and 14 of the Social Charter and by Articles 9–12 of the United Nations Covenant. The following might be considered for inclusion in the new Protocol—

- (i) the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing (of Covenant, Article 11(1));
- (ii) the right of everyone without adequate resources to be granted adequate social and medical assistance (of Social Charter, Article 13(1)). This right would have to be more precisely defined and the term “social assistance” given a more concrete form.

38. A possible starting point for the formulation of such rights might be found in Article 25(1) of the Universal Declaration on Human Rights, which provides—

“Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

39. However, it seems preferable to begin more modestly by perhaps guaranteeing the right to be affiliated to a social security scheme that provides adequate protection against illness, unemployment, old age, etc. This approach is based on Article 12 of Parts I and II of the Social Charter and Article 18 of the European Convention on the Legal Status of Migrant Workers. A difficulty with this approach might be to determine the qualification for benefits under the scheme, particularly where conditions of residence, periods of employment etc. were required. It may therefore be desirable to provide for certain minimum guarantees which are absolute and not dependent upon the fulfilment of such conditions.

A draft article might read—

“Everyone engaged [lawfully] in a gainful occupation on the territory of the High Contracting Parties shall be entitled to join a social security system.”

The word “lawfully” in square brackets is intended to cover the case of foreigners engaged in gainful occupations without being registered officially.

3. *Educational and cultural rights*

40. These rights are covered by Articles 26 and 27 of the Universal Declaration and Article 13 of the Covenant of the United Nations.

The right to education is sufficiently fundamental and universal to be included. It is also capable of being defined with precision (unlike perhaps the vaguer cultural rights). It would be possible to formulate certain positive rights in relation to education along the lines of Article 13 of the Covenant, e.g. primary education free of charge (Article

13(2)(a) of the Covenant). However, caution would be necessary in formulating such rights, since the right to education itself is already guaranteed, albeit in negative form, by Article 2 of the First Protocol which provides—

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

41. The first sentence of that article has been construed by the European Court of Human Rights in the *Belgian Linguistic Case* (Judgment of 23 July 1978) as guaranteeing the right of access to existing educational institutions, and the right to have recognized the studies completed there. The second sentence was interpreted by the Court in the Case of *Kjeldsen, Busk Madsen and Pedersen* (Judgment of 7 December 1976) as implying that the state, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner, and as prohibiting the state from pursuing an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions.

42. It is possible that the interpretation of the article will be further developed in the case-law of the Commission and the Court, and there is therefore a risk that the inclusion in a new Protocol of rights relating to education would inhibit such developments, since it will be argued that the article cannot be interpreted so as to guarantee rights which are the subject of such a Protocol. Hence if the new Protocol is not ratified by all Contracting Parties such a right could not be invoked against a state which is not a party to the Protocol and the effect might be actually to reduce the degree of protection afforded by the convention system. It would perhaps be best to formulate a new article on education which would not enter into force until all Contracting parties to the convention had accepted it, when it would supersede Article 2 of the First Protocol.

43. A particular issue might arise in relation to the continuance of private schools, provided for by Article 13(4) of the United Nations Covenant. The possibility cannot be excluded that Article 2 of the Protocol may be interpreted as requiring tolerance of private schools.

F. Relations with other international instruments

44. The question of overlap with other international instruments will inevitably be raised. The fact that certain rights are already recognized in other international instruments (including the EEC Treaty and the regulations made under that treaty) should not however be regarded as a reason for not including those rights in the convention system. Indeed it is inevitable that such overlapping will occur, given the strength of the movement for the recognition of the new rights. Moreover if any such rights are suitable on other grounds for inclusion in the convention system, that system will provide a remedy which is not otherwise available. In fact the widespread recognition of those rights should rather be treated as a reason for including them in the convention system and protecting them by that unique remedy. As for relations with the European Social Charter, it appears from this study that there is no risk

of any large-scale “take-over” of the Charter since the convention system will only admit the adoption of a limited number of fundamental rights, whose fundamental character the Charter itself has helped to establish. The Charter will remain the main international instrument for the protection of economic and social rights.

45. Indeed the contrast between the convention system and the Charter system may be misplaced in this respect, since although the convention provides a direct remedy for the individual its true effectiveness has been to remedy defects in national laws and practices rather than to provide the individual with a cure for his particular complaint. The convention and the Charter could therefore be seen as complementary means, within a limited area of truly fundamental rights, of achieving the same aim, namely the effective implementation of those rights for the benefit of society at large in the member states of the Council of Europe.

Survey of Abortion Laws in the Commonwealth discussed

The Commonwealth Parliamentary Conference in Jamaica in September discussed the subject: “the need for up-dating medical legislation on abortion in the Commonwealth”.

Introducing the subject, Senator Michael Beaubrun, Professor of Psychiatry at the University of West Indies, Trinidad, noted the gradual liberalising of laws relating to abortion over the past decades. He observed that in many parts of the Commonwealth, laws remain which are not only outdated but have become virtually unenforceable because of the advance of new technologies.

“Modern medical technology has blurred the distinction between contraception and abortion so that some of the new family planning techniques might technically offend against existing laws,” he said.

He cited, as one instance, the “morning after pill” and noted that, although technically an offence against abortion laws in most Commonwealth countries, its use was virtually impossible to detect so that there was an unenforceable law, which was *ipso facto* a bad law.

Referring to the recent birth of a “test-tube” baby in the United Kingdom, he said this showed that contraception or fertilisation can take place actually outside the woman’s body, which was quite beyond the capacity of existing laws to deal with.

Although he himself felt the need for increasingly permissive abortion laws, Dr. Beaubrun stated that the purpose of his presentation was more modest.

“It would be both presumptuous and unwise [for me to urge you to accept my view]. Every country has its peculiar circumstances to consider. The attitudes of its people are borne of different social, political, religious, economic and other considerations. As parliamentarians, it is true that we lead the people but we also serve the people, and we must take into account their views and even their prejudices,” he explained.

He said his object was merely to draw to delegates attention the Commonwealth Secretariat publication, "Three Studies of Abortion Laws in the Commonwealth". While the Preface to that Report stated that it was recognised that some countries were confident that their laws were already adequate and reflected the values and needs of their own society, and that the Report had little relevance for them, Senator Beaubrun urged delegates not to jump to this conclusion too readily – even those who had advanced laws.

The Senator concluded by inviting delegates to push for the establishment of revision or reform committees in their respective countries to bring their laws up-to-date. He said he would not suggest what those reform committees would find, but merely say that if the reform committees were filled with women, countries were unlikely to go wrong.

Senator Jean Melzer, Australia, supported Dr. Beaubrun, arguing that women had the right to decide for themselves. "I don't think the father of the child has the right to decide, and I do not think the legislators have the right to decide," she said.

Not all the Australian Senator's colleagues agreed on the degree to which men should be involved in abortion decisions. One delegate said that where a married couple was involved, it should be a joint decision.

Other delegates pointed to the present laws as legislating mostly against the poor, since the rich could always get abortions, and to the results of unwanted children in countries and regions with problems of over-population in relation to their economic and employment resources.

The Maltese delegation leader, the Hon. Daniel Micallef, expressing a contrary viewpoint, suggested that there was a vacuum in the Declaration of Human Rights, as the rights of the unborn child were not protected.

"Most countries seem to agree that the rights of the unborn child do not matter," he said. "To my mind and conscience this is a compromise between justice and convenience".

International year for disabled persons 1981

The Advisory Committee, meeting in Vienna (20–29 August 1980), has adopted a basic long-term draft Plan of Action designed to realise two goals for the year—

- (i) full participation of disabled persons in the social life and development of their societies; and
- (ii) living conditions equal to those of other members of their societies.

The emergent world plan would provide for action at national, regional and international levels on a short, medium and long-term basis. Among the undertakings would be an analysis of the world situation of disabled people and a study of the effects of social, medical and environmental conditions upon disablement.