

# LEAGUE OF NATIONS

---

*League of Nations Publications*

## IV. SOCIAL

1929

1 - 10

## TABLE OF CONTENTS.

---

*League of Nations Publications:*

### IV. SOCIAL.

1. Traffic in Women and Children — Summary of Annual Reports for 1927 prepared by the Secretariat. *3rd page*
  2. Advisory Commission for the Protection and Welfare of Children and Young People — Traffic in Women and Children Committee — Licensed Houses — Abstract of the Reports from Governments. *4-49 p.*
  3. Advisory Commission for the Protection and Welfare of Children and Young People — Traffic in Women and Children Committee — Report of the Eighth Session. *50-55 p.*
  4. Child Welfare Committee — Report on the Work of the Fifth Session, April 12th-19, 1929. *56-63 p.*
  5. Advisory Commission for the Protection and Welfare of Children and Young People — Child Welfare Committee — Fifth Session — Study of the Position of the Illegitimate Child based on the Information communicated by Governments. *64th page*
  6. Advisory Commission for the Protection and Welfare of Children and Young People — Traffic in Women and Children Committee — Minutes of the Eighth Session, held at Geneva from Friday, April 19th, to Saturday, April 27th, 1929. *65-134 p.*
  7. Advisory Commission for the Protection and Welfare of Children and Young People — Child Welfare Committee — Minutes of the Fifth Session, held at Geneva from Friday, April 12th, to Friday, April 19th, 1929. *135-234 p.*
  8. Child Welfare — Report of the Fifth Committee to the Tenth Assembly. *235-236 p.*
  9. Traffic in Women and Children — Report of the Fifth Committee to the Tenth Assembly. *237th page*
  10. Traffic in Women and Children — Resolutions adopted by the Assembly, the Council and the Traffic in Women and Children Committee 1920-1929. *238-245 p.*
-

N° officiel: C.T.F.E.405.

SOCIETE DES NATIONS

Genève, le 15 février 1929.

TRAITE DES FEMMES ET DES ENFANTS

Résumé des rapports annuels de 1927

élaboré par le Secrétariat

-----

Ce document ne vous a pas été distribué parce qu'il sera publié comme annexe du rapport de la Huitième Session de la Commission consultative de la Traite des Femmes et des Enfants.

-----

LEAGUE OF NATIONS

Geneva, February 15th, 1929.

TRAFFIC IN WOMEN AND CHILDREN

Summary of Annual Reports for 1927

prepared by the Secretariat

-----

This document has not been despatched to you because it will be annexed to the report of the Eighth Session of the Advisory Committee on the Traffic in Women and Children.

Série des Publications  
de la Société des Nations

✓IV. QUESTIONS SOCIALES  
1929.IV.1.✓

Geneva, February 28th, 1929.

LEAGUE OF NATIONS

**ADVISORY COMMISSION FOR THE PROTECTION AND WELFARE  
OF CHILDREN AND YOUNG PEOPLE**

**TRAFFIC IN WOMEN AND CHILDREN COMMITTEE**

**LICENSED HOUSES**

**ABSTRACT OF THE REPORTS FROM GOVERNMENTS  
ON THE SYSTEM OF LICENSED HOUSES AS RELATED TO TRAFFIC  
IN WOMEN AND CHILDREN**

**ADDITIONAL INFORMATION RECEIVED FROM GOVERNMENTS  
OF COUNTRIES WHERE THE SYSTEM OF LICENSED HOUSES  
HAS BEEN ABOLISHED**

**INTRODUCTION.**

On September 25th, 1922, the Third Assembly passed the following resolution :

“ That, in view of the fact that the system of State regulation which exists in certain countries is likely to encourage the traffic in women, the Advisory Committee should be asked by the Council to consider whether, pending the abolition of the system, it could be agreed that no foreign woman should be employed in or carry on her profession as a prostitute in any licensed house, and that the recommendations of the Advisory Committee on the subject should be included in its next report to the Council. ”

This is the first League resolution which gave rise to the replies from Governments which are treated in this report. It will be observed that mention is made of State regulation, which includes both the licensed house and the registration of prostitutes. Although subsequent resolutions referred only to licensed houses, some Governments have dealt also in their replies with registration of prostitutes. Again, the resolution links the subject of State regulation to the employment of foreign women in licensed houses. This question of the foreign prostitute is dealt with in some of the early replies of Governments, but as the subject was subsequently treated separately in a series of resolutions by the Advisory Committee, the Council and the Assembly, it is not included in the present report.

In December 1922, the Chairman of the Advisory Committee drew up a circular letter to Governments asking them four questions on the subject of the Assembly resolution. The first was : “ Does the system of licensed houses exist in your country ? ” ; the other three questions dealt with the subject of foreign women in these houses. Several Governments which did not subsequently send in observations or reports on enquiries which were addressed to them replied fully to this questionnaire of December 1922. Only the passages, therefore, of these replies which deal with licensed houses are annexed to this report.

In March 1923, at its second session, the Advisory Committee noted the action taken by its Chairman and the replies received to the questionnaire of December 1922, and passed the following resolution :

“ The Advisory Committee requests the Council of the League to authorise the issue of a questionnaire to the Members of the League, asking those States which have

Series of League of Nations Publications

✓ IV. SOCIAL  
1929. IV. 2.

a system of regulation for a full report of its workings and results, together with a statement of the grounds on which it is advocated, and those States which previously had a system of regulation but have abandoned it for a report of the reasons that led them to take this course and of the results which have followed their action."

In April 1923, the Council passed a resolution which limited the enquiry proposed by the Advisory Committee to an enquiry into licensed houses in relation to traffic, as follows:

"The Council, recognising the connection which may exist between a system of licensed houses and traffic in women and children, decides that the Members of the League which have recently abandoned a system of State licensed houses shall be asked the reasons that led them to such decision in so far as these reasons concern the traffic in women and children; and that the States in which a system of State licensed houses still exists shall be asked to inform the Council, in the light of their experience and in as great detail as possible, whether such system in its practical operation appears to facilitate or hinder the traffic in women and children."

The majority of the replies dealt with in the present report are those received in answer to this resolution of the Council and in answer to further resolutions of the Council in June 1924 and 1926 requesting supplementary information.

In September 1923, the Fourth Assembly passed the following resolution with reference to the protection and full liberty of women inmates of licensed houses:

"The attention of the Assembly having been called to the circumstances in which women are alleged to enter licensed houses, it recommends to the Council that the Advisory Committee on the Traffic in Women and Children be asked to consider whether it would not be desirable to draw the attention of all States in which a system of regulation is still in force to this question and to invite these States to make an enquiry and to take special precautions to ensure the protection and secure the full liberty of women inmates of licensed houses."

This resolution was communicated to Governments on the instructions of the Council, and a certain number of observations have been received on the subject and are dealt with in this report.

In March 1926, the Committee decided to review the replies, reports and memoranda received from Governments and requested that there should be prepared, "for the next session, a systematic and impartial abstract of the reports which, taken in conjunction with them, will show the present position".

The eighth ordinary session of the Assembly adopted on September 20th, 1927, a resolution requesting the Traffic in Women and Children Committee to examine "as soon as possible the desirability of recommending to all Governments the abolition of the system of the licensed house". This resolution was communicated by letter C.L.151.1927.IV to all the States Members and a number of States not Members of the League of Nations. As a result of this circular, the Republics of *Nicaragua* and *San Marino* informed the Secretariat that the system of licensed houses did not exist in their territory. *Salvador* stated that she had maintained this system, but that the competent authorities of *Salvador* will carefully examine the suggestion made in favour of the system of prohibition.

The Traffic in Women and Children Committee at its seventh session examined the Assembly resolution, and unanimously adopted the following resolution:

"The Traffic in Women and Children Committee has had before it the resolution adopted at the eighth ordinary session of the Assembly of the League of Nations requesting it to examine as soon as possible the question of the desirability of recommending to all Governments the abolition of the system of licensed houses.

"This system in its relation to international traffic in women has received the anxious attention of the Committee on several previous occasions. The Committee realises that further light has been thrown on the whole subject by the prolonged enquiries made by the Special Body of Experts and by the conclusions set forth in Part I of their report.

"Having regard to the seriousness of the evil arising from the traffic, the Committee earnestly hopes that the Governments of all those countries which still retain the licensed-house system will investigate the question as soon as possible in the light of the report made by the Body of Experts and the other information collected by the League of Nations.

"In order to facilitate this investigation, the Committee asks the Secretariat to make a study of the laws and regulations in force in those countries where the system has been abolished."

The last paragraph of this resolution (communicated by letter C.L.123.1928.IV to all the States Members and certain States not Members of the League of Nations) asks the Secretariat to make a study of the laws and regulations in force in those countries where the system has been abolished. The following countries have communicated their laws on this subject :

Austria	Germany	Poland
Bulgaria	Great Britain	Kingdom of the Serbs, Croats and Slovenes
Canada	Hungary	South Africa
Czechoslovakia	India	Sweden
Denmark	Latvia	Switzerland
Estonia	Luxemburg	United States.
Finland	Norway	

The United States, Austria and Hungary have merely referred to the information previously supplied. South Africa, Canada, Norway, Poland and Switzerland have only given extracts from their penal laws. As these extracts concern, in most cases, the suppression of procuring, immorality and disorderly conduct, and, in some cases, the direct or indirect suppression of licensed houses, it has not been considered desirable to overload this document by publishing them in full. Some of these laws have in fact already appeared in Part II of the Experts' Report, and they will be inserted almost *in extenso* in the "Digest of Laws for the Suppression of the Traffic in Women and Children" prepared by the "American Social Hygiene Association" and now in process of completion. Germany, Bulgaria and Latvia have communicated laws or ordinances decreeing the abolition of licensed houses. India merely emphasises the fact that the system never existed and under the circumstances cannot give any information on the results of abolition. Luxemburg states that legally the system of licensed houses does not exist in the Grand-Duchy. The Kingdom of the Serbs, Croats and Slovenes declares that it maintains the system of State regulation. Czechoslovakia, Estonia, Finland and Sweden have communicated laws and regulations concerning public health and order ; it has therefore been thought advisable to publish these in some detail.

Only *Denmark* and *Great Britain* have sent memoranda on the results of the system in force in their countries. This information has been included in this document together with the annex to the British memorandum prepared by the British Social Hygiene Council concerning the conditions existing throughout the British Empire with regard to venereal disease and prostitution. This survey of the British Social Hygiene Council will be found as an appendix to this document.

Fifty-five States have communicated with the League of Nations with regard to one or other of the resolutions quoted in the preceding pages. But, of these, six (Chile, Ecuador, Honduras, Liberia, Uruguay and Venezuela) have, up to date, sent in acknowledgments only. The replies from the Irish Free State and Southern Rhodesia do not specifically furnish information as to the existence of licensed houses in their respective territories : these replies however are included in the present document. Abstracts have been made from the replies of other States (the replies are given alphabetically under the name of each State in the Annex). The States which have furnished information are :

Albania,	France,	Panama,
Argentine,	Germany,	Peru,
Australia,	Great Britain,	Poland,
Austria,	Greece,	Portugal,
Belgium,	Guatemala,	Roumania,
Bolivia,	Hungary,	Salvador,
Brazil,	India,	San Marino,
Bulgaria,	Irish Free State,	Kingdom of the Serbs, Croats and Slovenes,
Canada,	Italy,	Siam,
Cuba,	Japan,	South Africa,
Czechoslovakia,	Latvia,	Spain,
Danzig,	Luxemburg,	Sweden,
Denmark,	Monaco,	Switzerland,
Dominican Republic,	Netherlands <sup>1</sup> ,	United States of America.
Egypt,	New Zealand,	
Estonia,	Nicaragua,	
Finland,	Norway,	

British Colonies : Southern Rhodesia.

<sup>1</sup> The Netherlands Government had also replied on behalf of the Netherlands East Indies.

## CLASSIFICATION OF THE ABSTRACTS.

Some of the Governments have sent in two or three memoranda in answer to the enquiries. As far as possible, the abstracts from such replies are taken from the latest memoranda received, but, where a matter of importance is dealt with only in an earlier reply, an extract from this earlier reply has also been included.

Most Governments have dealt with the subject of licensed houses on a broad basis, and have not confined their answers to the relationship between the system of licensed houses and traffic in women. Abstracts have not been made from that portion of certain replies which dealt in great detail with venereal disease and its treatment.

Some replies deal with the question of the treatment of venereal disease doubtless because the advocates of a system of State regulation base their arguments largely upon the value of the regular medical examination and treatment of prostitutes in preventing the dissemination of venereal disease. Information on the subject is to be found in particular in the replies of Great Britain, Spain and the United States of America: The reply of Great Britain includes a memorandum on the organisation of a free system of venereal disease treatment in a country which has no system of licensed houses. The reply from Spain includes the organisation of public health measures against venereal disease in a country which has a system of licensed houses. The reply from the United States of America gives interesting statistics with regard to venereal disease in the Army and Navy. Czechoslovakia, Estonia, Finland and Sweden have sent information regarding the treatment of venereal disease which is of particular interest from the administrative point of view.

The material used has been grouped under three main headings :

### I. COUNTRIES WHICH HAVE NO SYSTEM OF LICENSED HOUSES.

In this group are included the countries which state that they have no system of State regulation (*i.e.*, neither licensed houses nor regulation of prostitution); also countries which state that they have abolished licensed houses but have retained registration of prostitutes; and, lastly, countries which state that they have abolished State regulation, but that licensed houses still exist as an exception in one or two towns or communes. The reasons for abolition given by each country are set out in the abstracts. The reasons vary and do not relate only to the licensed house in its relation to traffic in women.

### II. COUNTRIES WHICH HAVE A SYSTEM OF LICENSED HOUSES.

The opinions of these countries for and against the system are set out in the abstracts from their replies. The arguments are not exclusively confined to the terms of the Council's resolution, which asked whether the system appeared to facilitate or hinder the traffic in women and children.

### III. MISCELLANEOUS MATTERS.

In this group are included measures for ensuring the freedom of prostitutes and various suggestions put forward by Governments.

#### I. COUNTRIES WHICH HAVE NO SYSTEM OF LICENSED HOUSES.

The following twenty-eight countries state that they have no system of licensed houses :

Australia, Bolivia, Bulgaria, Canada, Cuba, Czechoslovakia, Danzig, Denmark, Dominican Republic, Estonia, Finland, Germany, Great Britain, Hungary, India, Latvia, Luxemburg, Monaco, Netherlands and the Netherlands East Indies, New Zealand, Nicaragua, Norway, Poland, San Marino, South Africa, Sweden, Switzerland, United States of America.

Of these twenty-eight countries, three (Estonia, Hungary and Poland) have submitted information showing that they have retained a system of registration of prostitutes. Some countries have made no observations on the presence or absence of licensed houses.

The following abstracts are taken from the replies of those countries whose official policy is the suppression of licensed houses.

*Bolivia.* — "Municipal regulations for the registration and inspection of women who are professional prostitutes constitute a serious offence to the morals of our people, inasmuch as the municipality in this manner gives a form of legal countenance to corruption and vice; any decree regulating prostitution gives the official sanction of the State to the worst immoralities that can degrade women; all arguments in favour of licensed brothels are inconsistent and false; all civilised countries which are in the forefront of social reform have given their adherence to the International Abolition League."

*Cuba.* — “ In point of fact, the ‘ licensed area ’, for whatever reasons, did not prevent the existence of as many brothels outside its radius as within — a proof that nothing was gained by its existence. It was nothing more than a sink of iniquity and perversion, in which were imprisoned unfortunate women who were transformed by misery, squalor and vice into mere automatons. These women fell into the clutches of the scoundrels who exploited them, and committed unheard-of infamies, some brothelkeepers obliging their victims to pay for their miserable accommodation and wretched food at exorbitant prices sometimes exceeding the earnings of their trade, while others robbed those who had anything left of their miserable gains even if they were ill . . .

“ The number of *souteneurs* has diminished since the suppression of the licensed area and in consequence of the campaign conducted by the Police against this degraded and despicable type of man. ”

*Czechoslovakia.* — “ It is not possible, in practice, to supervise all the prostitutes in licensed brothels, and only a very small proportion of the total number of prostitutes are inmates of these places.

“ The system of keeping prostitutes in licensed brothels encourages depravity and cynicism among young people whose morals would not otherwise be exposed to the same temptation . . . They also offer opportunities for the activities of procurers and for the traffic in women. Those who regularly frequent licensed brothels constantly demand fresh subjects. The result is an intensive and continual interchange of prostitutes from one brothel to another. If there were no licensed brothels, the traffic in women would be reduced to a minimum . . .

“ Again, licensed brothels offer facilities for young girls of idle and dissolute character to take the last step towards prostitution . . . The life in licensed brothels has a pernicious effect on women, both morally and physically. The excessive consumption of alcohol, which is one of the obligations of their trade; the long hours spent in unventilated rooms, thick with cigar smoke; the idle existence, devoid of any kind of higher aspiration; the lack of sufficient sleep, and the continual excesses — these ruin the health of even the most robust women in a few years . . .

“ As regards economic conditions, the inmate of one of these houses is a downtrodden creature without rights of any kind. She is entirely at the mercy of the keeper of the licensed brothel . . . It is a condition which may be described as modern slavery. Prostitutes in licensed houses are bound to offer themselves, at any moment, to any man, no matter how repulsive. Their human dignity is held of no account . . . The constant promiscuous unions in the case of some of the prostitutes in licensed brothels causes them to contract venereal diseases much more frequently than is the case with prostitutes living independently. The former category are more susceptible to contagion . . .

“ One of the customary arguments for the maintenance of the system of licensed brothels and official regulation is that it is easier to exercise regular health supervision in these places and so to ensure that the women shall be free from infection . . .

“ In confutation of the argument quoted above, it has been proved that the morbidity of prostitutes in licensed brothels as a result of venereal diseases is higher than that of prostitutes living independently.

“ From the legal point of view, both licensed brothels and officially regulated prostitution can only be regarded as ‘ tolerated ’. Both procuring and trafficking in women are offences liable to punishment; and yet they are both tolerated in the case of licensed brothels, and the administrative authorities do not demand the punishment of these offences though they are openly committed. ”

*Dominican Republic.* — “ Prostitution is prohibited in this country by Article 22, paragraph 2, of the Public Health Act, which states that ‘ prostitution has been found to be a constant source of venereal disease, and its suppression is, therefore, hereby declared to be a desirable measure for the protection of public health ’.

“ Accordingly, I have the honour to inform you that my Government is entirely opposed to the system of licensed houses. ”

*Finland.* — “ The system of official regulation of prostitution . . . was abandoned . . . for general humanitarian and moral reasons having no connection with the question of the traffic in women and children. ”

*Germany.* — Under the Law of February 18th, 1927, on the campaign against venereal diseases (*Reichsgesetzblatt*, page 61), which came into force on October 1st, 1927, the keeping of a brothel or similar establishment is punishable as constituting procuration. Article 16 (1) of this law has been embodied in Article 180 of the Penal Code as a supplement.



*Great Britain.* — “ Until 1869, the passage of the Contagious Diseases Acts and their working attracted little or no public attention: they were regarded as ordinary measures taken for the well-being of the Navy and Army and their real significance was not realised. When, however, the Act of 1869 was passed and arrangements were made for the more frequent examination of prostitutes, hostile opinion, especially among women, quickly sprang up and developed into a well-organised campaign, which became increasingly active until the Acts were finally repealed . . .

“ The system of State regulation was introduced and was defended mainly on sanitary grounds, that is to say, that it tended to prevent the dissemination of venereal disease. The opponents of the system pointed out that, though it might apparently be successful for a time in a small and limited area, it was bound to fail in the end because the medical theory underlying the system involved bringing within it all women who were likely to disseminate disease, and, though the net would have to be thrown wider and wider as the area extended, no method could be devised by which all clandestine prostitutes could be included. On the other hand, though the system was not likely to produce the medical results expected, it was diametrically opposed to public interest on moral grounds because: (a) its success depended on bringing as many women as possible within the registered or inspected class and on making it difficult for them to leave it; (b) that it involved the official patronage of brothels and thus stimulated immorality and the international trade to supply the market of vice. Further, it was argued that the police supervision involved in the system was liable to grave abuse, and that periodical medical examination was degrading to women, the effect of which intensified as they became more frequent . . .

“ Figures show clearly that, whatever temporary improvements may have been obtained by the Contagious Diseases Act, the fall in the number of cases has been very much greater under modern methods. ”

*Netherlands.* — “ As regards the connection between the abolition of licensed brothels and the international traffic in women, Dutch experience has shown that the traffic depended on the existence of licensed brothels, and that their abolition has almost killed it. The agents of the proprietors of such houses could always count on licensed brothels taking the women and girls they procured.

“ It may be definitely stated that the disastrous results which were predicted in regard to public health, social matters, etc., as a result of the abolition of the system of regulation have not ensued. ”

In a later reply, the Netherlands Government communicated a few supplementary remarks concerning control.

“ Even in a country like Holland, where the Government has accepted prohibition, there still remains some difference of opinion as to whether the control of licensed houses should be reintroduced. Members of the Police force were to be found who defended this system, particularly when the number of thefts on the part of prostitutes from their clients increased to an alarming extent; nevertheless, it has been possible to reduce this evil to a minimum without controlled prostitution.

“ Most of the Dutch authorities are convinced that it is also unnecessary to resort to compulsory control in order to prevent the spread of venereal disease, since such control does not afford the guarantees claimed for it by its supporters. Moreover, experience has shown that in practice the control only applies to the poorest prostitutes. ”

*Netherlands East Indies.* — “ The keeping of licensed houses in the Netherlands Indies is prohibited (Article 296 of the Netherlands East Indies Penal Code).

“ Experience in this country has shown that the system of licensed houses and the traffic in women are closely connected. Licensed houses produce a constant demand for fresh victims, with the result that the supply is organised. The campaign against clandestine houses in the Netherlands East Indies has afforded many proofs of this fact. ”

*Norway.* — “ The system accorded ill with existing laws on the question and with the moral sense of the inhabitants. Moreover, it did not seem likely to attain its object, which was to prevent the spread of venereal diseases. ”

*Poland.* — “ Licensed houses were abolished in Poland by the Decree of September 6th, 1922, on the following grounds:

“ Licensed houses constituted centres for the international traffic in women;

“ It was impossible to give assistance to prostitutes, owing to the fact that the inmates of licensed houses were materially dependent on the proprietors;

“ Large quantities of alcohol were consumed in these houses, thus contributing to the increase in the number of cases of venereal disease; the bringing together of large numbers of prostitutes also tended to disseminate these diseases. ”

*Switzerland.* — “ The Federal Ministry . . . which is the central Swiss office for repression of the traffic, is of opinion that houses of prostitution definitely favour this iniquitous traffic . . . In the message addressed to the Chambers by the Federal Council in support of the penal code, the system of houses of prostitution is judged in the following terms :

“ ‘ Professional procuring in some sort organises prostitution. It encourages the supply and stimulates the demand and, by thus favouring prostitution, it aggravates the dangers of the latter and shamefully exploits the unfortunate women who have taken to this trade. This is particularly true of the commercial organisation of prostitution in brothels, which offer the satisfaction of the sexual instinct in its basest and most humiliating form and in the form most degrading to women. The idea that they protect public health and decency because the keeper of the house is subject to certain rules the observance of which is supervised by the State has been shown by experience to be quite illusory. The security, both apparent and real, which is thereby offered to debauchery has only resulted in multiplying the victims. This form of professional procuring must therefore also be made punishable in every case. It should not be tolerated either by the State or by the municipalities ’ . ”

*United States of America.* — “ Report has been previously made to the effect that American public opinion and American laws — both State and Federal — look toward abolition and regard any form of regulating or licensing prostitution as unnecessary and as opposed to public morals and public health. While local control of prostitution falls within the Police power of the several States, its interstate and international aspects have been the subject of legislation by the United States Congress. In both the immigration laws and the so-called ‘ White Slave Traffic Act ’ of 1910, the United States has used its power to regulate interstate and foreign commerce for promoting the abolition of prostitution . . .

“ Beginning about 1905, a number of investigations were made in the larger cities by the ‘ Committees of Fourteen ’ and ‘ vice commissions ’ appointed by city councils, mayors, or by the citizens’ associations. The members of these commissions were men and women of widely differing opinions as to whether public morality and public health would or would not be promoted by some form of segregation and licensing of prostitution when the investigations were begun. When they were completed, the reports of the commissions invariably opposed any form of licensing or regulating of prostitution and recommended legislation looking toward the better administrative provision for the enforcement of abolition.

“ The finding of these commissions may be of interest. Summarised briefly, they were to the following effect : Segregation did not segregate but, on the contrary, tended to increase the spread of vice. In several of the cities an equal or greater number of houses of prostitution were found outside the districts. Medical inspection was not effective and the district was a virulent source of venereal infection. The district enabled vice to organise on a vast scale and augment its traffic. The segregation of prostitution advertised it by making it more accessible, thereby increasing the demand for prostitution. The increasing demand made necessary a larger supply of prostitutes, and this increased the traffic in women. Segregation, being inconsistent with State laws, corrupted the Police. It stimulated the illegal sale of liquor. By providing a meeting place for degraded persons, segregation increased crime and debauchery. It fostered sexual perversion. The existence of a segregated district provided a bad environment for children in the neighbouring districts, and also depreciated the economic value of property near the district. ”

## II. COUNTRIES WHICH HAVE A SYSTEM OF LICENSED HOUSES.

The following nineteen countries appear from their replies to have a system of licensed houses : Albania, Argentine, Austria<sup>1</sup>, Belgium, Brazil, Egypt, France, Greece, Guatemala, Italy, Japan, Panama, Peru, Portugal, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain.

Of these countries, two (Brazil and Italy) make certain qualified statements with regard to the fact that they have licensed houses. Their replies have been classified according to the information which they submitted.

The *Government of France* states that, while the problem of prostitution might, as M. Labrousse suggested in the Fifth Committee of the last Assembly, be examined as part of a general scientific study, the system of prostitution and licensed houses, considered in its administrative aspect, remains, in the French Government’s opinion, a purely domestic matter, governed by the national legislation of the individual States or by the regulations of their autonomous administrative authorities : it is outside the competence of the Advisory Commission.

<sup>1</sup> Only Vienna and Graz have abolished this system.

Two countries (Albania and Peru) state that the licensed houses are few in number.

Three countries (Austria, Greece and Japan) appear, from their replies, to be considering the abolition of licensed houses or a limitation of their number. Abstracts from their replies to this effect are as follows :

*Austria.* — “ The establishment of brothels . . . will be prohibited. Existing brothels are to be inspected . . . Since March 1st, 1921, brothels have ceased to exist in Vienna. ”

*Greece.* — “ The programme of the Ministry for the Interior includes the gradual abolition of licensed houses, and in accordance with this programme several of these houses have been closed since 1903. New houses have been authorised, but exclusively for women so morally degraded that it was difficult for them to continue to live in any class of society, and because Greece has no special homes for the confinement of such persons. ”

*Japan.* — “ Our present system of State regulation depends partly on the exercise of prostitution by registered prostitutes and partly on the running of licensed houses, which are subject to separate regulations . . .

“ If Japan still maintains the systems of State regulation, it is because this system has been in existence for centuries and its sudden suppression would have serious social repercussions, involving, as it would in actual fact, the total abolition of prostitution in Japan.

“ The efforts of the Japanese Government are therefore directed mainly to effecting improvements in the system . . .

“ It has been decided on principle not to increase the number of licensed houses<sup>1</sup>. ”

The following thirteen countries of those which have a system of licensed houses have submitted observations on the system: Argentina, Belgium, Egypt, Germany, Greece, Hungary, Italy, Japan, Panama, Peru, Portugal, Siam and Spain.

*Argentine.* — “ One important factor which has tended to make prostitutes more independent is to be found in the present municipal regulations governing prostitution, by which only one woman is allowed in each licensed house . . . In these days, it is safe to say that in almost every case a woman who allows herself to be exploited does so voluntarily. ”

*Belgium.* — “ The opinion is steadily gaining ground that the system of official regulation, which was adopted, in the first instance, as a health measure and a guarantee against disorderly conduct in the large towns, has not from either point of view fulfilled the expectations of its promoters.

“ Regulation, far from confining vice within certain channels, has helped to disseminate it; the immunity from infection which it is alleged to provide is more often than not illusory; indeed, it actually leads to the propagation of venereal disease.

“ Relying on that protection which the State to a certain extent accords through regulation, licensed houses are ever seeking to obtain new and younger inmates. Consequently, they are a permanent cause of the traffic in women. To meet their requirements, they have recourse to individuals who specialise in this sort of commerce.

“ Moreover, the establishment of licensed houses has failed to eliminate the large army of uncontrolled prostitutes and women of easy virtue. They have not in the least availed to prevent the increase of clandestine prostitution, which is carried on in furnished rooms, houses used as meeting places, disreputable hotels, vicious resorts and other similar places.

“ Official regulation indeed is not only useless: it is actually harmful in that it prevents the most contaminated part of the population — that is to say clandestine prostitutes — from coming to the centres for medical treatment through fear of the police.

“ In addition, inmates of licensed houses soon lose all will-power and moral sense; having sunk to the lowest degree of degradation, they — far more than secret prostitutes — become the habitual victims of traffickers. As has been observed by experts, clandestine prostitutes can, in point of fact, be reformed socially in so far as circumstances assist the efforts of the various associations which deal with those cases. ”

*Egypt, Province of Alexandria.* — “ There is no traffic in women in Alexandria such as is practised in Europe and elsewhere.

“ Licensed houses are inhabited by prostitutes who have been carrying on their profession for a long time and have come from a great number of places . . . It is alleged that, in spite of the precautions taken by the authorities, a certain number of women do succeed in entering the country at the instigation of their procurers or of the . . . keepers of licensed houses.

<sup>1</sup> During the sixth meeting of the Fifth Committee of the eighth ordinary session of the Assembly, the Japanese delegate stated that licensed houses had already been abolished in some of the Japanese provinces.

“ As far as we are aware, there is no organised body carrying on traffic in women ; up to the present, only individual cases have come to our knowledge.

“ *Province of the Canal.* — Evidence exists that there is an organisation for obtaining these women. ”

*Greece.* — “ Official medical statistics show that the regulation of prostitution has considerably reduced the spread of venereal disease, the focus of which is declared to be not in licensed houses but among clandestine prostitutes.

“ Accordingly, if the regulation of prostitution were to be abandoned as a method, clandestine prostitution would grow, and the logical result would be to increase the spread of venereal disease, since the means of combating these diseases which are secured by licensed houses would disappear with their abolition. ”

*Italy.* — “ There are . . . the regulations of October 27th, 1891, No. 605 (supplemented, as regards the sections dealing with health, by those of March 25th, 1923, No. 846), which, with regard to prostitution, lay down provisions intended to secure public order and immunity. It is the steadfast intention of the Government to enforce these provisions with increased stringency, particularly in connection with the international obligations undertaken in the recent agreements regarding traffic in women. ”

*Japan.* — “ The main object of the system being . . . to safeguard public health and morality, registered prostitutes are generally obliged to live in a special quarter. The sole object of this isolation is to prevent the serious effects which their dispersion throughout the different quarters might have on public morality. It must not be forgotten that, owing to the special construction of Japanese houses, in which the doors and windows are generally open and the rooms cannot all be locked, such dispersion would have very serious results from this point of view . . .

“ As already stated, the authorities exercise the strictest control over the keepers of licensed houses and over intermediaries in order to prevent all possibility of trafficking or of personal constraint . . .

“ It is feared that, if State regulation were suddenly abolished, clandestine prostitution would at once increase, while the clandestine prostitutes would outnumber the registered prostitutes, who are actually subject to supervision, and the evil, from the point of view of public health and morality, would be greater than under the present system . . .

“ It may be said, therefore, that, so far as Japan is concerned, no direct connection exists between the traffic in women and the system of regulation, as the object of State regulation is to safeguard public health and morality, and the control exercised by the authorities is particularly strict (it must not be forgotten that there can be no effective control of clandestine prostitution).

“ In view of these circumstances, the Japanese system may be said indirectly to constitute a bar to the traffic. ”

*Panama.* — “ Panama is in favour of the regulation of prostitution and of the delimitation of licensed zones in large towns. This system has been in force in this country for some years past.

“ In Panama, experience has shown that the propagation of venereal diseases and the deterioration of morals cannot be combated without action on the part of the public authorities by means of the creation of public health committees, the establishment of free prophylactic stations and the periodical examination, registration, licensing and strict supervision of prostitutes in conformity with the legislative measures which have been communicated to you.

“ In our view, the greatest objection to regulation is the obvious contradiction which exists between the system of tolerance and the highest ends of the State, which, from the ethical standpoint, cannot but condemn prostitution and the traffic in women. But these considerations of a purely theoretical nature are not sufficiently cogent to prevent us from recognising that prostitution is inevitable and that its regulation in the interests of public health is a necessity. ”

*Peru.* — “ We regard the abolition of official health control as inadvisable, especially in a country like ours where hygienic habits are still rudimentary and there is as yet no real established public opinion in health matters. ”

*Portugal.* — “ The system of recognised brothels is, in our opinion, an expedient, although a regrettable one, which has the effect of mitigating and reducing to a minimum the effects of an evil which it is difficult to remedy. ”

A later reply states : " I beg to forward to you a statement of the effects of the regulation of prostitution on the traffic in women, together with the attached copies of regulations or executive orders concerning licensed houses and the traffic in women and children.

" The results achieved are unfortunately not satisfactory, as these measures do very little to hinder the traffic in women, because :

" 1. The regulations of August 28th, 1900, lay down rules regarding the registration of licensed prostitutes, but contain no provisions for the prevention of procuring.

" 2. Article 406 of the Penal Code refers to persons who incite, promote or facilitate the corruption of children, but this article of the Code does not cover all those who are addicted to procuring.

" 3. As regards women who have attained their majority, i.e., 21 years of age, there are no regulations applicable.

" 4. These few measures were all that existed in Portugal at the time of the International Convention of May 4th, 1910, which Portugal at once signed.

" 5. In Article 3 of the Convention, the high contracting parties bound themselves to take the necessary steps in their respective countries to give full application to the Convention, but we are bound to say that, owing to the inadequacy of Portuguese legislation in this connection, very little has been done.

" 6. A Bill was drawn up a long time ago . . . in which an endeavour was made to carry out the obligations incurred under Article 3 of the Convention of May 4th, 1910, but, so far, this Bill has not received force of law. "

*Siam.* — " Bearing in mind that traffic in women and children is not confined to licensed houses but that cases also occur outside those houses, it seems natural to divide the answer into two sections.

" 1. *Within* licensed houses in Siam, traffic in women and children is practically impossible. It is stated in our annual report for the year 1922, and in our reply to the questionnaire C.L.61.1924.IV, that Police officers regularly inspect these houses, and that every inmate has frequent opportunities of complaining to such officers, and, moreover, has frequent opportunities of giving up her immoral life with the assistance and under the protection of the Police Department.

" 2. *Outside* the licensed houses, traffic in women and children is, of course, far more difficult to detect. During the three years from April 1st, 1921, to March 31st, 1924, the Siamese Courts passed sentences in 56 cases (Penal Code, Sections 273 to 277, inclusive). In eight of these cases children were involved.

" It is thought by those best qualified to judge that the system of licensed houses, as controlled in Siam, certainly hinders traffic in women and children within such houses. As regards such traffic outside the licensed houses, it is thought to be impossible to say with certainty whether the system has any influence one way or the other. "

*Spain.* — " It would be premature to make official declarations implying a moral obligation to carry out reforms which up to now have neither been demanded by the generality of public opinion nor could be realised without a preliminary programme of administrative measures requiring detailed study.

" The Central Committee . . . has realised that it is its duty not to postpone a careful study of the situation, in order to decide what measures to recommend to the Government for the maintenance, modification or abolition of the present system and for the solution of a problem which is engaging the attention of every country.

" The main purpose of the Royal Society for the Suppression of the Traffic in Women is not to study the prostitution system and the possibility or advisability of reforming it; but, in view of the close relation between that problem and traffic in women, it has taken part on several occasions in the study of various aspects of the question of abolition. Whenever the Royal Society for the Suppression of the Traffic in Women has been asked its opinion regarding the system of control, it has pronounced in favour of its abolition.

" This problem has not hitherto engaged the attention of the great mass of public opinion in Spain. The public health aspect naturally appeals to it most owing to the spread of venereal diseases and the tangible consequences of the latter.

" In these circumstances, it is not surprising that the population in general readily accepts the measures taken by the health authorities to prevent the spread of venereal disease, although its only motive is self-defence.

" To find any wider appreciation of the question, we must look to the more liberal classes and professions and those in contact with the medical, legal and moral aspects of prostitution.

“ Side by side with the increase of clandestine prostitution there has been an increase in public knowledge of the question, and some apprehensions have begun to be expressed regarding the influence of licentious living on Spanish society. It is to be hoped that this feeling of concern will become more and more general and that henceforward the necessary support of public opinion will be forthcoming in deciding upon the maintenance or abolition of the regulations at present in force.

“ A policy of precipitation corresponding to no real movement of public opinion would discredit the present regime and would ruin at the outset any attempt at reform, however much it might be supported by the doctrines and convictions of the experts.

“ The point on which the Central Committee wishes to lay emphasis is that Spain will never reply with a systematic *non possumus* to the appeals of the outside world provided they are based on the lessons of reason and experience. ”

### III. MISCELLANEOUS MATTERS.

#### (a) *Measures for ensuring the Liberty of Women Inmates of Licensed Houses.*

The observations which have been submitted on the subject of the freedom and liberty accorded to women inmates of licensed houses bear somewhat directly on the connection between licensed houses and traffic. As regards unwilling or innocent victims of traffickers, a certain measure of protection is afforded them, and their escape from the life is practicable where they enjoy personal liberty, and where the authorities interest themselves in the rehabilitation of women who show a desire to give up prostitution. It is possible that most of the regulations governing prostitution contain some provision with regard to the liberty of the registered prostitutes, but the following nine countries have specifically dealt with this matter in their replies: Austria, Guatemala, Hungary, Italy, Japan, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, and Spain.

*Austria* — “ On the occasion of these inspections, prostitutes will be given the opportunity, free from influence, to submit any complaints they may have to make, and enquiries will be made whether any obstacles have been put in the way of their leaving the house. ”

*Guatemala*. — “ The League’s proposal that an enquiry should be opened and measures taken to safeguard the liberty of women employed in licensed houses will be taken into account in the examination of the question now being held, with a view to the regulation of prostitution. ”

*Hungary*. — “ Section 44, paragraph 3, of the Hungarian Law No. XXXVI of 1908 states that ‘ a person is also guilty of the crime of procuring who detains a woman against her will, for whatever reason, in any licensed house of prostitution or similar establishment ’. This law, therefore, offers suitable protection to women employed in licensed houses and ensures their complete liberty. ”

*Italy*. — “ By virtue of the provisions of the Royal Decree of October 27th, 1891, it is considered a crime, although not subject to the extreme penalties laid down in Article 146 of the Penal Code, to detain a woman in a house of ill-fame against her will, although she may have entered it voluntarily.

“ Further, the Police authorities are instructed to encourage and assist the return to an honest life of women who may be detained against their will in declared brothels.

“ The same authorities have power to afford protection, through the Police force, to women who may be desirous of leaving declared brothels and who may be prevented from doing so, or who fear that they may be prevented, by ill-treatment or threats.

“ Finally, Article 36 of the Regulations lays down that women who leave declared brothels are assumed to be the owners of the clothes made for them and of their personal linen. ”

*Japan*. — “ The systems for the regulation of prostitution and of licensed houses are . . . absolutely independent of one another, so that, under the system in force, no contractual relations can exist between the keeper of a licensed house and his lodgers. The object of this arrangement is to prevent prostitutes from becoming the slaves of the keepers of licensed houses . . . The authorities have decided to allow prostitutes to live where they please, provided that they remain in the special quarter and do not engage in their profession except in licensed houses (Article 8 of the Regulations for the Supervision of Registered Prostitutes). This is the only restriction on their liberty . . . When the laws were codified, the Japanese Government inserted in the Civil Code an article providing that legal acts involving engagements or contracts contrary to public order or morality should, *ipso facto*, be null (Article 90) . . . The exercise of the profession of prostitution is free and does not imply

constraint by a third party. The keeper of a licensed house cannot invoke any grounds, not even debt, as a reason for refusing to release women belonging to his establishment (Article 6 of the Regulations for the Supervision of Registered Prostitutes). It is not correct, therefore, to state that State regulation is equivalent to the imprisonment of registered prostitutes. The statistics for the last few years show a distinct decrease in the length of time for which registered prostitutes remain in licensed houses and a striking increase in the number of registered prostitutes leaving such houses.

" Prostitutes have perfect liberty as regards correspondence, visitors, and reading, and are free to possess and purchase any articles, all acts tending to restrict such freedom being punishable under Articles 12 and 13 of the Regulations for the Supervision of Registered Prostitutes.

" The authorities keep strict watch in order to see that no pressure is brought to bear on prostitutes by keepers of licensed houses. During the period 1921-23, 127 offences were reported. The smallness of this number is a proof that cases of restrictions of the liberty of registered prostitutes are rare. As registered prostitutes have to live in a special quarter, various means of recreation have been devised, such as holidays, which all the inmates of the licensed houses spend together.

" In order that prostitutes may be protected from the fresh temptations which await them on leaving the licensed houses, and may later be able to obtain an honest livelihood, the keepers of licensed houses engage persons to instruct them in dressmaking, writing, arithmetic and flower-making, and they are also visited by priests, lecturers, etc. "

*Portugal.* — " In general, the entry of licensed prostitutes on our Police registers only becomes obligatory when, after warning, they are met with in public places carrying on their unhappy trade.

" The authorities, however, afford them facilities for having their names taken off the registers when they can show that they have obtained a situation which guarantees their future good conduct. "

*Roumania.* — " Women who are inmates of licensed houses are free to leave them whenever they wish; they cannot be detained for any reason . . .

" The manageress of a licensed house may not take away any object belonging to a prostitute in her house; she may not seize for debt any object, such as clothing, shoes, underwear or other objects which she has bought for the women in her house . . .

" The manageress of a licensed house cannot retain more than two-thirds of the money earned by the prostitutes in payment for lodging, heating, food, service and washing; at least a third remains the absolute property of the prostitute, unless the manageress and the prostitute have an agreement between them which is more advantageous to the latter. "

*Kingdom of the Serbs, Croats and Slovenes.* — " The Regulations in force on the subject of prostitution provide for the protection of women inmates of licensed houses and secure their full liberty. It must, however, be observed that proprietors of such houses are always able, by granting advances to the women, to compel them to remain under duress until the debt is repaid. All the efforts of the proper authorities to suppress these malpractices are generally unsuccessful, as the women themselves shrink from entering complaints or aiding the Police in their investigations. "

*Spain.* — " Legislative steps have been taken to secure the liberty of women engaging in prostitution and to prevent them from being exploited. Among these measures special attention should be drawn to the prohibition against closing licensed houses by gratings or doors, and to the order for the posting in such houses of notices informing all the women inmates that they are entirely free to go and are not bound to the proprietors by any obligation, no argument — neither debts contracted nor advances granted nor sums claimed by one person engaged in the traffic from another — being admissible. All the women are therefore aware that they are free to leave the establishment at any time, and they may profit by this position to seek a different means of livelihood.

" The above-mentioned measures apply only to women over the age of 23 years; the presence in brothels of women below that age is totally illegal, and any persons detaining such women are liable to the full rigour of the law, offenders being handed over to the judicial authorities to suffer the penalties provided by the Spanish Penal Code. "

(b) *Certain Suggestions put forward by Governments.*

In submitting memoranda on the connection between licensed houses and traffic in women, certain Governments have made mention of measures which they have adopted or which they consider should receive consideration. Abstracts from the principal replies which relate to these measures are taken from the reports of the following six countries: Brazil, Cuba, Latvia, Poland, Switzerland and the United States of America.

*Brazil.* — “ This traffic could be reduced to a minimum if each country would adopt, in the policing of its own ports, measures to prevent women from landing if they do not satisfy certain definite requirements as regards their profession and means of livelihood in their countries of origin or embarkation, such profession and means of livelihood being certified by the administrative, Police or consular authorities, or by an office which the League of Nations might with advantage establish for that purpose, and which, in our opinion, would prove extremely useful and would produce satisfactory results. Indeed, if every port of embarkation contained an office for the purpose of examining and certifying the conduct, profession and means of livelihood of women embarking without husband or family, procuration would obviously be very considerably checked and the traffic in women would be reduced to infinitesimal proportions, because, as we have stated, 99 per cent of the *castens* are foreigners, and 99 per cent of ‘ the white slaves ’ are also foreigners. Since 1915, we have prohibited the landing of women who do not possess documents certifying their profession or means of livelihood in their country of origin or embarkation, or for whose entry persons of established identity do not render themselves responsible. Nevertheless, in spite of the severity of these measures, it has not been possible for us to eradicate the evil. Women enter the country as manicurists, seemstresses, midinettes, etc., and proceed forthwith to engage in prostitution, since it is so easy for them to procure certificates in their own countries. ”

*Cuba.* — “ Women who, on arrival at Havana, state that they have come for the purpose of getting married are kept in the immigration camp while the formalities in respect of their marriage are fulfilled by the Government departments and the consulate of their country, and, once they are married, they are set at liberty, after signing a sworn statement giving their occupation or means of livelihood, their place of residence and other particulars. They are further required to produce a letter, signed by some person of established reputation, testifying to their good moral character.

“ Those who come alone and without any matrimonial projects are also required to sign a similar sworn statement, and they are handed over only to persons of unquestionable moral character, who in turn become responsible for them.

“ Other women, if circumstances require, are deprived of their passports before they are set at liberty, their photographs and finger-prints are taken and a duplicate is forwarded to the Identification Department. At the same time, the previous records of each case are sent to the different Police departments for verification of the details they contain. ”

*Latvia.* — “ The Ministry of the Interior is of opinion that such prohibition (the employment of foreign women in licensed houses) would contribute, to a certain extent, to the restriction of the traffic in women and children. It would also be desirable to establish supervision of the transport of emigrants travelling from Eastern Europe to Western Europe and America. There is reason to believe that these emigrants include many women who are transported for purposes of the traffic. ”

*Poland.* — “ The Polish Government considers that the adoption of the following measures should be recommended :

“ Organisation of an active campaign against procurers and persons engaged in the traffic in women, since the action of those persons tends specially to promote the spread of prostitution and the increase of licensed houses.

“ Measures to prevent prostitutes from exercising their profession in the streets, either secretly or publicly.

“ Establishment of a special Police force, composed of women, to combat prostitution, and the entrusting of the medical examination of prostitutes to women doctors.

“ Establishment of a system of protective education for young persons whose moral training has been neglected ; and introduction of special legislation for offenders under age and courts with women lawyers as judges. ”

*Switzerland.* — “ We doubt whether the measure recommended in the resolution of the Third Assembly<sup>1</sup> can really be regarded as a preliminary measure which will prepare the way for the permanent abolition of the system of official regulation. Will States in which the system of official regulation is in force adopt a resolution of the Assembly of the League of Nations calling upon them to abolish this system ? If they adopt it, will they carry it into execution ? When a vote was taken at the International Conference held at Geneva in 1921, eleven States rejected a proposal relating, like the proposal at present engaging our attention, to the system of regulation. ”

*United States of America.* — “ There may be a difference of opinion as to deportation as a method of control. It is, however, generally regarded by Americans as an important and necessary re-enforcement of the programme of abolition to which the United States Government and the States are committed, although it is recognised that, in the case of

<sup>1</sup> This resolution relates to the employment of foreign women in licensed houses.



women who have resided in the United States for many years whose education and training are American but who have not become American citizens, there are quite special difficulties involved in deportation.

.....  
" A serious attempt is being made in many cities by both public and private agencies to effect the social readjustment of the young prostitute by abolishing the fining system, which merely encourages her to return to her former occupation in order to earn money with which to pay her fine, and by substituting for it social treatment based on the needs of the individual offender . . . The effectiveness of this programme is indicated by the increasing proportion of first offenders and the decreasing proportion of recidivists among those who are convicted.

.....  
" Increasing emphasis is now being given to the part that men play in prostitution. An amendment to existing legislation is being much discussed as the next step needed to further promote the policy of abolition as well as equal treatment of men and women. Under the proposed amendment, the man who pays a woman for immoral relations is made equally guilty with the woman who accepts payment for such acts, so that, by legal definition, the man as well as the woman concerned is made a prostitute . . . Interest in the United States is centred in: (1) prevention of prostitution by promoting wholesome recreation and the supervision of commercialised recreation and by the kind of education which leads to self-restraint; (2) improvement in the administration of the policy of abolition; (3) intelligent individualised social treatment for sex offenders. "

### CONCLUSION.

The extracts quoted show the variety of arguments advanced by Governments for and against a system of licensed houses. With regard to the connection between a system of licensed houses and traffic in women, eight countries (Belgium, Cuba, Czechoslovakia, Great Britain, Netherlands, Poland, Switzerland and the United States of America) consider that licensed houses promote traffic. The chief reasons advanced for this opinion are that fresh women have to be procured constantly to fill the licensed houses, and that this procuration stimulates traffic in women. Three countries (Italy, Japan and Siam) state that traffic in women does not occur in licensed houses owing to the strict system of official inspection to which such houses are subject. The reply from Spain indicates that the authorities have an open mind as to a connection between licensed houses and traffic, and opinion in Germany is divided.

The questionnaire was sent to fifty-six Governments, and fifty-five Governments have sent information on this subject. The number of replies received from countries without a system of licensed houses is slightly larger than the number of replies received from countries with such a system.

---

### ANNEX.

#### REPLIES FROM GOVERNMENTS.

---

##### REPLY FROM THE ALBANIAN GOVERNMENT.

July 3rd, 1923.

There exists only a very small number of licensed houses in Albania, namely, at Tirana, Durazzo, Koritsa, Valona and Berat. There are only 13 foreign women in them altogether, viz., eight at Tirana, two at Durazzo, two at Koritsa and one at Valona.

The prohibition of the employment of foreign women in licensed houses in Albania is not likely to give rise to any difficulty. In view of what has been stated, the Albanian Government has no observations to make with regard to the resolution in question.

##### REPLY FROM THE ARGENTINE GOVERNMENT<sup>1</sup>.

July 30th, 1924.

An energetic campaign has for many years been carried on against the traffic in women for purposes of prostitution — better described as the white slave traffic — with the result that traffickers have practically disappeared. It may, indeed, be affirmed that there are no

<sup>1</sup> The extracts which follow are taken from the reply of the Argentine to the questionnaire issued in 1924 by the Special Body of Experts on Traffic in Women.

longer any persons engaged in this traffic. One of the chief reasons for their disappearance is the fact that, since the war, travelling has become much more difficult, as certain documents are required which cannot easily be obtained.

As the result of propaganda inspired by persons who are hostile to our country or who are anxious to make trouble and take no interest in repairing the moral damage they have caused, the idea has sprung up in Europe, to the detriment of our country, that the Argentine Republic is the best market in the world for the white slave traffic. We were, indeed, once victims of this social scourge, but other countries have suffered to an equal or even greater extent. This propaganda against the Argentine was carried on most vindictively. The foreign Press took it up and disseminated ideas about us, which gave birth to other publications so offensive to our country that, at the beginning of 1913, our Ministry for Foreign Affairs communicated a note to the Argentine Legations and the Argentine Press contradicting certain statements published in Europe and more especially in London. This note was to the following effect :

“ The predominance of men over women in the Argentine population (due to the steady stream of immigration), the flourishing economic condition of the country and the inferiority of the Argentine women as compared with other women addicted to immorality have without doubt tended to make Buenos Ayres a centre of speculation in vice ; but the unremitting efforts which have been made to combat this inevitable evil may be said to have proved successful, having regard to the factors encouraging it, to which allusion has been made above. ”

The penalties provided in 1913 by Law 9143 (the “ Palacios Law ”) sounded the first alarm to procurers and agents. The promulgation of this law, which supplied a long-felt want by providing appropriate penalties for offences of this nature, was sufficient to make hundreds of procurers leave the country in haste. It was superseded by the new Penal Code<sup>1</sup> . . . this class of offence is now dealt with under the provisions of Articles 125 and 126, which read as follows :

One important factor which has tended to make prostitutes more independent is to be found in the present municipal regulations governing prostitution, by which only one woman is allowed in each licensed house. Disorderly houses were formerly run by a manageress (*regenta*), who was always the wife of the procurer. In such houses there were four or five or even more women, who were shamelessly exploited and never even received the proceeds of their miserable trade, for the manageress used to give them a slip, of purely nominal value, for each client, and at the end of the week it was the “ proprietor ” (*dueno*) who cashed these slips ; moreover, such women were deprived of their liberty and practically imprisoned, with the complicity of the manageress. In these days, however, it is safe to say that in almost every case a woman who allows herself to be exploited does so voluntarily.

We have still to deal with the question of the men known as “ agents ” or “ procurers ” (*rufian*) — men who, without being actually engaged in the traffic, have in their power one or more prostitutes who follow their profession for the direct and immediate benefit of the men. Such men are to be found in every great city in the world, and, although they are regular parasites and social pests, it always has been and always will be very difficult to get rid of them. Their ages range from 23 to 45, and they follow some easy profession in order to disguise their real occupation, acting, for example, as agents for general requisites, and devoting very little time to their ostensible calling. Others do not follow any profession, preferring to live an idle life on the women’s earnings and suffering without protest any penalties exacted, for they come under the provisions applicable to thieves. Their methods of obtaining victims are not definitely known, but from information at our disposal we learn that they either hold out a prospect of marriage as a means of persuasion or give their victims to understand that they will find a good situation and honest and remunerative employment.

Before the war, many of the women brought to South America were virtuous and genuinely unconscious of their impending fate. But the poverty that the middle classes in Europe had to suffer during the war seems to have had fatal effects, and the general standards of morality were so shaken that the gaunt enemy Hunger prevailed over the virtue of many women, until they allowed themselves to be perverted and fell an easy prey to the traffickers. We have been able to establish that, for these reasons, practically all the women in question were already prostitutes in their home countries ; some of them even arrived in the company of their *souteneurs*, whom they allowed to exploit them.

#### REPLY FROM THE AUSTRALIAN GOVERNMENT.

November 19th, 1926.

The system of licensed houses is not in operation in Australia.

<sup>1</sup> Extracts from laws are omitted.

REPLIES FROM THE AUSTRIAN GOVERNMENT.

February 25th, 1926.

1.

*Extract from a Police Decree of April 5th, 1911, relating to the  
Police Control of Prostitution.*

*Article 13.* — The relations between the prostitute and the landlady shall be confined to those prescribed in the tenancy agreement. The landlady may make no other claim on the prostitute, and, in particular, may not charge a percentage on income derived from prostitution, or prevent the prostitute from leaving the house, or sell alcoholic liquor to her or her visitors.

Prostitutes shall not be allowed to live in the houses of landladies who, having received the proper instructions, thereafter contravene the foregoing regulations.

*Article 16.* — The establishment of brothels, *i.e.*, dwelling-houses run by the occupant as a business concern for purposes of immoral traffic, is prohibited.

Already existing brothels are to be inspected without previous notice by the Commissariats, such inspection being carried out by a senior official and a medical officer at least once in three months and by the Police Administration at least once in six months.

The inspection shall include a visit to all rooms and the examination of the register to be kept by the proprietress of the brothel, containing the personal particulars of the women and the dates of arrivals and departures. The medical examination of prostitutes with a view to bringing to light any malpractices and an enquiry as to whether all other regulations regarding the brothel are being complied with.

On the occasion of these inspections, prostitutes will be given the opportunity, free from influence, to submit any complaints they may have to make, and enquiries will be made whether any obstacles have been put in the way of their leaving the house.

*Article 17.* — The Police Administration Commission may take, with regard to the inspection, any measures which it considers necessary in the interests of health or morality.

Should the Commissariat consider such measures to be necessary, it must apply for authorisation to the Police Administration and produce the report on the inspection.

*Article 18.* — Domestic servants not yet of age are not to be kept in brothels.

*Article 19.* — The Police Administration can at any time order a brothel to be closed, particularly in the case of infringements of the regulations contained in Articles 17 and 18 and in that part of Article 13 which also applies to brothels.

*Note.* — Since March 1st, 1921, brothels have ceased to exist in Vienna.

2.

*Report from the Viennese Police Department, dated September 5th, 1928.*

The problem of prostitution, which, in virtue of the Law of May 24th, 1885 (*Imperial Legal Gazette*, No. 89), § 5, first sentence, falls within the jurisdiction of the Police authorities, was last dealt with in the ordinance issued by the Viennese Police Department on April 5th, 1911, No. S.A.55. This ordinance perforce recognised the licensed houses which at that date still existed in Vienna; but the Police Department, from the time of issuing the ordinance, has maintained the principle, laid down in the introduction to § 16, that the establishment of licensed houses is prohibited. Their existence in Vienna became *ipso facto* merely provisional, and their abolition was demanded on the ground that this form of prostitution is contrary to the principles governing the suppression of the traffic in women and children, and does not even offer any advantages from the point of view of public health. Acting on this principle, the authorities gradually reduced the number of licensed houses. By the beginning of 1921 there were only four left, and these were to be closed by March 1st, 1921, under an ordinance of the Viennese Police Department dated January 12th, 1921, No. Pr. II—26/1/1921. The keepers of the houses were notified of this measure, and the Municipal Housing Office was informed that these houses might be requisitioned.

REPLY FROM THE BELGIAN GOVERNMENT<sup>1</sup>.

March 22nd, 1926.

The regulation of prostitution is in Belgium a matter for the communal authorities as being the authorities responsible for the protection of public morals.

For some time now the question has been under discussion whether the application of a system of official regulation, including the maintenance of licensed houses, is likely to encourage or discourage the traffic in women and children.

The problem as thus stated could only be satisfactorily solved if general statistics were drawn up showing, in this connection, the relationship of cause and effect.

Up to the present, official statistics on this subject are lacking not only in Belgium but in most other European countries.

The opinion is steadily gaining ground that the system of official regulation which was adopted, in the first instance, as a health measure and a guarantee against disorderly conduct in the large towns has not from either point of view fulfilled the expectations of its promoters.

Regulation, far from confining vice within certain channels, has helped to disseminate it. The immunity from infection which it is alleged to provide is more often than not illusory; indeed, it actually leads to the propagation of venereal disease.

Relying on that protection which the State, to a certain extent, accords through regulation, licensed houses are ever seeking to obtain new and younger inmates. Consequently, they are a permanent cause of the traffic in women. To meet their requirements they have recourse to individuals who specialise in this sort of commerce.

Moreover, the establishment of licensed houses has failed to eliminate the large army of uncontrolled prostitutes and women of easy virtue. They have not in the least availed to prevent the increase of clandestine prostitution which is carried on in furnished rooms, houses used as meeting places, disreputable hotels, vicious resorts and other similar places.

Official regulation, indeed, is not only useless: it is actually harmful, in that it prevents the most contaminated part of the population, that is to say clandestine prostitutes, from coming to the centres for medical treatment through fear of the Police.

In addition, inmates of licensed houses soon lose all will-power and moral sense; having sunk to the lowest degree of degradation, they — far more than secret prostitutes — become the habitual victims of traffickers.

As has been observed by experts, clandestine prostitutes can, in point of fact, be reformed socially in so far as circumstances assist the efforts of the various associations which deal with these cases.

In 1922, all foreign women reported by the Police as being engaged in secret prostitution were sent back to their homes or deported from the country. No steps were taken against prostitutes of foreign origin registered in the books of the Police concerned with the supervision of public morals, except when such women had been reported as suffering from venereal disease or as having been sentenced on several occasions.

Foreign prostitutes are mostly of French nationality, due to the fact that, as French is spoken in Belgium, their language is an advantage to them.

Since 1923 the criminal investigation authorities have been in the habit of deporting from the Kingdom all foreign women engaged in prostitution, whether registered in the Police registers or not.

REPLY FROM THE GOVERNMENT OF BOLIVIA.

March 20th, 1923.

On the 5th instant, the Bolivian Government promulgated a decree, certified true copy of which I have the honour to annex hereto, abolishing licensed houses.

DECREE.

[Translation.]

We, BAUTISTA SAAVEDRA, Constitutional President of the Republic,

CONSIDERING:

That municipal regulations for the registration and inspection of women who are professional prostitutes constitute a serious offence to the morals of our people, inasmuch as the municipality in this manner gives a form of legal countenance to corruption and vice; that any decree regulating prostitution gives the State its official sanction to the worst immoralities that can degrade women; that all arguments in favour of licensed brothels are inconsistent and false; that all civilised countries which are in the forefront of social reform have given their adhesion to the International Abolition League;

HEREBY DECREE AS FOLLOWS:

It shall be forbidden to set up or maintain licensed houses in the territory of the Republic.

The Secretary of State shall be responsible for the execution and application of the present decree, given in the city of La Paz on March 5th, 1923.

<sup>1</sup> A reply was received in 1924, but, as its contents were almost identical with the reply of 1926, the later reply only is given.

REPLY FROM THE BRAZILIAN GOVERNMENT<sup>1</sup>.

March 12th, 1923.

This country does not possess any actual "system" of licensed houses, since we have no laws regulating prostitution. The Police subject prostitution in all its forms to special vigilance, they localise it so that it may be less offensive to public decency, and they inspect houses in which it is carried on with a view to suppressing abuses and crimes, procuration and the obtaining and prostitution of minors. Disorderly houses come particularly within the sphere of Police activity. The Police require them to be specially registered, and may, if necessary, close them for so long as they think proper, either by compelling them to remove to another locality or by shutting them down finally.

This traffic could be reduced to a minimum if each country would adopt, in the policing of its own ports, measures to prevent women from landing if they do not satisfy certain definite requirements as regards their profession and means of livelihood in their countries of origin or embarkation, such profession and means of livelihood being certified by the administrative, Police or consular authorities, or by an office which the League of Nations might with advantage establish for that purpose, and which in my opinion would prove extremely useful and would produce satisfactory results. Indeed, if every port of embarkation contained an office and means of livelihood of women embarking without husband or family, procuration would obviously be very considerably checked and the traffic in women would be reduced to infinitesimal proportions, because, as we have stated, 99 per cent of the *caftens* (women of easy virtue) are foreigners and 99 per cent of the "white slaves" are also foreigners. Since 1915, we have prohibited the landing of women who do not possess documents certifying their profession or means of livelihood in their country of origin or embarkation, or for whose entry persons of established identity do not render themselves responsible. Nevertheless, in spite of the severity of these measures, it has not been possible for us to eradicate the evil. Women enter the country as manicurists, costumiers, midinettes, etc., and proceed forthwith to engage in prostitution, since it is so easy for them to procure certificates in their own countries.

REPLY FROM THE GOVERNMENT OF BULGARIA.

February, 2nd, 1929.

The system of licensed houses has been abolished in Bulgaria.

In dealing with the traffic in women and children, the Bulgarian administrative authorities impose the penalties laid down in Articles 48 and 50 of the Law on Police Administration and Articles 475 and 483-485 of the Penal Code. In virtue of these enactments, the Police Department has issued the Orders the text of which is given below.

There are at present no regulations on the question, but these will be prepared in the near future.

In addition, the Bulgarian Government has imposed more severe penalties in the draft law on public health applicable to persons opening licensed houses. This draft law, however, has not yet passed its second and third reading in the Sobranye.

Order. No. 362 of December 2nd, 1925.

I hereby order as follows :

1. Hotels, inns, and liquor shops in the capital shall be entitled to employ women over 35 years of age.
2. All charwomen and maids below that age shall be released by the managers of these establishments as from January 1st, 1926.
3. Only Bulgarian subjects and, so far as possible, town-dwellers shall be employed as maids in these establishments.
4. Hotels and inns shall be authorised to employ one maid per 15 to 25 rooms; such maids may not, however, remain on the premises of hotels after 8 p.m. either to work or to sleep.
5. Young women of doubtful morals may not be given temporary accommodation in hotels and inns.
6. Hotels and inns are strictly forbidden to provide women giving themselves out to be travellers with rooms in which to practise prostitution.

<sup>1</sup> Paragraphs dealing with the employment of foreign women in licensed houses have been omitted.

7. The Police authorities shall charge any persons caught in the act of prostitution in these establishments with a breach of Police regulations. A charge shall be preferred also against the keeper of the establishment, who shall be liable to a fine and shall, if the offence is repeated, have his establishment closed down and be proceeded against in accordance with Article 49 of the Law on the Administration and the Police.

8. I entrust the strict enforcement of the present Order to the Office for the Combating of Immorality attached to Police Headquarters, and I enjoin upon the said Office to ensure that all breaches of this Order are duly detected, and to prefer the necessary charges in good time.

9. The present Order shall be distributed to all hotels, inns and liquor shops in the capital, who shall comply therewith.

IV. KOVACHEFF,  
*Chief Commissioner of Police.*

*Order. No. 49 of June 23rd, 1927.*

I hereby order as follows :

The most drastic action shall be taken against all places of prostitution, in whatever form they exist, private houses, hotels, liquor shops, cafés, sundry workshops, agencies, employment bureaux, etc., and they shall be closed.

Charges shall be preferred against the lessees and managers of these premises who offend against the present Order, as well as against persons taking advantage of their complaisant attitude, and they shall be dealt with in accordance with Articles 48 and 50 of the Law on the Administration of the Police and Articles 475 and 485 of the Penal Code.

Any offenders who are aggrieved at the line of action taken by the Police may appeal to the judicial authorities concerned within the statutory time-limit and in accordance with established procedure.

The enforcement of the present Order is entrusted : for the town of Sofia to the Police Supervision Department at Police Headquarters, and for the provinces to the Police Prefects and District Police Officers concerned.

IV. KOVACHEFF,  
*Chief Commissioner of Police.*

#### REPLIES FROM THE GOVERNMENT OF CANADA.

1.

January 31st, 1924.

From the replies of the provinces it is seen that no system of licensed houses exists in Canada. Most of the provinces state that no such system has ever existed. The province of Quebec states that the system of State licensed houses does not exist there, nor has it been recently abandoned.

2.

November 20th, 1928.

In reply to letter C.L.123.1928.IV, the Canadian Government has transmitted the articles of the Canadian Penal Code dealing with the penalties for procuring. Only those sections which directly relate to the prohibition of brothels are quoted below; the other articles will be published in the "Digest of Laws on the Traffic in Women and Children".

*Section 225.* — A common bawdy-house is a house, room, set of rooms or place of any kind kept for purposes of prostitution or for the practice of acts of indecency, or occupied or resorted to by one or more persons for such purposes.

*Section 228.* — Everyone who, without lawful excuse, is found in any disorderly house shall be liable on summary conviction to a penalty not exceeding one hundred dollars and costs and in default of payment to two months' imprisonment.

2. Anyone who, as landlord, lessor, tenant, occupier, agent or otherwise, has charge or control of any premises and knowingly permits such premises or any part thereof to be let or used for the purposes of a disorderly house shall be liable upon summary conviction to a fine of two hundred dollars and costs, or to imprisonment not exceeding two months or to both fine and imprisonment.

*Section 229.* — Everyone is guilty of an indictable offence and liable to one year's imprisonment who keeps any disorderly house, that is to say, any common bawdy-house, common gaming-house or common betting-house, as hereinbefore defined.

2. Anyone who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any disorderly house, or as assisting in such care, government or management, shall be deemed to be the keeper thereof and shall be liable to be prosecuted and punished as such, although in fact he or she is not the real owner or keeper thereof.

3. Everyone is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and costs and, in default of payment, to imprisonment for a term not exceeding two months, or to imprisonment for a term not exceeding twelve months, who is an inmate of any common bawdy-house.

4. Anyone who has been convicted three or more times of any of the offences mentioned in sub-sections 1, 2 and 3 hereof shall be liable on the third or any subsequent conviction to imprisonment for a term of not less than three months and not exceeding two years.

5. If the landlord, lessor or agent of premises in respect of which any person has been convicted as the keeper of a common bawdy-house fails, after such conviction has been brought to his notice, to exercise any right he may have to determine the tenancy or right of occupation of the person so convicted, and subsequently any such offence is again committed on the said premises, such landlord, lessor or agent shall be deemed to be a keeper of a common bawdy-house, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

#### REPLY FROM THE GOVERNMENT OF CUBA.

January 26th, 1925.

Prostitution has been the object of an active and energetic campaign on the part of the Police in the interests of public morality. Steps have been taken to prevent the public exercise of this iniquitous trade and to punish those who exploit its victims, as well as every other kind of offence against good morals. The result has been decidedly satisfactory, as may easily be gathered from a walk through the streets of the city and a comparison with the state of affairs in the past.

The number of arrests for offences against morals made during the fiscal year 1923-24 is clear proof of energetic and efficient Police action. This has been recognised by the Ministry of the Interior, which has carefully and vigilantly supervised the execution of the provisions and recommendations which govern this question. Even the daily Press, which has at times blamed, criticised and even attacked some of the measures which have been found necessary (as always happens in the case of any reform or of any important purpose demanding firm and vigorous action), has on numerous occasions praised the campaign that has been undertaken, more especially by the national Police, in the interests of public morals.

This problem of prostitution, which, although a necessary evil, none the less demands most urgent measures for its restriction, is bound to engage the close attention of every Government. Our own Government recognised this when it decided to suppress the so-called "licensed area" in accordance with the decision of a Commission of Experts in 1913. Some of the members of that Commission argued that the mass of the people had not reached the necessary level of education to permit of the suppression of this "licensed area" without considerable risk, but the sounder arguments adduced in their excellent reports by Dr. Enrique Nunez, Secretary of the Health Department, and Dr. Fernando Freyre de Andrade, Mayor of Havana at that time, prevailed, and it was agreed to suppress the area.

In point of fact, the "licensed area", for whatever reasons, did not prevent the existence of as many brothels outside its radius as within — a proof that nothing was gained by its existence. It was nothing more than a sink of iniquity and perversion, in which were imprisoned unfortunate women who were transformed by misery, squalor and vice into mere automatons. There they were shut in brothels, to trade in their bodies and to become victims of a traffic which adds tragic pages to the volume of human misery. These women fell into the clutches of the scoundrels who exploited them; and committed unheard-of infamies, some of the brothel-keepers obliging the victims to pay for their miserable accommodation and wretched food at exorbitant prices, sometimes exceeding the earnings of their trade, while others robbed those who had anything left of their miserable gains, even if they were ill.

Such was the so-called "licensed area", and, in face of so fearful a picture, it had to be recognised that some remedy must be found for so much misery. A check had to be put upon the growth of this tremendous social cancer and no stone left unturned to attain this end. It was felt that the work of regeneration should begin by no matter what means, since great evils demand heroic remedies. In the circumstances, there could be no hope of success through the medium of education and social development, which is usually the best remedy for such evils. As the need for help was immediate, there was no alternative for a Government alive to its responsibilities but to attack the great problem with determination.

It was thus that reform began, and that Decree No. 964 of October 23rd, 1913, came to be promulgated. This decree was to have been the basis of subsequent reforms to mitigate the lot of prostitutes; but as it was not followed by the necessary supplementary provisions, although these were discussed by the Commission of Experts, and as the laws provided for in the last section of the decree and referred to in the first article of its executive part were not passed, it is not surprising that this admirable measure did not realise all the advantages that were anticipated. For, although an end was certainly put to regulated prostitution paying a contribution to the revenue, so that it ceased to be officially recognised in that form,

the absence of the requisite laws and supplementary regulations made it possible for loose women to penetrate into other parts of the city, even to the centre of the capital, bringing with them a number of other evils. These only came into prominence seven years later and gave rise to a series of complaints and protests of every kind, especially on the part of the Press, necessitating closer vigilance by the Police in defence of public morals and the adoption of special measures to prevent the flaunting of this traffic and to avoid other evils. In view of these circumstances and of the experience gained by the Police in their important work, the Chief of Police at Havana reported to the Ministry of the Interior as follows :

“ In view of the need of taking steps to solve the vexed and difficult question of prostitution in the interests of the city, and in accordance with the instructions which you gave to me to this end, the Police, under my orders, have exercised the closest and strictest vigilance over women of loose morals, and as a result of this control and of the measures taken in connection therewith, I have pleasure in informing you that at the present time there does not exist in the districts of San Isidro, the Arsenal and Colon a single *accessoria*<sup>1</sup> in which prostitutes exercise their calling.

“ The gravity of the evil demanded, and still demands, urgent remedies, which are also called for by considerations of public expediency and morality. Accordingly, in agreement with your department, I have given my closest attention to this question of prostitution, and, although practical difficulties arising from the absence of adequate and suitable legislation have been encountered, it has been found possible, by means of full-sized houses with shutters or fixed blinds which do not permit the inmates to exhibit themselves nor to come into immediate contact with the passers by, to avoid those offences against morals which are occasioned by the public exhibition of these women, and they no longer have the pretext or the occasion to bribe the agents of authority. I am therefore able to report that an end has been put to the system of presents and bribes, which corrupts the morals of the Police, relaxes discipline, saps the foundations of authority and brings into discredit the Police Force, many members of which have been dismissed in pursuance of an energetic campaign in the interests of morality and discipline. Prostitution is, of course, a necessary evil which has afflicted society and the nations of the world from the earliest times, but it has assumed such dimensions that action has become imperative to keep it within reasonable bounds. Prostitution being now governed by Decree No. 964 of October 23rd, 1913, which suppressed the ‘ licensed area ’, but which was not followed by the laws mentioned in the last clause and referred to also in the first article of the executive portion, it has become necessary for the Government to promulgate measures, even if only of a provisional nature, to reduce the evil as far as possible, although it cannot be rooted out altogether or prevented from bringing other mischief in its train. It is necessary — and we are working to this end with some success — that these women should occupy houses adapted to their mode of life, so that there shall be no public display of immorality. Another requirement is permanent medical inspection of prostitutes, which should be provided for by the organisation of an adequate service by the Health Ministry. Thus, without resorting to regulated prostitution, still less making it a source of revenue, which was what Decree No. 964 chiefly sought to avoid, we would have it permanently supervised free of charge by a small and efficient staff. Prostitutes would thus derive considerable advantages from the new system, the health of the younger generation would be protected and the spread of syphilis and other diseases prevented, not to speak of tuberculosis and the use of narcotic drugs and other evils which conspire to produce a degenerate and enfeebled race. Nevertheless, apart from the measures proposed, and as, even assuming a law embodying them is recommended to Congress for promulgation, it cannot be expected that the repressive effect of such a law will be sufficient to bring all the benefits to which we aspire, we must recognise the need of supporting legal action by educative action. The law for the suppression of prostitution must therefore rest upon the following bases : (a) educational and social measures ; (b) repressive and legal measures ; (c) repression and punishment of the traffic in women ; (d) mode of living and health regulations ; (e) hygiene and public health. ”

The important questions connected with the traffic in women are of close concern to all of us, particularly since the world war, perhaps because of the new situation created by the latter in every part of the globe.

The Government is doing all in its power to enforce the Immigration Laws, and all possible steps are taken by the Secret Police, the Public Police Force, and especially the Immigration Department, which is giving the matter its best attention, particularly since Dr. Francisco Hernandez became chief of that department on December 11th last. He has energetically undertaken its reorganisation, particularly as regards the traffic in women. Dr. Hernandez' zeal and initiative in enforcing the observance of the laws on immigration are worthy of all praise. His work can be judged by the following severe measures that he has taken with this end in view.

Women who on arrival at this port state that they have come for the purpose of getting married are kept in the immigration camp while the formalities in respect of their marriage are fulfilled by the Government departments and the consulate of their country, and, once

<sup>1</sup> A lodging with direct access to the street. [Translator's note.]



they are married, they are set at liberty after signing a sworn statement giving their occupation or means of livelihood, their place of residence and other particulars. They are further required to produce a letter signed by some person of established reputation testifying to their good moral character. Those who come alone and without any matrimonial projects are also required to sign a similar sworn statement, and they are handed over only to persons of unquestionable moral character, who in turn become responsible for them. Other women, if circumstances require, are deprived of their passports before they are set at liberty, their photographs and finger-prints are taken and a duplicate is forwarded to the Identification Department. At the same time, the previous records of each case are sent to the different Police Departments for verification of the details they contain. To increase the efficiency of the Immigration Department still further, Dr. Hernandez has made various changes in the personnel and has formed a special section for the "traffic in women" under Dr. Adolfo G. de Bustamente.

Furthermore, the Immigration Department proposes to compile statistics for the whole of Cuba showing the number of houses classified as brothels, together with the nationality of their occupants, and also to obtain statistics, as far as possible, of *souteneurs*.

The number of *souteneurs* has diminished since the suppression of the licensed area and in consequence of the campaign conducted by the Police against this degraded and despicable type of man, and many of those of foreign nationality have left the country on finding themselves closely watched and liable at any time to be prosecuted and brought before the courts.

#### REPLIES FROM THE GOVERNMENT OF CZECHOSLOVAKIA.

##### 1.

March 26th, 1923.

By the law of July 11th, 1922, dealing with the suppression of venereal diseases, Czechoslovakia has abandoned the system of State regulation of prostitution and has abolished the licensed house . . .

As from August 22nd, 1922, the date on which this law came into force, licensed houses have been suppressed in all districts in which Police duties are carried out by Government officials. In the small towns in which these duties are entrusted to independent authorities, the last licensed houses will be suppressed as soon as the decree rendering the provisions of the above-mentioned law effective is promulgated. This promulgation will take place in the near future.

In view of the short time that has elapsed since the above-mentioned law came into force, the Ministry for Foreign Affairs is not yet in possession of sufficient statistical data to show the results obtained by the operation of this law.

##### 2.

March 12th, 1924.

The chief reasons which led the Czechoslovak Government to abolish the system of official regulation are :

It is not possible, in practice, to supervise all the prostitutes in licensed brothels, and only a very small proportion of the total number of prostitutes are inmates of these places.

The system of keeping prostitutes in licensed brothels encourages depravity and cynicism among young people whose morals would not otherwise be exposed to the same temptation. It is well known that licensed brothels are for the most part frequented by youths of 20 years of age ; indeed, in many cases they are regularly visited by lads of 16 or even younger. It is an established fact that venereal diseases occur among pupils at secondary schools in the sixth form and upwards — sometimes even in the fourth form. Moreover, licensed brothels are a source of the perverse stimulation of sexual instincts. They also offer opportunities for the activities of procurers and for the traffic in women.

Those who regularly frequent licensed brothels constantly demand fresh subjects. The result is an intensive and continual interchange of prostitutes from one brothel to another. If there were no licensed brothels the traffic in women would be reduced to a minimum. The demand for supplies of this kind is very active in countries where there is official regulation.

Again, licensed brothels offer facilities for young girls of idle and dissolute character to take the last step towards prostitution. A woman living in a licensed brothel need only concern herself about dress. Everything else — board and lodging — is freely offered to her. The life in licensed brothels has a pernicious effect on women, both morally and physically. The excessive consumption of alcohol, which is one of the obligations of their trade, the long hours spent in unventilated rooms thick with cigar smoke, the idle existence, devoid of any kind of higher aspirations, the lack of sufficient sleep, and the continual excesses ruin the health of even the most robust women in a few years. Women who are predisposed to phthisis are inevitably doomed.

As regards economic conditions, the inmate of one of these houses is a down-trodden creature without rights of any kind. She is entirely at the mercy of the keeper of the licensed brothel. Everything he gives her is placed against her account, so that she is always in his debt and it is impossible — or at any rate very difficult — for her to quit her profession if she wishes to. It is a condition which may be described as modern slavery. Prostitutes in licensed houses are bound to offer themselves, at any moment, to any man, no matter how repulsive. Their human dignity is held of no account. They are often over-taxed sexually; indeed, it is not uncommon for a prostitute to be placed at the disposal of ten — or even more — men in a single night.

The constant promiscuous unions, in the case of some of the prostitutes in licensed brothels, causes them to contract venereal diseases much more frequently than is the case with prostitutes living independently. The former category are more susceptible to contagion. Statistics prepared by Sperk of Petrograd show that on an average a prostitute in a licensed brothel contracts syphilis after three years, while a prostitute living independently escapes infection for five years. As a result of the higher degree of promiscuity in licensed brothels, the danger of venereal contagion is greatly increased. If only one prostitute in each licensed brothel is suffering from a contagious disease in a virulent form, it will be communicated to a large number of men. As the prostitutes in licensed houses are not subject to any health supervision they are an unlimited source of infection.

From the legal point of view, both licensed brothels and officially regulated prostitution can only be regarded as "tolerated". Both procuring and trafficking in women are offences liable to punishment; yet they are both tolerated in the case of licensed brothels, and the administrative authorities do not demand the punishment of these offences, though they are openly committed.

One of the customary arguments for the maintenance of the system of licensed brothels and official regulation is that it is easier to exercise regular health supervision in these places and so to ensure that the women shall be free from infection. It has been pointed out above that all prostitutes suffer, at the least, from chronic gonorrhoea, while one-third of them have latent syphilis. And these are precisely the diseases which receive least attention. If health supervision were really rigorously enforced it would reduce the whole system of official regulation to an absurdity. In confutation of the argument quoted above, it has been proved that the morbidity of prostitutes in licensed brothels as a result of venereal diseases is higher than that of prostitutes living independently.

Another argument used for the maintenance of licensed brothels is that prostitution, when carried on by prostitutes lodged in brothels of this kind, does not offend the moral sense of the public. But it is a fact that the number of licensed brothels tends to decline, even in countries — like France, or Bohemia under the former Austrian regime — where their existence is not subject to any restriction.

3.

November 5th, 1928.

In reply to Circular Letter 123.1928.IV, the Government of Czechoslovakia sent to the Secretariat the following texts of laws :

1. French and English texts of the Law of July 11th, 1922, on the combating of venereal disease.
2. The German text of the Ordinance of October 9th, 1923, for the execution of the above-mentioned law.
3. German text of the Decree of the Minister of Public Hygiene of January 21st, 1924.

The Law of July 11th, 1922, which seems essential, is published almost *in extenso*, whilst the two other texts are kept in the Secretariat for reference.

*Law of July 11th, 1922, on the Combating of Venereal Disease<sup>1</sup>.*

**Chapter I. — Prophylactic Measures to combat Venereal Diseases.**

§ 1.

The venereal diseases to which the present law shall apply are syphilis, gonorrhoea and soft chancre.

§ 2.

*Obligation to undergo Treatment.*

Any person suffering from a venereal disease which is at an infectious stage shall obtain treatment from a doctor authorised to practise (Law of July 15th, 1919, No. 419, of the *Collection of Laws and Decrees*) privately or at a public medical institution.

<sup>1</sup> Note. — This law was published in the *Collection of Laws and Decrees of the Czechoslovak State* as No. 241 for the year 1922. The date of publication is also the date of its entry into force.

§ 3.

*Treatment and Examination of the Destitute.*

If the provisions concerning the free treatment of the destitute prove inadequate, a decree shall be issued prescribing measures whereby every destitute person suffering from venereal disease may be treated at the expense of the State.

§ 4.

*Compulsory Medical Examination.*

Any person accused of an offence or misdemeanour referred to in § 2, 6, 18, 19, No. 1, § 20 or 21 of the present law shall, if there is reason to believe that he is suffering from venereal disease, undergo medical examination (§ 23) at the order of the public authorities.

Such persons may, as a result of the examination, be sent to a medical institution.

The necessary action must be taken as soon as possible and with due consideration for the reputation of the person concerned.

The public authorities (§ 23) may adopt any temporary measures necessary to prevent the risk of infection.

§ 5.

*Compulsory Treatment in Medical Institutions.*

If there is any danger that, by reason of his mode of life or of the non-observance of medical orders, a person suffering from venereal disease may transmit the disease to other persons with whom he is in contact, he may, at the order of the public authorities (§ 23), be sent to a medical institution and kept there until the infectious symptoms have been cured.

§ 6.

*Subsequent Medical Examination.*

Any person who has suffered from venereal disease shall, even after the completion of the treatment, periodically undergo further medical examination when required by the medical officer appointed by the public authorities (§ 23) if the latter think fit.

§ 7.

*Duties of the Doctor treating the Case.*

Any doctor treating a person suffering from an infectious disease shall :

(1) Make a written statement to the public authorities (§ 23) ;

(a) If the patient does not carry out his orders or if for any other reason there is a risk of the infection of another person ;

(b) If the patient discontinues the treatment and fails to prove that he is being treated by another doctor or at a medical institution ;

(c) If he does not fulfil the obligations referred to in § 6 ;

(2) Enquire of the patient the sources of infection and transmit the information given by the latter to the public authorities (§ 23) ;

(3) Warn the patient of the infectious nature of his disease and of the penalties he incurs if he transmits it (§ 18), and, if need be, warn him before he contracts marriage and supply him with printed instructions, which the public authorities (§ 23) will supply to doctors gratis for the purpose.

Where treatment is undergone in medical institutions, the head of the institution (clinic or ward) shall be responsible for the carrying out of the above duties.

§ 8.

*Notification of Venereal Diseases.*

The Ministry of Public Health and Physical Culture shall have the right to require doctors and medical institutions to notify venereal diseases without divulging the names of the persons affected.

§ 9.

*Observation of Professional and Official Secrecy.*

Any doctor treating a patient suffering from venereal disease shall observe strict professional secrecy as to the nature of the disease, except where otherwise provided in § 7, and as to all circumstances relating to the disease, on pain of incurring the penalties prescribed by the relevant penal laws.

Similarly, all persons in any way connected with the execution of the present law shall observe professional secrecy and shall pay due consideration to the patient's reputation.

This stipulation shall in no way affect the legal obligation to give evidence before or make statements to the authorities or courts.

§ 10.

*Prohibition of Treatment by Correspondence.*

The treatment of venereal diseases without a personal examination, by correspondence or by the sending of therapeutic prescriptions, shall be prohibited.

§ 11.

*Prohibition of Improper Offers of Treatment.*

Offers to treat venereal diseases in an improper manner unworthy of the medical profession shall be prohibited.

§ 12.

*Instruction concerning Venereal Diseases.*

The State Administration (§ 29) shall take the necessary measures to have the young given instruction at school and after leaving school, in a manner appropriate to their age, by authorised persons, and more particularly by school medical officers or by persons specially appointed for the purpose, in sexual matters, the dangers of venereal disease and of prostitution, and their prevention. It shall also, in co-operation with social insurance institutions and health organisations and in concert with the Ministry concerned, take steps through the Press to have the public given general instruction in regard to venereal disease.

**Chapter II. — Prostitution.**

§ 13.

*Abolition of Police Regulations.*

All police and administrative measures hitherto regulating the supervision of prostitution shall be abolished.

§ 14.

*Abolition of Licensed Houses.*

It is forbidden to open or keep a disorderly house under pain of prosecution as provided by penal law on procuring.

§ 15.

*Reformatories for Prostitutes.*

The State Administration (§ 29) shall, if need be, undertake to provide establishments affording professional prostitutes temporary shelter and an opportunity of reform.

§ 16.

*Supervision of Juveniles addicted to Immoral Practices.*

Persons of either sex under 18 years of age who are addicted to immoral practices shall be placed under special supervision by the public authorities, and, if necessary, appropriate measures, as provided by law, shall be taken with a view to the reform of such persons.

The foregoing provision shall be enforced by decree pending the promulgation of a law concerning the protection of children.

**Chapter III. — Provisions for the Enforcement of the Law.**

§ 17.

*Penalties.*

Any infringement of the present law or of the decrees issued for its application which is not punishable by the courts shall be punished by the civil authorities in Slovakia and in Sub-Carpathian Russia by the administrative Police authorities (§ 23) by a fine of from 50 to 10,000 crowns or imprisonment of from 1 to 30 days.

The fine shall accrue to the State.

§ 18.

*Health undermined or ruined by Venereal Disease.*

Any person who through negligence places another person in danger of venereal infection by cohabitation or by any other act shall be guilty of an offence punishable by the courts, the penalty for which shall be imprisonment for from 1 day to 1 month or a fine varying from 50 to 10,000 crowns.

Any person who, by cohabitation or any other means, knowingly places another person in danger of venereal infection shall be guilty of an offence punishable by from 14 days' to 8 months' imprisonment.

If the person endangered is married, betrothed or a companion to the offender, the latter shall be publicly prosecuted, but only if the complaint is lodged by the endangered person. If no complaint is lodged with the courts or with the public prosecutor within 3 months of the date on which the person is entitled to lodge it becomes aware of the offence and of the identity of the party implicated, no proceedings may be taken.

Any person who deliberately infects another with venereal disease shall be punishable in accordance with the law concerning serious bodily injury (Articles 154 to 166 of the Penal Code dated May 27th, 1852, of the Imperial Legal Code and Articles 303 to 306 of the Penal Law, Article V, of 1878).

If the offence was committed for gain, a fine of from 100 to 20,000 crowns may in all cases be imposed in addition to the penalty of imprisonment.

§ 19.

The following shall also be punished under Article 17 :

(1) Any woman who, suffering from syphilis, accepts and keeps a situation as wet-nurse to an infant not suffering from the disease ;

(2) Any person who employs or keeps in the vicinity of a syphilitic infant a wet-nurse not suffering from the disease ;

(3) Any person who places and leaves a syphilitic infant in the care of other persons without revealing to them the nature of the infant's disease.

If there are attendant circumstances such as those referred to in § 18, the act shall be punishable by the courts as provided in that article.

§ 20.

*Incitement to Prostitution.*

The following persons shall be held guilty of a misdemeanour punishable by the courts :

(1) Any male who incites to or female who offers herself for prostitution in a manner calculated to cause offence or to injure public morals ;

(2) Any person who attempts to induce another person under 16 years of age to engage in prostitution.

The penalties in such cases shall be from 1 day's to 1 month's imprisonment, or a fine of from 50 to 10,000 crowns, and, if the offence is committed by a professional prostitute, 14 days' to 6 months' imprisonment. A fine of from 50 to 10,000 crowns may be imposed in addition.

If, under the general penal laws, the action is liable to a severer penalty, the latter shall be applied.

§ 21.

*Prostitution harmful to Public Morals.*

Any person who practises prostitution in a manner detrimental to the morals of the inhabitants of the house or of the neighbours shall be liable to a penalty of from 1 day's to 1 month's imprisonment, and if any exhibition has intentionally been given which is injurious to the morals of the young, such person shall be liable to imprisonment for from 14 days to 3 months.

§ 22.

*Prosecution of Members of the Armed Forces.*

Legal proceedings on account of misdemeanours falling under the jurisdiction of the courts in virtue of Articles 18 and 21 shall be taken by the military and naval courts in the case of persons subject to the jurisdiction of the said courts.

(Part IV contains general provisions of a merely administrative character ; it is therefore unnecessary to quote it here.)

REPLY FROM THE FREE CITY OF DANZIG.

December 16th, 1925.

Licensed houses do not exist in Danzig.

REPLY FROM THE GOVERNMENT OF DENMARK.

1.

September 14th, 1923.

I have the honour, in accordance with instructions received from my Government, to inform you that neither the Danish Law No. 54, dated April 11th, 1901, prohibiting licensed houses, nor the Danish Law No. 81, dated March 30th, 1906, concerning the abrogation of other decisions with regard to State regulation, was enacted as a result of experience or observations connected with the traffic in women and children.

2.

January 6th, 1927.

I have the honour to inform you, in pursuance of my Government's instructions, that licensed houses were prohibited by a Danish law dated April 11th, 1901. This prohibition was confirmed by a law dated March 30th, 1906, which abolished police regulation, together with prostitution not practised in licensed houses.

The prohibition of licensed houses also figures in a draft law introducing a penal code which has been laid before Parliament by the Government.

3.

December 5th, 1928.

The first result of the movement which took place in Denmark at the end of the last and the beginning of the present century with the object of prevailing upon the Legislature to abolish the licensed brothel system was seen in 1895. In March 1895, an Act was passed providing in the first place that no girl under 18 years of age should reside in a licensed house, and, secondly, withdrawing the powers of the Police to require women placed under police supervision to reside in licensed houses. The next step was an Act of April 11th, 1901, which absolutely prohibited under severe penalties the keeping of brothels (licensed houses). No infringements of this enactment have occurred, and the prohibition remains in force. No proposal to return to the system of toleration has been made from any quarter since 1901, and since the introduction of the prohibition the Police have encountered no difficulties due to the fact that brothel-keeping is forbidden. The prohibition is also retained in a draft of a new general penal law which the Danish Government has introduced in the Rigsdag.

Already in 1901 it was easy to foresee that the abolition of licensed houses would be followed by that of the Police regulation of prostitution in general; and this was actually effected by an Act of March 30th, 1906, which came into force on October 11th of the same year. In the course of the debate on this law, protests were indeed made against the abolition of police regulation, which was held to be undesirable on grounds of hygiene and public order. The current of opinion which pressed for the abolition of regulation was, however, far the stronger, and a retrospect of the twenty-two years that have passed since the abolition, and an estimate of the progress made during that time, will show that such apprehensions were unjustified. Simultaneously with the abolition of regulation, a system was established on the broadest lines whereby free treatment for venereal disease was made available to all, and it was recognised as a universal right and duty to undergo treatment. This had already been sanctioned by Danish law some time earlier, but the development of the system had been held back by the view then taken that prostitutes (of whom at any time only a minority came under supervision) were the only sources of the spread of venereal disease. The widest advantage is taken of this universal and unrestricted access to free treatment, and the system established in connection with it, which aims at securing control of persons in need of treatment as soon as the disease begins and retaining it to the end, is working satisfactorily. It should be specially remarked that there is no reason to suppose that the measures of compulsion embodied in this system — which are employed with discretion — have any tendency to deter persons suffering from venereal disease from going to a doctor, though at the beginning such a development was feared in certain quarters. It is worth mentioning that in Copenhagen the number of cases of venereal disease notified in 1926 per 10,000 of the population was as follows: gonorrhœa, 114 cases; ulcus venereum, 3 cases; and syphilis, 27 cases. The corresponding figures in 1927 were 102, 2 and 21; in 1885, 212, 51 and 66; in 1895, 118, 13 and 40; and in 1907, 129, 17 and 45. Although various special factors enter into all statistics of venereal disease, it is safe to say that, so far as concerns Denmark, the rise and fall in the number of notified cases of venereal disease cannot be referred to the existence or non-existence of a system of regulated prostitution.

From the point of view of public order, the first few years after the abolition of regulation in 1906 certainly produced some difficulties, primarily due to the fact that some of the prostitutes who had formerly been required to live in certain streets moved, but at the same time retained their habit of meeting one another daily, and now used street-corners as their rendezvous and place of operations.

Thanks to the provisions of § 2, paragraph 1, of the above-mentioned Act of March 30th, 1906, and to the Copenhagen Police regulations — whereby soliciting in the public street or

way or any public place is prohibited, and the Police may forbid individual prostitutes to remain at a specified street-corner or corners or within a given distance in either direction — it has been found possible to keep the streets of the city tolerably free from soliciting and other annoyances on the part of prostitutes, and to prevent them from meeting in the streets or public places. Annoying behaviour on the part of prostitutes was, of course, by no means unknown before the abolition of regulation.

Besides abolishing regulation, the Act of March 30th, 1906, directed the Police that they may employ the provisions of the Vagrancy Act against prostitutes. This direction has been followed, and the practice that has developed is partly responsible for the fact that the bounds of public order and decency are not overstepped. The persons against whom the Vagrancy Act can be used are primarily those who make it plain by their behaviour in the street that they have no occupation but seek to make their living by prostitution.

REPLY FROM THE GOVERNMENT OF THE DOMINICAN REPUBLIC.

November 9th, 1926.

Prostitution is prohibited in our country in virtue of Article 22, paragraph 2, of the Health Law, which states: "Prostitution is declared to be a fertile source of venereal disease, and therefore the repression of prostitution is hereby declared to be a measure of public health".

I am glad, therefore, to inform you that the opinion of the Government of the Dominican Republic is completely opposed to the system of licensed houses.

REPLY FROM THE EGYPTIAN GOVERNMENT.

November 4th, 1926.

The Egyptian Government has no further observations to make on this subject (licensed houses). All the information it possesses on these questions has been communicated to the representative of the special Committee of Experts appointed by the Council of the League to enquire into the traffic in women and children during the enquiry which he conducted in Egypt in April and May 1925.

The reply in question is as follows:

A. *Province of Alexandria.*

1. There is no traffic in women in Alexandria such as is practised in Europe and elsewhere.

(a) *Licensed Houses.* — These houses are inhabited by prostitutes who have been carrying on their profession for a long time and have come from a great number of places. These women can be divided into two classes:

(1) Women employed by the keepers of the houses, who retain the whole of their earnings and provide them in return with lodging, food and clothing. It sometimes occurs, when women are transferred from one house to another, that keepers, who are natives of the country, claim to have made payments on their behalf for sums due to their former employers — the object being to make the women stay as long as possible.

(2) Women who retain the earnings of their trade and only pay the keepers of the licensed houses for their board and lodging. Generally, women of this class have male friends to whom they give the whole or part of their earnings.

It should be noted that there is no systematic sale of women to the keepers of licensed houses in Alexandria.

The procurers or male friends of the prostitutes have either entered the country in company with them or have made their acquaintance on the spot; their sole object is to make profits for themselves out of the women.

(b) *Clandestine Houses.* — These houses are frequented, either with or without their husbands' consent, by married women whose incomes are insufficient for their luxurious tastes; by girls who are exploited by unprincipled parents; and by young women who have fallen victims to procurers and continue in their mode of life.

Women connected with procurers also frequent these houses, and also women who have been previously registered but who, for some reason, have succeeded in eluding the supervision of the Bureau of Public Morals.

As far as we are aware, there is no organised body carrying on traffic in women; up to the present, only individual cases have come to our knowledge.

It should, however, be noted that when girls apply to domestic service agents for employment, attempts are sometimes made to procure them for prostitution.

2. The only case that has come to our knowledge of women being brought into the country, apart from those introduced by their procurers, is that of some keepers of licensed houses who went to Europe and returned with women (professional prostitutes), whom they succeeded in bringing into the country.

3. Morals have been affected by the world war in Egypt as elsewhere, and luxury and sensuality have prevailed over feelings of honour both in men and women.

4. The existing associations are: The International League for the Suppression of Traffic in Women and Children, which enjoys the patronage of the Governor of Alexandria, and the Sisters of Deliverance, who assist and support unprotected women and girls who have arrived in Egypt for the first time.

5 (a) and (b). As the Bureau of Public Morals of Alexandria has no statistics which would furnish the details requested, we give a list of registered women for the years 1918 to 1923:

*Women under the Supervision of the Alexandria Police (Bureau of Public Morals)  
for the Years 1918-23.*

Nationality	1918	1919	1920	1921	1922	1923
Armenian .....	—	2	—	—	—	—
American .....	—	—	—	1	1	1
Austrian .....	—	3	1	—	—	2
Belgian.....	—	—	1	—	—	—
Bulgarian.....	—	—	1	—	—	—
Spanish .....	4	2	1	9	4	5
French .....	43	34	116	122	136	98
Greek .....	99	119	183	153	132	103
Italian .....	151	143	178	150	138	129
Maltese .....	12	8	18	12	12	13
Russian .....	18	26	21	28	25	18
Roumanian .....	9	12	14	11	7	12
Syrian .....	—	5	59	59	64	61
Local (Moslem, Copt and Israelite) .....	989	986	1,077	936	951	885

(c) As these women are constantly on the move between Alexandria and other towns in Egypt it is extremely difficult, if not impossible, to exercise adequate supervision over their movements.

(d) It is alleged that, in spite of the precautions taken by the authorities, a certain number of women do succeed in entering the country at the instigation of their procurers or of the keepers of licensed houses.

The supervision of women of foreign nationality who are clandestinely engaged in prostitution is impossible, on account of the system of capitulations existing in the country.

**B. Province of the Canal.**

1. There is a continual influx of French women into Egypt for the purpose of prostitution. They enter by the steamers of the Messageries Maritimes, particularly by the s.s. *Lotus* and the s.s. *Sphinx*. They travel as stowaways, without passports or identification papers, with the assistance of the sailors, and it is believed that they hide in the coal-bunkers.

The captains of these vessels state that they cannot put a stop to this traffic as they are unable to search the bunkers on account of the aggressive attitude and dangerous character of the coal-trimmers, who are, for the most part, men of the type of Corsican bandits.

Only last week five women were arrested at Port Said when endeavouring to land from vessels of the Messageries Maritimes coming from Marseilles.

Evidence exists that there is an organisation for obtaining these women. On one occasion a local procurer and on another occasion the keeper of a licensed house at Cairo went to meet them in order to help them to land.

These women generally go on shore at Alexandria, which is the first port of call, and where it is easier to land than at Port Said, since, in the former port, the vessels stay longer and are berthed alongside the quay, whereas at Port Said they are moored to buoys in the middle of the Canal.

2. We have no proof of prostitutes being obtained in Egypt for despatch abroad, but the principal source from which they are drawn for this country is France.

3. The traffic in girls under age has almost ceased.

4. The International League for the Suppression of the White Slave Traffic and the Protection of Girls and Women has maintained a branch at Port Said since 1914; a detailed report on its work is sent each month to its parent organisation, the International Vigilance Association in London.



REPLIES FROM THE ESTONIAN GOVERNMENT.

1.

April 16th, 1923.

There is no system of licensed brothels in Estonia. The supervision and control of prostitutes in Estonia are effected by the authorities of the Central Health Administration. Twenty-two foreign women are registered as prostitutes in Estonia. The Central Health Administration, which is entrusted with the official regulation of the matter, shares in principle the view expressed by the Assembly and considers that the question should be discussed in detail with a view to drawing up an agreement embodying that view.

REPLY TO C.L.123.1928.IV.

2.

November 20th, 1928.

No licensed houses have existed in Estonia since the creation of the Republic, the health departments of the autonomous district and municipal administrations having refused to grant the necessary permits for opening such establishments. The steps taken by the local authorities were later confirmed and supplemented by the Regulation for the prevention of prostitution and the venereal diseases connected therewith promulgated by the Department of Public Health and published in the *Riigi Teataja* (Official Gazette), No. 18, of 1921. A supplementary Regulation amending this measure was issued in 1922 (*Riigi Teataja*, No. 90, of 1922).

General guiding principles for the campaign against the evils of prostitution are also found in paragraphs 324 and 325 of the Law on Public Order and Security, an English translation of which is given below.

Among the Regulations issued on this subject by the local autonomous administrations should be mentioned the Compulsory Regulation concerning Hotels and Furnished Apartments issued by the Municipal Council of the City of Tallinn and published in the *Riigi Teataja* (Official Gazette), No. 89/90, of 1925; paragraph 36 of this Regulation prohibits the renting of rooms or flats for immoral purposes.

Translations of the texts of the first two Regulations mentioned above and of extracts from the Regulation of 1925 are given below.

I.

CODE OF LAWS, VOLUME XIV, 1916 EDITION, LAW OF PUBLIC ORDER AND SECURITY.

Chapter X. — Measures against Prostitution.

324. It is an offence to open one's own house or a house held on lease, by day or night, for the purpose of prostitution, and to enter a house in order to earn money either as a prostitute or from the prostitution of others. — April 8th, 1872 (15379), Article 221; March 23rd, 1893 (12166), Article 34.

*Note.* — Public Health Police Committees have been formed for the supervision of prostitutes. The work of these committees is governed by rules specially issued for that purpose. — October 8th, 1843 (17213); July 4th, 1844 (18047); August 7th, 1845 (19261); October 16th, 1845 (19402); December 18th, 1845 (19530); August 31st, 1848 (22542); November 9th, 1848 (22724); October 18th, 1849 (23582); July 31st, 1851 (25461).

325. Gatherings of prostitutes and disorderly crowds are never in any circumstances permitted, but are dispersed by the Police. — April 8th, 1872 (15379); Articles 122, 263; April 14th, 1828 (1958); June 3rd, 1837 (10306), § 103.

II.

REGULATION ISSUED BY THE CENTRAL ADMINISTRATION OF PUBLIC HEALTH FOR THE PREVENTION OF PROSTITUTION AND THE VENEREAL DISEASES CONNECTED THEREWITH.

(*Riigi Teataja* (Official Gazette), No. 18, 1921.)

§ 1. All persons whose premises are occupied or frequented by prostitutes must notify the following authorities within 48 hours: in the districts, the Public Health Section of the Autonomous Administration; and in the towns, the Health Section of the local municipality.

§ 2. Prostitutes are only allowed in premises which have been registered by the Health Section and established in accordance with the latter's instructions.

§ 3. The lessee may not exercise any pressure on the prostitute nor interfere in the relations between the prostitutes and her visitors, nor attempt to make any profit therefrom.

§ 4. The owner of the premises must notify the Health Section within 24 hours of a prostitute's departure or change of residence.

§ 5. Prostitutes must be medically examined on the days and at the place appointed by the medical officer of the Health Section.

*Note.* — Should sickness or other circumstances prevent the execution of the above provision, the prostitute or lessee must notify the fact to the medical officer of the Health Section within 24 hours.

§ 6. The competent officials of the Health Section and Health Police are authorised to require any suspected woman to produce her health certificate and other information concerning her person, place of residence and occupation.

*Note 1.* — Women against whom a complaint has been made on good grounds or by a trustworthy person, or who are manifestly guilty in public of an offence against morality, are considered suspected women.

*Note 2.* — No complaints will be received unless they contain the exact name and address of the complainant and supply proper evidence. The name of the complainant will be kept secret should he so request.

§ 7. Any suspected person referred to in paragraph 6 who is unable to produce a health certificate must obtain the required document within 24 hours.

*Note 1.* — Health certificates are issued free of charge by the medical officer of the Health Section. Private medical practitioners may also issue such certificates on the authority of the Health Section.

*Note 2.* — Should a suspected person who has been referred to a medical practitioner by a competent official of the Health Section or by the Health Police be found to be suffering from venereal disease, the medical practitioner must notify the Health Section within 24 hours.

*Note 3.* — The following are considered as venereal disease, whatever part of the body may be affected : gonorrhœa, syphilis and venereal chancre.

§ 8. Venereal patients, male and female, who are liable to communicate the disease to others are subject to compulsory treatment and are placed in special hospitals for this purpose.

§ 9. Suspected women, referred to in § 6, suffering from venereal disease may, with the permission of the Health Section, obtain treatment from private medical practitioners authorised thereto by the Section ; in that case, they must submit to the Section certificates of treatment issued by the private medical practitioners in question in accordance with the prescribed requirements.

§ 10. Sexual intercourse is forbidden to persons suffering from venereal disease in its contagious stage.

§ 11. At the time of examination or during the medical treatment of a person suffering from a contagious venereal disease, the medical officer must draw the attention of the patient to the possibility of the disease being communicated to others and the manner in which it may be communicated, and also to the prohibition contained in § 10.

§ 12. Husbands of prostitutes, and *souteneurs*, must not prevent the regulations laid down by the Health Section concerning prostitutes from being carried out.

§ 13. Offences against the present regulations, refusal to undergo compulsory treatment for the above diseases, absence from hospital without leave, and failure to return at the proper time on being allowed out are punishable under Article 29 of the Penal Code of the Justices of the Peace.

§ 14. The Health Section and its subordinate authorities are responsible for supervising the application and execution of the present regulations.

§ 15. The Compulsory Regulation for the Prevention of Prostitution and the Venereal Diseases connected therewith, published in the *Riigi Teataja*, No. 75/76, of 1920, will cease to be in force as from the date of publication of the present regulations.

### III.

#### REGULATION AMENDING NOTES 1 AND 2 TO § 6 OF THE REGULATION FOR THE PREVENTION OF PROSTITUTION AND THE VENEREAL DISEASES CONNECTED THEREWITH.

(*Riigi Teataja* (Official Gazette), No. 90, of 1922.)

§ 1. Notes 1 and 2 to § 6 of the Regulation for the Prevention of Prostitution and the Venereal Diseases connected therewith are amended as follows :

*Note 1.* — Women against whom an accusation has been made on good grounds to the Health Section are considered suspected persons if the information supplied is confirmed by observation carried out secretly, each detective officer being held personally responsible for the accuracy of his reports. Only after this procedure may the woman in question be summoned to attend an enquiry and undergo medical examination.

*Note 2.* — The names of the complainant and of the officer making the report are kept secret if the information is confirmed by the medical officer's visit (examination), otherwise the names of the evilly disposed complainant and of the officer who obtained the information are communicated to the woman.

Done on July 11th, 1922.

IV.

COMPULSORY REGULATION CONCERNING HOTELS AND FURNISHED APARTMENTS, ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF TALLINN, APRIL 22ND, 1925.

(Promulgated under § 108, p. 18, of the law regarding towns.)

(*Riigi Teataja* (Official Gazette), No. 89/90, of 1925.)

§ 1. A permit from the municipality is necessary in order to open an hotel or let furnished apartments.

*Note 1.* — In the text of the present compulsory regulation, hotels and furnished apartments are referred to as "establishments".

*Note 2.* — Establishments are held to be hotels or furnished apartments, whatever the number of rooms rented :

(a) If a public announcement is made to that effect by means of a permanent sign or public advertisement ; or

(b) If rooms are habitually let for a shorter period than one month.

*Note 3.* — The following are not held to be hotels or furnished apartments :

(a) Premises the tenant of which lets one or more rooms to individuals or families (sub-tenants) for at least one month ;

(b) Furnished lodgings let by the owner of the house for at least one month.

.....  
§ 34. Servants and other persons employed in establishments must be tidily and properly dressed ; women servants must be at least 20 years of age.

No person suffering from cutaneous or contagious venereal disease may be employed in an establishment. Owners of establishments must cause all persons employed therein to be examined by the medical officer of the establishment before beginning their employment, and subsequently at least once a month. The results of the visit (examination) are registered by the medical officer in a book kept for that purpose, which can at all times be inspected by the medical officers appointed by the municipality for the supervision of public health ; such officers are also entitled to verify at any time the state of health of the persons employed in the establishment.

*Note.* — The health inspection book must contain the following particulars : (1) Registration number ; (2) Date of medical examination ; (3) Name and christian name of employee ; (4) Age ; (5) The medical officer's remarks concerning the state of health ; (6) The medical officer's signature.

.....  
§ 36. The renting of premises for the purposes of prostitution is prohibited.

§ 37. Minors under 18 years of age, with the exception of those arriving from outside Tallinn, may not enter an establishment unless in the company of their parents or other members of their family.

§ 38. Every establishment must keep a registration book and a house-book. In the registration book are entered the names of all persons who stay less than 24 hours in the establishment ; those who stay more than 24 hours are entered in the house-book. The management is authorised to require all guests to produce their identity certificates, passports or other corresponding document.

*Note.* — The registration book must contain the following particulars : (1) The numbers of rooms in which visitors have stayed ; (2) Name and christian name of visitor, father's name, nationality or citizenship ; (3) Year of birth ; (4) Identity document ; (5) Date of arrival and place from which the visitor came.

The house-book must contain the same particulars and, further, a column headed : " Date of departure and place of destination ".

REPLY FROM THE FINNISH GOVERNMENT.

1.

August 7th, 1924.

The system of official regulation of licensed houses of prostitution (in a certain number of towns) was abandoned in Finland in 1907 for general humanitarian and moral reasons having no connection with the question of the traffic in women and children, which has never been practised in Finland.

2.

November 14th, 1928.

Four texts relating to the measures taken after the abolition of State regulation in Finland are quoted below :

1. Resolution of the Senate of May 16th, 1907, abolishing controlled prostitution.
2. Regulations of May 16th, 1907, for the Health Office established for the prevention of venereal disease.
3. Instructions of May 16th, 1907, for the medical health officer and his assistant of the Health Office.
4. Instructions for inspectors attached to the Health Office established for the prevention of venereal diseases approved by the Health Commission of the Municipality of Helsinki on February 12th, 1926.

EXTRACT FROM THE FINNISH REPLY TO C.L.123.1928.IV OF JULY 20TH, 1928.

RESOLUTION OF THE SENATE ABOLISHING CONTROLLED PROSTITUTION.

(Helsingfors, May 16th, 1907.)

In virtue of the power conferred on it, the Senate has seen fit to decide that controlled prostitution, including the registration and medical examination of prostitutes, instituted in certain towns under the Order of May 28th, 1894, and containing detailed provisions concerning prophylactic measures against venereal disease, shall be abolished ; at the same time, the Senate gives instructions that new regulations must be drawn up without delay concerning the measures to be adopted for combating venereal disease in the aforesaid towns, and that the new regulations should provide that measures for which the Police authorities were responsible under the earlier Order ought henceforward preferably to be entrusted to the health authorities.

REGULATIONS FOR THE HEALTH OFFICE ESTABLISHED FOR THE PREVENTION OF VENEREAL DISEASE<sup>1</sup>.

(Confirmed by the Senate on May 16th, 1907.)

Article 1.

The Health Office, established for the prevention of venereal disease, shall be responsible for keeping a strict watch on the appearance and spread of venereal disease and facts connected therewith, for taking all necessary steps to check the dissemination of venereal disease, for helping prostitutes to reform, and for preventing persons who are obviously leading an immoral life from becoming professional prostitutes.

Article 2.

The Health Office, which is under the immediate direction of the Health Commission and the supervision of the chief municipal health officer, shall be composed of a qualified doctor acting as director, a chief secretary, an assistant with a knowledge of medicine, and a suitable number of inspectors (or inspectresses) ; the last named shall be appointed by the Health Commission.

Article 3.

The Health Office shall, in the exercise of its functions, observe the instructions contained in the Decree of May 28th, 1894, relating to prophylactic measures against venereal disease, wherever these are applicable, and in the Order of the same date containing detailed instructions as to the measures to be adopted ; the medical health officer shall, however, determine the details of the work of the Office.

Article 4.

There shall be a medical post working in close touch with the Health Office to give treatment and to examine persons suspected of communicating venereal disease, who, under Article 4, paragraph 4, of the Order of May 28th, 1894, must undergo medical examination.

Article 6.

The Health Office shall be assisted by the police to the extent provided for by the Decrees in force.

<sup>1</sup> Articles 5 and 7 concern days on which the Office shall be open and staff leave, details which are of no importance for the present purpose.

INSTRUCTIONS FOR THE MEDICAL HEALTH OFFICER AND HIS ASSISTANT IN THE HEALTH OFFICE.<sup>1</sup>

(Confirmed by the Senate on May 16th, 1907.)

*Article 1.*

The doctor in charge of the Health Office established for the prevention of venereal disease must be a recognised doctor of Finnish nationality and a specialist in venereal disease; he shall be nominated by the Health Commission and elected by the Municipal Council for a period of six years.

*Article 2.*

The doctor must keep a close watch on all circumstances in the town and its neighbourhood likely to promote the spread of venereal disease; he must endeavour to prevent the disease and check its extension. He shall keep the Health Commission constantly informed as to the nature, extent and variation of such disease and make any suggestions required by the situation.

*Article 3.*

It shall be the duty of the doctor to supervise the Health Office and the medical post and to see that the latter is constantly supplied with modern and suitable material, apparatus, instruments, medicaments, dressings, disinfectants, etc., and also that his subordinates perform their duties satisfactorily.

*Article 4.*

In accordance with the reports and communications submitted concerning persons suspected of communicating venereal disease, the doctor shall, after careful consideration, take such steps as are best suited to each individual case.

*Article 5.*

The doctor shall endeavour in a friendly spirit to induce persons addicted to immoral practices to consider the risks to which they are exposing themselves (risks which are also a public menace) and shall do his utmost to prevail upon them to reform.

*Article 6.*

The doctor shall also be in attendance at the medical post on all working days, and shall carry out his examinations and treatment in accordance with the most recent scientific practice.

*Article 7.*

Medical examinations must be carried out in a manner which does not offend against decency or morality; men and women must not be examined on the same occasion, nor depraved persons with the young and less corrupt. Large numbers of persons must not be brought together for examination.

*Article 8.*

If, on medical examination, a person is found to be suffering from a venereal disease or if his symptoms are such as to call for clinical treatment, the doctor must, should such a step appear to be necessary to prevent the risk of infection, send that person to a public hospital or to the special municipal hospital for venereal cases.

*Article 9.*

The doctor must frequently re-examine and carefully watch the condition of any person he has examined and found to be suffering from syphilis at the infectious stage, but who does not absolutely require clinical treatment. He must also keep under observation and frequently examine other persons who have come before him and whose manner of living obviously renders them liable to communicate venereal disease.

*Article 10.*

The doctor must keep a record of his work and submit reports and other communications to the municipal Health Commission at the dates and on the forms required by that authority. He must also supply the Medical Board and the municipal Police with the necessary statistics and lend his assistance within the scope of his activities in any other manner that the authorities may require.

---

<sup>1</sup> Articles 11 and 12 are purely administrative and hence are not reproduced here.

INSTRUCTIONS FOR INSPECTORS ATTACHED TO THE HEALTH OFFICE ESTABLISHED FOR THE PREVENTION OF VENEREAL DISEASE.

(Approved by the Health Commission of the Municipality of Helsingfors on February 12th, 1925.)

*Article 1.*

Inspectors attached to the Health Office, who shall be under the direct authority of the Inspectorate-General, must strictly observe the orders of the doctor or of his assistant, carry out the duties appointed for them by the latter and submit a daily report on their work.

*Article 2.*

An inspector must go on his rounds in the streets, gardens and other places in the town which are the habitual resort of idlers, keeping to the time-table made out by the doctor, and watch the movements of suspected prostitutes; as soon as he is convinced that such suspicions are well-founded, he shall, after furnishing evidence of his official capacity, request the suspected person to report to the Health Office or to produce, within a given period, a health certificate of the regulation type.

*Article 3.*

When carrying out his duties, an inspector must bear in mind that the work of the Office is confidential; he must proceed with the greatest tact and discretion, and must act in such a way as not to convey the impression that he approves of immorality; he must therefore have no dealings with prostitutes nor accept invitations or gifts from them.

*Article 4.*

An inspector is not empowered to arrest or take any person to the Health Office or the Police station. If the person requested to report to the Health Office fails to appear, the inspector, having obtained special authorisation in each case from his chief, may call upon the Police to bring the person in question to the Office.

*Article 5.*

An inspector is not empowered on his own initiative to fetch persons who are to be brought to the Office from their place of work, but must suggest the step to the Inspectorate-General. The latter may, if need be, detail a woman attached to the Office for the duty.

*Article 6.*

If an infected person who is to be taken to hospital desires first to go home or settle important business, the inspectress may, after due enquiry, authorise him or her to do so; in that case, she must request the inspector to accompany the infected person; the former must see that the person in question on no account enters a café, restaurant or shop to make purchases.

*Article 7.*

Inspectors must not divulge to unauthorised persons any information they obtain while carrying on their duties.

\* \* \*

Finland also communicates the Decree of May 28th, 1894, concerning measures against venereal disease. As this Decree, with the exception of Article 7, which dealt with regulated prostitution, is still operative, its contents are summarised as follows:

The medical and Police authorities in towns and rural communes are required to take appropriate measures for checking the spread of venereal disease, and in particular to supervise prostitutes.

When it is obvious, or when there is good reason to believe, that a person is suffering from syphilis, his or her employer within the meaning of the law, as well as the doctor, midwife or vaccinator in so far as they are not bound by professional secrecy, the administrative authority and the Police are required without fail to report the infected person to the Health Board or the Municipal Board in the manner prescribed. In the absence of these institutions, the report must be made to the competent administrative authority.

Medical examination or, alternatively, a doctor's certificate is compulsory for persons who, by reason of their immoral life or other circumstances, are liable to communicate syphilis. Sometimes a whole urban or rural community may be required to undergo medical examination, failing production of a doctor's certificate proving that the holder is not suffering from the disease. Infected persons may be sent to hospital if they are otherwise likely to spread the disease.

The other articles relate to costs of treatment and the penalties for infringement of the Decree. Article 9 prescribes that any physician with a Finnish degree is qualified to issue health certificates, and, lastly, Article 11 contains special provisions regarding the health of the army.

REPLY FROM THE FRENCH GOVERNMENT.

November 20th, 1926.

The question raised in your circular letter No. 84(a) concerns licensed houses. As regards this point, I would refer you to the repeated declarations of the French delegate on the Advisory Commission. While the problem of prostitution might, as M. Labrousse suggested in the Fifth Committee of the last Assembly, be examined as part of a general scientific study, the system of prostitution and licensed houses, considered in its administrative aspect, remains, in the French Government's opinion, a purely domestic matter, governed by the national legislation of the individual States or by the regulations of their autonomous administrative authorities: it is outside the competence of the Advisory Commission.

REPLIES FROM THE GERMAN GOVERNMENT.

1.

April 24th, 1924.

No data are available in Germany regarding the influence of houses of prostitution on the traffic in women and children. As regards the question whether the suppression of these houses would contribute to the effective combating of this traffic, the opinions of the police authorities are divided. Some of them have pronounced themselves in the affirmative, because these houses, in order to carry on their trade, need to procure women and to renew their supply from time to time, thus providing the traffickers with a market. Some police administrations, however, state that they have never noted any connection in their district between houses of prostitution and the traffic in women. Another police administration has expressed the opinion that houses of prostitution placed under due supervision would be more likely to prevent the traffic in women than to encourage it. In one quarter it has been suggested that licensed houses might be used for the purpose of discovering traffickers.

2.

November 24th, 1926.

In reply to your letter of July 8th last (C.L.84.1926.IV) addressed to the Minister of Foreign Affairs for the Reich, I am instructed to inform you that no new reports regarding the influence of the system of licensed houses on the traffic in women have come to the knowledge of the German Government.

3.

April 9th, 1927.

.....  
Paragraph 16 (1) of the Law on the combating of venereal diseases dated February 18th, 1927, has been embodied in paragraph 180 of the Penal Code as a supplement which penalises the maintenance of a brothel or of a similar establishment as constituting procuring.

4.

September 19th, 1928.

.....  
In Germany, the keeping of brothels and similar establishments and the concentration of prostitutes in certain localities (*Kasernierung*) are prohibited under paragraphs 16, I, and 17 of the Law of February 18th, 1927<sup>1</sup>, concerning the campaign against venereal diseases. This provision is compulsory also for the individual States of the Reich; consequently, such establishments no longer exist in Germany.

REPLY FROM THE BRITISH GOVERNMENT.

1.

May 16th, 1925.

No system of licensed houses exists nor has any such system recently been abandoned.

The system, however, of licensed houses is closely connected with the wider question of official or State regulation of prostitution, and it is thought that a short account of the

<sup>1</sup> This law introduces amendments to the Penal Code, some of which are quoted in the second part of the Experts' Report, while others will be included in the " Digest of Laws concerning the Traffic in Women and Children ". It would not be advisable to publish the whole of the law which makes the treatment of venereal diseases compulsory unless it were accompanied by a commentary by competent authorities. Otherwise the extent of purely medical and technical details would hide its probable effect on public health, morals and order.

experience of Great Britain in this direction may be of value to the Advisory Committee and to the Members of the League of Nations. About sixty years ago, Great Britain made a definite experiment in official regulation which, as it developed, assumed all the features commonly found in the systems of regulation adopted in many of the continental countries at that time and still retained in some of them. Unlike, however, the continental systems which are based on a general legislative sanction or on legislative sanctions of doubtful validity, the details of the English system had, owing to legal and administrative exigencies, to be embodied in Acts of Parliament. The system of regulation was tested from 1864 until 1886, when the Acts on which it was based were finally repealed. The object of this memorandum is to describe the growth of the system and the methods adopted and to explain the reasons which led to its abandonment.

The system of regulation in England owed its inception to the anxiety of the Naval and Military Authorities in regard to the incidence of venereal disease among sailors and soldiers. It was considered necessary to apply compulsory treatment to women by whom infection was spread, and in 1864 was passed the first of the Contagious Diseases Acts. The title chosen is of some significance, because the Act only referred to one class of contagious disease, namely, venereal disease, and the title therefore tended to conceal the real nature of the legislation. To this reason, coupled with the fact that the scheme was brought forward by the Naval and Military Authorities for the protection of soldiers and sailors and that there was little inclination to discuss in those days what was considered an unpleasant topic, must be attributed the small amount of public attention which the Act received<sup>1</sup> . . .

The Act of 1864, the duration of which was limited to a period of three years, was passed without debate. In the same year, a Committee was appointed by the Admiralty and the War Office to enquire into the pathology and treatment of venereal disease. This Committee was impressed by the unsatisfactory method of obtaining evidence that a particular woman was suffering from disease; it had to be obtained either from men affected, from brothel-keepers or from companions. Influenced evidently by the system adopted in France, they recommended a periodical inspection of all known prostitutes under a well-organised system of medical Police; that surgeons should be appointed in each town to make examinations either at the women's homes or at an appointed dispensary; and that there should be power to send women to hospitals and detain them until cured. One of the members dissented from the recommendations on the ground that periodical examinations could not be made without a system of registration.

In 1866, the Act of 1864 was repealed and a new and more comprehensive statute was passed . . .

Two new places were added to those included in the Act of 1864.

It may be noted that the importance of employing experienced and discreet Police Officers was recognised, and selected members of the Metropolitan Police Force were detailed for the duty. In May 1868, there was a debate in the House of Lords in the course of which it was urged that the Act should be extended to London and other towns which desired to adopt it, and a Bill was introduced by a private member with this object in view, but the Government of the day deprecated this proposal on the grounds of expense and it was dropped. But Select Committees of the House of Lords and Commons were appointed to consider the working of the Act.

In 1868, on the report of these two Select Committees, a Bill was drafted and passed in August 1869. . . .

Until 1869, the passage of the Contagious Diseases Acts and their working attracted little or no public attention; they were regarded as ordinary measures taken for the well-being of the Navy and Army, and their real significance was not realised. When, however, the Act of 1869 was passed and arrangements were made for the more frequent examination of prostitutes, hostile opinion, especially among women, quickly sprang up and developed into a well-organised campaign which became increasingly active, until the Acts were finally repealed. A national association for securing the repeal of the Acts was founded in 1869. The secretary of this association was Mrs. Josephine Butler, whose name is well known in connection with the movement for the abolition of State Regulation. Associated with Mrs. Josephine Butler were women like Florence Nightingale, Harri Martineau and Lydia Becker, and outside England sympathetic support to the movement was given by Yves Guyot, Mazzini and Victor Hugo. Among Englishmen associated with the movement for the repeal of the Acts may be mentioned Jacob Bright, John Stuart Mill and Sheldon Amos. The last-named, who was Professor of Jurisprudence in University College, London, published in 1877 a comparative survey of the Laws in Force for the Prohibition, Regulation and Licensing of Vice in England and other countries — a book which sets out fully the arguments by which the movement was upheld. On the political side, the movement found a staunch supporter in Sir James Stansfield, who held several ministerial offices in Gladstone's first administration, and who is said to have "obscured his political prospects by devoting himself heart and soul to the movement for the repeal of the Contagious Diseases Acts"<sup>2</sup>. In consequence of the agitation in 1870, the Government of the day decided to appoint an

<sup>1</sup> Extracts from laws have been omitted.

<sup>2</sup> *Dictionary of National Biography* (First Supplement, Volume III, page 353).



influential Royal Commission to enquire into the administration and operation of the Contagious Diseases Acts, which reported in the following year. This Commission was not unanimous, but the majority recommended that the periodical examination of prostitutes should be discontinued and that a return should be made to the principle of the Act of 1864, under which a woman found to be diseased should be liable to detention. They also recommended that the system should be extended upon request to any place in the United Kingdom (except London and Westminster) in which proper hospital accommodation was provided, and that it should be partially extended to the Metropolis. No action was taken on the report of this Commission, and the subject continued to be debated with considerable intensity on both sides, and in 1879 another Select Committee of the House of Commons was set up, which did not report until 1882. This Committee decided by eight votes to five to report against the repeal of the Acts. Mr. (afterwards Sir James) Stansfield was a member of this Committee and voted with the minority.

In 1883, a motion was introduced in the House of Commons expressing disapproval of the compulsory examination of women under the Contagious Diseases Acts, and this motion was carried by a considerable majority. The passage of this motion made it difficult for the Government to administer the Acts, and finally, in 1886, they were repealed.

The reasons which prompted the determined opposition to the Contagious Diseases Acts are very fully discussed in Professor Sheldon Amos's books already referred to. They may be briefly summarised as follows. The system of State regulation was introduced and was defended mainly on sanitary grounds — that is to say, it tended to prevent the dissemination of venereal disease. The opponents to the system pointed out that, though it might apparently be successful for a time in a small and limited area, it was bound to fail in the end, because the medical theory underlying the system involved bringing within it all women who were likely to disseminate disease; and, though the net would have to be thrown wider as the area extended, no method could be devised by which all clandestine prostitutes could be included. On the other hand, though the system was not likely to produce the medical results expected, it was diametrically opposed to public interest on moral grounds, because: (a) its success depended on bringing as many women as possible within the registered or inspected class and on making it difficult for them to leave it; (b) that it involved the official patronage of brothels and thus stimulated immorality and the international trade to supply the market of vice. Further, it was argued that the police supervision involved in the system was liable to grave abuse, and that periodical medical examination was degrading to women, the effect of which was intensified as they became more frequent.

This history of the treatment of venereal disease within the last generation has confirmed the unsoundness of the medical theory of the Contagious Diseases Acts, by which treatment was reserved for those persons who qualified for it by being proved to be common prostitutes — that is to say, for one small class of the community rather than for all who need it. A Royal Commission was appointed in 1913 "to enquire into the prevalence of venereal diseases in the United Kingdom, their effect upon the health of the community and the means by which those effects can be alleviated or prevented, it being understood that no return to the policy or provisions of the Contagious Diseases Acts of 1864, 1866 and 1869 is to be regarded as following within the scope of the enquiry". This Commission issued its final report in 1916, and in the introduction to this document it made the following important statement:

"Although the Commission is precluded by its terms of reference from considering the policy of the Contagious Diseases Acts, it wishes to place on record its view that the evidence it has received, which includes that of several continental experts, points to the conclusion that no advantage would accrue from a return to the system of those Acts. So far from this being the case, it is to be noted that the great improvement as regards venereal disease in the Navy and Army has taken place since the repeal of the Acts."

Following on the report of this Commission, an effective system of free treatment has been organised throughout the country, particulars of which have already been furnished to the Advisory Committee<sup>1</sup>.

It may be instructive to give here figures for a long period of years showing the incidence of venereal disease in the Army in the United Kingdom. The period begins in 1859 and ends in 1921, so that it includes five years before the Contagious Diseases Acts came into force (1859-63), nineteen years (1864-82) during which the Acts were in force, three years (1883-85) during which they were suspended, and thirty years after the Acts were abolished. The figures for 1873-79 are not reliable and no figures are available for the years 1914-19.

<sup>1</sup> 1923, document C.T.F.E. 152.

*Number of Soldiers in the United Kingdom annually admitted to Hospital  
for all Venereal Diseases per 1,000.*

1859 .....	422	1878 .....	175	1897 .....	139
1860 .....	309	1879 .....	179	1898 .....	132
1861 .....	295	1880 .....	245	1899 .....	122
1862 .....	276	1881 .....	245	1900 .....	93
1863 .....	261	1882 .....	240	1901 .....	105
1864 .....	248	1883 .....	260	1902 .....	122
1865 .....	241	1884 .....	270	1903 .....	125
1866 .....	221	1885 .....	275	1904 .....	107
1867 .....	250	1886 .....	267	1905 .....	90
1868 .....	245	1887 .....	252	1906 .....	81
1869 .....	218	1888 .....	224	1907 .....	72
1870 .....	201	1889 .....	212	1908 .....	68
1871 .....	201	1890 .....	212	1909 .....	66
1872 .....	202	1891 .....	197	1910 .....	65
1873 .....	167	1892 .....	201	1911 .....	60
1874 .....	145	1893 .....	194	1912 .....	56
1875 .....	139	1894 .....	182	1913 .....	50
1876 .....	146	1895 .....	173	1920 .....	48
1877 .....	153	1896 .....	158	1921 .....	40

The above figures show clearly that, whatever temporary improvements may have been obtained by the Contagious Diseases Act, the fall in the number of cases has been very much greater under modern methods. It may be added that the greatly improved health of the troops in these days may be ascribed as much to social measures as to better medical methods. Men are taught the value of self-restraint, and every inducement is offered to them to keep themselves fit. Games and athletics are encouraged, and the conditions of barrack life have been altered very much for the better.

2.

*Memorandum by the British Delegate.<sup>1</sup>*

Great Britain falls into the category of abolitionist countries. A limited experiment in official regulation was made in 1864 and lasted until 1886, when, after a prolonged controversy, the Acts upon which the experiment was based were finally repealed by Parliament. It is unnecessary to describe this experiment in detail, because the particulars have already been given in a previous memorandum circulated to the Committee<sup>2</sup>. Since 1886, Great Britain, in dealing with the problem of prostitution, has discarded all aspects of official regulation, and the same policy has been adopted for the most part in other parts of the British Empire outside Great Britain. Owing to the diversity of race and social customs, modified forms of regulation remain, as will appear later, in one or two of the colonies, but the policy of the British Government is to replace these methods as soon as circumstances permit; considerable progress is being made towards the achievement of this object.

It will be generally admitted that the objects which each country must set before itself in confronting the problem of prostitution are fourfold. First and foremost, there is the incidence of the venereal diseases. The devastating effect of these diseases on the life and vigour of a nation are well known and need no emphasis. They are largely the result of promiscuity and, unless held in check, are liable to produce widespread disaster. Secondly, there is the necessity for preventing the exploitation of persons, and especially young persons, for the purposes of vice. This terrible danger exists wherever commercialised prostitution is found, and in its worst aspects has become a subject (as this Committee is well aware) of international concern. Thirdly, there is the desire which is inherent in good government, both on social and moral grounds, to limit the amount of prostitution and restrict the evil within the narrowest possible limits; and, finally, there is the need for preserving public decency and good order so as to encourage a high standard of public behaviour and to permit respectable citizens to proceed on their lawful occupations without risk of molestation.

It may be useful to describe briefly the measures which have been taken in Great Britain to attempt to cope with these different aspects of the problem.

1. *Venereal Diseases.* — The limited experiment in official regulation which was carried out from 1864 to 1886 was supported almost entirely on medical grounds. Judged merely as a medical measure, its value was by no means proved. During these years, the incidence of venereal disease among the troops tended to decrease, but the decrease is even more marked

<sup>1</sup> A survey of the conditions obtaining in Great Britain and the Colonial Empire, prepared by the British Social Hygiene Council, with regard to venereal disease and prostitution is to be found in the appendix of this document.

<sup>2</sup> See Appendix IV the Report of the Fourth Session (1925).

after the experiment was brought to an end, and an incomparably greater effect has been produced by modern methods in which official regulation plays no part.

It may be admitted that the strong public opposition to the system of regulation which induced Parliament to repeal the law authorising it was based on moral and social, rather than medical, arguments. These arguments have been disregarded for the purposes of this memorandum. Later experience has conclusively shown that the abandonment of the system has been fully justified on medical grounds, and very few medical men who are experienced in the treatment of venereal diseases would support a return to the older system. During the last twenty or thirty years, medical opinion on this subject has undergone a considerable change, which was reflected in the report of a Royal Commission which was appointed in 1913 to enquire into the prevalence of venereal diseases in the United Kingdom, their effect upon the health of the community and the means by which those effects can be alleviated or prevented. The strength of the public opinion against official regulation is indicated by the fact that the Commission was instructed at the time of its appointment that no return to the policy or provisions of the Contagious Diseases Acts of 1864, 1866 or 1869 was to be regarded as falling within the scope of the enquiry.

As a result of this enquiry, a comprehensive scheme for the prevention and treatment of venereal diseases was formulated and has been steadily developed. The fundamental principle in the scheme is the provision of free medical facilities for the treatment of venereal diseases under conditions of privacy in every locality. The results gained by these methods are full of encouragement. The British Social Hygiene Council (which was formed as a result of one of the recommendations of the Royal Commission) has kindly furnished, for the information of the Committee, a statement which has been appended to this memorandum<sup>1</sup> describing the scheme in greater detail and giving an account of the results which have hitherto been obtained. The opportunity has been taken of incorporating in the statement some account of similar measures taken in several of the British colonies.

2. *Exploitation for Purposes of Vice.* — It is generally recognised that, where prostitution is allowed to flourish without check, there is a serious risk of exploitation for the purposes of vice and especially of the victimisation of young persons. It is therefore important to punish severely those who procure women or girls for the purpose of immorality or who live directly or indirectly on the profits of immorality. It will be obvious that, where a system of licensed or recognised brothels exists, this policy of punishing the third party who lives on the profits of the business cannot be effectively pursued, because it is impossible to punish a person for doing what he is allowed to do by authority.

Under English law, the keeping of a brothel is indictable as a common nuisance, "not only in respect of its endangering the public peace by drawing together dissolute and debauched persons, but also in respect of its apparent tendency to corrupt the manners of both sexes by such an open profession of lewdness".<sup>2</sup>

Under the Disorderly Houses Act, 1751 (25 Geo. II, c.36), on the complaint of two ratepayers of a parish, the authorities were obliged to take proceedings against persons keeping "bawdy-houses, gaming-houses and other disorderly houses". But the delay and expense of procedure by indictment made such prosecutions rare. In 1885, the Criminal Law Amendment Act of that year (48 & 49 Vict., c.69, s.13) provided a much more expeditious remedy by summary procedure. The Act of 1885 [as amended by the Criminal Law Amendment Act, 1912 (2 & 3 Geo. V., c.20), and the Criminal Law Amendment Act, 1922 (12 & 13 Geo. V., c.56)], provides that :

" Any person who :

" (1) Keeps or manages or acts or assists in the management of a brothel ; or

" (2) Being the tenant, lessee or occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution ; or

" (3) Being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel or is wilfully a party to the continued use of such premises or any part thereof as a brothel ;

shall, on summary conviction, in manner provided by the Summary Jurisdiction Acts, be liable :

" (1) To a fine not exceeding £100 or to imprisonment with or without hard labour for a term not exceeding 3 months ; and

" (2) On a second or subsequent conviction to a fine not exceeding £250 or to imprisonment with or without hard labour for a term not exceeding 6 months ; or in any such case to both fine and imprisonment. "

It may be interesting to quote the number of persons dealt with for brothel-keeping over a number of years. The figures are taken from the Criminal Statistics for 1926 and include cases tried on indictment as well as those tried summarily.

<sup>1</sup> See Appendix.

<sup>2</sup> Vide *Keen on Crimes*, 7th edition, Vol. I, page 1892.

	Annual average
1900-04 . . . . .	1,277
1905-09 . . . . .	1,479
1910-14 . . . . .	1,032
1915-19 . . . . .	800
1921-25 . . . . .	396
1926. . . . .	324

It will be seen that in the last twenty-five years there has been a very marked and continuous decrease in the number of offenders.

The offence of procuration for immoral purposes is dealt with severely under English law. The discovery of a number of instances in which English girls had been procured for employment in foreign brothels led to the passing of the Criminal Law Amendment Act, 1885 (48 & 49 Vict., c. 69), which was amended in 1912. Sections 2 and 3 of that Act provide as follows :

“ Any person who :

“ (1) Procures or attempts to procure any girl or woman under 21 years of age not being a common prostitute or of known immoral character to have unlawful carnal connection either within or without the Queen’s dominions with any other person or persons ; or

“ (2) Procures or attempts to procure any woman or girl to become either within or without the Queen’s dominions a common prostitute ; or

“ (3) Procures or attempts to procure any woman or girl to leave the United Kingdom with intent that she may become an inmate of a brothel elsewhere ; or

“ (4) Procures or attempts to procure any woman or girl to leave her usual place of abode in the United Kingdom (such place not being a brothel) with intent that she may for the purpose of prostitution become an inmate of a brothel within or without the Queen’s dominions ;

shall be guilty of a misdemeanour and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding 2 years with or without hard labour.”

“ Any person who :

“ (1) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection either within or without the Queen’s dominions or ;

“ (2) By false pretences or false representations procures any woman or girl not being a common prostitute or of known immoral character to have unlawful carnal connection either within or without the Queen’s dominions ; or

“ (3) Applies, administers to or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl ;

shall be guilty of a misdemeanour and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding 2 years with or without hard labour.”

The Criminal Law Amendment Act, 1912 (Section 1), provided for the arrest without warrant of any person suspected of having committed or of attempting to commit any of these offences.

The Children Act, 1908 (Section 17), as amended by the Children Act (1908) Amendment Act, 1910, provides that, if any person having the custody, charge or care of a girl under 16 causes or encourages the seduction or prostitution or being unlawfully carnally known of that girl, he shall be guilty of a misdemeanour, and shall be liable to imprisonment with or without hard labour for any term not exceeding 2 years. For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution or of being unlawfully carnally known (as the case may be) of a girl who has been seduced or become a prostitute if he has knowingly allowed the girl to consort with or to enter or continue in the employment of any prostitute or person of known immoral character.

The offence of procuration is now very rare in England and Wales, as will be seen from the following figures :

	Annual average
1900-04 . . . . .	8
1905-09 . . . . .	8
1910-14 . . . . .	34
1915-19 . . . . .	9
1921-25 . . . . .	4
1926. . . . .	3

It is unnecessary to give particulars as to the manner in which the *souteneur* is dealt with, as a separate memorandum has been circulated on this subject.  
The numbers of persons dealt with in recent years for this offence are as follows :

	Annual average
1900-04 . . . . .	286
1905-09 . . . . .	373
1910-14 . . . . .	479
1915-19 . . . . .	93
1921-25 . . . . .	150
1926 . . . . .	149

These figures again show a considerable decrease.

3. *Reduction of Prostitution.* — In a country in which the registration of prostitutes is adopted as part of the system of controlling prostitution it should be easier — theoretically, at least — to provide information as to the number of women so employed. But this is not the case, because the process of registration can never be made complete, and the number of clandestine prostitutes far exceeds the number of those officially registered. The figure usually accepted is that the registered prostitute is about a tenth of the total number of prostitutes in any town where registration is adopted. The argument that official regulation leads to a diminution in the amount of prostitution does not appear to be founded on any sound basis or practical experience. Indeed, it may be argued with a considerable amount of confidence that it is likely to stimulate rather than to check the evil.

On the other hand, the experience of Great Britain does not afford any ground for the fears which have been sometimes expressed that, unless some kind of official control is insisted upon, the number of professional prostitutes will grow indefinitely. There is no record of the number of prostitutes carrying on their employment in Great Britain, but evidence as to the size of the problem can be derived from two sources. In the first place, there is general agreement among social workers and others best qualified to express an opinion that the condition of the streets of London and the larger towns shows a considerable improvement at the present time as compared with fifteen or twenty years ago. Visitors from other countries express the same opinion. An enquiry was recently made by a Committee appointed by the Secretary of State into the law and practice regarding offences against the criminal law in connection with prostitution and solicitation in the streets, and the report of the Committee will be referred to later. On this particular point, the Committee remarks that: "The class of women who thus live by open prostitution has diminished in recent years and their methods have become more discreet with the general improvement in public manners..."<sup>1</sup>

Secondly, strong indirect evidence is afforded by the statistics of prostitutes dealt with for soliciting in the streets. The striking diminution of offenders of this class in different parts of the country cannot be explained by any general diminution of police activity (though variations in this respect sometimes occur) or by a uniform improvement in the behaviour of the women concerned.

The numbers of prostitutes dealt with in England and Wales since 1900 for offences of this class are :

	Annual average
1900-04 . . . . .	10,598
1905-09 . . . . .	10,961
1910-14 . . . . .	10,682
1915-19 . . . . .	5,665
1921-25 . . . . .	3,812
1926 . . . . .	3,965

If the figures of three or four large cities are examined separately, the reduction is even more striking. In Liverpool, in 1907, the number of prostitutes arrested was 1,772; in 1914, it was 1,277, and for the last six years the numbers were 653, 404, 472, 463, 407 and 316 respectively. In Birmingham, in the year 1904, the number of prostitutes arrested amounted to 626. In 1927, the number had fallen to 124, or one-fifth of the 1904 figure, although in the intervening years the population of Birmingham, partly by the addition of a new area, has practically doubled.

In Manchester, the prostitutes proceeded against in 1911 were 1,299; in 1913 the number was 1,003, in 1918 it was 472 and in 1927 it had fallen to 148.

The following figures show the number of prostitutes arrested in Glasgow at intervals since 1902 :

1902 . . . . .	2,797
1907 . . . . .	2,149
1912 . . . . .	1,339
1917 . . . . .	213
1922 . . . . .	441
1926 . . . . .	401
1927 . . . . .	283

<sup>1</sup> Report of the Street Offences Committee, 1928, page 13.

It is not intended by reference to these figures to draw the inference that the standard of sex conduct is necessarily higher than it used to be, though it is difficult to believe in the light of these figures that there has not been also a considerable advance in this direction. In any case, the figures do appear to show that a large and continued reduction in the amount of open prostitution has been secured without any attempt to exercise any form of municipal or central regulation.

4. *Preservation of Good Order.* — Whatever attitude is adopted in any country towards prostitution, the question of public decency in the streets is bound to arise. Even under the strictest form of regulation, experience shows that the number of clandestine prostitutes far exceeds the number of those registered, and such prostitution is normally carried on by open solicitation in the streets. There appears to be no ground for thinking that the difficulties, which always present a delicate problem, are greater where there is no system of regulation.

Under English law, neither prostitution nor solicitation for immoral purposes constitute any offence under common law, but by statutory law certain offences have been created arising from the manner in which prostitution or solicitation is carried on. For instance, prostitutes may be prosecuted for behaving in a riotous or indecent way in the public streets or public highways (Vagrancy Act, 1824), or for loitering and importuning passengers for the purpose of prostitution in any street to the obstruction or annoyance of the residents or passengers (Town Police Clauses Act, 1847). Difficulties have arisen from time to time in the enforcement of these provisions and enquiries have been held with a view to the alteration of the law. The most recent enquiry was made by the Street Offences Committee, already referred to, whose report was issued in November 1928. Copies of this report are available for the information of the Traffic in Women Committee. The main recommendations of the Committee are :

(1) That the existing general and local legislation in England and Scotland relating to solicitation between the sexes be repealed.

(2) That there be substituted a simple enactment of general application constituting it an offence for any person of either sex to importune a person of the opposite sex for immoral purposes in any street or public place.

(3) That the expression " importune " be defined as referring to acts of molestation by offensive words or behaviour.

(4) That it be made an offence for any person to frequent any street or public place for the purpose of prostitution or solicitation so as to constitute a nuisance, but that the evidence of one or more persons aggrieved be essential to a conviction.

\* \* \*

The object of this memorandum is to indicate briefly to the Traffic in Women Committee the results obtained in a country where the licensed-house system is not accepted, and it is hoped that sufficient information has been given to show that, so far from there being any reason to apprehend any serious consequences from the abandonment of the licensed-house system, substantial progress both in the elimination of disease and in other directions can be secured. But it must be borne in mind that the abandonment of a system of regulation does not mean the substitution of a policy of *laissez faire*. There must be active measures taken for the organisation of proper medical treatment and enlightenment for the population generally and those who seek to derive profit from prostitution must be promptly dealt with.

Only the measures directly connected with the problem have been mentioned in this memorandum. There are other measures affecting the health and social welfare of the community which indirectly have an immense value in raising the standard of public opinion and public conduct in these matters. Any detailed account of these, some of which are referred to by the British Social Hygiene Council, would go far beyond the limit of this memorandum.

REPLY FROM THE GREEK GOVERNMENT.

October 22nd, 1926.

The programme of the Ministry for the Interior includes the gradual abolition of licensed houses, and in accordance with this programme several of these houses have been closed since 1903. New ones have been authorised, but exclusively for women so morally degraded that it was difficult for them to continue to live in any class of society, and because Greece has no special homes for the confinement of such persons.

Furthermore, official medical statistics show that the regulation of prostitution has considerably reduced the spread of venereal disease, the focus of which is declared to be not in licensed houses but among clandestine prostitutes.

Accordingly, if the regulation of prostitution were to be abandoned as a method, clandestine prostitution would grow, and the logical result would be to increase the spread of venereal diseases, since the means of combating these diseases which are secured by licensed houses would disappear with their abolition.

REPLY FROM THE GOVERNMENT OF GUATEMALA.

March 28th, 1924.

The League's proposal that an enquiry should be opened and measures taken to safeguard the liberty of women employed in licensed houses will be taken into account in the examination of the question now being held with a view to the regulation of prostitution.

REPLIES FROM THE HUNGARIAN GOVERNMENT.

1.

September 22nd, 1923.

In Hungary the system of State regulation still exists, and all public authorities regulate prostitution by orders issued in virtue of the legal powers granted to them. According to these orders, licensed houses are tolerated and, in certain large towns, private prostitutes also; the regulations regarding prostitution are, however, not the same everywhere.

In March of the present year, the Royal Hungarian Minister of the Interior published Circular 12368/1923, by which foreign women may not be registered as prostitutes. Under Section 44 of Law No. XXXVI of 1908 on procuring, any person inducing a virtuous woman to enter a licensed house or similar establishment for immoral purposes is guilty of the offence of procuring; attempts to commit the offence are also punishable. If the woman in question is under 20 years of age, the act becomes a crime.

Persons keeping a woman against her will in a licensed house or similar establishment for any cause whatever are also guilty of the crime of procuring.

In 1919, the State Police Force was established in towns and certain large communes, and from that time a much stricter supervision has been exercised. The competent department of the Royal Hungarian Ministry of the Interior exercises similar supervision.

We may state with confidence, therefore, that there is no international traffic for procuring through the agency of licensed houses, and that procuring within the country itself is no longer possible in view of the severity of the law and of the supervision exercised.

Further, the competent department of the Royal Hungarian Ministry of the Interior is at present considering a scheme for the uniform regulation of prostitution; the entire suppression of licensed houses is also under consideration.

2.

November 14th, 1924.

In the opinion of the Royal Hungarian Minister of the Interior, it is not necessary to take any special measures in Hungary with reference to the question dealt with in Resolution No. 2, dated September 15th, 1923, of the Fourth Assembly of the League of Nations. Section 44, paragraph 3, of the Hungarian Law No. XXXVI of 1908 states that "a person is also guilty of the crime of procuring who detains a woman against her will, for whatever reason, in any licensed house of prostitution or similar establishment". This law therefore offers suitable protection to women employed in licensed houses and ensures their complete liberty.

3.

May 30th, 1927.

*Circular from the Ministry of the Interior No. 160/100/1926. B.M.*

*Article 28.* — From the coming into force of the present circular, no new permits for the keeping of houses of prostitution shall be issued. The competent police authorities shall withdraw existing permits not later than May 1st, 1928, as and when each permit expires.

*Extract from Circular 151/000/1927. B.M. of the Ministry of the Interior.*

§ 3.

In the interests of morality in streets and public places, the following are forbidden :

(1) Oaths, blasphemy, obscene or lascivious language, speeches and jests, lewd expressions or movements, or any indecent gesture in public (in the street, in vehicles, etc.) which might offend the moral feelings of others.

(2) To accost or annoy a woman or girl in public with the intention of making her acquaintance, in any manner whatever against her will ; to follow her or to make insolent offers.

(3) To expose, display, announce, represent, offer or place on sale in shop windows or in public any publications, statues or other objects of an obviously obscene character which excite the senses or brutally outrage the moral feelings of others.

(4) Public invitation to obscenities of a perverse nature, or any immoral conduct which attracts attention (to accost in an improper manner, any indecent gesture).

§ 4.

Any person who commits any of the offences referred to in § 3, or is an accessory thereto, shall on conviction be liable, in so far as such act is not subject to more serious penal provisions, to imprisonment for a term not exceeding 15 days and a fine of 80 pengö.

§ 6.

Police officers performing their duties in streets and public places, whether in uniform or in civilian dress, must in cases (1), (2) and (4) referred to in § 3 protect in an efficient manner persons legitimately defending themselves, that is, any woman, girl or youth who may be in an unpleasant situation and forced to defend him or herself, and must further immediately bring a charge against all persons guilty of such offences.

The magistrates must give detailed instructions to police officers to carry out their duties in a conscientious manner while engaged in safeguarding morality in streets and public places.

Budapest, February 11th, 1927.

REPLY FROM THE GOVERNMENT OF INDIA.

1.

January 13th, 1927.

The system of licensed houses does not exist in India.

2.

January 8th, 1929.

... The Government of India have no material relevant to the enquiries which are now being pursued, as India neither has, nor has she recently abandoned, the system of State licensed houses. — (Extract from a letter from the India Office in reply to C.L.123.1928.IV.)

REPLY FROM THE IRISH FREE STATE.

July 29th, 1926.

The Minister for Justice of the Saorstát has no information that any such traffic exists in the Irish Free State, and he can accordingly offer no observation thereon.

REPLY FROM THE ITALIAN GOVERNMENT.

July 27th, 1923.

From the social and economic standpoint, there is no State regulation of prostitution in Italy. There are, however, the Regulations of October 27th, 1891, No. 605 (supplemented, as regards the section dealing with health, by those of March 25th, 1923, No. 846), which, with regard to prostitution, lay down provisions intended to secure public order and immunity.

It is the steadfast intention of the Government to enforce these provisions with increased stringency, particularly in connection with the international obligations undertaken in the recent agreements regarding traffic in women.

REPLY FROM THE JAPANESE GOVERNMENT.

August 18th, 1925.

I. Our present system of State regulation depends partly on the exercise of prostitution by registered prostitutes and partly on the running of licensed houses, which are subject to separate regulations.

Registered prostitution is governed by the Regulations for the Control of Registered Prostitutes, the application of which is enforced by the central authorities, whereas the



keeping of licensed houses is subject to the control of the departmental authorities, which is carried out in conformity with the regulations issued by the prefects in each department.

The systems for the regulation of prostitution and of licensed houses are therefore absolutely independent of one another, so that under the system in force no contractual relations can exist between the keeper of a licensed house and his lodgers. The object of this arrangement is to prevent prostitutes from becoming the slaves of the keepers of licensed houses. The main object of the system being, however, to safeguard public health and morality, registered prostitutes are generally obliged to live in a special quarter.

The sole object of this isolation is to prevent the serious effects which their dispersion throughout the different quarters might have on public morality. It must not be forgotten that, owing to the special construction of Japanese houses, in which the doors and windows are generally open and the rooms cannot all be locked, such dispersion would have very serious results from this point of view.

The authorities have decided to allow prostitutes to live where they please, provided that they remain in the special quarter and do not engage in their profession except in licensed houses (Article 8 of the Regulations for the Supervision of Registered Prostitutes). This is the only restriction on their liberty. Evidence goes to show that the majority of registered prostitutes do not avail themselves of this right but generally lodge in the licensed house to which they are attached. This is due partly to the fact that it is more convenient for them to live on the spot and partly to the fact that living elsewhere would involve additional expense. There is reason to believe that there will be an increase in the number of registered prostitutes living in private dwellings; there are already a certain number of such.

II. Any woman who desires to become a registered prostitute must have a licence. When she applies to be enrolled in the prostitutes' register, under Article 3 of the Regulations for the Control of Registered Prostitutes, the police authorities are obliged to make exhaustive enquiries in order to ascertain whether the parents have really given their consent and to obtain information on the various points enumerated in this article, more especially the previous conduct of the applicant. The Police authorities must also question the latter as to the real reasons for her application, and the licence is not granted until they have ascertained that this is based upon adequate motives. The object of these exhaustive enquiries is to prevent applicants from becoming victims of the traffic. In many cases the authorities have actually refused to register applicants. In the case of applications in which a go-between appears, they exercise even stricter control in order to prevent all possibility of trafficking; owing, therefore, to the measures described above, the Japanese system for the regulation of licensed houses is not such as to facilitate the traffic in women.

The following are the principal reasons for which the authorities refuse to register applicants :

III—health; venereal or tuberculous diseases; kleptomania or bad conduct; previous convictions; rape, seduction or theft; absence of genuine consent of parents or guardian; inadequacy of reasons given — for example, when the applicant could easily find another occupation; removal of applicant's name from the register in another department; false statement of age; the applicant is a married woman; foreign nationality; the applicant is of Formosan, Korean or Sakhalin origin.

III. If Japan still maintains the system of the State regulation, it is because this system has been in existence for centuries and its sudden suppression would have serious social repercussions, involving, as it would in actual fact, the total abolition of prostitution in Japan. The efforts of the Japanese Government are therefore directed mainly to effecting improvements in the system. As already stated, the authorities exercise the strictest control over the keepers of licensed houses and over intermediaries in order to prevent all possibility of trafficking or of personal constraint.

In addition to safeguarding public health and morality, efforts are made (as will be shown later) by means of various precautionary and protective measures to respect the liberty of registered prostitutes as far as possible and to improve the morality and general position of these unfortunate creatures.

It has been decided on principle not to increase the number of licensed houses. In order that the public may not know where they are situated, it is forbidden to post up conspicuous signs, and the houses are situated away from the most frequented streets. In other words, the authorities endeavour to avoid attracting public attention to these quarters. As regards clandestine prostitution, procuring and soliciting are punishable offences, the penalty for which, under Article 1 of the decree concerning sentences in ordinary police-court cases, is imprisonment for not more than thirty days; while the act of seducing or debauching women or girls of virtuous character for purposes of gain or of causing them to engage in immorality is punishable by hard labour for a period of not more than five years or by a fine not exceeding 500 yen, in virtue of Article 182 of the Penal Code. Owing, however, to the influence of modern life and for other reasons, clandestine prostitution may still exist despite these severe penalties. The authorities are endeavouring to stamp it out and have appointed special police agents, who are sent every night to suspect places.

It is feared that if State regulation were suddenly abolished, clandestine prostitution would at once increase, while the clandestine prostitutes would outnumber the registered

prostitutes, who are actually subject to supervision, and the evil, from the point of view of public health and morality, would be greater than under the present system.

It is necessary, in order to avoid contact with the main body of inhabitants, to isolate registered prostitutes in a special quarter. It may be said, therefore, that, so far as Japan is concerned, no direct connection exists between the traffic in women and the system of regulation, as the object of State regulation is to safeguard public health and morality and the control exercised by the authorities is particularly strict (it must not be forgotten that there can be no effective control of clandestine prostitution).

In view of these circumstances, the Japanese system may be said indirectly to constitute a bar to the traffic. In the department of Gumma, registered prostitution was abolished at the end of 1893 as the result of the energetic pressure brought to bear by a group of Japanese Christians in a certain district of the Department. The result, however, was that almost everywhere suspect restaurants were opened, so that clandestine prostitution has made fearful ravages, and the Departmental Authorities were obliged in 1912 to issue regulations for the control of restaurant waitresses and geishas. Under these regulations, restaurant waitresses (*shakujus*) have to undergo medical inspection three times a month and soliciting and loitering are strictly prohibited. The Departmental Authorities have thus been obliged to regulate clandestine prostitution, which had increased as the result of the abolition of registered prostitution. If they succeeded, despite this increase, in greatly reducing the number of clandestine prostitutes and in bringing the statistics for venereal diseases almost down to those in neighbouring Departments, it was because the Department of Gumma exercised — though with great difficulty — a stricter control over clandestine prostitutes than is applied in the case of registered prostitutes.

IV. In Japan, not only the traffic in women but also the traffic in all human beings is strictly prohibited. On the restoration of the Monarchy, or, more precisely, in December 1872, Decree No. 295 of the Da-Jo-Kan was issued, providing that :

“ The fact of buying or selling a human being or of using such human being, according to the will of the owner, for life or for a definite period, is contrary to morality. Although this practice has long been prohibited, what amounts to a traffic is still carried on under the pretext of engaging domestic or other servants. Such practices are in future absolutely prohibited. All prostitutes attached to licensed houses and all geishas or other women engaged for a definite period shall be set free. No proceedings in respect of claims for debts contracted under such engagements may be taken before the courts. ”

In May 1872, the Ministry of Justice issued Decree No. 22 providing as follows :

“ The sale or purchase of human beings has long been prohibited ; but, in view of the fact that under the pretext of engaging domestic or other servants for a definite period, what amounts to a traffic is frequently carried on. Any sums paid for the engagement of prostitutes with registration cards or of geishas shall henceforth be regarded as the proceeds of theft, and no claim for such debts shall be admitted by the courts. The adoption of a girl in return for payment of a sum to the parents for purposes of prostitution constitutes traffic. Such act shall be punished with the utmost severity. ”

No change has been made in these great principles. When the laws were codified, the Japanese Government inserted in the Civil Code an article providing that legal acts involving engagements or contracts contrary to public order or morality should *ipso facto* be null (Article 90).

The scope of this provision is very wide. The article covers the traffic in women and the advance paid by the keeper of a licensed house to a girl entering such house. In one case, in which a registered prostitute desirous of giving up her profession had been prevented from so doing, the claim submitted by the keeper of a licensed house for the refund of his advance was rejected by the court.

The exercise of the profession of prostitution is free and does not imply constraint by a third party. The keeper of a licensed house cannot invoke any grounds, not even debt, as a reason for refusing to release women belonging to his establishment (Article 6 of the Regulations for the Supervision of Registered Prostitutes). It is not correct, therefore, to state that State regulation is equivalent to the imprisonment of registered prostitutes. The statistics for the last few years show a distinct decrease in the length of time for which registered prostitutes remain in licensed houses and a striking increase in the number of registered prostitutes leaving such houses.

V. The Japanese Government has endeavoured, as has been shown above, to improve the system of registered prostitution. Its persistent efforts, however, have been directed not only towards the maintenance of morality but towards the safeguarding of public health. If a woman who applies to be enrolled in the prostitutes' register is found to be suffering from an infectious disease, her application is refused, and all registered prostitutes have to undergo medical inspection at least once a week, in addition to special inspection, while on the slightest sign of infection they are immediately obliged to cease the exercise of their profession.

The object of these measures is to prevent the spread of venereal or any other infectious diseases. Moreover, the authorities take steps to ensure that licensed houses are kept clean and that hygienic conditions are strictly observed — measures which cannot be enforced in the case of clandestine prostitutes. Owing to the fact that in Japan ideas of hygiene are

not very developed among the lower classes, the ravages of venereal diseases would be far greater if prostitutes were allowed to exercise their profession undisturbed. Such being the case, the criticism directed against regulation, from the point of view of hygiene, is not justified, at all events in the case of Japan. It is for this very reason that the Japanese Government attaches great importance to the hygienic aspect of the problem of State regulation of prostitution.

VI. It remains to describe what has been done for registered prostitutes in the matter of personal liberty and the improvement of morality. Prostitutes have perfect liberty as regards correspondence, visitors and reading and are free to possess and purchase any articles, all acts tending to restrict such freedom being punishable under Articles 12 and 13 of the Regulations for the Supervision of Registered Prostitutes.

The authorities keep strict watch in order to see that no pressure is brought to bear on prostitutes by keepers of licensed houses. During the period 1921-23, 127 offences were reported. The smallness of this number is a proof that cases of restriction of the liberty of registered prostitutes are rare. As the latter have to live in a special quarter, various means of recreation have been devised, such as holidays, which all the inmates of the licensed houses spend together, gatherings at which cinematograph or other performances are given and organised excursions.

In order that prostitutes may be protected from the fresh temptations which await them on leaving the licensed houses and may later be able to obtain an honest livelihood, the keepers of licensed houses engage persons to instruct them in dressmaking, writing, arithmetic and flower-making, and they are also visited by priests, lecturers, etc.

VII. The Japanese authorities have never granted licences to foreign women, for fear of endangering public morality by the introduction of foreign elements. The principle recommended by the League of Nations that the employment of foreign women in licensed houses should not be permitted has been applied in Japan for many years. In April 1901, the central authorities addressed to the competent local authorities a circular which read as follows :

" There have recently been rumours to the effect that attempts have been made to debauch Chinese and Korean women with the object of making them registered prostitutes. If a single foreign declared prostitute is allowed, there is the danger that others will come to Japan and that national morality will be undermined. The competent authorities are therefore requested to refuse all applications for registration received from foreigners and to see that no foreign woman engages in prostitution. "

This principle has been strictly applied, and any foreign woman suspected of bad conduct is advised by the authorities to leave the country. There is thus no possibility of a single foreign clandestine prostitute remaining, and no cases are known of the traffic in women. Although the traffic in women is generally of an international character, the introduction of foreign prostitutes into Japan is practically impossible owing to the application of the principles described above.

#### REPLIES FROM THE LATVIAN GOVERNMENT.

1.

March 28th, 1923.

A decree of the Latvian Government dated January 1st, 1923, provides for the closing of all licensed houses in Latvia. At present such houses exist only in the following towns :

Ventspils (Vindau), one house, 15 prostitutes.

Jelgava (Mitau), one house, five prostitutes.

Kuldiga (Goldingen), one house, two prostitutes.

The closing of these houses is contemplated in the near future.

There are no foreign women in these houses. In the view of the Ministry of the Interior, no difficulties would be involved by the prohibition of the employment of foreign women in licensed houses. The Ministry of the Interior is of opinion that such prohibition would contribute, to a certain extent, to the restriction of the traffic in women and children.

It would also be desirable to establish supervision of the transport of emigrants travelling from Eastern Europe to Western Europe and America. There is reason to believe that these emigrants include many women who are transported for purposes of the traffic.

2.

Order.

August 20th, 1928.

Licensed houses are prohibited in Latvia. Any of these houses that still exist must be closed by December 31st of the current year.

The present order cancels Articles 13, 14 and 15 of the Provisional Regulations for the Suppression of Venereal Diseases published in the official gazette *Valdības Vestnesis*, No. 230, in 1921, and relating to licensed houses.

Riga, November 20th, 1928.

REPLY FROM THE GOVERNMENT OF LUXEMBURG.

Luxemburg, August 9th, 1928.

Under Article 1 of the Regulations of June 5th, 1855, concerning disorderly houses and persons engaged in prostitution, "brothels may not be set up nor prostitution practised except by the persons and in the houses licensed by the Board of Burgomasters and Aldermen. The licence shall fix the conditions to be observed by landlords or tenants of disorderly houses and by registered prostitutes; such licences may at any time be withdrawn".

Up to the present, no communal administration in the Grand-Duchy has issued a licence authorising the setting-up of a licensed house or the practice of prostitution, so that, legally, the system of licensed houses is non-existent in the Grand-Duchy.

Any breach of the statutory provisions is severely punished under Article 385 of the Criminal Code, which lays down that "any person violating the Government's Orders concerning disorderly houses and persons engaged in prostitution shall be punishable by imprisonment for a period of from 8 days to 3 months and a fine of 51 francs to 400 francs".

REPLY FROM THE PRINCIPALITY OF MONACO.

August 5th, 1924.

There are no licensed houses in the Principality.

REPLIES FROM THE NETHERLANDS GOVERNMENT.

1.

February 25th, 1924.

The official regulation of prostitution in the Netherlands was abolished some considerable time ago.

This system, which was introduced during the period of French rule, consisted in placing the supervision of prostitution, including the licensing of brothels and their medical inspection, in the hands of the Police authorities. This system still exists in a few communes. In most of the larger cities and garrison towns, however, communal regulations for the control of prostitution were introduced during the latter half of last century, principally owing to the insistence of the military and public health authorities, who considered that the best weapon against venereal disease was the strict medical supervision of prostitution.

Such regulations were imposed in 39 communes in the Netherlands. Licensed brothels were, indeed, permitted in Amsterdam; but the system of registration, medical inspection and compulsory medical treatment of prostitutes was never in force there. It existed in Rotterdam. Here, however, as had been the case under French rule, the system was enforced at the discretion of the Police and not by a communal order.

In 1878, after the first abolitionist Congress convened by Mrs. Butler at Geneva, a bitter struggle broke out in the Netherlands between the supporters and the opponents of the system of official regulation. Under the leadership of Dr. H. Pierson, President and Director of the Halding Foundations at Zetten, a movement was set on foot for the abolition of the system as being contrary to all sound principles of morality, law and health. Local movements were organised throughout the country. The Dutch Anti-Prostitution Society showed that the claims made for the system of regulation could not be upheld. Dr. G. J. D. Mounier, a mathematician and a lecturer at Utrecht University, made a scientific analysis of the available army statistics and showed that no result favourable to regulation could properly be deduced from them.

The movement for the abolition of regulation and the suppression of licensed brothels made great strides, particularly when, as a result of the scientific progress made in the diagnosis and treatment of venereal disease, the medical world began to take a different view of the value of the medical supervision of prostitution. It was realised that the system of supervision in force did more harm than good — a view which has since been confirmed by several international medical congresses, including the important London International Medical Congress of 1915, the Red Cross Conference held at Cannes shortly after the war (April 1919), and the North European Red Cross Congress for the Campaign against Venereal Diseases, held at Copenhagen in May 1921. When, therefore, in 1911 a bill for the suppression of immorality was discussed by the States-General, the abolition of licensed brothels was adopted unanimously. Zutphen was then the only town in which the official regulation of prostitution was still permitted by communal order.

Since the enactment of the Child Welfare Laws, the legal regulation of the investigation of paternity and the new laws for the suppression of immorality already mentioned, the

official attitude towards the problem of prostitution has completely altered. In towns in which regulation existed, the relations of the Police to prostitution have entirely changed. Formerly, the primary object of the Police was to prevent women and girls who became prostitutes from spreading disease. Now, however, the Police authorities, who are specially responsible for the care of the young and for public morals, do all in their power to aid the private associations engaged in the work of rescuing women and girls (particularly girls under age) who have become or are in danger of becoming prostitutes.

It will be seen, therefore, what is the present trend of legislation on this question in the Netherlands. As regards the connection between the abolition of licensed brothels and the international traffic in women, Dutch experience has shown that the traffic depended on the existence of licensed brothels, and that their abolition has almost killed it. The agents of the proprietors of such houses could always count on licensed brothels taking the women and girls they procured. Even in 1901 (two years before the actual closing of licensed brothels in Amsterdam), in the course of the enquiry held by the National White Slave Traffic Committee, it was proved that in 15 months 79 women had been engaged for, and had been given employment in, the three chief brothels in that city. Further investigation showed that many of these women were under age and were entered in the civil registers under the names of women of full age, from whom the necessary papers had been obtained by the Paris agents of the brothels' proprietors.

Lastly, it may be definitely stated that the disastrous results which were predicted in regard to public health, social matters, etc., as a result of the abolition of the system of regulation have not ensued. The Dutch system passed through the ordeal of mobilisation successfully.

In the Netherlands, as in every other country, the post-war period has witnessed a serious decline in the moral standard of the people at large, and particularly in that of the younger generation. Venereal disease has spread to classes among which it was formerly almost unknown. But its diffusion has been less alarming than in other countries where the system of licensed brothels was maintained or even extended during the war. Evidence of this has been provided by the enquiry carried out by the Committee appointed by the Mayor and Corporation of Amsterdam in October 1919 to report on the campaign against venereal disease. This Committee, whose members represented a great variety of interests put forward a number of practical suggestions for the campaign; it pointed out that the two questions of the medical supervision of prostitutes and of the system of regulation were already settled, and that in any case they touched on so many problems of ethics, morality, religion and education that their discussion could only be of academic interest and would be of no practical value for the Netherlands.

2.

December 15th, 1926.

With reference to the statement on the system of licensed houses given in reply to the request of the Secretary-General of the League of Nations dated June 16th, 1923 (see pages 54 and 55 of the Minutes of the Third Session of the Advisory Committee, document C.217.M.71.1924), the Netherlands Government has the honour to communicate a few supplementary remarks concerning control.

Even in a country like the Netherlands where the Government has accepted prohibition, there still remains some difference of opinion as to whether the control of licensed houses should be reintroduced. Members of the Police force were to be found who defended this system, particularly when the number of thefts on the part of prostitutes from their clients increased to an alarming extent: nevertheless, it has been possible to reduce this evil to a minimum without controlled prostitution.

Most of the Dutch authorities are convinced that it is also unnecessary to resort to compulsory control in order to prevent the spread of venereal disease, since such control does not afford the guarantees claimed for it by its supporters. Moreover, experience has shown that in practice the control only applies to the poorest prostitutes.

It is questionable whether prostitutes would not be more inclined to leave their country under a system of control than under some other system, knowing that they would be punished if they carry on their profession clandestinely or when suffering from an infectious disease. Obviously, victimisation is easy, particularly among women emigrants.

3.

April 11th, 1927.

The keeping of licensed houses in the Netherlands East Indies is prohibited (Article 296 of the Netherlands East Indies Penal Code).

Experience in this country has shown that the system of licensed houses and the traffic in women are closely connected. Licensed houses produce a constant demand for fresh victims, with the result that the supply is organised. The campaign against clandestine houses in the Netherlands Indies has afforded many proofs of this fact.

4.

February 11th, 1929.

By the Law of May 20th, 1911, for the repression of immorality (*Legal Bulletin*, 1911, No. 130), the Netherlands adopted the point of view of the abolitionists. The official recognition of the profession of brothel-keeper in Article 452 of the Penal Code was henceforth abolished. As from January 1st, 1912, the following article was inserted into the Netherlands Penal Code :

“ Any person who by profession or habit promotes or knowingly encourages immorality between third persons shall be liable to imprisonment for not more than 1 year or to a fine of not more than 1,000 florins ” (Article 250 *bis*).

This article aims in the first place at prohibiting the exploitation of licensed houses but it is so drafted as to cover any act of promoting or encouraging immorality. Certain communes have decreed supplementary provisions. For example, at Amsterdam, Rotterdam and The Hague the following municipal provisions exist :

“ It is forbidden, in any establishment in a person's occupation, to provide an opportunity, either on repeated occasions or for the purpose of gain, to third persons to commit immoral acts together.

“ It is forbidden to visit the establishments referred to in the previous article after their closure has been ordered by the Burgomaster and Aldermen and promulgated in public. The closure is considered to have been promulgated in public as soon as a copy of the order of closure has been posted at the house in which the establishment is situated.

“ It is compulsory for the copy referred to in the previous paragraph to be posted at the house. ”

In the Netherlands, the system of neo-regulation is unknown ; there is no obligation to declare venereal diseases, or compulsory treatment for persons suffering from these diseases.

#### REPLY FROM THE GOVERNMENT OF NEW ZEALAND.

October 7th, 1925.

There are no licensed houses of prostitution in New Zealand, nor has there ever been any system of such licensed houses in operation.

#### REPLY FROM THE REPUBLIC OF NICARAGUA.

(To C.L.151.1927.IV)

Managua, March 30th, 1928.

This Government, in response to the Assembly's proposals, welcomes its recommendation and is glad to be able to inform you that at least legally there is no recognised system of licensed houses in Nicaragua.

#### REPLY FROM THE NORWEGIAN GOVERNMENT.

1.

June 27th, 1925.

Organised prostitution has existed in Norway to a limited extent in only a few towns and was abolished about 1890. The system accorded ill with existing laws on the question and with the moral sense of the inhabitants. Moreover, it did not seem likely to attain its object, which was to prevent the spread of venereal diseases.

2.

August 31st, 1928.

In reply to C.L.123.1928.IV, the Norwegian Government has transmitted to the Secretariat the text of the following laws :<sup>1</sup>

Chapters XIX and XXXVIII and Article 350 of the Norwegian Penal Code of March 22nd, 1902.

Articles 4, 5, 7, 16, 17 and 18 of the Law on Evasion of Work (Vagrancy), Begging and Drunkenness of May 31st, 1900.

<sup>1</sup> As all these laws affect licensed houses only *indirectly* by punishing procuring or immorality, it has not been thought necessary to publish them here, as they will be included in the Digest of Laws on the Traffic in Women and Children prepared by the American Social Hygiene Association, which is now in process of completion.

REPLY FROM THE GOVERNMENT OF PANAMA.

August 7th, 1923.

Panama is in favour of the regulation of prostitution and of the delimitation of licensed zones in large towns. This system has been in force in this country for some years past. In Panama, experience has shown that the propagation of venereal diseases and the deterioration of morals cannot be combated without action on the part of the public authorities by means of the creation of public health committees, the establishment of free prophylactic stations and the periodical examination, registration, licensing and strict supervision of prostitutes in conformity with the legislative measures which have been communicated to you.

In our view, the greatest objection to regulation is the obvious contradiction which exists between the system of tolerance and the highest ends of the State, which from the ethical standpoint cannot but condemn prostitution and the traffic in women. But these considerations of a purely theoretical nature are not sufficiently cogent to prevent us from recognising that prostitution is inevitable and that its regulation in the interests of public health is a necessity.

REPLY FROM THE GOVERNMENT OF PERU.

April 18th, 1923.

1. *Does the system of licensed houses exist in your country?* — Yes, such houses exist, but only in limited numbers, as, with the exception of four or five, they contain only two or three women who live together, so that they may be regarded as carrying on their profession privately.

2. *Are foreign women employed in such houses, and, if so, to what extent?* — The number of foreign women is likewise limited; the percentage of foreign women to the total number of women registered in this office's books varies from about 15 to 20 per cent.

3. *Do you anticipate any difficulties if it were decided to prohibit the employment of foreign women in such houses?* — Undoubtedly it may give rise to difficulties, in view of the object to which these women devote themselves, more especially since such a measure would tend to increase the number of procuresses. Again, although they are women who have made a regular profession of selling themselves, they have sound ideas regarding hygiene and prophylaxis and make no objection to medical treatment when necessary, which is not the case with a great majority of the native women.

4. *Have you any observations to offer generally on the subject of the resolution?* — I regard the abolition of official health control as inadvisable, especially in a country like ours, where hygienic habits are still rudimentary and there is as yet no real established public opinion in health matters. As regards the elimination of the foreign element, this is a matter which should be decided by a Sociological Commission rather than by a purely technical State Department such as this; if, however, the prohibition of foreign women were thought likely to be followed, if not by a total suppression, at any rate by a certain decrease of prostitution, the measure should be adopted forthwith.

REPLIES FROM THE POLISH GOVERNMENT.

1.

November 20th, 1923.

Licensed houses were abolished in Poland by the Decree of September 6th, 1922, on the following grounds:

1. Licensed houses constituted centres for the international traffic in women.
2. It was impossible to give assistance to prostitutes, owing to the fact that the inmates of licensed houses were materially dependent on the proprietors.
3. Large quantities of alcohol were consumed in these houses, thus contributing to the increase in the number of cases of venereal disease.
4. The bringing together of large numbers of prostitutes also tended to disseminate these diseases.

2.

September 6th, 1926.

The Polish Government considers that the adoption of the following measures should be recommended :

Organisation of an active campaign against procurers and persons engaged in the traffic in women, since the action of these persons tends specially to promote the spread of prostitution and the increase of licensed houses.

Measures to prevent prostitutes from exercising their profession in the streets, either secretly or publicly.

Establishment of a special Police Force composed of women to combat prostitution, and the entrusting of the medical examination of prostitutes to women doctors.

Establishment of a system of protective education for young persons whose moral training has been neglected; and introduction of special legislation for offenders under age and courts with women lawyers as judges.

3.

November 30th, 1928.

In reply to C.L.123.1928.IV, the Polish Government has referred to the following laws and regulations relating to the traffic in women and to procuring :<sup>1</sup>

(a) Traffic in Women : Decree of the President of the Republic, dated July 29th, 1927 (*Legal Gazette*, No. 70, paragraph 614).

(b) Procuring :

(1) For the territories where the Austrian Penal Code is in force : paragraph 5, last sub-paragraph of the Law of May 24th, 1885 (*Journal of Laws and Decrees*, No. 89);

(2) For the territories where the Russian Penal Code is in force : Article 17 of the introductory clauses to the Penal Code of 1903 (Article 527 of the Code) ;

(3) For the territories where the German Penal Code is in force : paragraph 181a of the Penal Code of 1903.

REPLIES FROM THE PORTUGUESE GOVERNMENT.

1.

February 21st, 1923.

In general, the entry of licensed prostitutes on our Police registers only becomes obligatory when, after warning, they are met with in public places carrying on their unhappy trade. The authorities, however, afford them facilities for having their names taken off the registers when they can show that they have obtained a situation which guarantees their future good conduct.

The system of recognised brothels is, in our opinion, an expedient, although a regrettable one, which has the effect of mitigating and reducing to a minimum the effects of an evil which it is difficult to remedy. It would, however, be very desirable for a convention to be drawn up forbidding the registration of foreign women as licensed prostitutes. But for this measure to be efficacious these women must, when once it has been proved that they are engaging in prostitution, be immediately repatriated by their respective consular authorities, as is the case with women of British nationality and accompanied to their own country by Police agents or other responsible persons. We say *immediately* in order to prevent these women carrying on their profession without restriction and thus endangering public health and morality.

2.

June 8th, 1926.

I beg to forward you a statement of the effects of the regulation of prostitution on the traffic in women, together with the attached copies of regulations or executive orders concerning licensed houses and the traffic in women and children.

<sup>1</sup> Some of these laws, notably the Decree of July 29th, 1927, have been published in Part II of the Experts' Report and will be included in extenso in the Digest of Laws prepared by the American Social Hygiene Association, which is now in process of completion.



The results achieved are, unfortunately, not satisfactory, as these measures do very little to hinder the traffic in women, because :

1. The regulations of August 28th, 1900, lay down rules regarding the registration of licensed prostitutes but contain no provisions for the prevention of procuring.
2. Article 406 of the Penal Code refers to persons who incite, promote or facilitate the corruption of children, but this article of the Code does not cover all those who are addicted to procuring.
3. As regards women who have attained their majority, *i.e.*, 21 years of age, there are no regulations applicable.
4. These few measures were all that existed in Portugal at the time of the International Convention of May 4th, 1910, which Portugal at once signed.
5. In Article 3 of the Convention, the High Contracting Parties bound themselves to take the necessary steps in their respective countries to give full application to the Convention, but we are bound to say that, owing to the inadequacy of Portuguese legislation in this connection, very little has been done, as will be seen from the annexed documents.
6. A bill was drawn up a long time ago (a copy of which is also attached) in which an endeavour was made to carry out the obligations incurred under Article 3 of the Convention of May 4th, 1910, but so far this Bill has not received force of law.

#### Appendix.

##### *Copy of Letter No. 75, Health Department.*

To His Excellency the Civil Governor of the District of Lisbon.

.....

I transmit herewith letter No. 264.L.83 of August 4th last, from the Ministry of the Interior, Directorate-General of Political and Civil Administration, sent to this Department, together with letter No. 360 of August 26th from the Civil Governor.

The letter from the Ministry of the Interior may be divided into two parts. The first part contains a request for copies of regulations promulgated or applied with regard to licensed houses and the traffic in women and children; the second part requests information regarding the results obtained. In reply to the first part, I transmit herewith the regulations for unlicensed prostitutes (*meretrises*) together with copies of all existing rules on the subject.<sup>1</sup>

I shall now endeavour to reply to the second part. The results obtained are, as was to be expected, far from satisfactory, because :

1. The regulation of August 28th, 1900, defines the procedure to be followed with regard to the official registration of women as prostitutes, but contains no provisions against procuring — in fact, it rather facilitates the offence;

2. Article 406 of the Penal Code refers to persons who habitually incite, aid or abet the prostitution or corruption of any person under 21 years of age to satisfy the passions of another. The article in question may thus at first sight appear to apply to all persons who engage in procuring, but such is not the case, because :

- (a) In the first place, this article is contrary to the provisions of the above-mentioned regulation, in particular Article 17, which allows the voluntary registration as a prostitute of a female over 16 years of age (*i.e.*, 5 years under the age of 21), and the one paragraph of this article orders the registration — either compulsory or voluntary — of any female under 16 years of age if before reaching that age she has engaged in prostitution and also if, after having been claimed by her parents in conformity with paragraph 2 of the above article, she continues to engage in prostitution;

- (b) If we adhered to the letter of Article 406 of the Penal Code, the authorities themselves would have to be prosecuted for carrying out the provisions of the Regulation of August 28th, 1920; but, as everyone knows that this cannot be done, certain less scrupulous authorities are able even to aid and abet, on behalf of procurers, the prostitution and corruption of persons under 21 years of age by officially registering them as prostitutes, because there is little difficulty in proving that such minors, when they were registered, had already come within the scope of the provisions of the above regulation, namely, that they had already engaged in prostitution;

- (c) Procurers secretly facilitate the prostitution of young girls, acting individually in the larger towns and mainly in the provinces, through accomplices or associates, without it being possible to prosecute them for any offence; it is only a long time afterwards, when they consider that the girls have become absolute prostitutes and therefore come within the scope of the provisions of the Regulation of August 28th, 1900, that they bring them forward openly for registration.

3. As regards persons over 21 years of age, there is no provision which can be applied.

4. No provisions other than the above existed in Portugal at the time of the International Convention of May 4th, 1910, which Portugal signed (she signed the Convention, you observe, and did not merely adhere to it).

<sup>1</sup> These regulations can be consulted at the Secretariat.

5. Under Article 3 of the Convention, the High Contracting Parties undertake to promulgate laws or publish decrees in their respective countries to enable this Convention to be fully applied, but although Portuguese legislation is perhaps more defective in this respect than that of any other country, no action has been taken up to the present except the promulgation of certain trifling regulations, copies of which are enclosed herewith.

6. In execution of the provisions of the last part of No. 13 of Article 31 of the Regulation of September 8th, 1923, approved by Decree No. 9116 of the same date, the Director of the Lisbon Administrative Police has made it as difficult as possible to register women as prostitutes, and, furthermore, the principle is also adopted of not registering any woman unless her identity has been established beyond all doubt in order to prevent women registering under false names or with false documents or with authentic documents belonging to other persons, as has happened. But although these measures have had some effect (before the measure was adopted the average number of registrations in Lisbon was 20 per month, whereas now it is hardly 11), the desired results are far from being attained because the authorities outside Lisbon are not equally scrupulous, so that a woman who has been refused registration in Lisbon can go and register herself elsewhere. She returns here with her booklet, and, when she shows this, her registration has to be admitted. This has happened on very many occasions.

7. The number of houses in which prostitution is secretly carried on is astounding, and existing legislation is very defective, because the only punishment is an ordinary fine (which the keepers of these houses are quite prepared to pay) when the offenders are caught *in flagrante delicto* — a very difficult matter, because most of these houses are private dwellings which the Police cannot enter. In addition to these houses there are the so-called "clubs" and societies formed for the purposes of amusement, which play a large part in the prostitution and corruption of young girls.

8. Although the point may not be wholly relevant, I feel bound to refer to certain practices, which bring our country into serious disrepute, on the part of licensed or unlicensed prostitutes who lure foreigners to veritable traps, where they rob them scandalously in a thousand ways. There is no possibility of combating this state of affairs because a solid case can very rarely be established against them.

9. Finally, some time ago this Department drew up the draft decree set out below, which, if it does not provide a remedy for all the abuses referred to above, would greatly help to diminish them and would also give effect to the provisions of Article 3 of the Convention of May 4th, 1910. Up to the present, however, the draft has remained a draft.<sup>1</sup>

REPLY FROM THE ROUMANIAN GOVERNMENT.

October 28th, 1926.

*Municipality of Bucharest: Department of Public Health.*

*Health Booklet.*

Regulations for the Supervision of Prostitution in the City of Bucharest.  
Issued under Royal Decree No. 1085 of March 1898.

*Chapter I. — General Regulations.*

*Articles 1 and 2.* — Regulations concerning the maintenance of public order, the prevention of the spread of venereal disease, the restriction of clandestine prostitution, prohibition of soliciting, etc.

*Chapter II. — Prostitutes.*

*Articles 3 to 5.* — Definition of a prostitute, method of registration, persons to be registered as prostitutes.

*Article 6.* — Before registering a girl or a woman as a prostitute, the Commissioner of Health shall explain to her the consequences of registration and shall advise her to look for honest employment; and shall only register her name, if, in spite of this advice, she persist in her determination to be registered as a prostitute.

When girls who are minors demand to be registered, they shall be sent to the Prefecture of Police and shall be handed into the custody of their relatives. If they have no relatives, they shall be sent to an employment agency to be placed in domestic service; if they are foreigners, they shall be handed over to the Police, who will place them in charge of the consulate of the nation to which they belong.

The same procedure shall be followed with girls who are minors found frequenting brothels, whether licensed or not, except in the case of girls who are proved to have been

<sup>1</sup> Can be studied in the archives of the Secretariat.

long engaged in clandestine prostitution and refuse to return to a moral way of living, in which case such girls are to be regarded as prostitutes.

*Article 7.* — Regulations concerning girls and women found to be infected with venereal disease.

*Article 8.* — Conditions of cancellation of registration as a prostitute.

*Article 9.* — Inspection and stamping of health booklets.

### *Chapter III. — Licensed Houses.*

*Articles 10 to 19.* — Definition of a licensed house, registration, licensing, restriction on managers of licensed houses, on the location of licensed houses, rules to be observed by managers of licensed houses.

*Article 20.* — Women who are inmates of licensed houses are free to leave them whensoever they wish; they cannot be detained for any reason. In case of infectious disease diagnosed by the doctor, the manageress of the licensed house must see that the diseased prostitute proceeds immediately to hospital on leaving her establishment.

*Article 21.* — The health booklet is the property of the prostitute and remains in her keeping; the manageress of the licensed house cannot claim it when its owner leaves the licensed house either to enter another licensed house or to return to an honest life.

*Article 22.* — The manageress of a licensed house may not take away any object belonging to a prostitute in her house; she may not seize for debt any object, such as clothing, shoes, underwear or other objects which she has bought for the women in her house. In disputed cases, it is presumed that the prostitute is the rightful owner of clothes and shoes made to her measure if she has actually worn such clothes, shoes and underwear. If the disputing parties cannot come to an agreement and if the administration cannot bring them to an agreement, then the case shall be referred by the parties to law.

*Article 23.* — The manageress of a licensed house cannot retain more than two-thirds of the money earned by the prostitutes in payment for lodging, heating, food, service and washing; at least one-third remains the absolute property of the prostitute unless the manageress and the prostitute have an agreement between them which is more advantageous to the latter.

*Article 24.* — Supervision of licensed houses by municipal and Police officials.

*Article 25.* — Penalties for keeping unlicensed brothels.

### *Chapter IV. — Health Measures.*

*Articles 26 to 33.* — Regulations concerning frequency of medical inspection, methods of inspection and treatment of diseased prostitutes.

### *Chapter V. — Health Registers and Health Booklets. Health Booklets of Licensed Houses.*

*Articles 34 to 41.* — Regulations for the registration of and issue of booklets to prostitutes and licensed houses.

### *Chapter VI. — Measures for the Maintenance of Public Order.* (Articles 42 to 45.)

### *Chapter VII. — Penalties.* (Articles 46 to 50.)

## REPLY FROM THE GOVERNMENT OF SALVADOR.

(To C.L.151.1927.IV.)

December 20th, 1928.

Salvador has adopted the system of supervising and regulating prostitution. Owing to the impossibility of eradicating vice, she has thought it more in the interests of public health to subject prostitutes to the careful and constant observation of the health authorities.

One of the sections of the Central Health Department is in charge of the venereal prophylaxis service, which has its central office in this city and branches in the chief towns of the Republic.

Licensed houses authorised by the Central Police Department may exist provided they comply with all the requirements of the law in regard to public order and social health and morality.

The recommendation in favour of the system of prohibition made by the Committee which has devoted its attention to this subject will be communicated to the Central Health Department, which will give it its careful attention.

The traffic in children is prohibited. Our laws are very strict in this respect and impose severe penalties on persons who in any way promote or facilitate the prostitution or corruption of minors.

REPLY FROM THE REPUBLIC OF SAN MARINO.

(To C.L.151.1927.IV.)

January 26th, 1928.

Before there was any resolution on this subject, this Government never permitted licensed houses and for that reason these houses do not exist in the territory of the Republic.

REPLIES FROM THE KINGDOM OF THE SERBS, CROATS AND SLOVENES.

1.

March 26th, 1924.

A Health Bill, which will shortly be laid before the Skupshtina at Belgrade, will abolish the system of licensed houses throughout the Kingdom. Such houses have already ceased to exist in certain parts of the Kingdom (the Voivodine, Slovenia, Old Serbia and Croatia).

The regulations in force on the subject of prostitution provide for the protection of women inmates of licensed houses and secure their full liberty. It must, however, be observed that proprietors of such houses are always able, by granting advances to the women, to compel them to remain under duress until the debt is repaid. All the efforts of the proper authorities to suppress these malpractices are generally unsuccessful, as the women themselves shrink from entering complaints or aiding the Police in their investigations.

2.

January 4th, 1929.

Prostitution is still tolerated but with this difference, that in certain large cities the system of licensed houses has been replaced by a system under which prostitution is indeed tolerated, but which provides for the strictest application of health and control measures to the prostitutes, every endeavour being made at the same time to exert an educational and reforming influence on these women. Success has attended the efforts made in this direction in the large centres, where there are enough medical specialists or qualified personnel responsible for dealing with questions of morality. On the other hand, the system of licensed houses combined with compulsory medical examination still exists in the small townships in view of the insufficiency of a trained health personnel.

The authorities are making every endeavour to find a solution to the various problems connected with prostitution and to combat the traffic in women as efficaciously as possible.

REPLY FROM THE SIAMESE GOVERNMENT.

January 24th, 1925.

Bearing in mind that traffic in women and children is not confined to licensed houses, but that cases also occur outside those houses, it seems natural to divide the answer into two sections.

1. *Within* licensed houses in Siam, traffic in women and children is practically impossible. It is stated in our Annual Report for the year 1922 and in our reply to the Questionnaire C.L.61.1924.IV that Police officers regularly inspect these houses, and that every inmate has frequent opportunities of complaining to such officers, and, moreover, has frequent opportunities of giving up her immoral life with the assistance and under the protection of the Police Department.

2. *Outside* the licensed houses, traffic in women and children is of course far more difficult to detect. During the three years from April 1st, 1921, to March 31st, 1924, the Siamese Courts passed sentences in 56 cases (Penal Code, Sections 273 to 277 inclusive). In eight of these cases children were involved.

It is thought by those best qualified to judge that the system of licensed houses as controlled in Siam certainly hinders traffic in women and children within such houses. As regards such traffic outside the licensed houses it is thought to be impossible to say with certainty whether the system has any influence one way or the other.

REPLIES FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

1.

August 17th, 1926.

The system of licensed houses is not known in the Union of South Africa.

2.

November 14th, 1928.

When the Union of South Africa was established in 1910, each of the four provinces constituting the Union had its own laws dealing with prostitution and procuring. These laws have not yet been consolidated by an Act of the Union Parliament as there is not much divergence in their provisions, which have, moreover, been found adequate to cope with the evils which they are intended to suppress. These laws are embodied mainly in the following provincial statutes : Cape of Good Hope : Act No. 36 of 1902; Natal : Act No. 31 of 1903; Transvaal : Ordinance No. 46 of 1903; Orange Free State : Ordinance No. 11 of 1903.<sup>1</sup>

None of these statutes recognises a system of licensed houses for prostitution. Such a system is foreign to the Union, as, even under the common law, it is and always has been an offence to keep a brothel in a manner constituting a public nuisance.

Under the above-mentioned statutes it is an offence to keep a brothel, which is defined as including " any house or place kept or used for purposes of prostitution or for persons to visit for unlawful carnal connection or for any other lewd, obscene or indecent purpose "; and in the Transvaal the Supreme Court has interpreted this definition so as to impose criminal liability upon a woman who uses a house for her own prostitution, although she does not keep it for the prostitution of any other woman.

The owner, lessee or occupier of any premises who permits the use thereof as a brothel and any person who permanently resides in or assists in the management of a brothel or knowingly receives any money taken in a brothel is deemed to keep a brothel. Any woman found in a brothel who fails to disclose the owner or manager thereof, and any male person who resides therein or is the husband of a woman residing or assisting therein, is (unless he is judicially separated from her) *prima facie* deemed to be the recipient of money taken therein and consequently deemed to keep a brothel.

REPLY FROM THE GOVERNMENT OF SOUTHERN RHODESIA.

September 3rd, 1926.

So far as is known, there is no — or at most an insignificant amount — of European prostitution in Southern Rhodesia. No questions as to the system of licensed houses have arisen, and in consequence I am unable to furnish any information which might be of assistance to the Traffic in Women and Children Committee of the Advisory Commission for the Protection of Children and Young People.

REPLIES FROM THE SPANISH GOVERNMENT.

1.

March 6th, 1924.

In compliance with the Fourth Assembly's request, contained in Resolution II of September 15th, for an enquiry regarding the protection of women inmates of licensed houses, the Central Committee for the Suppression of the Traffic in Women and Children states that prostitution, while permitted in Spain, is, however, subject to regulation; thus, legislative steps have been taken to secure the liberty of women engaging in prostitution and to prevent them from being exploited. Among these measures special attention should be drawn to the prohibition against closing licensed houses by gratings or doors, and to the order for the posting in such houses of notices informing all the women inmates that they are entirely free to go and are not bound to the proprietors by any obligation, no argument — neither debts contracted nor advances granted nor sums claimed by one person engaged in the traffic from another — being admissible.

All the women are therefore aware that they are free to leave the establishment at any time, and they may profit by this position to seek a different means of livelihood.

<sup>1</sup> To be included in the " Digest of Laws on Traffic in Women and Children ".

The above-mentioned measures apply only to women over the age of 23 years. The presence in brothels of women below that age is totally illegal, and any persons detaining such women are liable to the full rigour of the law, offenders being handed over to the judicial authorities to suffer the penalties provided by the Spanish Penal Code.

2.

*Memorandum on the System of regulating Prostitution and on Licensed Houses.*

May 26th, 1925.

Our Committee (which is the central Spanish authority created in accordance with the Agreement of 1904 and the Conventions of 1910 and 1921) wishes at the outset to explain that the first official notice that it had of the resolution adopted by the Council of the League of Nations (April 1923) was when M. Sangro y Ros de Olano, the Spanish delegate to the Advisory Committee on the Traffic in Women, pointed out in his account of his work at the third session that a memorandum on this subject should be sent to the Advisory Committee. M. Sangro at the same time proposed a motion asking the Spanish Committee to study the whole question of regulating prostitution, as well as the possibility and advisability of substituting another regime for that now in force. M. Sangro's motion proposed that minute and careful enquiries should be made, the different State services consulted and the information thus obtained calmly considered with a view to drawing the logical conclusions, whose purport and scope it is impossible to foresee at the present moment. Although the Fourth Session of the Advisory Committee was to meet on May 20th next, the Spanish Central Committee did not hesitate to comply with the insistent demand of the Spanish delegate by drawing up the present memorandum, which is sufficient to give some idea of the system in force in Spain and to explain why this system has been retained. It is hardly for a branch of the administration which maintains the system in force for all kinds of complex reasons, social, health, moral, etc., to judge whether this system encourages the traffic in women or makes it more difficult. Before the conclusion of the enquiry to which M. Sangro y Ros de Olano's motion has given rise, it would be premature to make official declarations implying a moral obligation to carry out reforms which up to now have neither been demanded by the generality of public opinion nor could be realised without a preliminary programme of administrative measures requiring detailed study.

The Central Committee, after considering M. Sangro's motion, has realised that it is its duty not to postpone a careful study of the situation in order to decide what measures to recommend to the Government for the maintenance, modification or abolition of the present system and for the solution of a problem which is engaging the attention of every country.

After these preliminary remarks, the Central Committee will now proceed to examine the different aspects of the problem which forms the subject of this memorandum.

*Legislation in Spain.*

1. Our Penal Code, in various of its articles, lays down penalties for acts of corruption on the part of public authorities and officials for violation, rape, immoral abuse, abduction, etc., and that Articles 456, 459 and 466 were amended by the Law of July 21st, 1904, so as to be brought into harmony with the resolutions of the Paris Conference of 1902 on the Traffic in Women.

2. Article 105 of the Civil Code recognises as cause for legal separation attempts on the part of a husband to prostitute his wife or repeated endeavours on the part of either parent to corrupt or prostitute his or her children; that loss of parental custody may be entailed by prostituting or trying to corrupt children, or by giving them orders or advice, or setting them examples calculated to corrupt them (Article 171); that persons condemned for debauching minors or convicted of immoral conduct may not act as guardians (Article 237), and that parents who prostitute their children may not inherit property (*quia non digni*).

3. Spanish administrative legislation contains many dispositions for the protection of women against any moral pressure calculated to lead to prostitution, as regards emigration, theatrical regulations, public health measures, etc.

We shall now give a summary of the rules governing the *Service of Public Prophylaxis for Venero-Syphilitic Diseases*, which were drawn up by the Inspectorate-General of Health and approved by Royal Decree on March 13th, 1918.

The Preamble to this important document is as follows :

“ In view of the continual complaints reaching the Ministry from members of all classes of society, and particularly from the military authorities throughout the country, regarding the spread of venero-syphilitic diseases, and the incapacity of the present legislation to effect a prompt cure by checking the development of this social scourge, which is detrimental not only to the health of the individual but also to the vitality

and future of the race, His Majesty the King (whom God save) has pleased to decree :  
(1) That the instructions drawn up by the Inspectorate-General of Health for organising the service of public prophylaxis of these diseases throughout Spain are hereby approved and published. (2) That, in conformity with these instructions, the Provincial Health Boards, the Gibraltar District Board and the Municipal Boards concerned shall proceed immediately to draw up special regulations for each locality, as the problem of public health with regard to these diseases varies very much according to place. These special regulations shall then be communicated to the Inspectorate-General of Health with a view to their final acceptance and immediate application. (3) That, in conformity with the stipulations of Article 8 (paragraph 5) of the Royal Decree of November 27th, 1912, creating the Directorate-General of Public Safety, this authority shall be entrusted, in Madrid, with the powers which, in the other provinces, are entrusted to the administrative authorities in matters concerning the regulation of prostitution contemplated by the new health rules."

The following are the instructions in question :

*Article 1. Scope and Limits of the Regulations.* — These should be confined to " dealing with the public health aspects of this complicated social problem . . . . "

*Article 2. General Organisation.* — The Police are responsible for keeping the inspection registers of prostitutes and licensed houses ; the denunciation of secret prostitution ; preventing by all possible means the registered women from evading inspection ; renewing cards and " tickets " ; admission of sick women to hospital following on a medical report ; seeing to the isolation of women treated in their homes ; co-operation in the execution of the doctors' prophylactic prescriptions ; giving every assistance to the public health service, and in the compilation of statistics.

The organisation and control of the Medical Service is entrusted to the Permanent Committees of the Provincial and Municipal Health Boards.

The public health authorities appoint inspecting medical officers for the clinics and laboratories ; they lay down the procedure for the inspection of the women and the licensed houses ; are responsible for the study of the best prophylactic and therapeutic measures ; the establishment, regulation and working of the dispensaries ; medical treatment in the hospitals ; the distribution of the medical fees and the administration of funds ; the promulgation of prophylactic regulations for houses and individuals.

Finally, it is recommended that the technical and administrative elements " should complete each other and assist in the realisation of their aims, which are identical, by collaborating in the most cordial agreement . . . . "

*Article 3. Inspections.* — Inspections are exclusively carried out by the medical officers appointed for the purpose. The inspection in dispensaries, consulting rooms and similar official places is free.

Inspections carried out in the person's home and made on the latter's application are paid according to a scale fixed by the Health Commission, which decides on the number of doctors entrusted with this service in each locality. The medical officers for this service are required to pass a competitive examination.

Under this heading the special qualifications to be possessed by the doctors belonging to the service are enumerated. The doctors will be held responsible for their diagnoses. The result of the inspection must be reported on a certificate signed by the doctor, declaring the woman to be healthy, or naming the infectious disease from which she is suffering. These documents will form the basis for the issue of cards or health certificates. Any doctor guilty of concealing the truth in his diagnosis will be held personally responsible.

A suitable fixed fee shall be paid to the technical chief and the medical officers of the service. They are not allowed to treat prostitutes outside the dispensary.

*Article 4. Treatment.* — Any woman who cannot or ought not to be treated in the dispensaries shall be accommodated in hospital wherever possible. Home treatment, or treatment in licensed houses, is forbidden except in special cases, and in cases where complete isolation and the absence of infection to others can be assured and the women themselves and the tenants of the houses undertake all responsibility.

*Article 5. Dispensaries.* — In localities where the service exists, one or more dispensaries shall be established, furnished with all the necessary scientific means of combating venereal and other infectious diseases. A system of frequent clinical inspection of the women practising prostitution shall be established, as well as their health education and the special treatment to be followed. Dispensary treatment of patients with infectious diseases not instantly curable is forbidden ; such cases must be isolated.

The conditions to be fulfilled by the staff of the dispensary service are also laid down. Special dispensaries shall be established for men only, and, if this is not possible, special hours shall be set aside for men in the ordinary dispensaries.

*Article 6. Hospital Treatment.* — In all localities where this service is organised, efforts shall be made to instal hospitals for syphilitic patients, and, if this is not possible, special wards shall be set aside for the treatment of sick prostitutes. Co-operation is provided for

between the hospital doctors and those of the Health Service with a view to ensuring that prostitutes discharged from hospital shall not continue to spread infection.

*Article 7. Fees.* — All treatment given in the dispensaries and hospitals shall be free, but a fee shall be paid for home treatment.

The keepers of licensed houses shall pay the amount fixed by the Permanent Commission of the Health Board for the inspection of the houses and the examination of utensils and the means of disinfection possessed by the houses. In fixing the amount due, the Commission shall take into consideration the rent of the house, the number of boarders and of rooms occupied, and any other information which may help them in their estimate. The fees shall be paid by means of special cheques or receipts with counterfoils, and shall be credited to the funds of the Permanent Commission of the Health Board, which shall administer the said funds solely for the upkeep and improvement of the Service.

*Special Committees of the Permanent Commissions of the Health Boards.*

The organisation of these Special Committees is laid down in detail, and the municipalities, provincial councils and the State are recommended to allot them grants to enable them to carry on their duties.

*Article 8. Examining Officials.* — These officials belong to the Government Police and are entrusted with all matters relating to the hygiene of prostitution. The duty of these officials will be to carry out Police enquiries.

*Article 9. Constitution of the Permanent Commission.* — The Commission shall include a General Officer, the Senior Military Authority in the locality (in ports the Senior Naval Officer), the Chiefs of Police, the principal Health Officers and a number of civil medical specialists.

*Article 10. Financial Administration.* — Financial administration is in the hands of a committee elected from among the members of the Permanent Commission of each Health Board. The Board shall itself undertake the revision of the accounts.

The receipts may only be employed for the needs of the service.

In cases where the receipts are insufficient, the municipalities, provincial councils or the State shall grant an adequate subsidy to the Permanent Commission.

It is on the basis of these instructions that the regulations for public prophylaxis of venero-syphilitic diseases at present in force in the principal towns of Spain have been drawn up. They contain clauses directed against abuses with regard to girls under age, clauses forbidding the lodging of children in houses of prostitution, guaranteeing freedom to leave such houses, etc.

Our Committee could, if desired, transmit copies of the local regulations referred to in the preceding paragraph.

Since the publication of these instructions, a Royal Order, dated May 27th, 1922, has provided for the installation in all port health stations of premises for the free medical treatment of sailors, of whatever nationality, who may be suffering from non-clinical forms of venero-syphilitic diseases. This Royal Order was promulgated in compliance with the agreement adopted by the Permanent Committee of the Office international d'hygiène publique at Paris in October 1919. This service is already carrying out its duties in the ports and, according to official information, is giving excellent results.

\* \* \*

Official reports (Year-Books of the Inspectorate-General of Health) show that great difficulties have been experienced in certain towns in introducing the regulations.

At Barcelona, for instance (see Year-Book for 1920), the circumstances were unfavourable, and effective help from the Police was not forthcoming. The statistics of the Military Hospital show that there are on an average some hundred syphilitic patients under treatment, and the civil population also suffered from the want of a proper health organisation. In the Year-Book for 1921, much stress is laid on the very considerable resistance which the work of the service encounters at Barcelona, so that only 274 inspections of houses and 2,800 monthly examinations of prostitutes could be carried out. During the year, 17 doctors with eight assistants worked in the dispensaries, and over 2,500 cures were effected in the dispensaries for men. "But much remains to be done", the report adds, "to convince the public of the venereal peril".

At Cadiz (see Year-Book for 1921), great efforts were found necessary to check the development of this disease, which was due to the continual passage of troops to and from Morocco; the units returning from the campaign arrived with an average of venereal cases reaching 30 per cent of their strength. It is also stated that secret prostitution is on the increase for the same reason.

The Health Inspector of the Canary Islands states in the same Year-Book that it is "difficult, if not impossible, to carry out this service with proper care", for all efforts are nullified by the existence of secret prostitution and the want of a reformatory to which to send minors.



At Gerona (1920 Year-Book), the poverty of the licensed houses is so great that "it has been found necessary to confine medical inspection to prostitutes who can pay for it" at one peseta a visit. At Teruel, syphilis is considered to be responsible for many innocent victims of meningitis. At Avila, according to the 1922 Year-Book, "prostitution is such a miserable calling that as soon as the free dispensary was opened, all the prostitutes applied for examination, and the receipts were therefore nil".

At Huesca, secret prostitution is reported to have increased with the arrival of a garrison. In the 1920 Year-Book, it is stated that in those capitals (or provinces) where no dispensaries exist, "inspections are made in the patients' houses or in some building belonging to the civil administration set aside for that purpose or in a place provided by the municipality".

Some of the information given by the Year-Books is, however, more optimistic.

In the 1921 Year-Book (the last in possession of the Commission) it is stated that at Alicante, thanks to the system adopted, "venereal and syphilitic diseases have almost disappeared", and that at Córdoba (where 300 women were registered in the course of the year and 11,322 inspections were made) the service was becoming more efficient from day to day. At San Sebastian it was found possible to make 1,403 inspections of the prostitutes living in the 14 recognised licensed houses and the four *maisons de rendez-vous*.

It will be seen from the Year-Books that the consensus of opinion on the part of the health inspectors is that, generally speaking, the system is a good one, though they deplore the fact that, owing to the want of sufficient pecuniary resources, its success cannot be regarded as certain.

#### *Official Campaign against Venereal Diseases.*

Spain has various methods at her disposal for the fight against venereal diseases. In every university there is a specialised and technical official course of training on venereal diseases in which all questions relating to dermatology and syphilography are studied. In connection with these courses the universities have also special clinics and laboratories in which these diseases are dealt with by the most modern methods of treatment and diagnosis. Mention should also be made of the scientific prophylactic work done by the clinics and hospitals specialised in this class of disease, such as the hospitals of San Juan de Dios and of the Buen Suceso at Madrid, and those of Barcelona, Granada, Valencia and Cadiz, which provide an excellent scientific basis for the anti-venereal campaign. In nearly all the dispensaries the Spanish specialists, who are conspicuous by their public spirit, give courses and lectures; and this, in conjunction with the creation of museums, some of them on the largest scale, like that of the hospital of San Juan de Dios at Madrid, has called into existence a really important Spanish school of dermatology.

The direct campaign is carried on by the anti-venereal dispensaries and consulting rooms.

Up to April 1923, the only official centre at which venereal diseases were treated was the consulting room of the hospital of San Juan de Dios, which is under the authority of the Provincial Council and at which medical treatment and the greater part of the medicines required are given free of charge.

In April 1923 was inaugurated the official anti-venereal dispensary in the Callo de Luisa Fernanda, an establishment which had previously only engaged in the examination of licensed prostitutes.

This centre now examines and treats free of charge any patient of either sex and irrespective of whether they are licensed prostitutes or not.

In June 1924 was inaugurated the new Azua Dispensary (Calle de Segovia 4), in memory of the eminent Spanish dermatologist Dr. Azua. Its aims are similar to those of the dispensary mentioned in the previous paragraph, although the latter confines itself to treating necessitous cases.

Both the dispensaries are under the authority of the Ministry of the Interior.

The Town Council of Madrid maintains an anti-venereal prophylactic department at the Central Emergency Station, which is attached to the Municipal Clinic of Dermatology and Syphilography.

At Madrid, hospital treatment is given exclusively at San Juan de Dios, at which all medical and pharmaceutical attendance is provided free of charge.

In the rest of Spain a large number of anti-venereal dispensaries have been created in accordance with the legislation outlined above. Mention may be made, among others, of the anti-venereal dispensaries of Alicante, Avila, Balearic Islands, Barcelona (two for women, special department in the general hospital), Cadiz (dispensary and hospital for syphilitics), Gibraltar, Castellon, Córdoba, Granada, Guipuzcoa, Huesca (in the Civil Government Department), Segovian Toledo, Valencia, Valladolid (dispensary and laboratory), Zamora, Saragossa, Palma (Majorca), Malaga, San Sebastian, Oviedo, Santander and Seville.

The Commission is glad to say that the medical services of all these institutions enjoy the highest reputation.

#### *Special Legislation against the Traffic in Women.*

This legislation began with the creation of the *Royal Society for the Suppression of the Traffic in Women* and the international conventions against the traffic approved and ratified by Spain.

The full texts governing this question will be found in the pamphlet (*Royal Society for the Suppression of the White Slave Traffic: General Clauses*, 3rd edition, 1919). The following are the most important :

The Royal Decree of July 11th, 1902, creating the Royal Society.

The Royal Orders and Circulars of September 5th, September 9th and October 30th, 1902, and of May 18th, 1903, regarding the supervision and protection of minors in stations and ports.

The Royal Order of September 9th, 1902, confirmed by that of September 22nd, 1903, which prohibits the use of gratings in the doors of licensed houses and orders the posting-up of notices in these houses informing all their inmates that they are absolutely free to leave, that they are under no obligation towards the keeper of the house and that the latter has no legal claim on them under any pretext — for example, on account of debts contracted, loans or sums paid to or by their procurers.

In this way all the inmates know that they can leave a licensed house and are therefore free to choose other means of livelihood.

The Advisory Committee on the Traffic in Women of the League of Nations is acquainted with this measure, which is published as document C.T.F.E. 204, dated March 24th, 1924.

The Royal Order and Circular of January 31st, 1903, which lays down that when young women under age, inhabiting licensed houses, are aliens, the Consul of their country must be notified in order that he may arrange for their removal : " Your Excellencies (the Governors) may go so far as to order expulsion by the ordinary procedure if no authentic proof of majority is forthcoming or if the notification of such females as minors is found to be correct ".

The Royal Order of January 31st, 1903, containing instructions to the Governors regarding minors.

The Circular of July 18th, 1903, laying down regulations for the suppression of the traffic in women.

The Law of July 21st, 1904, amending Articles 456, 459 and 460 of the Penal Code and punishing all classes of offence in connection with the traffic in women, in conformity with the principles adopted by the International Conference of 1902.

Other measures have been taken to protect women against the dangers of the traffic ; for example, the Police Regulations regarding Public Spectacles dated October 19th, 1913, whose fourth chapter lays down rules concerning *cafés chantants*, music-halls and other similar establishments, which are prohibited from lodging performers on the premises, from concerning themselves directly or indirectly with their accommodation, and from obliging them to enter into conversation with the public. Performers are also prohibited from remaining on the premises longer than is necessary to give their performance, while managers may not keep apartments separated from the auditorium or reserved, nor engage the services of persons under sixteen years of age, nor engage directly minors above sixteen years of age. Women over age entered on the public health registers and minors engaged in immoral traffic may not work in establishments of this kind.

A circular of the Civil Governor of Madrid, dated January 25th, 1923, laid fresh emphasis on these stipulations and made various additions of detail to minimise the dangers to which women were exposed in this class of establishment.

On May 9th, 1924, another Royal Order to the same effect was promulgated, the authorities being alarmed by the bad influence of *cabarets* as revealed in the " Andalusian Express " crime.

#### *The Problem of Abolition in its Relation to the Royal Society for the Suppression of the Traffic in Women.*

The Royal Society's main purpose is not to study the prostitution system and the possibility or advisability of reforming it ; but, in view of the close relation between that problem and the traffic in women, it has taken part on several occasions in the study of various aspects of the question of abolition.

Whenever the Royal Society for the Suppression of the Traffic in Women has been asked its opinion regarding the system of control, it has pronounced in favour of its abolition. Accepting as it does the resolutions in favour of abolition passed by the international congresses of the London Office — of which it is the Spanish branch — the Royal Society has always used its influence in this direction.

In 1908, the Royal Society hailed M. La Cierva's decree (as " a mortal blow to licensed prostitution " and as " a great step towards abolition and eventually towards the suppression of the traffic in women "). *The Royal Society for the Suppression of the Traffic in Women and the Congress of the International Abolitionist Federation*, Geneva, September 1908 ; Madrid, 1908).

From this pamphlet it will be seen (page 11) that the Royal Society adopted the views laid before the Congress of the Abolitionist Federation by its Secretary, M. Cuartero.

Don Octavio Cuartero submitted to the Congress a report in which he stated that " all operations for recruiting women for licensed houses constitute ' trafficking ' and as such are punishable by law ". He added that these operations, according to his view of Spanish law, were punishable " even in the ordinary case of women having attained their majority, who are certainly free to prostitute themselves and lead an immoral life so long as they do not afford a means of gain to a third person . . . ". " No one ", he went on,

" may keep houses of prostitution to exploit women and make a living of this infamous trade. The day is no doubt far off, but I think it will come, when the guardianship imposed on persons incapable of administering their own affairs will be extended to women incapable of preserving their dignity and modesty . . . I cannot admit that brothels should be tolerated. In support of my opinion, I can find precedents in the oldest and most venerable codes of Spanish law. "

On another occasion also the Royal Society pronounced an opinion on the problem of abolition.

It was officially consulted on this very question of prohibiting the employment of aliens in houses of prostitution which has been so closely studied by the Advisory Committee on the Traffic in Women of the League of Nations.

The Rapporteur, M. Tornos, dealing with the question of abolition, said that, as the proposed measure was calculated to assist in the campaign against the traffic in women, he fully approved of it. As there were no laws to protect aliens in this situation, he expressed the opinion that the authorities could order their expulsion without need of legislative measures or special conventions.

Among those who took part in the debate held by the General Committee of the Royal Society were Count de la Mortera and M. Uriarte, M. Montero Rios and M. Cossio. They agreed on the reply that " the proposed convention is approved because it is of a nature to assist the work of suppressing the white slave traffic, inasmuch as any measure for the protection of female emigrants places obstacles in the way of immoral traffic and goes far towards preventing it. The proposed measures of prohibition will undoubtedly contribute to the protection of alien women, who often find themselves in a very difficult position owing to their isolation in strange surroundings ".

M. Cossio referred to the various abolitionist congresses which have been held and to the conferences and meetings organised by the Spanish Abolitionist Society, which he had himself attended in an unofficial capacity and in which the question was considered from the point of view of public health.

The Royal Society, whose discussions and resolutions are absolutely impartial, then went on to study the question in detail and resolved that it should be included in the agenda of the Graz Congress.

### *Public Opinion and the Regulation of Prostitution.*

This problem has not hitherto engaged the attention of the great mass of public opinion in Spain.

The public health aspect naturally appeals to it most owing to the spread of venereal diseases and the tangible consequences of the latter. Dr. Velasco Pajares recently drew the attention of the Central Infant Protection Board to the alarming figures of syphilis among infants, and it is only on occasions like these that the matter really arouses public interest.

In these circumstances it is not surprising that the population in general readily accepts the measures taken by the health authorities to prevent the spread of venereal disease, although its only motive is self-defence.

To find any wider appreciation of the question we must look to the more liberal classes and professions and those in contact with the medical, legal and moral aspects of prostitution.

If we consider first the opinion of doctors specialising in this problem, we find that those who hold positions of authority in this connection defend the regulation of vice from the point of view of public health and are apprehensive of any attempts to suppress it or minimise its effects considered as a source of abuse or injustice; specialists in free practice, on the other hand, are generally in favour of abolition.

A considerable number of specialised free practitioners have stated in public that they consider regulation to be ineffective as a prophylaxis against venereal diseases.

This conflict of ideas has always displayed itself in professional bodies such as the Royal Health Board, the Royal Academy of Medicine, the Spanish Public Health Society, the Spanish Society of Dermatology and Syphiliography and other associations which have dealt with the problem on different occasions.

These discussions have always been of an animated and sometimes even of a heated nature.

Lawyers have not dealt specially with this problem, but, to judge from their writings and speeches, it may be said that, in general, they incline in favour of abolition.

It is worth recalling what a sensation was created when the eminent barrister Don Juan Montilla, in a solemn speech at the opening of the Law Courts, announced, as Minister of Justice, that a bill would be introduced to render compulsory the production of a medical certificate in matrimonial suits.

" It is essential ", he said, " that a judge should not authorise unions which science considers doomed to have the most disastrous consequences. When physical defects transmitted by heredity and favoured by wedlock convert homes into hospitals and workshops into neurasthenic wards, death takes a heavy toll and crime sows its seeds in favourable soil. "

Experts in social questions are becoming increasingly in favour of abolition.

A number of Spanish social workers availed themselves of the opportunity afforded by the meeting of the International Congress against the White Slave Traffic at Madrid to form a nucleus in Spain in favour of abolition. They arranged various interviews with foreign

abolitionists who were attending the Congress and have since published works which constitute a clear profession of faith. Among the other private organisations which study the problem are the following :

*The Spanish Anti-Venereal League* studies the most effective means of prophylaxis and recommends them to its permanent committee against venereal diseases.

*The Spanish Abolitionist Society* (Sociedad Española de Abolicionismo) at Madrid is an institution whose object is to provide Spain with up-to-date legislation in all matters relating to sexual problems and offences against public health.

The Chairman of this Society is Dr. Cesar Juarrosy, and it comprises a number of distinguished persons of both sexes. It holds public meetings in the entertainment halls of Madrid, in which the most eminent politicians, barristers, medical men and sociologists take part. The public which attends these meetings is entirely in favour of the principle of abolition.

Another society which carries on active public health propaganda and uses its influence in favour of abolition is that directed by Dr. Navarro Fernandez, a well-known Madrid doctor. This society is known by the name of the "Public Health Meetings", which it organises. A number of men and women of high social standing belonging to this organisation give public lectures every Sunday and holidays in the theatres of Madrid and in a number of theatres at Barcelona, Valencia, San Sebastian, Cadiz and Oviedo, illustrated by cinema films and an extensive collection of lantern-slides.

A great number of people follow this anti-venereal campaign which has been perseveringly carried on during the last four years and give it their enthusiastic support.

Among those who take part in this campaign are public health experts of both sexes, sociologists, scientists, professors, university men, members of the upper clergy, military and civil authorities, etc., who render valuable assistance in the fight against these avoidable diseases.

Lastly, declarations in favour of abolition have been made by the Spanish branches of international women's organisations, such as the International League of Spanish and Latin-American Women, whose chairman is the authoress Carmen de Burgos.

\* \* \*

Such, briefly, is the information which the Central Committee is able to supply regarding the present position of the problem of prostitution, which, in Spain as elsewhere, is intimately bound up with very complex moral problems.

A movement in favour of the study of these problems has recently been set on foot by influential religious organisations.

Father Restrepo has begun to write on this question in the Jesuit Review *Razon y fe*, and, according to private information, the study of the same subject will shortly be undertaken by the Women's Catholic Association, which has a membership of over 65,000.

For some time past another well-known Catholic Society — the Spanish Association of St. Raphael — has been giving its attention to the problem, chiefly from the point of view of female emigrants and from the economic and social aspects, etc.

In conclusion, this Committee wishes to emphasise its determination to give this question its most serious attention in conformity with the resolution proposed by M. Sangro y Ros de Olano, and to point out that latterly, and particularly since the crisis produced by the European War in connection with the general relaxation of morals, a distinct change has come over the position as regards prostitution.

Side by side with the increase of clandestine prostitution there has been an increase in public knowledge of the question, and some apprehensions have begun to be expressed regarding the influence of licentious living on Spanish society. It is to be hoped that this feeling of concern will become more and more general and that henceforward the necessary support of public opinion will be forthcoming in deciding upon the maintenance or abolition of the regulations at present in force.

A policy of precipitation corresponding to no real movement of public opinion would discredit the present regime and would ruin at the outset any attempt at reform, however much it might be supported by the doctrines and convictions of the experts.

The point on which the Central Committee wishes to lay emphasis is that Spain will never reply with a systematic *non possumus* to the appeals of the outside world provided they are based on the lessons of reason and experience.

#### REPLIES FROM THE SWEDISH GOVERNMENT.

1.

November 5th, 1923.

No licensed houses have ever existed in Sweden. Prostitution was formerly, in a few of the principal towns of the country, regulated according to certain provisions of ordinary law, but this system was done away with at the end of 1919.

5.

2.

November 28th, 1928.

Sweden has been trying for nearly ten years to combat venereal diseases by legislative measures. The law voted in 1918 is the result of exhaustive studies, the official side of which dates back to 1903.

The principles underlying the present law are as follows :

1. Free treatment of all infected persons. In the large towns the treatment is given in polyclinics possessing a medical staff of specialists and by the house doctors. The State bears the costs of medical fees, drugs and similar expenses; all other costs are borne by the communes.

2. Obligation of all venereal patients to obey the doctor's orders. Every patient receives at his first consultation a pamphlet explaining the nature and infectiousness of venereal diseases and the legal provisions relating to them. If the patient fails to obey medical instructions or neglects his treatment, the doctor notifies the fact to the central medical authority (health inspector), who summons the patient to appear for a medical examination, failing which he will be conducted to hospital by the Police. The doctor is bound to supply statistical but not identity particulars on each case, and to ascertain the source of infection, which will be notified to the aforesaid authority; it will then be the latter's duty to see that the author of the infection undergoes treatment under the conditions described above.

3. Creation of an organisation for spreading information on venereal diseases, to be controlled and subsidised by the State. This question was submitted to a special commission, whose report, issued in 1921, embodies a detailed scheme of propaganda, devised both for schools and young people generally and for the adult public.

4. Abolition of regulated prostitution.

5. Introduction of further penalties in the criminal law. The transmission of a venereal disease, even by other means than sexual intercourse, is punishable by a fine of not less than 50 crowns and may involve not more than 2 years' imprisonment.

#### REPLIES FROM THE SWISS GOVERNMENT.

1.

February 21st, 1923.

As the question dealt with in the resolution of the Third Assembly of the League of Nations dated September 25th, 1922, falls, in Switzerland, within the competence of the cantons, the department of the Federal Prosecutor (Ministère Public de la Confédération), which is the administrative department responsible, in conformity with Article 1 of the International Agreement of 1904 for the abolition of the traffic in women and children, "for collecting all information with reference to the procuring of women and girls for immoral purposes abroad", has had to request the competent cantonal authorities to supply the particulars for which you asked in your letter of December 20th, 1922.

Eleven cantons have already submitted replies, and the Department of the Federal Prosecutor (Ministère Public de la Confédération) has accordingly prepared the following statement in accordance with the information which has reached it :

Except in the case of Geneva, there are no licensed houses in the Swiss Cantons from which we have received replies. The proposal contained in the resolution dated September 25th, 1922, of the Third Assembly of the League of Nations is not therefore one of much practical bearing so far as Switzerland is concerned. Under Article 177 of the draft Swiss Penal Code, prostitution is unconditionally prohibited. When this article comes into force, the result will accordingly be that the last licensed houses which still exist in this country will be suppressed. Switzerland can therefore express agreement in principle with the resolution of the Third Assembly of the League of Nations. No decision can be given as to whether the Confederation should, pending the coming into force of the new Penal Code, promulgate a decree applicable to the whole of Switzerland, prohibiting the employment of foreign women in licensed houses, until the question has been fully investigated. We may, however, express doubt whether the measure recommended in the resolution of the Third Assembly can really be regarded as a preliminary measure which will prepare the way for the permanent abolition of the system of official regulation. Will States in which the system of official regulation is in force adopt a resolution of the Assembly of the League of Nations calling upon them to abolish this system? If they adopt it, will they carry it into execution? When a vote was taken at the International Conference held at Geneva in 1921, eleven States rejected a proposal relating, like the proposal at present engaging our attention, to the system of regulation.

2.

August 5th, 1924.

We have the honour to inform you that the system of licensed houses no longer exists in Switzerland except in the single case of the Canton of Geneva. The Police authorities of this canton state that the system in force does not encourage the traffic in women and children. The Federal Ministry, however, which is the central Swiss office for repression of the traffic, is of opinion that houses of prostitution definitely favour this iniquitous traffic. The draft Penal Code submitted to the Chambers by the Federal Council in 1918 provides severe penalties for professional procuring and for keeping houses of prostitution. In the message addressed to the Chambers by the Federal Council in support of this penal code, the system of houses of prostitution is judged in the following terms :

“ Professional procuring in some sort organises prostitution. It encourages the supply and stimulates the demand, and, by thus favouring prostitution, it aggravates the dangers of the latter and shamefully exploits the unfortunate women who have taken to this trade. This is particularly true of the commercial organisation of prostitution in brothels, which offer the satisfaction of the sexual instinct in its basest and most humiliating form and in the form most degrading to women. The idea that they protect public health and decency because the keeper of the house is subject to certain rules the observance of which is supervised by the State has been shown by experience to be quite illusory. The security, both apparent and real, which is thereby offered to debauchery has only resulted in multiplying the victims. This form of professional procuring must therefore also be made punishable in every case. It should not be tolerated either by the State or by the municipalities. ”

3.

November 22nd, 1928.

You ask us to send the text of the laws and regulations abolishing the licensed-brothel system in Switzerland. This matter is in the hands of the cantons, all of which directly or indirectly prohibit brothels. Most of them simply have a clause in their Penal Code prohibiting prostitution and consequently also the existence of such houses; only a few cantons have passed specific prohibitive legislation. This legislation, strictly enforced, has for the most part proved completely satisfactory.<sup>1</sup>

REPLIES FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

1.

February 20th, 1923.

In the United States the general regulation or prohibition of prostitution falls within the province of the State Governments. In no State are there “ licensed houses ” within the meaning of the resolution submitted by the Assembly of the League of Nations for consideration by the Committee on Traffic in Women and Children. In some localities of the United States, a decreasing number of houses are, in effect, licensed or regulated by the local Police either through periodic arrests and imposition of fines or the policy of arresting and fining when the extra-legal Police regulations are not observed.

In this connection, attention is called to the fact that, in addition to the provisions of the State laws and the so-called Mann White Slave Act which operate alike on all women, the United States Immigration Law (as revised February 5th, 1917) :

(1) Excludes prostitutes and procurers from admission into the United States as follows :

(Section 3) “ That the following classes of aliens shall be excluded from admission into the United States : . . . prostitutes or persons coming into the United States for the purpose of prostitution or for any other immoral purpose ; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose ; persons who are supported by or receive in whole or in part the proceeds of prostitution.

(Section 4) “ That the importation into the United States of any alien for the purpose of prostitution or for any other immoral purpose is hereby forbidden ; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbour in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than ten years and by a fine of not more than \$5,000 . . . That any alien

<sup>1</sup> The texts of the cantonal penal laws will be included in the “ Digest of Laws on the Traffic in Women and Children ”.

who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this Act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States, shall be deemed guilty of a misdemeanour, and on conviction thereof shall be punished by imprisonment for a term of not more than two years."

(2) Provides for the deportation of alien prostitutes, procurers, etc., as follows :

(Section 19) ". . . any alien who shall be found an inmate of or connected with the management of a house of prostitution or practising prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefits from, any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitutes or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall turn to and enter the United States . . . shall, upon the warrant of the Secretary of Labour, be taken into custody and deported;

*Provided* that the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this Act shall not invest such female with United States citizenship if the marriage of such alien female shall be solemnised after her arrest or after the commission of acts which make her liable to deportation under this Act."

In such tolerated, extra-legal houses of prostitution as still exist in some States of the United States, some foreign women may be and doubtless are employed. No information is at hand as to the number of these.

With reference to the deportation of alien prostitutes, the Commissioner-General of Immigration points out in his Annual Report for the year ending June 30th, 1921 (page 15), that :

"The existing passport requirements of virtually all the nations are such as to require the obtaining of a passport for every alien who is deported from the United States. These passports are obtained from the diplomatic or consular representative of the country of which the alien happens to be a citizen or subject. In almost every instance these representatives require the presentation of documentary evidence of the citizenship of the alien before they will issue a passport to or for him. All too frequently the alien has lost his documentary evidence of citizenship, which fact renders it necessary to enter into correspondence with the country concerned, through the Department of State, in an endeavour to obtain such evidence."

There may be a difference of opinion as to deportation as a method of control. It is, however, generally regarded by Americans as an important and necessary re-enforcement of the programme of abolition to which the United States Government and the States are committed, although it is recognised that in the case of women who have resided in the United States for many years, whose education and training are American, but who have not become American citizens, there are quite special difficulties involved in deportation. In this connection, attention is called to the statement of the Commissioner-General in his Report for the year ending June 30th, 1922 (p. 17), that :

"Lack of funds has prevented the bureau from conducting an active campaign against aliens unlawfully resident here, and many such who were proper subjects for deportation under our laws have been permitted to remain for this reason. In fact, it may be stated that the bureau has been careful to see that the activities in this direction of its field officers have been confined to the more extreme cases where, for peculiarly good cause, deportation should be accomplished."

It is noted that the resolution of the Assembly contains the words "pending abolition". It would seem to be valuable to consider all recommendations from the standpoint as to whether they did or did not look to or promote abolition. While it might be argued that closing their doors to foreign women would reduce the supply and so make it more difficult and less profitable to maintain licensed houses of prostitution, in view of the evidence that and that everywhere great difficulty attends the enforcement of regulations in the licensed houses, the proposed resolution would seem to offer little protection for foreign women. I should therefore like to have consideration given as to whether, if carried out, it might, by giving a false sense of security, delay a recommendation in favour of the general policy of abolition.

January 26th, 1927.

With further reference to the communication of the Acting Secretary-General of the League of Nations dated July 8th, 1926, transmitting the text of a resolution of the Traffic in Women and Children Committee of the Advisory Commission for the Protection and Welfare of Children and Young People regarding certain aspects of the system of licensed houses, the Secretary of State of the United States, pursuant to his Note of October 23rd, 1926, has the honour to transmit herewith a memorandum on abolition versus licensing or tolerating prostitution in the United States.

In accordance with a resolution adopted by the Advisory Committee on Traffic in Women and Children and approved by the Council of the League of Nations in 1923, information was sought from Governments having a system of regulating or licensing prostitution as to its workings and results, and from those Governments which previously had such a system but had abandoned it, as to the reasons which led them to take this course and the results which followed this action.

Legally, the United States does not fall in either category, so a reply to the questionnaire was not sent in 1924. In response to a further request for a report on the reasons or the experience which have led to the adoption by Governments of a policy of abolition or of regulation, the following statement is submitted :

*The Law on Prostitution.* — Report has been previously made to the effect that American public opinion and American laws — both State and Federal — look toward abolition and regard any form of regulating or licensing prostitution as unnecessary and as opposed to public morals and public health. While local control of prostitution falls within the Police power of the several States, its interstate and international aspects have been the subject of legislation by the United States Congress. In both the immigration laws and the so-called White Slave Traffic Act of 1910, the United States has used its power to regulate interstate and foreign commerce for promoting the abolition of prostitution. Summaries of these laws were submitted on February 20th, 1923 (document C.T.F.E.137). During and immediately following the late war, a Board, created to safeguard the morals and health of soldiers in training camps and known as the Interdepartmental Social Hygiene Board<sup>1</sup>, co-operated with local communities in the suppression of all forms of prostitution.

Prostitution within States comes within the Police power of the several States. While the laws vary in the forty-eight States as to the abolition of commercialised prostitution through the activities of a third person, there is great uniformity. With three possible exceptions<sup>2</sup>, the State laws prohibit the licensing of prostitution and support the policy of repression as distinguished from registration, segregation, or toleration, and the opinion of the United States as reflected in legal enactment supports the abolition of prostitution.

Progress in abolition has followed scientific study. While no licensed districts exist in the United States by legal sanction, with the possible exception of the three States previously referred to, there have been at times in many cities tolerated districts in which prostitution flourished and was in effect segregated and regulated by the Police. During the past 15 or 20 years great progress has been made in the successful administration of laws prohibiting prostitution, and the number of the so-called "red-light" districts is rapidly diminishing. The American Social Hygiene Association reports that in a survey of 166 cities made during the past three years, segregated districts were found in only 14. In four of these the districts have been abolished since the survey.

This condition has been promoted by careful scientific study of the problem of prostitution. Beginning about 1905, a number of investigations were made in the larger cities by the "committees of fourteen" and "vice commissions" appointed by city councils, mayors, or by the citizens' associations.<sup>3</sup> The members of these commissions were men and women of widely differing opinions as to whether public morality and public health would or would not be promoted by some form of segregation and licensing of prostitution when the investigations were begun. When they were completed, the reports of the commissions invariably opposed any form of licensing or regulating of prostitution and recommended legislation looking toward better administrative provision for the enforcement of abolition.

<sup>1</sup> This Board was composed of representatives of the Army, the Navy and the United States Public Health Service. It had a staff of men and women investigators who assisted Police and health authorities in the local communities.

<sup>2</sup> Arkansas permits cities "to regulate or suppress prostitution". This is a State in which there are no large cities or industrial communities. During the war, the law was used to suppress commercialised prostitution, and the situation has probably not changed considerably since the war.

In South Carolina, whosoever shall erect, establish, continue, maintain, use, own, occupy, lease or release any building, erection or place used for the purpose of lewdness, assignation or prostitution, is guilty of a nuisance, and the building, etc., and furniture used in conducting or maintaining such nuisance are also declared a nuisance and shall be enjoined and abated by either the public officers or citizens. There is no other law against prostitution in this State.

In Nevada, any lewd or dissolute female person known as a "street walker" or common prostitute, who shall conduct and behave herself in an immodest, drunken, indecent, profane, or obscene manner in any public place or before ladies and children, is classified and punished as a vagrant.

<sup>3</sup> Studies were made in thirty-three cities between 1910 and 1917. See Howard B. Woolston: *Prostitution in the United States*. Vol. 1, page 156; New York, 1921.



The findings of these commissions may be of interest. Summarised briefly, they were to the following effect : Segregation did not segregate, but on the contrary tended to increase the spread of vice. In several of the cities an equal or greater number of houses of prostitution were found outside the districts. Medical inspection was not effective and the district was a virulent source of venereal infection. The district enabled vice to organise on a vast scale and augment its traffic. The segregation of prostitution advertised it by making it more accessible, thereby increasing the demand for prostitution. The increasing demand made necessary a larger supply of prostitutes and this increased the traffic in women. Segregation, being inconsistent with State law, corrupted the Police. It stimulated the illegal sale of liquor. By providing a meeting-place for degraded persons, segregation increased crime and debauchery. It fostered sexual perversion. The existence of a segregated district provided a bad environment for children in the neighbouring districts, and also depreciated the economic value of property near the district.

These municipal reports, together with the report of the United States Immigration Commission and that of Dr. Abraham Flexner on Prostitution in Europe, supplied a basis for the American judgment that its policy of abolition was sound and that attention should be concentrated on methods of increasing administrative effectiveness in carrying out this policy, on educational measures and on provision of suitable and adequate recreational facilities for children and young persons.

The last annual reports of the Surgeons-General of the United States Army and Navy show that venereal disease rates among American soldiers and sailors on service in the United States are lower than among Americans in the service abroad. For example, in 1925 the venereal disease rate was 215.35 among enlisted white United States soldiers in an Oriental country where houses of prostitution were tolerated. In the same year the rate among enlisted white soldiers in the United States was 53.27.<sup>1</sup> In the Navy in 1924 the rate for forces afloat was 184.06, as compared with 63.74 for forces ashore in the United States. The rate for forces afloat in the battleship division of the Asiatic fleet was 432.45 and in the destroyer squadrons 492.19. In many of the European ports visited by the Navy, prostitution is licensed and some form of medical inspection is carried out. According to the 1925 Report of the Surgeon-General of the Navy, the venereal disease rate among American naval forces in Europe was 311.99 — nearly five times as high as the rate for forces ashore in the United States.<sup>2</sup> The Surgeons-General of both the Army and the Navy explain this difference by the accessibility of commercialised prostitutes. The Surgeon-General of the Navy says :

“ A general conclusion which seems to be justified by experience is that, wherever commercialised prostitution is looked upon as a necessary community institution by the local government, admission rates are high among naval personnel coming into contact with that community. It seems to make little difference how the local government attempts to handle the situation ; whether or not it attempts to keep prostitutes in a segregated district, requires medical inspection and adopts some form of license scheme or merely adopts a policy of toleration and confines its regulatory functions to general police activities, the determining factor seems to be the number of prostitutes in the community. In cities of the United States the policy of not tolerating prostitution prevails, but there are, of course, a good many clandestine prostitutes of various types in most of the cities. However, the difference in the effect upon venereal disease rates in the Navy as compared with exposure abroad is very noticeable in most instances, and where public opinion is active behind the local government so that it honestly endeavours to enforce adequate laws, with State and local health authorities also active, venereal disease rates tend to be very low, comparatively speaking, among naval personnel visiting the community. ”<sup>3</sup>

A special board appointed by the Secretary of the Navy to study the venereal disease problems of the Navy came to the same conclusion. They were certain that the ease with which sailors in foreign ports had access to prostitutes was a most important causal factor of the high venereal disease rate, while the comparative absence or inaccessibility of prostitutes in the United States markedly lowered the disease rate.<sup>4</sup>

The Surgeon-General of the U.S. Army stated that “ the number of venereal infections at stations and in corps areas depends largely upon the environmental conditions ”<sup>5</sup> — that is, whether the local authorities suppress or tolerate prostitution.

*Recent Developments.* — The reports of the vice commissions previously referred to, the experience of the Army and Navy and a developing public opinion in favour of self-control and the single moral standard have led to continued efforts to make abolition really effective. In connection with the inauguration of new programmes for the registration and treatment of venereal disease during and immediately following the war, some local advocates of medical inspection of prostitutes have appeared in the health and Police departments of a few cities,

<sup>1</sup> Annual Report of the Surgeon-General, U.S. Army, 1926, page 125 ; Washington, 1926.

<sup>2</sup> Annual Report of the Surgeon-General, U.S. Navy, 1925, page 133 ; Washington, 1926.

<sup>3</sup> Annual Report of the Surgeon-General, U.S. Navy, 1924, pages 136 and 137 ; Washington, 1924.

<sup>4</sup> U.S. Naval Medical Bulletin, Vol. XXIII, No. 6, December 1925, pages 527 and ff.

<sup>5</sup> Annual Report of the Surgeon-General, U.S. Army, 1926, page 127 ; Washington, 1926.

but the futility and illegality of such a programme has increased the demand for concentration on abolition. In the city of New York the exploitation of prostitutes by third persons has been so reduced as to be almost non-existent, and the volume of prostitution within the past 15 years is estimated by investigators to have been reduced by 90 per cent.

At the same time, a serious attempt is being made in many cities by both public and private agencies to effect the social readjustment of the young prostitute by abolishing the fining system, which merely encourages her to return to her former occupation in order to earn money with which to pay her fine, and by substituting for it social treatment based on the needs of the individual offender. In New York no fines have been imposed upon women prostitutes since 1912, when this punishment was discontinued by agreement between the court magistrates of the city.<sup>1</sup> The effectiveness of this programme is indicated by the increasing proportion of first offenders and the decreasing proportion of recidivists among those who are convicted. Over 70 per cent of the prostitutes in the New York City Magistrates Court from 1922 to 1925 had not been previously convicted, as compared with 50 per cent in 1916-17.<sup>2</sup> At the same time the total number of arrests for this offence has decreased while the population has increased. Thus the number of arraignments in 1915 was 3,780 as compared with 1,330 in 1925.<sup>3</sup>

Increasing emphasis is now being given to the part that men play in prostitution. An amendment to existing legislation is being much discussed as the next step needed to promote further the policy of abolition as well as equal treatment of men and women. Under the proposed amendment the man who pays a woman for immoral relations is made equally guilty with the woman who accepts payment for such acts, so that by legal definition the man as well as the woman concerned is made a prostitute. Such laws have been passed in 12 States,<sup>4</sup> and a bill of this sort, sponsored by the Committee of Fourteen, was introduced in the New York State Legislature in 1924 and 1925 but failed to pass.<sup>5</sup> The Committee is continuing its advocacy of the proposal, which is supported by such organisations as the State Department of Health, the Committee on the Amendment of the Law of the Association of the Bar of the City of New York, the New York League of Women Voters, the National Women's Party, the New York City Federation of Churches, the American Social Hygiene Association and many other groups similar to these.

On the basis of the experience so far, the reasons for suppressing licensed houses appear to be sound. The present condition, although still not satisfactory, is a great improvement over conditions which formerly prevailed. Interest in the United States is centred in: (1) prevention of prostitution by promoting wholesome recreation and the supervision of commercialised recreation and by the kind of education which leads to self-restraint; (2) improvement in the administration of the policy of abolition; (3) in intelligent individualised social treatment for sex offenders.

---

<sup>1</sup> In 1913 the provision for fines in such cases was abolished by law. The Committee of Fourteen in New York City, Annual Report for 1920, page 25; New York, 1921.

<sup>2</sup> The Committee of Fourteen in New York City, Annual Reports : 1925, page 44; 1924, page 45; 1923, page 38; 1917, page 41.

<sup>3</sup> The Committee of Fourteen in New York City, Annual Reports : 1915, page 13; 1925, page 34.

<sup>4</sup> States having laws against receiving the body for prostitution with or without hire : Connecticut, Delaware, Maine, Maryland (for hire only), New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Vermont, Wisconsin (aiding or participating in prostitution).

<sup>5</sup> The Committee of Fourteen in New York City, Annual Report for 1925, page 20. The text of the amendment appears in the Annual Report for 1924, page 33.

APPENDIX.

A BRIEF SURVEY OF THE CONDITIONS OBTAINING IN GREAT BRITAIN  
AND THE COLONIAL EMPIRE WITH REGARD TO VENEREAL DISEASE  
AND PROSTITUTION

(This memorandum was furnished by the British Social Hygiene Council for the information of the  
Traffic in Women and Children Committee.)

INTRODUCTION.

The object of this survey is to give some account of the experiences gained in dealing with the problems of venereal disease, particularly as related to prostitution under conditions of freedom from the regulation and control of prostitutes and without compulsory measures for the treatment of disease. Reference is also made to other measures of social welfare which bear on the question and have tended to raise the standards of public behaviour. A later section describes the progress which has been made in certain British Colonies in dealing with the same problems.

Before describing the present organisation which has been established for the treatment of venereal diseases, it may be well to explain that, since the Contagious Diseases Acts of 1864-69 were finally repealed in 1886, a strong public opinion against any attempt to reintroduce any form of official regulation of prostitution has been maintained, and the same policy has been accepted and followed for the most part in the self-governing Dominions and in other parts of the British Empire. Public opinion has been considerably reinforced in later years by the advancement of medical science and a change of view among medical men who are experts in the treatment of venereal diseases. At one time, medical opinion in the main supported the view that the systematic medical examination of prostitutes would ensure the treatment of infected women in hospitals and would check the spread of disease. Medical experience has now shown that careful supervision and frequent tests, bacteriological and cultural, often extending over a period of from four to six weeks, are necessary to establish freedom from gonorrhœa, and that it is often difficult to decide whether or not infective syphilis is present. On the other hand, if persons infected with syphilis or with gonorrhœa are kept under medical treatment and observation, they are not necessarily infectious during the whole period of the disease. It may be true that, if a limited group of persons known to be diseased is registered and kept under medical control, the spread of syphilis from that particular group may be reduced, provided always — and this is very important — that the control is effectively maintained. None of the systems of registration and medical examination commonly in force provide sufficiently effective control. The value, however, of any form of control in checking the spread of gonorrhœa has not yet been established, while other factors inherent in the system appear definitely harmful. It has also to be remembered that, in any community in which a group of prostitutes are under control, ten times as many women of promiscuous habits, and consequently a source of active infection, are likely to be outside the control.

THE TREATMENT OF VENEREAL DISEASES IN GREAT BRITAIN.

A Royal Commission on Venereal Diseases was constituted on November 1st, 1913; their official report was issued on February 11th, 1916, with the conclusions at which the Commissioners had arrived after the examination of eighty-five witnesses at eighty-six meetings. The Royal Commission stated that, while they were precluded from considering the policy of the Contagious Diseases Acts, they were convinced by the evidence that no advantage would accrue from a return to that system. A great improvement in the venereal diseases statistics of the Navy and the Army was noted to have taken place since their repeal.

In 1905, a Sub-Committee of the Advisory Board to the Army Medical Service was appointed to consider venereal disease in the Army. In 1906, they reported against the method of compulsory isolation and treatment and recommended diffusion of knowledge and the provision of effective treatment to which no stigma should attach.

The modern attitude towards the problem of venereal disease may be said to have come into being from this date. The discovery of the *Spirochæta pallida* in 1905 and the introduction in the Army of the Wassermann test for syphilis in 1907 marked the beginning of the adoption of the modern method of treatment. In 1910, Salvarsan was introduced and came into general

use in the Navy and Army in 1911-12, but only among the general population after the issue of the report of the Royal Commission.

Two international conferences on syphilis and venereal disease had been held in Brussels, one in 1889, one in 1902. The Royal Commission was therefore appointed to consider the problem at a time when experience had already been gained through the application to bodies of men under discipline of the results of recent scientific advances.

The Royal Commission established the fact that syphilis and gonorrhoea were prevalent. A mass of detailed evidence as to the incidence of disease among the hospital-using population, among the insane, the blind, inmates of prisons and Poor Law institutions, etc., was laid before them. The Commissioners were led to the general conclusion:

“ That the number of persons who have been infected with syphilis, acquired or congenital, cannot fall below 10 per cent of the whole population in the large cities, and the percentage affected with gonorrhoea must greatly exceed this proportion<sup>1</sup>. ”

Professor Blaschko estimated that in Berlin, from 1874 to 1889, from 10 to 12 per cent of the population was or had been infected with syphilis. During the same period there were, in 1874, 1,956 registered prostitutes, a figure which had risen, in 1889, to 3,713. Leaving aside the question of medical facilities for treatment, it does not appear that there is any evidence that the regulation, medical examination and control of prostitutes reduces the prevalence of venereal disease in the population.

To deal with the situation found in Great Britain, the Royal Commission made thirty-five Recommendations, covering medical, educational and social aspects of venereal disease. Almost all of these recommendations either have been or are in process of being carried into effect. The only direct legislative action following the issue of the report was the introduction of the Venereal Diseases Act, 1917, which rendered it a penal offence for any but qualified medical practitioners to treat or to offer to treat venereal disease. It also made illegal any advertisements of medicines or remedies relative to the treatment or prevention of venereal disease, and required that all publicity matter on this subject should be issued with the approval of the Local Government Board (now the Ministry of Health) and the equivalent authority in Scotland and Northern Ireland.

Regulations were issued in 1916 by the Local Government Board (now the Ministry of Health) which gave effect to the group of recommendations that facilities for the diagnosis and treatment of venereal disease in its infective and communicable stages should be provided free of charge for all infected members of the community without distinction of social class, financial status or residential area.

Local authorities of counties and county boroughs were directed to prepare schemes in conjunction with their local hospitals for the provision of out-patient clinics (with sufficient in-patient accommodation attached) under conditions preserving secrecy as to the disease of the patient; for the appointment of medical specialists as clinic officers; for the provision of free facilities for diagnosis to private practitioners, and free arsenobenzene preparations to those private practitioners who satisfied the medical officer of health that they were conversant with the methods of administration and the indications and contra-indications for the use of these remedies. For these services the Treasury, through the Ministry of Health, was prepared to defray three-fourths of the expenses of all schemes that had first been submitted to and approved by the department.

Alterations were made in the curriculum of medical students in 1923 rendering it compulsory for all to receive theoretical and practical teaching on the diagnosis and treatment of venereal disease.

In the early days of the Insurance Act, and in practically all voluntary societies, venereal diseases were scheduled as “ misconduct diseases ” and no sickness benefit was paid to patients. Since 1918, however, societies approved under the National Health Insurance Acts, with a few negligible exceptions, have withdrawn venereal diseases from the “ misconduct ” group, and, as far as the Government scheme is concerned, no distinction is made between venereal and other diseases for purposes of sickness benefit. The voluntary bodies are following slowly in the same direction, but, in practice, many of the voluntary societies do not actually pay benefit in these cases.

The same alteration as was necessary to enable benefit to be paid by the approved societies was made by law in 1925 to apply to members of the Mercantile Marine. Up to that date, the scheduling of venereal diseases in the “ misconduct ” group had militated against the endeavour to secure treatment for patients in the early stages of the disease, thereby adding to the cases of serious sequelæ and gravely extending the infective period.

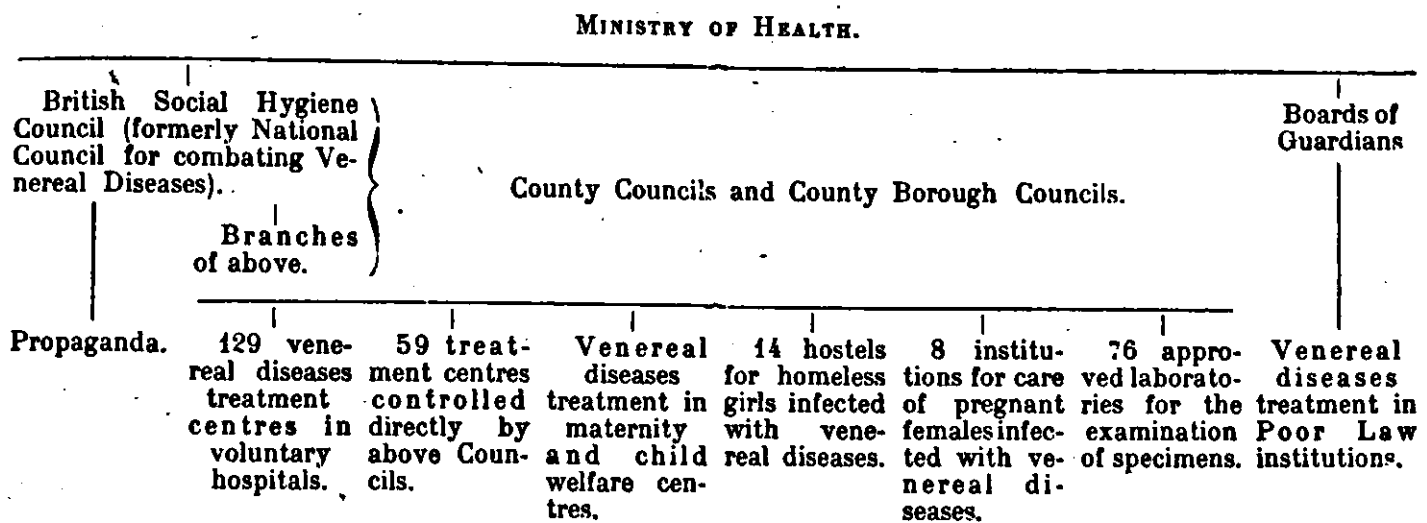
There was also considerable difficulty in securing the co-operation of some of the voluntary hospitals. Many of these were old charitable foundations with clauses in their charters that prohibited the expenditure of the funds supplied by the charitable in the treatment of “ loathsome ” or “ misconduct ” diseases. So long as ignorance and prejudice were prevalent, it was realised that the infected person would be deterred from seeking treatment at a special *ad hoc* centre or isolation hospital, and those concerned in the campaign against the diseases were anxious to secure venereal treatment centres at general hospitals under conditions which would enable patients, particularly women, to enter the hospital through the general out-patients entrance.

<sup>1</sup> Royal Commission on Venereal Diseases: Final Report of the Commissioners, 1916, paragraph 68.

Concurrently with the initiation of these medical measures, an active campaign of general public enlightenment was undertaken, emphasising the prevalence, dangers and curability of venereal disease. One of the recommendations of the Royal Commission was that the National Council for combating Venereal Diseases, now the British Social Hygiene Council, should be recognised by the Government as the authoritative body for authorising appropriate literature and promoting public enlightenment. Since 1918, this body has received a financial grant from the Government for certain special services relative to venereal disease propaganda. Most of the leading national voluntary organisations were represented on the Council and co-operated with them in the endeavour to secure a changed attitude of mind that would recognise syphilis and gonorrhœa as public health problems. Particular attention has been directed towards securing free treatment and adequate enlightenment to members of the Mercantile Marine in home and overseas ports, and the experience of this body of men, who frequent the ports of the world, emphasises the relationship between brothel areas and the dangers of the dissemination of venereal disease.

The scheme of free treatment centres has been in operation since 1917, and the following is a summary of the present position.

The existing machinery under the scheme and the relationship and the chain of responsibility between those concerned is shown in the following table.



The following summary of the work of the treatment centres has been issued by the Ministry of Health; the analysis has been made on the basis of the 1926 returns, but for this paper the figures for 1927 have been added to the main table. The figures show the total of the cases dealt with at each treatment centre for the first time during the year, whether or not they had been dealt with previously at another centre for the same infection, and include cases which had been marked off in previous years as having ceased to attend or as transferred to other centres, but which returned to the centre during the year to which the figures relate.

TABLE I.

Year	Syphilis	Gonorrhœa	Soft Chancre	Non-Venereal	Attendances
1920 .....	42,805	40,284	2,442	19,654	1,488,514
1924 .....	22,010	31,272	1,098	18,842	1,645,415
1926 .....	22,550	35,052	1,150	22,754	2,008,063
1927 .....	23,395	38,242	1,063	25,436	2,179,707

The figures below show the number of "new cases", i.e., the total of the cases dealt with at each treatment centre which had not received previous treatment for the same infection at that centre or at any other treatment centre under the scheme:

TABLE II.

Year	Syphilis			Gonorrhœa			Soft Chancre		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
1925.....	11,782	7,385	19,167	24,398	6,120	30,518	1,048	27	1,075
1926.....	12,118	7,133	19,251	25,535	6,416	31,951	1,070	21	1,091
1927.....	12,393	7,553	19,946	28,195	6,809	35,004	986	20	1,006

*Expenditure of Local Authorities.*

1920-21 ....	470,000	}	Approximately 82 per cent for treatment centres; 12 per cent for laboratory work; 1.5 per cent for arsenobenzene preparations supplied to practitioners; 2 per cent for propaganda; and 2.5 per cent for other services.
1921-22 ....	452,000		
1922-23 ....	399,000		
1923-24 ....	380,000		
1924-25 ....	384,000		
1925-26 ....	383,000		

The social aspect of the work of the treatment centres is being recognised as one of the chief factors in the successful development of the policy of attracting the infected voluntarily to seek and remain under treatment. Trained social workers are, in increasing numbers, being appointed to the administrative staffs of the treatment centres whose duty it is to follow up cases in order to secure continuity of treatment and to persuade contacts to attend for examination.

In addition to the out-patient facilities given, special sessions are frequently arranged for children suffering from the congenital effects of disease, in connection with similar sessions for married women. The extent to which women and children can be induced to follow the long course of continuous treatment necessary for cure is largely dependent on the sympathetic reception accorded them at the hospitals and on the extent to which it is possible to avoid keeping patients waiting.

An important social factor in the Venereal Disease Scheme is the accommodation in various types of hostels offered to infected women and girls, working girls (clandestine prostitutes) while they are undergoing treatment, and certain others give accommodation to expectant mothers and married women. There are 14 such hostels in this country which receive financial assistance from the Government and local authorities to defray the cost of those inmates who are undergoing venereal-disease treatment. The majority of these hostels are under the management of voluntary associations.

In London, during 1927, the number of patients dealt with in these institutions was 282, the aggregate number of days in residence being 26,422. These hostels are on an entirely voluntary basis. Inmates enter of their own accord and leave when they wish, but the staff are, in almost all cases, able to persuade them to remain until the period of treatment is completed. The time in the home often provides an opportunity for adjusting the home or working conditions that led to infection, or for training a girl in some wage-earning occupation a knowledge of which will provide her with an alternative to prostitution as a means of living.

Attention must be called to the valuable preventive work accomplished at the treatment centres, and the indication thereby given of the level of enlightenment reached by the public.

In 1926, the total number of "new cases" of all venereal diseases seen at the centres amounted to 52,293, while, in addition, the attendance of 22,754 persons, a number of whom had presumably exposed themselves to the risk of infection, is evidence of the trust of the public in the centres and of the urge given by propaganda. It is realised that many persons, women especially, who suffer from gonorrhœa require continuous treatment. In the large cities the policy of the all-day clinic is increasingly being adopted, and even where this is not possible a system of daily treatment of gonorrhœa is provided.

The advantages from the public health standpoint that were believed to exist in medical examination and treatment compulsorily applied to a limited class are hereby made available for anyone who is infected or has run the risk of infection, the woman married to the infected husband, the wife with chronic gonorrhœa, and the man or woman who has been exposed to the risk of infection. As far as the administration of the centre is concerned, the needs of all who seek treatment or have risked infection are met. This, by reducing the infectivity of the woman, must be a large factor in preventing the spread of gonorrhœa.

If the figures for London are taken, where among other factors continuous publicity has been in force for fourteen years, the number of new cases of disease dealt with in 1927 at the centres was 18,801 and, in addition, 10,164 persons were classified as "non-venereal". Another indication of the practicability of the voluntary method of free treatment is the increasing success with which continuity of attendance is being secured. In London, in 1920, the average number of attendances for each venereal case was 18, a figure which had risen to 40 by 1927.

The statistics of the Army at home while the Contagious Diseases Acts were in operation and afterwards show a steady decline in cases after the repeal of the Acts, greatly accelerated after the administrative and medical advances of 1903 and 1905.

ADMISSIONS FOR VENEREAL DISEASES PER 1,000 PER ANNUM AMONG TROOPS IN THE UNITED KINGDOM FROM 1870 to 1925.

(Excluding the years 1914-20, which are not available.)

*Contagious Diseases Acts in force*

1870 .....	201.0	1877 .....	153.2
1871 .....	201.5	1878 .....	175.5
1872 .....	202.2	1879 .....	179.5
1873 .....	167.6	1880 .....	245.9
1874 .....	145.7	1881 .....	245.5
1875 .....	139.4	1882 .....	246.0
1876 .....	146.5		

*Contagious Diseases Acts suspended*

1883 .....	260.0
1884 .....	270.7
1885 .....	275.4

*Contagious Diseases Acts abolished*

1886 .....	267.1	1904 .....	107.6
1887 .....	252.9	1905 .....	90.5
1888 .....	224.5	1906 .....	81.8
1889 .....	212.1	1907 .....	72.0
1890 .....	212.4	1908 .....	68.0
1891 .....	197.4	1909 .....	66.0
1892 .....	201.2	1910 .....	65.0
1893 .....	194.6	1911 .....	60.5
1894 .....	182.4	1912 .....	56.4
1895 .....	173.8	1913 .....	50.9
1896 .....	158.3	1914 } (figures not available)	
1897 .....	139.7	1920 } (figures not available)	
1898 .....	132.7	1921 .....	40.3
1899 .....	122.4	1922 .....	35.4
1900 .....	93.2	1923 .....	27.4
1901 .....	105.4	1924 .....	25.2
1902 .....	122.7	1925 .....	22.3
1903 .....	125.0		

It does not appear possible to compare the figures of the armies of various countries regarding the incidence of venereal disease, owing to the wide variation in the methods of compiling statistics. In some cases, relapses are counted as fresh cases; in others, early cases registered regimentally are not added to the central medical returns. We have therefore limited ourselves to the British figures, in which all cases are recorded and relapses are counted as fresh cases.

The incidence of disease in the Navy follows the same general trend as in the Army.

CASE INCIDENCE PER 1,000 IN THE FLEET (HOME STATIONS) <sup>1</sup>.

Contagious Diseases Acts abolished. ....	{	1876 .....	91.91
		1886 .....	167.50
		1896 .....	159.70
		1906 .....	138.13
		1916	(war year)
		1926 .....	48.49

In dealing with the prevalence of syphilis and gonorrhoea in the civil population, it is admittedly difficult to provide statistics which are comparable between one country and another. It is acknowledged that the Registrar-General's returns, so far as syphilis is concerned, do not provide an accurate record of the deaths from syphilis. The registration of the cases of general paralysis of the insane, which can be taken as a *sequela* of syphilis developing in approximately 4 per cent of untreated cases, does not give the clear information that might be anticipated, owing to the custom of grouping other nervous diseases of a non-syphilitic origin under a common heading which obtain in certain countries. A fall in the number of cases of general paralysis of the insane has been experienced throughout Europe, but this fall began too early to be due entirely to the introduction of modern methods of treatment and cannot therefore contribute anything useful to the present discussion.

An endeavour to give accurate results of the various activities — medical, educational and social — of the last twelve years on the prevalence of venereal disease is obviously an almost impossible task, particularly in a country where there is no individual registration of the population and no notification of venereal diseases. One can only give those facts from which deductions can be made. The facts that support the view that the incidence of venereal disease is falling are:

- (a) That the *sequelæ* of untreated disease are falling;
- (b) That the number of persons with recent infections presenting themselves at the treatment centres is falling;
- (c) That conditions indicated in the civil population are proved to exist in the Navy, Army and Air Force (groups of men under discipline) where the incidence of disease can be accurately estimated.

(a) *That the sequelæ of untreated disease are falling.* — 1. The certified deaths from syphilis of infants under one year of age published in the Registrar-General's report have fallen from 1917, with the commencement of the Venereal Disease Scheme, by approximately 57 per cent.

DEATHS FROM SYPHILIS UNDER ONE YEAR OF AGE

	Total	Deaths per 1,000 births
1916 .....	1,232	1.57
1917 .....	1,354	2.03
1918 .....	1,262	1.90
1919 .....	1,217	1.76
1920 .....	1,443	1.51
1921 .....	1,214	1.43
1922 .....	874	1.12
1923 .....	797	1.05
1924 .....	666	0.91
1925 .....	585	0.82
1926 .....	586	0.84
1927 .....	505	0.77

<sup>1</sup> Annual Statistical Reports of the Health of the Navy.

2. It was estimated by the Royal Commission (1916) that 58 per cent of those born blind in institutions owed their infirmity to syphilis or gonorrhœa. Mr. Bishop Harman, in the Report of the Departmental Committee on the Causes and Prevention of Blindness (1922), found, in a series of 1,855 blind children, that 31.4 per cent of these cases were definitely due to congenital syphilis. The effect of the facilities for free treatment and the growing standard of public enlightenment on venereal disease has led to a real reduction of blindness due to syphilis and gonorrhœa.

During recent years, the registration of blind persons has been rendered practically complete, with the result that, from 1925 to 1927, the increase of those registered amounted to 4,682. The increase was found on analysis to be almost entirely due to increased registrations of persons of 50 years and over; in the age-group up to 21 there was in 1925 a total of 4,659, while in 1927 there were 4,482, showing a decrease of 177 in spite of the increased efficiency of registration. The Advisory Committee on the Welfare of the Blind to the Ministry of Health states that this decrease is encouraging, as it seems definitely to indicate that the measures in operation for the prevention of infantile blindness (ophthalmia neonatorum) are restricting the number of persons who become blind in the early years of their life.

The published returns of notifications of cases of ophthalmia neonatorum show a steady fall since 1920, but these notifications include conditions other than gonorrhœal.

From 1914 to 1926, the notification was by midwives and medical practitioners, and since then by medical practitioners only.

NOTIFICATION OF OPHTHALMIA NEONATORUM, ENGLAND AND WALES

1920 .....	10,364	1924 .....	6,267
1921 .....	8,313	1925 .....	5,748
1922 .....	7,107	1926 .....	5,896
1923 .....	6,592	1927 .....	5,891

3. Another indication of the reduction of syphilis is found in the numbers of recruits for the Army rejected for syphilis, which have fallen as follows:

REJECTION PER 1,000 <sup>1</sup>

	On Examination	Within 6 months of Enlistment
1920-21 .....	0.65	0.21
1921-22 .....	0.55	0.11
1922-23 .....	0.41	0.07
1923-24 .....	0.40	0.03
1924-25 .....	0.14	—
1925-26 .....	0.06	—

(b) *That the number of persons with recent infections presenting themselves at the treatment centres is falling.* — In gauging the actual position, it is necessary to ascertain the proportion of cases under treatment that are chronic cases of gonorrhœa and later manifestations of syphilis. The later consequences of both diseases extend over a long period of years and we must inevitably still be providing treatment to those who contracted the disease before the initiation of the modern scheme, but there appears to be unimpeachable evidence that the new infections of syphilis had already fallen considerably by 1926. Thus the number of cases of syphilis, old infections and new, seen for the first time at the centres in England and Wales was 19,251. Concerning the proportion of new infections in this number, the following may be quoted from the Annual Report of the Ministry of Health for 1925-26:

“ With a view to obtaining some indication as to what proportion of the cases dealt with at treatment centres for the first time were actual cases of recent infection, a special return was obtained from fourteen treatment centres. These centres attracted one-seventh of the total number of cases of syphilis and gonorrhœa which were dealt with for the first time at all the treatment centres in England during 1925 ”. <sup>2</sup>

SPECIAL RETURN FROM FOURTEEN TREATMENT CENTRES. PERIOD APRIL 1ST TO JUNE 30TH, 1925. <sup>3</sup>

	Percentage of cases treated for the first time at the centres which were found to be					
	Infections of less than 1 year's standing		Total	Infections of more than 1 year's standing		Total
	Previously treated for the same infection, either privately or at another centre	Not previously treated for the same infection		Previously treated for the same infection, either privately or at another centre	Not previously treated for the same infection	
<i>Syphilis:</i>	%	%	%	%	%	%
Males .....	4.9	34.3	39.2	32.9	27.9	60.8
Females .....	4.0	28.9	32.9	19.5	47.6	67.1
Both sexes .....	4.6	32.3	36.9	27.9	35.3	63.1
<i>Gonorrhœa:</i>						
Males .....	9.0	76.6	85.6	12.7	1.7	14.4
Females .....	6.9	74.8	81.7	8.7	9.6	18.3
Both sexes .....	8.5	76.2	84.7	11.8	3.5	15.3

<sup>1</sup> Report on the Health of the Army, vols. LVII-LXII.  
<sup>2</sup> Seventh Annual Report of the Ministry of Health.  
<sup>3</sup> Seventh Annual Report of the Ministry of Health, page 12.



" It is recognised that, owing to the limited scope of the return, the above figures may not accurately represent the position for the whole of England, but it is considered that the figures give a reasonable indication of the position. It will be seen that 39.2 per cent of the male cases of syphilis and 32.9 per cent of the female cases of syphilis were infections of less than one year's standing, and, if these percentages are applied to the numbers of cases of syphilis treated for the first time at all the treatment centres during 1925, it would appear that the number of cases of syphilis of recent infection so treated was only slightly in excess of 7,000."

There are no figures available of the number of persons attending private practitioners, but the number of doses of the free drugs issued may give some indication so far as syphilis is concerned. The cost of arsenobenzene preparations supplied to practitioners amounts to 1.5 per cent of the total expenditure on these drugs, while from enquiry it has been ascertained that the independent purchases of arsenobenzene preparations made by private practitioners amount to but 1/99th of the whole supply handled in the country. From this it may be taken that the treatment centres are now attracting the large majority of the syphilis cases that are receiving treatment in the country, and it may be assumed that the number of new infections of syphilis seen by practitioners cannot be greatly in excess of 2,780, making a total incidence of approximately 10,000 new infections in England in 1926. This may be contrasted with the 40,000 to 50,000 infections per annum at the beginning of the century. The latter number is estimated on the basis of the annual deaths from general paralysis of the insane, which from 1910 to 1920 were about 2,000 a year, and the fact that the incidence of general paralysis of the insane is 1 to every 25 cases of syphilis.

It is estimated that the proportion of gonorrhœa to syphilis is approximately 5 or 6 to 1, and it is recognised that there are still a number of these cases not yet under treatment, particularly among women. This would mean that the new infections of syphilis and gonorrhœa each year in the country now amount to about 10,000 syphilis plus 50,000 gonorrhœa, equals 60,000 new infections per annum in England, a very considerable fall on the estimated incidence of 200,000 new cases before 1916.

(c) 1. If we take the figures of the British Army, Navy and Air Force for 1921 to 1926, several points of interest emerge.

A comparison of the rates for forces stationed at home and abroad shows a strong difference in favour of the home forces, though the same measures of prophylaxis are in operation wherever the men are stationed. The incidence of venereal disease in the forces varies with the opportunity for promiscuity and the amount of disease in the civil population. The lowered incidence in the forces stationed at home is an index of a similar fall in the incidence in the civil population.

Great Britain.

INCIDENCE PER 1,000 (HOME STATIONS). NEW INFECTIONS<sup>1</sup>.

Years	Army		Navy		Air Force	
	Syphilis	Gonorrhœa	Syphilis	Gonorrhœa	Syphilis	Gonorrhœa.
1921	9.8	26.7	8.15	46.63	4.1	16.0
1922	6.3	25.9	7.97	45.80	2.7	14.4
1923	5.4	20.6	10.63	43.95	2.7	13.9
1924	3.9	19.9	5.97	42.06	1.6	11.1
1925	2.3	18.8	3.10	32.79	1.1	11.1
1926	2.6	17.7	3.14	35.06	1.5	11.5
1927	—	—	—	—	1.2	9.1

Units of the services, when stationed abroad, receive the same preventive education, the same form of treatment and the same amount of medical supervision as at home. On all overseas stations the factor of absence from family and local public opinion is equally operative. The major element of change is in the degree of infectivity of the local population, and the prevalence or absence of advertised opportunities for promiscuous intercourse.

An examination of the figures of the incidence of disease on the various stations, viewed from this standpoint, is of interest.

<sup>1</sup> Statistical Report of the Health of the Navy for the years 1921 to 1926 inclusive: Report on the Health of the Army, vols. LVII-LXII: Report on the Health of the Air Force, 1921 to 1927 inclusive.

British Army.

INCIDENCE OF VENEREAL DISEASES ON DIFFERENT STATIONS. <sup>1</sup>  
Ratio per 1,000.

	1921	1922	1923	1924	1925	1926
Whole Army .....	74	70.7	56.4	47.8	44.4	41.1
Home Army .....	40.3	35.4	27.4	25.2	22.3	21.4
Channel Isles .....	54.8	44.4	40.1	35.5	10.4	16.9
India .....	110.4	84.7	71.3	68.9	72.1	62.1
Bermuda .....	37	26.5	25.5	23	15.8	12.1
Ceylon .....	184.8	152.3	124.4	142.3	102.5	112.4
Egypt .....	103.6	113.4	82.1	95.1	75.2	60
Gibraltar .....	66.2	125.2	53.8	56.2	39.6	59.2
Jamaica .....	105	202.9	102	132.5	99.2	130.1
Malta .....	82.9	103.6	59.1	41.4	25	37.8
Mauritius .....	86.2	40.6	22.6	46.9	48	181.9
North China .....	333.1	—	280.9	342.9	263.3	298
South China .....	169.6	95.8	118.1	118.4	100.8	70.6
Malaya .....	—	103.1	91.1	108.8	65.2	103.7
Straits Settlements .....	63.9	—	—	—	—	—
West Africa .....	118.6	151.7	46.1	127.2	92.4	66.7
France and Flanders .....	94.3	—	—	—	—	—
Rhine and Silesia .....	169.2	254.2	136.3	38.4	30.7	42.9
Turkey .....	228.5	88.8	87.1	—	—	—
Iraq .....	46.4	75.6	63.5	51.4	35.3	39.1

Evidence of the variation of rates in units of the same army under different conditions is borne out by the experience of Holland: Syphilis — Dutch Home Army rate, 1924, 1 per thousand; Dutch East Indies rate, 1924, 52.4 per thousand. <sup>2</sup>

British Navy.

INCIDENCE OF VENEREAL DISEASES ON DIFFERENT STATIONS. <sup>3</sup>  
Case ratio per 1,000.

	1921	1922	1923	1924	1925	1926
Home .....	82	78.8	71.6	64.9	47.52	48.58
Atlantic Fleet .....	107.7	92.7	83.8	68.4	65.00	49.25
Mediterranean .....	155.6	130.5	87	67.8	67.91	71.07
North American and West Indies .....	155.3	89	109	146.7	108.61	132.86
China .....	304.8	282.3	274.8	248.3	211.34	174.04
East Indies .....	204	125.9	153.4	103.3	72.30	93.44
Africa .....	157.6	176.7	177	155.9	174.53	180.48
Irregular List .....	139.9	98.8	78.4	82.9	103.70	71.32

It is claimed by Surgeon-Captain T. B. Shaw, representing the Admiralty Medical Department, that the high incidence of disease on the Mediterranean Station in 1921-22 was due largely to the concentration of ships at Constantinople, where prostitution was rife and where the Allied Sanitary Commission found it impossible to exercise control over the numerous brothels:

“The China station has always been a fruitful source of venereal disease in the Navy. Brothels are numerous at the majority of the ports visited. The control of the disease on shore is very inadequate and there is lack of wholesome entertainment in many places for the men when on leave. The largest number of infections occurred at Shanghai, Yokohama and Singapore.” <sup>4</sup>

East Indies:

“The high incidence of venereal diseases on this station, especially gonorrhoea, is attributed by medical officers in charge of ships of the East Indies Squadron to the large numbers and high infectivity of loose women at the ports visited. Bombay is responsible for the majority of cases, but many infections occur at Colombo, and also at Madras and Calcutta. It is very satisfactory to note the marked fall in the incidence rate on this station in 1924.”

It can, we believe, be taken that the governing factor in the prevalence of disease among the forces is the prevalence of disease in the civil population among which they are stationed and the extent to which open facilities for prostitution exist.

The returns of the Army, Navy and Air Force stationed at home show:

- (1) A steady fall in the forces at home particularly in syphilis;
- (2) A greatly lowered proportion of syphilis to gonorrhoea, which is indicative of a similarly lowered proportion in the civil population, from which the personnel of the forces contract their disease;

<sup>1</sup> Report on Health of the Army, vols. LVII-LXII: Statistical Report of the Health of the Army (1921 to 1926 inclusive).  
<sup>2</sup> Dr L. DEKREKER: Paper read at the Conférence de la Défense sociale contre la Syphilis, Nancy, May 1926, page 19 of Report.  
<sup>3</sup> Report of the Proceedings of the Imperial Social Hygiene Congress, London, 1927, page 15.

(3) That social conditions and the incidence of disease in the civil population is reflected in the incidence of acquired disease in the men under discipline as shown in units at home and abroad.

From the above statement it appears that the estimated incidence of new infections of syphilis and gonorrhœa for England and Wales is approximately 60,000 a year. It is interesting to compare this with the estimate made by Dr. Dorneddon from the census of cases of venereal diseases taken in Germany in December 1927 at the time the new laws for combating venereal diseases came into effect. He found the new infections were about 300,000 per annum (excluding the Saar district).<sup>1</sup> It does not appear, therefore, that the regulation system had succeeded in checking disease.

## SOCIAL CONDITIONS.

Experienced observers have no doubt that, in the last twenty or thirty years, there has been a continued improvement in public conduct, which is reflected in the fall in the number of women engaged in the trade of prostitution. The decrease in crime which has also marked this period is another indication of the same satisfactory improvement. Many social changes have no doubt contributed to this end and it would be impossible in a statement of this kind to attempt to give a complete picture of these changes. The alteration in the status of women in public life and in industrial and commercial employment and the increase of recreational facilities for young adults and adolescents may be mentioned among the contributing factors.

The direct part that legislative effort plays in the developments which have been mentioned is relatively only a small one, but it may be useful to quote some examples of legislative changes which bear directly or indirectly on the problem of prostitution and venereal diseases.

The Divorce Law Amendment Act, 1923, made misconduct a ground for divorce for both the man and the woman. Contraction of venereal disease by one party usually implies misconduct.

The Separation and Maintenance Order Act, 1925, which revised the conditions under which a woman might require a maintenance allowance to be paid to her and her children by the husband while legally separated from him, included "while suffering from venereal disease in an infectious form" among the qualifying conditions.

The Births and Deaths Registration Act, 1926, which came into force in July 1927, requires the registration of still-births. This provides another indirect approach to the detection and treatment of syphilis.

In the enquiry undertaken on behalf of the Ministry of Health and under the ægis of the Medical Research Council, published in 1926, Mr. Eardley Holland found that 15.3 per cent of still-births were due to syphilis.<sup>2</sup>

The Mental Deficiency Act of 1913 was a comprehensive measure with the twofold purpose of protecting the nation from the mentally defective individual and extending social protection to the defective. It enables local authorities to make provision for the certification and maintenance of those who are mentally defective. The Act is administered in conjunction with the education authority, and those passing through the schools since 1913 have been certified and are included in the 53,664 under care in 1927. Those still without social protection fall mostly within the age-groups of 30 years and over. Therefore those mentally defective who tend to drift into the ranks of prostitution are now in a large measure under care. This source of supply is therefore gradually shrinking.

Investigations made by Professor Cyril Burt and others show that, in 1926, the proportion of mental deficiency among "women and girls engaged in sexual misconduct from mercenary motives in London" was 12.4 per cent.<sup>3</sup>

Certain Continental and American investigators place the incidence of mental deficiency among prostitutes at 25 per cent or higher. This would appear to support the contention that the amount of social protection offered to the mentally defective directly affects the number drifting into professional prostitution.

Sociological researches in various countries during recent years prove that a large number of young girls drift into prostitution and become centres for the dissemination of disease owing to the lack of social care during the adolescent period. A large proportion of girls who have entered a life of prostitution are drawn from broken homes, or are otherwise deprived of normal family life. Strenuous efforts are therefore being made to check the drift of young girls into prostitution by extending after-care work in connection with orphanages, industrial and reformatory schools and similar institutions, as well as by the establishment and development of the probation system.

The change in attitude to the juvenile offender has resulted in the development of new institutions based on the principle of training and reformation. An additional indication of the

<sup>1</sup> England and Wales: population, 38,000,000; Germany, excluding Saar District: 62,000,000.  
<sup>2</sup> Report on Public Health and Medical Subjects: Report on the Causation of Foetal Death, Ministry of Health, 1922, page 125;  
Medical Research Council: Child Life Investigations, No. 109, page 19.  
<sup>3</sup> Health and Empire, December 1926, "Causes of Sex Delinquency in Girls", Cyril Burt, M.A., D.Sc., page 262.

steady improvement of conditions may be deduced from the fact that the number of young offenders had fallen from 51,323 in 1917 to 27,801 in 1925. Of those between 16 and 21 years, the total number of young women received into prison was 109; Borstal 25. These numbers included all, and not only sex, offenders.

The increased attention directed to the provision of outdoor recreational facilities for young adults and adolescents, the extent to which training in organised games has been included in the school curricula of all types of schools, the growth of such movements as the Boy Scouts, Girl Guides, etc., the appointment of welfare officers in industrial concerns with the resultant increase of recreational clubs, have all contributed to the substitution of other interests than those connected with sex relationships, and provided healthy counter-attractions for leisure.

The National Playing Fields Association, formed in 1927 to increase the opportunities for outdoor recreation among the general population, has already promoted an extension of playing fields to the extent of over 5,000 acres.

Those concerned with young people are pressing for further developments in the organisation of recreational opportunities, particularly for young people in industrial centres.

## EDUCATIONAL MEASURES.

The Royal Commission emphasised the importance of including in the training of teachers some knowledge of the implications of venereal disease and in grounding children in biological knowledge as a basis for sexual hygiene. The Departmental Committee of 1925 on Child Assault again emphasised the need for wise guidance and enlightenment being provided on matters of sex for the rising generation.

The British Social Hygiene Council, during the last twelve years, has placed the educational aspect in the forefront of its programme, recognising that medical facilities and popular propaganda must be supported by an educational policy which would ultimately change the attitude of mind on the part of the public towards venereal disease and the conduct and social customs contributing to its dissemination.

The major educational organisations in Great Britain are represented on the Council, and from time to time special conferences and committees of enquiry have been appointed from this group.

The teaching of hygiene and the medical inspection of schools come under the jurisdiction of the education authorities, and a close liaison exists between the Government Departments for Health and Education.

There is a growing demand for more space to be given to the biological sciences throughout the educational system and for reform in the teaching of hygiene in the schools along lines that will lead to the development of a sound public health conscience based on biological principles. Such a foundation will enable the later educational stages to include a recognition of the effect of personal action in sex conduct on the life of the individual and of the next generation. It is not advocated that class teaching in sex hygiene should be given at present in elementary schools.

In the new syllabus issued by the Board of Education in 1927 for the final examination of students in training colleges, the following paragraph occurs in the foreword of the Hygiene Syllabus which is calculated to encourage training colleges to proceed on the lines desired :

“ In recent years too much time and attention have perhaps been devoted to formal lecturing on physiology and even anatomy, and too little to the principles and practice of hygiene and its relation to the school and social life of the child. Similarly, instruction in sex hygiene is left to the discretion of each individual and college. The Board, however, suggest that it should be included, but the manner of dealing with it must necessarily depend upon the qualification of any lecturer available ”.<sup>1</sup>

Again, in the *Handbook of Suggestions on Health Education* for the consideration of teachers and others concerned in the work of public elementary schools, issued by the Board of Education in 1928, the following paragraphs have been included :

“ (b) *Physiology and Health Education.*

“ ...If we want the older boy or girl to take an intelligent interest in digestive, circulatory, excretory, reproductive and other life processes, we must introduce them in their primitive forms in suitable types of the lower animals. ... ”

“ (c) *Life in its Lower Forms and Human Health Problems.*

“ ...The linking up with health education of nature study, whether in its simpler forms in the infants' and junior schools or in the form of elementary biology such as may

<sup>1</sup> Syllabus for the Final Examination of Students in Training Colleges, issued by the Board of Education, 1927.

be taught in the senior school; the reference back to facts and experiences in the life of plants and animals when human health problems are being dealt with; the study of what we owe directly to plants and animals for food, clothing and aids to cleanliness; the relation of plants and animals to disease in man: all these will help to interest the child in matters relating to personal health and will provide a sufficient foundation upon which to build in later life".<sup>1</sup>

The Board of Education in 1926 appointed a Consultative Committee to consider the education of the adolescent, which issued its report. The Committee definitely recommends that the science syllabus of modern schools in the senior classes among the four essentials should include:

"(iii) A broad outline of the fundamental principles of biology, describing the properties of living matter, including food, the processes of reproduction and respiration, methods of assimilation in plants, the action of bacterial organisms and the like.

"(iv) Instruction in elementary physiology and hygiene based on lessons in biology".<sup>2</sup>

The encouraging note in this report is the strong recommendation running through the whole that greater attention should be given to science and that in the science section the greatest emphasis should be on the biological sciences, the following points being specially emphasised by the Committee:

"In country schools the science syllabus both for boys and girls might be largely based on biological interests, the study of elementary physics and chemistry being subsidiary but arranged so as to supply the indispensable foundation for a course in elementary biology with special reference to its bearing on horticulture and agriculture. . . .

"We suggest that science courses for girls in modern schools and senior classes should in their later stages frequently have a biological trend. . . .

"We regard it as especially important that instruction in elementary physiology and hygiene, developing out of the lessons in elementary biology, should be given to all boys and girls in modern schools and senior classes. . . ."<sup>1</sup>

The British Social Hygiene Council has during the last two years discussed the various methods of carrying into effect the general lines of the above policy, with both educational bodies and those concerned with juvenile organisations. Special endeavours are being made to reach young people in industry with the necessary protective knowledge.

It is along these broad lines that it is hoped to develop a changed attitude of mind in the rising generation towards problems of sex and to attach a sense of individual responsibility to the exercise of the racial function that will tend to reduce the volume of promiscuity and in so doing reduce both commercialised vice and venereal disease.

## POSITION IN THE BRITISH COLONIES, PROTECTORATES AND MANDATED TERRITORIES.

The position in regard to prostitution and venereal disease varies widely in the different colonies, protectorates and mandated territories. The British Empire is an organisation of slow growth which has incorporated many heterogeneous elements. It has been the custom of the British Government, as far as possible, to continue in operation the legislative provisions which it has found in force in the various territories. Thus, for example, in Mauritius, French law is still the foundation, and in Cyprus and Palestine, Turkish. In the Moslem areas of the African protectorates, Moslem law is still administered to a large extent by the native courts.

It is therefore not surprising that there is no standard legislation on the subject of prostitution and venereal disease current throughout the Colonial Empire. In many territories, commercialised prostitution is practically non-existent throughout wide areas, as, for example, in Tropical Africa. In other territories, it is a problem confined to the larger coast towns. In some territories, for instance, Uganda, we find a serious venereal disease problem entirely unconnected with prostitution.

So far, therefore, as many territories are concerned, there is nothing to be said; there is no problem of commercialised prostitution and therefore there has been no attempt to solve it, while venereal disease, where existent, has been one of the preoccupations of the Medical Department.

In respect of a few territories only is it possible to marshal evidence which will be of interest to the Committee. The growth of opinion, based on experience, that the efficiency of medical

<sup>1</sup> *Handbook of Suggestions on Health Education*, issued by the Board of Education, 1928.

<sup>2</sup> *Report of Consultative Committee on the Education of the Adolescent*, appointed by the Board of Education, pages 222-224.

measures is jeopardised by the persistence of recognised prostitution in any form is steadily gaining ground. The results obtained, as in Gibraltar, from the closing of brothels, and in Singapore, where a similar policy is undergoing gradual application, will add valuable records to experience.

In all parts of the Colonial Empire where measures against venereal disease are under consideration, it is on the lines of providing medical facilities for free diagnosis and voluntary treatment to the population as a whole, combined with an endeavour to eliminate any form of organised and commercialised prostitution that may remain.

Changes and developments have occurred in the following colonies and dependencies within the last decade.

### Cyprus.

The problem of venereal disease had been brought to the attention of several of the municipal authorities in Cyprus. Local popular opinion was in favour of an imposition of some form of regulated prostitution and medical examination of prostitutes. An unofficial Cypriot member of the Government Executive Council who was mayor of one of the principal towns visited certain Continental countries and Great Britain early in 1926 and found that there were two methods of dealing with the problem, one through regulation and medical examination, and the other through the suppression of commercialised prostitution and the provision of facilities for free diagnosis and treatment. At his instigation, the Government of Cyprus invited a delegation from the British Social Hygiene Council to visit Cyprus, survey the local conditions and advise. This visit was made in October 1926. The delegation, which represented medical and social experience, visited all institutions, conferred with the representative groups of the Cypriot population, with the members of the medical and teaching professions and with the municipal authorities. Evidence of the desirability of providing facilities for the whole population for the modern methods of diagnosis and treatment were laid before a conference<sup>1</sup> of the mayors of Cyprus, with the result that the following were among the resolutions adopted:

“ That the Conference of Mayors request the delegates to confer with the Chief Medical Officer and take the necessary steps with the Government for combating venereal disease.

“ That the Conference of Mayors are of opinion that the application of the system of free treatment to sufferers from venereal disease by the establishing of clinical and bacteriological departments is indispensable.

“ That the Conference of Mayors, while fully supporting the objects of the delegation and wishing to afford their help upon an understanding with their respective Municipal Councils, for the purpose of giving effect to this object, are not, however, convinced that these measures alone will suffice, and wish to reserve to themselves the right to approach the Legislative Council and the Government at any time with detailed suggestions as to the control of prostitutes and brothels by the regulation system.”

The delegation eventually made their report to the Governor and the Legislative Council, which was subsequently amplified by a detailed document. The delegation found that, while the Government took no cognisance of brothels and no licensing system was in force, that in each municipality there were a certain number of brothels known to the municipality and that an arrangement existed under which the municipality provided for some form of medical examination of prostitutes.

After consideration of the report of the delegation, the Legislative Council took immediate action. The necessary financial appropriations were made. A fully qualified venereal disease Officer was appointed to the staff of the Medical Department. A Medical Society was formed in the island as a check to unqualified practice. A woman of training and experience in the social aspect of the venereal disease problem as well as in general social welfare was appointed as Welfare Officer and Secretary to the Cyprus Social Hygiene Committee. The following is the extract from the speech<sup>2</sup> of His Excellency the Governor made in April 1928:

“ In the domain of public health, I have to record the appointment of the trained Social Worker, aided by whom the Social Hygiene Committee held regular and fruitful meetings. The Medical Sub-Committee has elaborated a scheme for a Cyprus midwifery service (with some temporary measures until the scheme become effective); and the Education Propaganda Sub-Committee is in touch with local Education Committees with a view to introducing organised games into the school curriculum, besides submitting recommendations for legislation to which consideration is now being given. They also propose holding in Nicosia a summer school for teachers on the subject of general hygiene. The first Infant Welfare Centre was opened last spring in Nicosia, at which a trained nurse regularly gives advice and instruction to a steadily increasing number of mothers with young children. Similar centres are being opened at Larnaca and, under

<sup>1</sup> Report of the British Social Hygiene Council Delegation to Cyprus, Mayors' Conference, page 12.

<sup>2</sup> Speech of His Excellency the Governor to the Legislative Council, at the opening of the session, April 17th, 1928.

Dr. Pietroni, at Famagusta. The Venereal Disease Clinic, in plan and method probably the most modern existing, has been attached under the recently appointed specialist to the Nicosia Hospital, has already treated some 1,200 cases, and is in process of forming branches expected to begin work at Larnaca and Limassol in the course of this summer. The experience of the specialist is available for instruction, in the most recent methods, of any practitioners who may visit the clinic."

In June 1928, the following extract from the report of the specialist in venereal diseases was transmitted by the Governor to the Secretary of State for the Colonies:

" I have the honour to inform you that the total number of new patients who have come to the clinic to date amounts to 1,527. Of these, 995 were males and 532 females.

" The clinic was opened on January 19th and the thousandth patient arrived on April 3rd.

" On making an analysis of the first thousand patients, I find they consisted of 697 males and 303 females.

" Sixty-nine of the women were professed prostitutes (rather less than a quarter of the total). Apart from these, most of the women had been infected by their husbands.

" Twenty-five of the women were sent to us by their husbands, who were undergoing treatment on the male side.

" There were 16 cases of congenital syphilis."

• We have since heard that the summer school for teachers on the subject of general and social hygiene was well attended and was considered most successful. In order to check usages that in some cases lead to the exploitation of adopted children and to the drifting of young girls into prostitution, the Government of Cyprus is bringing in a Bill to regulate the Employment of Children and Young Persons in Industrial Undertakings and a Bill for the Protection of Female Domestic Servants. There has been no indication up to date that there is any revival of the local demand for the introduction of the regulation of prostitution.

#### Gibraltar.

A Social Hygiene Commission, under the ægis of the Colonial Office, visited Gibraltar in 1920-21. The incidence of disease was high. There were tolerated brothels in certain streets and facilities for treatment were lacking. On the recommendation of the Commission, the facilities for treatment for the civil population were considerably increased. A treatment centre at suitable separate hours for men and for women was provided at the Civil Hospital, and in 1922 the brothels were closed and brothel-keeping in Gibraltar was made illegal. Reports have since been received that the numbers of cases of syphilis and gonorrhœa contracted in Gibraltar by men of the Atlantic Fleet visiting the port and by the men of the Garrison in the subsequent years have fallen continuously.

#### *Official Army Figures for the Garrison in Gibraltar per 1,000 Strength.*

Year	Gonorrhœa	Syphilis
1922 .....	103.2	6.3
1923 .....	40.5	3.5
1924 .....	41.6	1.9
1925 .....	36.9	9.0
1926 .....	44.8	6.0

#### *Atlantic Fleet.*

Year	Case ratio per 1,000
1922 .....	92.7
1923 .....	83.8
1924 .....	68.4
1925 .....	65
1926 .....	49.25

The following statement was made by the representative of the Medical Department of the Admiralty in 1925:

" The incidence of the diseases at Gibraltar demonstrates the active part which is played by brothels or well-known brothel areas in their spread. The medical officer of the depot ship there, Surgeon-Commander D. G. Addison-Scott, commenting on the incidence of venereal disease at Gibraltar, says:

" Up to the end of July, the incidence of gonorrhœa was high, chancroid was less common and syphilis was rarely contracted locally. After that date, gonorrhœa

decreased in a remarkable manner; only three cases occurred in five months. In my opinion, this decrease coincided with and was due to the closing of the local brothels and to the refusal to renew permits of residence to prostitutes." <sup>1</sup>

### Grenada (West Indies).

The prevalence of venereal diseases in Grenada was a cause of anxiety to the Colonial Government. In 1917, an Ordinance relating to venereal diseases, No. 16 of 1917, was adopted. In addition to covering ground similar to that of the British Venereal Diseases Act, 1917, it contained clauses for enforcing the compulsory treatment of venereal disease and made the knowing transmission of the disease a penal offence.

In 1920-21, Grenada was visited by the Social Hygiene Commission despatched to the West Indies under the ægis of the Colonial Office; as a sequel to the visit, the facilities for the free diagnosis and treatment of venereal disease were considerably increased.

The undesirability of compulsory methods without adequate facilities for diagnosis and treatment were strongly stressed by the visiting Commission and since that date the compulsory clauses have not been enforced.

The Chief Medical Officer of Grenada and the Windward Islands was present at the Imperial Social Hygiene Conference of September 27th, 1928, and stated, in response to enquiry, that compulsory methods had been found not only useless but undesirable and had been entirely relinquished, experience showing that far larger numbers of the general population were brought under treatment through the policy of attraction and popular enlightenment. His main pre-occupation at the Conference was to obtain assistance as to effective methods of popular enlightenment that could be used among an entirely uneducated community.

"From June 1918 to December 1923, the records show that 6,829 cases of venereal disease were dealt with in that period. Of these, 2,484 — or over 26 per cent — were syphilis, of which 866 were discharged as cured. During 1924, this intensive campaign was relaxed and the Venereal Diseases Ordinance was repealed.

"It is unlikely that any measure similar to the somewhat drastic Venereal Disease Ordinance will be introduced again, and it is to the new Sanitary Department and the new service of trained nurses resident in visiting stations all over the colony — which was started towards the end of 1926 — that we must look for propaganda to induce sufferers from syphilis and other venereal diseases to attend at these stations for early treatment of infections." <sup>2</sup>

## PREVENTION OF VENEREAL DISEASES.

In 1917, Ordinance No. 16, repealed November 14th, 1924, by Ordinance No. 19 of 1924.

*Specific Provisions with respect to Venereal Diseases* <sup>3</sup>.

"56A. — The Sanitary Authority shall make regulations for guarding against the spread of venereal disease and for promoting knowledge as to its nature, causes and effects."

### Mauritius.

In 1925, the Government of Mauritius had before them the consideration of a new Health Bill. The Venereal Diseases Section, as drafted, contained clauses on compulsory notification and examination for venereal disease. This section was deferred at the request of the Governor until enquiries had been made from the British Social Hygiene Council.

No compulsory legislation has been passed in Mauritius.

A venereal disease specialist was appointed to the staff of the Medical Department in the latter part of 1925, and active measures for public enlightenment in the colony have been undertaken since that date.

### Palestine.

The dual problems of prostitution and of venereal disease have engaged the attention of the Administration since the military occupation in 1918. Since that date, co-operation has existed between the Government and the Social Service Association, later the Women's Council. Venereal disease is a serious health problem both in the towns and in the villages; as far as

<sup>1</sup> Proceedings of the Social Hygiene Congress, 1925, page 48.

<sup>2</sup> Extract from Medical Reports on the Charitable Institutions, etc., for the year 1926, page 7.

<sup>3</sup> January 14th, 1927 Ordinance to amend the Public Health Ordinance of 1925.



medical administration is concerned, it is being actively dealt with for the whole population. By 1921, treatment was already carried out in Jerusalem in the Government clinics, the children's annex, the Moslem dispensaries, Rothschild Hospital and other institutions.

In 1921, special experiments were undertaken by the Principal Medical Officer of Jerusalem to ascertain the incidence of venereal disease in village populations adjacent to the city to enable the best methods of providing facilities for treatment to be adopted. The lessons learned are now being widely applied. Treatment in Jerusalem itself is in polyclinics.

" State-paid specialists are attached to these and carry out the venereal treatment. Instruction to medical students in venereal disease is compulsory at all medical schools and a high standard of knowledge in this branch is demanded from them at the qualifying examination. Post-graduate courses are given to qualified medical men. Thus in some towns almost ideal conditions for combating the disease have been attained — the not unattractive clinic, the well-trained practitioner, the specialist easily reached and an intelligent educated public.

" Here every effort has been made to render the Government polyclinic attractive. The majority of the attending patients are Moslems. The clinic is attended by a popular Moslem doctor and a trained Moslem nurse. Specialist advice is available. But the public is still fanatically ignorant, and it is felt that real success will come only with education and that little additional good would be done by coercive legislation at present." <sup>1</sup>

" *Syphilis.*

" The disease has been known to be prevalent in certain village areas, particularly in the southern parts of the country and in the neighbourhood of Jerusalem. The number of attendances for anti-syphilitic treatment at the Government dispensary in Hebron led to a special investigation being made in this district of the relative incidence of the disease. In five villages with a population of approximately 8,000 inhabitants, it was found that 5 per cent presented clinical signs of active disease, and it was estimated by the officers engaged in the enquiry that the total infection of this population was probably about 25 per cent. In September, a special clinic was organised to provide treatment in the most heavily infected villages. In addition to medical treatment, propaganda was carried out on the following lines. Lectures were given to school-teachers and the elementary facts of the disease, its method of spreading and its serious results explained. For these lectures certain lantern slides kindly lent by the National Council for combating Venereal Diseases were made use of. Informal talks upon the disease were given to the elders of the people in the villages. The effects of the disease in preventing live births and healthy infants were stressed, as the people regard marriage without living and healthy issue as a serious calamity. The work of the clinics is regulated with the object of securing that every patient registered for treatment receives a minimum of 4 grammes of Neo-Salvarsan during a course of intravenous injections. Great assistance has been obtained from district officers and village Mukhtars in tracing patients who fail to attend for treatment on the appointed days. By concentrating its efforts on a few villages at one time, this clinic is doing useful work. It is estimated that 2,000 patients can be fully treated in one year by the staff employed if the work is continued without interruption. <sup>2</sup>

" The special clinic that has been operating in the Hebron district for fifteen months has been very successful; attendances by both sexes have been in greater numbers than could be dealt with, and the continuance of attendance for the full course of treatment has been a marked feature and has resulted in a proportionately high number of relative cures. For the fifteen months, the number under treatment has been 1,023 and the number who have completed treatment 666. In other affected areas, treatment is given only at established Government or voluntary clinics, but it is hoped to open a second special clinic during 1926." <sup>3</sup>

	Total attendances. <sup>4</sup>	New cases.
1927 .....	4,066	324
1928 .....	1,615	212

Side by side with these medical measures, in the cities of Jerusalem, Jaffa and Haifa, measures have been taken to deal with the prostitution problem. Before the war, Jerusalem is stated to have been comparatively free from vice, the Turks also regarding it as a holy city, where no licensed houses should exist. The war had brought other conditions in its train and, when the military administration took over the Government, they found that two streets were still set apart as areas for tolerated houses. The voluntary organisation known as the Social Service

<sup>1</sup> Annual Report of the Principal Medical Officer, Jerusalem Town, 1921.  
<sup>2</sup> Annual Report of the Department of Health, 1924, pages 15 and 16.  
<sup>3</sup> Annual Report of the Department of Health, 1925, page 8.  
<sup>4</sup> Welfare Inspector for Palestine Government: Communication to the British Social Hygiene Council, February, 1929.

Association was established in 1918. This body was representative of Christian, Moslem and Jewish women. They made representations to the military authorities that these tolerated areas should be abolished. On the first application, this was not thought possible. The voluntary association forwarded lists of houses of questionable repute to the authorities, all of which were investigated, and it was found that the people concerned began to move of their own accord owing to the police supervision. The popular agitation was continued, but, before the petition in preparation was presented, the Chief of Police acted and abolished the tolerated area.

In 1919, the Girls' Home was established, which is now under the control of the Social Service Committee and is used both by the voluntary association and by the Government for the care and maintenance of delinquent girls, whose stay in the institution varies from a few weeks to four or five years. Many of those who have passed through the Home have been completely rehabilitated socially.

"Three hundred and fifty-eight women and girls have passed through the Home during the last seven years, about one-quarter being Social Service cases and the remainder being Government cases. Many of these girls have had their babies with them. In 1921, the Government of Palestine appointed a welfare inspector, who is responsible for the inspection of factories and of women's prisons and the general development of protective work among women and children. The appointment of such an officer provides a valuable liaison between the Government and the voluntary social services. Arising out of enquiries by the League of Nations, the High Commissioner asked the Women's Council for a report on the social conditions of the seaports of Palestine. Investigations into these conditions in Haifa and Jaffa were made jointly by the Government welfare inspector and the chairman of the Women's Council. The report on Jaffa showed the need for immediate action, which was taken. Within six months the tolerated houses in Jaffa had been closed, together with the worst hotels. In Haifa, this took a little longer, but the tolerated area there has also been completely swept away.

"In 1925, an Ordinance was passed one clause of which prohibited the immigration of professional prostitutes. The following year, under the Criminal Law Amendment Ordinance, all brothels were made illegal, with heavy penalties for brothel-keepers and landlords who let their premises for this purpose. During the last few months, we have had a good many convictions under this Ordinance, with the result that many suspected houses have broken up of their own accord.

"It is hoped that before long a summer school for teachers and other workers will be held in Jerusalem, with lectures on education, health and social subjects, including care of the eyes, child welfare, work of the League of Nations, etc.

"Although tolerated areas exist no longer and brothels are illegal, constant vigilance is necessary to keep these evils in check. It is believed that healthy education of the people on these subjects is the best preventive."<sup>1</sup>

The history of progress in Palestine is an indication that the venereal disease problem can be dealt with as an administrative public-health problem concerning the population as a whole and that effective measures to check commercialised prostitution tend to react favourably on the medical measures directed against venereal disease.

#### Straits Settlements.

Conditions of peculiar difficulty affect the problem of prostitution and venereal disease in Singapore. The large immigrant Chinese and Indian population results in a sex ratio of 100 Chinese males to about 47 Chinese females in Singapore. For Malaya as a whole, the ratio is 100 Chinese males to about 38 Chinese females. There is a long history of regulation of prostitution, and the abolition of the Contagious Diseases Acts in Great Britain, although followed by the Colonial Government, was not in accordance with local opinion and a system of tolerated brothels persisted.

The visit in 1920-21 of a Social Hygiene Commission to confer with the authorities on the prevalence of venereal disease in the Straits Settlements and the Federated Malay States led to the appointment by the Legislative Council of a special Medical Committee of Enquiry in 1922. This Committee reported an exceptionally high incidence of venereal disease among the population, particularly among the Chinese population, and recommended that an Ordinance should be adopted increasing the brothel area and improving the arrangements for the medical examination and control of prostitutes.

The Ordinance was submitted by the Colonial Office for the consideration of an Expert Committee. This Committee reported against the Ordinance and in favour of ample facilities for free treatment and for public enlightenment and various other social measures.

<sup>1</sup> Welfare Inspector for the Palestine Government: Communication to the British Social Hygiene Council, February 1st, 1929.

The Social Hygiene Board was established under the Medical Department in 1926 and took over the work of the then existent Singapore Branch of the Social Hygiene Council. A special officer was placed in charge of the Social Hygiene Department; money was voted by the Government to finance the establishment and staffing of a number of centres for the free diagnosis and treatment of venereal diseases throughout Singapore.

From 1926 to 1928, the activities of the Social Hygiene Department have steadily increased. According to the present annual report, there are now four clinics and four outdoor dispensaries for the free treatment of men; two clinics and two outdoor dispensaries for the treatment of women; and three hospitals at which in-patient accommodation is available — one for men only, one for women only, and one for men and women — two being general hospitals and one a hospital for women only. Clinics for out-patient treatment are also held at the hospitals. All examinations and treatment in the women's clinics are carried out by a medical woman.

The number of new cases have increased as follows<sup>1</sup>:

	1926	1927	1926	1927	1926	1927
	Male		Female		Total	
New cases .....	7,284	12,840	1,944	1,266	9,228	14,106
Re-attendances .....	30,019	87,857	4,881	6,124	34,900	93,981
Total attendances .....	37,303	100,697	6,825	7,390	44,128	108,087

It should be noted that, under the former system, the only treatment available, in part free and in part at low cost, was that in connection with the brothels. The total number of women in the brothels amounted to approximately 1,800, of whom only a small proportion were actually brought under treatment. The numbers under treatment in the free centres on a voluntary basis in 1926 were 1,944 women and 7,284 men; the total new cases of both sexes seen during 1927 has risen to 14,106. Therefore, from the public health point of view, the policy of providing facilities for free treatment on a voluntary basis brings a far larger proportion of the general infected population under medical care than any system of compulsory control of the prostitute group alone.

The measures taken to reduce disease in the civil population are reflected in the official figures for the Army referring to the troops stationed in Malaya, the majority of whom are in Singapore :

ARMY.

Per 1,000 Strength.

Year	Gonorrhoea	Syphilis
1922 .....	119.9	42.4
1923 .....	68.0	14.3
1924 .....	65.0	21.9
1925 .....	55.1	17.3
1926 .....	65.9	12.1

The medical measures aimed at reducing the incidence of the disease in the general population have been supported by the policy of the Government with regard to the prevention of traffic in women in that, in 1926, it was made illegal for professional prostitutes to enter the Straits Settlements. At the same time, steps have been taken to carry the policy recommended by the Colonial Office Advisory Committee into effect and gradually to reduce the number of tolerated brothels.

Between 1926 and 1928, with the help of the laws prohibiting the immigration of prostitutes, the Chinese Protectorate were able to reduce the number of known brothels from 231 to 176 and the number of inmates from 1,864 to 1,189. It has always been recognised that the practical difficulty of enforcing a policy of the rapid closure of brothels was to provide for the inmates in such a way as to protect the health of the community and the interests of the individual women concerned; it is interesting, therefore, to register an actual case. — In the report of the Secretary for Chinese Affairs it is stated:

“ If this policy is consistently followed during 1928 and 1929, it is probable that by the end of 1929 this class of brothel will have disappeared. The only problem that presents itself is that of the disposal of the inmates when a particular brothel closes. It has, however, been shown that a large number of prostitutes leave their brothels of their own will every year. This fact, combined with the cutting off of the supply, will in my opinion do away with any real immediate difficulty as to the disposal of the great majority of prostitutes in these brothels. ”<sup>2</sup>

<sup>1</sup> Extract from Annual Report by W. M. Chambers, M.D., L.R.C.P., L.R.C.S., Chief Medical Officer, Social Hygiene, June 1928.  
<sup>2</sup> Report, Secretary of Chinese Affairs, 1928.

Uganda.

In Uganda, syphilis has been a serious problem, assuming among certain tribes an epidemic character. Its dissemination has not been due to commercialised prostitution but to native customs, and much of it is extra-genital in form. It was found that the death rate was such that certain tribes were in danger of extermination.

A medical survey was made in 1907. Between 1908 and 1914, a specialist medical staff was appointed and the foundation of appropriate schemes for treatment was laid. It was found necessary to train subordinate medical assistants. The danger of the situation was explained to the native chiefs, who were at first anxious for compulsory measures. These were not considered useful by the Medical Department. A small number of prostitutes existed in the towns; to deal with these, certain township rules were enacted, but repealed in 1923 as they were at variance with the policy adopted of attracting the infected to voluntary treatment and this was being found effective. Treatment of both syphilis and gonorrhœa is given at hospitals and particularly of syphilis at the village dispensaries. Maternity and child welfare activities have been developed and provide opportunities for ante-natal treatment. Each year infected women come more readily to hospitals. The Annual Medical and Sanitary Report for 1927 states:

“ The figures for the death rate, the birth rate, the infantile mortality rate and the excess of births over deaths are in all cases better than they have ever been. It may reasonably be claimed that they reflect the advantage that has accrued to the general native population as a result of the intensive development of the organisation for the treatment of the natives at hospitals, dispensaries and at maternity centres which has taken place during recent years. The first report of an excess of births over deaths in Uganda occurred in 1924 and was represented by the modest figure of 37. . . . The excess of births over deaths now reported for the five districts of over 17,000 indicates that the position is being consolidated and that a progressive increase in the native population can be now confidently predicted.”<sup>1</sup>

In certain tribes the prevalence of yaws, together with the need for depending to some extent on the diagnosis of the native medical staff, makes the complete accuracy of classification somewhat doubtful, but, for the last two years, the figures of the new cases brought under treatment are an indication of the success of the measures adopted :

New cases	1926	1927
Yaws.....	10,930	26,629
Syphilis .....	35,584	52,032

Mandated Territories in Africa.

The question of prostitution and the prevalence of venereal diseases in Togoland, Tanganyika and the British Cameroons has been raised before the Permanent Mandates Commission. In certain port towns, prostitutes have been on occasion dealt with under the Vagrancy Acts. Throughout the African territories, sexual promiscuity prevails; this tends to develop into a form of prostitution where the tribal inhibitions and controls have broken down. Prostitution in the commercial sense, as carrying with it a third-party interest in commercialised vice, is unknown, except to a small extent in certain of the port towns. Venereal diseases are widely prevalent in many territories.

The Mandates Commission in 1923 adopted the following recommendation :

“ In examining several of the reports on the administration of mandated areas in the course of the last year, the Commission has been struck with the prevalence and apparent increase of venereal diseases among the native populations. The Commission is of the opinion that this serious question is worthy of the particular attention of the mandatory Powers. It would, it believes, be mutually helpful if the mandatory Powers, in their future reports, could give the fullest possible information on the incidence of venereal diseases in the various territories committed to their care, and as to the measures taken to combat this evil.”<sup>2</sup>

Togoland.

The incidence of venereal disease appears to vary, being less in the interior and more prevalent in the Southern District adjacent to the Gold Coast. Treatment facilities have been provided. The disease is largely introduced by the migration of industrial workers from the Gold Coast. The industrial migrants attract a certain number of women from the villages as prostitutes, but it is pointed out that the main cause of the heavy infection “ is simply the lax behaviour of the male part of the population ”.

The 1924 Report states :

“ This class of disease still accounts for a large proportion of the work here (Southern District), but there is a distinct improvement noticeable as compared with 1922.

<sup>1</sup> Annual Medical and Sanitary Report for the year 1927, pages 8-13.

<sup>2</sup> Minutes of the Third Session of the Permanent Mandates Commission, page 197.

“ A large proportion of the patients applying for treatment for other diseases show signs of venereal.”<sup>1</sup>

Of 1,412 cases treated at the hospital in one year, 350 to 400 were venereal, “ making a total of 25 to 20 per cent.”<sup>1</sup>

For the same district, in 1927, a proportion of 20 cases of syphilis in 4,814 out-patients is quoted, and 140 cases of gonorrhœa. Satisfactory progress is apparent in bringing infected persons under treatment, but the native does not readily appreciate the need for seeking medical advice for venereal or other infections until the disabling stages of disease have been reached. Syphilis is a serious factor in the large number of abortions, therefore great endeavours are being made to reach expectant mothers.

In considering the problem as to whether any good purpose would be served by an endeavour to deal with prostitutes under any system of regulation and control, it was indicated that such measures could not be tolerated in a British colony. Considerable attention has, however, been given by the Medical Department, in co-operation with the chiefs and elders of the tribes, in bringing home to the natives the serious consequences of untreated disease, and in dealing with questions of moral laxity and venereal disease along lines of providing ample facilities for medical treatment and for public enlightenment.

In the Kete-Kratchi District and the part of the territory further removed from the coast, there seems little evidence of the prevalence of venereal disease.

### Tanganyika.

“ Prostitution is mainly confined to the towns. Among many tribes, native custom permits irregular relationships between the sexes, a state of affairs which can only be changed gradually with the advance of civilisation and by patient missionary effort, but prostitution in the ordinary sense of the word is infrequent in country areas. Loitering in the streets of townships for the purpose of prostitution is an offence under Ordinance No. 17 of 1921. Sexual intercourse with girls under the age of twelve years is prohibited by the Young Girls' Protection Ordinance No. 33 of 1921. The Township Rules, 1923, empower administrative officers to repatriate to their homes within the Territory any undesirables entering townships. The Immigration Ordinance No. 16 of 1924 prohibits the immigration of prostitutes or persons interested in the proceeds of prostitution except in the case of natives born or domiciled in the Territory.”<sup>2</sup>

Syphilis and yaws are very prevalent in certain districts. The Medical Department hopes to augment present facilities by an increase of travelling clinics. Medical missions are co-operating with the Government service. The numbers coming voluntarily for treatment increase steadily, and appear to be limited only by the facilities available. There is no demand for compulsory powers or for any form of compulsory examination or treatment of prostitutes in the few town centres where they exist.

The numbers of those presenting themselves for treatment for the five years 1923 to 1927 are as follows:

<i>Syphilis.</i> <sup>3</sup>			
1923 .....	2,667	1926 .....	17,483
1924 .....	4,348	1927 .....	20,810
1925 .....	11,829		

<sup>1</sup> Report by His Britannic Majesty's Government on the Administration under Mandate of British Togoland for the year 1924, pages 54, 55.

<sup>2</sup> Extract from the Report by His Britannic Majesty's Government to the Council of the League of Nations on the Administration of Tanganyika Territory for the year 1927.

<sup>3</sup> Medical and Sanitation Reports, Tanganyika Territory, 1926, 1927.

Geneva, April 29th, 1929.

**LEAGUE OF NATIONS**

**ADVISORY COMMISSION FOR THE PROTECTION  
AND WELFARE OF CHILDREN AND YOUNG PEOPLE.**

**TRAFFIC IN WOMEN AND CHILDREN COMMITTEE.**

**REPORT OF THE EIGHTH SESSION**

*Adopted by the Committee on April 26th, 1929.*

The Traffic in Women and Children Committee held its eighth session at Geneva from April 19th to 26th, 1929.

The following attended the session:

*Government Delegates:*

His Excellency the Marquis PAULUCCI DI CALBOLI (Chairman)	<i>Italy.</i>
Dr. Fanny DALMAZZO (Assistant Delegate)	
His Excellency Count CARTON DE WIART M. Isidore MAUS (Technical Adviser)	<i>Belgium.</i>
Mr. S. W. HARRIS Miss WALL (Assistant Delegate)	<i>British Empire.</i>
Dr. Estrid HEIN	<i>Denmark.</i>
His Excellency M. REGNAULT M. BOURGOIS (Assistant Delegate) M. LE LUC (Substitute Delegate)	<i>France.</i>
Dr. BÄUMER	<i>Germany.</i>
M. ITO (Vice-Chairman) M. SAITO (Technical Adviser) M. SHIMIZU	<i>Japan.</i>
Senator POSNER	<i>Poland.</i>
Mme. ROMNICIANO	<i>Roumania.</i>
M. Emilio Martinez AMADOR (replacing Don Pedro Sangro y Ros de Olano)	<i>Spain.</i>
Dr. LUISI	<i>Uruguay.</i>

*Assessors representing Voluntary Organisations:*

Baroness DE MONTENACH	Association catholique internationale des Œuvres de protection de la jeune fille.
Mme. AVRIL DE SAINTE-CROIX	Associations féminines internationales.
Mme. CURCHOD-SECRETAN	Fédération internationale des Amies de la jeune fille.
Mr. SEMPKINS	International Bureau for the Suppression of Traffic in Women and Children.
Mr. S. COHEN	Jewish Association for the Protection of Girls and Women.
Mlle. LAVIELLE	Union internationale des Ligues féminines catho- liques.

*Liaison Officer:*

Mr. G. A. JOHNSTON  
*Secretary:* Dame Rachel CROWDY,

International Labour Office.  
Chief of the Opium Traffic and Social Questions  
Section.

In his opening speech, the Chairman reminded the Committee of its important mission in protecting women. He asked speakers to be as concise as possible in view of the number of questions to be discussed.

On the motion of the delegate for Uruguay, the Committee paid a unanimous tribute to the memory of M. de Meuron. The members of the Committee who had belonged to the Special Committee of Experts spoke of the high character and personal charm of their late colleague, who had done invaluable work in the course of the enquiry. Other Government delegates and the assessors expressed, on behalf of their countries and associations, their admiration for M. de Meuron and his work.

The Chairman expressed the Committee's regret at the absence of Miss Grace Abbott, delegate of the United States, and of Don Pedro Sangro y Ros de Olano, delegate of Spain, who had been replaced for this meeting by M. Emilio Martinez Amador. He welcomed Mlle. Lavielle, delegate of the Union internationale des Ligues féminines catholiques.

I. ADOPTION OF THE AGENDA.

The Committee examined its provisional agenda and, in order to be able to deal with the various subjects thoroughly without overburdening the proceedings, it postponed to its next session the consideration of the following questions:

- (1) The Protection of Young Female Artistes touring abroad in Music-halls and similar Places of Amusement.
- (2) Supplementary Information from Governments on the Suppression of the Traffic in Obscene Publications.
- (3) Measures to be taken for the Assistance of Women on leaving Prison.
- (4) Repatriation of Foreign Prostitutes.
- (5) Employment of Women Police.

2. REPORT BY THE SECRETARY ON THE POSITION OF THE COMMITTEE'S WORK.

In her report, the Secretary gave an account of the action taken on the various resolutions adopted by the Committee. She observed that since the annual reports of the Governments had been printed, further replies for 1927 had been received by the Secretariat.

The Danish delegate explained that the reason why the Danish Government had not yet ratified the Convention of 1921 for the Suppression of the Traffic in Women and Children or that of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications was that the Chambers had not yet adopted the new draft Criminal Code, mention of which had been made at the previous session of the Committee.

The delegate of Uruguay observed that the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications was being examined by the Uruguayan Parliament.

The Secretary's report was adopted, with the Committee's thanks.

3. SUMMARY OF GOVERNMENTS' ANNUAL REPORTS FOR THE YEAR 1927.

At the British delegate's request, the Committee examined very fully the Governments' reports for 1927, which are of great interest, although their number is still too small. Of the twenty-nine States Members of the League which had not sent in their reports for 1927, the majority of these have failed in the past to carry out the recommendations contained in the Final Act of the Conference of 1921. Some of the States which send regular reports often give vague replies owing to a misinterpretation of the questions asked. Thus, in reply to the first question, certain countries mention only facts connected with the international traffic, whereas facts relating to the national traffic should also be included. Some countries continue to reply to the old questionnaire instead of the new one, which was introduced some years ago. Governments should also mention in their replies the measures taken in regard to the repatriation of prostitutes and the extent to which the co-operation of voluntary organisations has been enlisted. In order to avoid further misunderstanding or omissions, and to increase the number of replies, the Committee requests the Council to send a letter to the Governments containing explanation whenever necessary. The most significant feature in the annual reports from Governments is the reference to actual cases of traffic and the measures taken to deal with these. These cases were of the greatest interest to the Committee, indicating as they do the need for and importance of international co-operation.

In the course of the discussion, the French delegate stated that, even outside licensed houses foreign women were in fact now forbidden to practise prostitution in France; he also read a Ministerial Circular of July 7th, 1928, requiring the police and gendarmerie to exercise special vigilance in regard to the protection of women, especially those who go abroad, and the discovery of traffickers. The Committee decided to attach this circular to the Minutes.

The British delegate pointed out that, in several of the Government reports, reference was made to the exploitation of young women artistes. These cases were deserving of special attention in view of the enquiry which was being carried out by the Committee into the protection of young women artistes travelling abroad.

The Polish delegate and several of the assessors stated that the results of the employment of women police had been highly satisfactory. Thanks to the idealism and efforts of women police, the campaign against the traffic in various countries will become more effective.

The Roumanian delegate observed that, although her country had not sent in any annual report, that did not mean that nothing had been done to suppress the traffic. Rigorous measures had been taken by the port police, a stricter system of passport supervision had been established and a force of women police was to be organised shortly.

The delegate of Uruguay deplored the fact that her country was not included in the list of countries which had sent annual reports. Although the Uruguayan Government had not replied to the questionnaire, its delegate on the Committee had forwarded to the Secretariat in 1927 recent legislation which lays down severe penalties for procurers, and as an outcome of which licensed houses have been abolished.

The Belgian delegate proposed an alteration in the eighth question for the annual report, which asks for information as to measures taken to protect children from exploitation for immoral purposes, especially where any system of pawning or bartering of children exists. Although in certain cases adoption might also be an indirect means of encouraging traffic in children, it was hardly right to group adoption with pawning and bartering, because adoption, when it is surrounded by the necessary guarantees, is an excellent means of protecting children, by providing the child with an effective substitute for its own family. He proposed, therefore, to amend Question 8 as follows:

" In addition to any information given in reply to previous questions, please state whether any other measures have been taken to prevent children from exploitation for immoral purposes, especially by the system of pawning or bartering children, or by abuses in connection with adoption. "

This amendment was unanimously adopted by the Committee and the summary was approved.

#### 4. REPORTS FROM THE VOLUNTARY ORGANISATIONS.

The Committee carefully examined the reports submitted by the voluntary organisations.

The statement of the representative of the International Bureau for the Suppression of Traffic in Women and Children laid special stress on the new work which was being done by the association in India and Egypt. Tribute was also paid to the work undertaken by the Buenos Aires branch under the direction of Mrs. Lighton Robinson.

The representative of the Fédération internationale des Amies de la Jeune Fille gave details of the propaganda work carried out by means of lectures. The universities in particular had been led to take an interest in the work.

The representative of the International Women's Associations presented reports from women's organisations in a large number of countries, and mentioned especially the efforts made by the National Council of French Women to prevent clandestine embarkation at Marseilles of prostitutes proceeding to Egypt. Thanks to the efforts of the authorities, there had been no recurrence of this. She drew attention to the fact that the authorities were still apathetic towards the establishment of women police. She paid a tribute to the activity of Dr. Luisi at Montevideo and Buenos Aires. Public opinion in the Argentine had progressed enormously since 1919, and the Press and public opinion were now taking an interest in the campaign against the traffic and against immorality.

The representative of the Association Catholique internationale de la Protection de la jeune fille described to the Committee her journey to Poland, Czechoslovakia and Belgium, and laid special stress on the development of the missions for the protection of girls at the Polish stations, where services were rendered in 1927 to 14,425 young girls.

The representative of the Jewish Association for the Protection of Girls and Women stated that it would be advisable to print the Minutes of the Committee's meetings for the use of voluntary organisations for propaganda purposes. He also thought that the publication of the full replies from Governments regarding various cases of traffic discovered would help to facilitate the work of those organisations. In conclusion, he gave interesting details concerning the development of his Association in South America.

The representative of the Union internationale des Ligues féminines catholiques said that she was glad that her organisation had been allowed to co-operate with the Committee. The Union des Ligues would give an account of its work at the next session, including its rescue work.



The French delegate pointed out that in his country the existence or suppression of licensed houses lay with the municipalities; therefore the best means of getting them closed was by working on local public opinion, and in this connection the influence of the voluntary organisations might be of use.

In the course of the general discussion, the assessors and members of the Committee pointed out that it would be advisable to publish a summary of the Experts' Enquiry in the form of a popular leaflet. Several members discussed the value of propaganda against the traffic by means of films.

An exchange of views took place between the members of the Committee concerning the desirability of co-operation between the police and the voluntary organisations with a view to preventing the traffic.

The Chairman thanked the assessors on behalf of the Committee for their valuable assistance and for their reports, which had given rise to such an interesting discussion.

## 5. REPORTS FROM LIAISON OFFICERS.

At the request of the Chairman, the representative of the International Labour Office undertook in future to make an annual report to the Committee on the work of the International Labour Office in so far as it affected the work of the Committee.

## 6. EXPERTS' ENQUIRY.

### (a) *Further Information from Governments.*

Last session it was decided to ask Governments for any further information they were able to give supplementing that given in the reports of the Special Body of Experts. Most of the Governments had no further observations to offer, but an interesting statement from the Greek Government was laid before the Committee describing the difficult conditions created by the large number of refugees in Greece and the measures taken to protect them.

A reply from the Latvian Government was also laid before the Committee.

### (b) *Extension of the Enquiry.*

Last year, the Committee decided to recommend the extension of the enquiry made by the Special Body of Experts if the necessary funds could be obtained. The circumstances have not materially changed since last year and the Committee decided to reaffirm its recommendation.

Some discussion took place as to the field of any new enquiry and it was agreed that the investigation should be extended to those countries which had not previously been visited, especially in the East. On this point the delegate of Uruguay reiterated the observations which she had presented to the Council regarding the enquiry made by the Special Body of Experts. At the same time, the Committee realised that the circumstances of many Eastern countries were widely different from those of Europe or America, and that the character of the investigation would have to be considered as well as the composition of the Body of Experts in the light of the altered circumstances. The following resolution was agreed to unanimously:

"The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

"The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the International traffic should be pursued in other countries not previously visited, especially in the East, and expresses the hope that funds may be made available for the purpose, and in that event that the Council will sanction forthwith the extension of the enquiry as proposed.

"The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

"The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances, so as to ensure in particular that it includes persons who have a wide knowledge and experience of Eastern conditions."

## 7. ABOLITION OF THE SYSTEM OF LICENSED HOUSES.

When this question was discussed last year, a request was made that the Secretariat should endeavour to obtain from countries which had no system of regulation some account of the methods

adopted for dealing with prostitution and its evils. Unfortunately, the Committee failed to make its object sufficiently clear to the Governments concerned and only one or two Governments sent the information desired.

A reply from Great Britain showed the results obtained in that country under four headings: the prevention of disease; the steps taken against the exploitation of women; the reduction of prostitution; and the preservation of public order. As regards the prevention of disease, the memorandum was supplemented by a full statement prepared for the information of the Committee by the British Council of Social Hygiene.

The Danish Government also furnished a short statement of the experience gained in its country. The Danish delegate promised a fuller statement next year.

It was agreed that steps should be taken to obtain similar information from other Governments and to give the results in a separate document and not in the form of a re-edition of the old document on licensed houses, as was done this year.

A particularly valuable discussion then took place to which it is impossible to refer in detail, but reference can be made to the Minutes. It became abundantly clear from the discussion that the whole question is receiving considerable attention in many countries and that public opinion is changing.

The French delegate made the following statement on behalf of his Government:

“ The French authorities are closely following the evolution of public opinion in regard to the abolition of licensed houses.

“ They are able to study this problem with an open mind, the more so as there is no French law to regulate prostitution. The system of regulation in France is simply a municipal police measure enforced by the mayors under various laws, in particular the Law of April 5th, 1884, which empowers them to take the necessary steps to secure order, security and public health. In pursuance of these texts, they issue decrees when such action appears requisite to combat the evil effects of prostitution.

“ The municipalities can therefore abolish the regulations which they have introduced without any need for altering the law or for referring to the central authorities.

“ Moreover, as a fact, several important towns are at present making experiments in abolition.

“ In these circumstances, the way to secure the triumph of abolitionist views is to work upon public opinion. The municipalities are bound to take public opinion into account in such a matter as this.

“ The municipal—and also the central—authorities are specially interested in the Committee's decision of last year to make a collection of the laws and regulations in force in abolitionist countries. It is indeed essential to have complete information on the measures adopted in these countries to preserve order and public health, *i.e.*, to guard against the danger of the prostitution carried on in licensed houses being ‘ driven out ’ either into the streets or into clandestine houses. It is important in such a very delicate question to act only with full knowledge of the circumstances and after taking every necessary precaution.”

The Belgian delegate stated that in his country the question of licensed houses was left to the communal authorities and that consequently they could only be abolished by winning over the most important towns to this course. They had already been abolished in Antwerp. He emphasised the need for the help and goodwill of the police in securing a change of method. As regards venereal disease, he thought the best results were being obtained by the system of free and secret treatment.

The Japanese delegate stated that in his country, as a result of propaganda carried out by the voluntary associations, the Japanese Parliament, in March 1929, discussed a Bill for the abolition of licensed houses; this Bill had now been referred to a commission and its fate has not as yet been decided.

The delegate for Uruguay announced that since October 1927, as a result of the new law against procuration, licensed houses had been closed. Health questions were now being studied in her country from the abolitionist point of view.

The German delegate, after stating that the new German law as well as the text of the executive measures of the State had been sent to the Secretariat, commented on this new law, which introduces medical supervision of the whole population with regard to venereal diseases. This law provides for close co-operation between social welfare organisations and the Health Services. It abolishes the system of regulation and decrees that licensed houses should be closed. In the beginning, various interpretations had been given to the term “ licensed houses ”, the proprietors had tried to run them under another form and the municipalities had not always been severe on their interpretation of the law. But now a judgment of the Supreme Court involving a clear definition had put an end to such misinterpretation.

Several delegates referred to the economic causes of prostitution—such as low wages and unemployment, which, in their opinion, were among the main causes. Some laid special stress on the dangers run by young girls in domestic service in some countries owing to the nature of the accommodation in the attics of apartment houses.

The following resolutions were unanimously adopted:

“ The Committee welcomes the evidence which has been furnished to it by several delegates as to the growing changes in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries.”

“ The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.”

“ The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.”

“ The Committee recommends that the Council should cause a further communication to be sent to Governments and to charitable associations asking them to be good enough to give all the information possible so as to enable the further study of the question by the Committee to continue.”

At the end of the discussion on licensed houses the Secretary stated that, about a fortnight ago, her attention had been drawn to the fact that a recommendation, passed in 1926 by the Sub-Committee of the Joint Maritime Commission which dealt with Seamen's Welfare in Ports was to be submitted to the International Labour Conference (Maritime Session) to be held at Geneva in October 1929. This recommendation referred to the strict medical control of women in the ports.

The Secretary considered that this recommendation might lead to the adoption of a system before definite conclusions could be drawn from the studies relating to regulations which were being carried out by the Governments at the request of the Assembly, and that, moreover, this recommendation was contrary to the opinion expressed by the Special Body of Experts. As the question was urgent, owing to the meeting of the Joint Maritime Commission from April 18th to 20th, the Secretary had got into touch with the International Labour Office and had submitted a memorandum to it setting forth the results so far obtained by the Committee's enquiry and also mentioning the resolutions adopted by various organs of the League. This memorandum had been forwarded by the International Labour Office to the Joint Maritime Commission. The Commission's Sub-Committee on Seamen's Welfare in Ports adopted a report explaining its recommendation concerning strict medical control. The Director of the International Labour Office had forwarded this report to the Secretary, informing her that her memorandum would be submitted, together with the report in question, to the International Labour Conference (Maritime Session).

The Committee, after hearing these explanations, approved the Secretary's action and authorised her to take further steps if necessary.

#### 8. PENALTIES TO BE IMPOSED UPON PERSONS LIVING ON THE IMMORAL EARNINGS OF WOMEN.

The Committee examined the Secretariat's report. It considered that the Secretariat's study was limited to certain points of practical importance. It referred only to certain systems of law and dealt more especially with *souteneurs* and not with procuration in all its aspects.

The Committee considered various matters arising out of the study of the laws relating to *souteneurs* and in particular the definition of the offence, and the difficulties in arresting the offender. Attention was drawn to the bad record of many *souteneurs* who had committed offences in different countries, and it was felt that the record should be taken into account when punishment was being prescribed.

The Committee considered that, with one correction regarding the law of Uruguay, and subject to minor alteration, the Secretariat's report should be communicated to the Governments. After several Government delegates had explained the laws of their respective countries, the Committee unanimously adopted the following resolution submitted by the delegates of Belgium, France and Great Britain:

“ The Committee, having considered the very complete report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souteneur* to justice.

“ The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons; of inflicting penalties suited to the dangerous character of their national and international activities; and of applying special repressive measures in the case of repeated offenders.”

#### 9. ELIMINATION OF THE AGE-LIMIT IN THE CONVENTIONS.

The representative of the Jewish Association for the Protection of Girls and Women, who acted as rapporteur, made certain comments on the memorandum which he had submitted at the Committee's request. He thought that the abolition of the age-limit in conventions would enable offences connected with the traffic to be punished more effectively, as, through false

documents or false statements, the victims of the traffic were often stated to have passed the age of 21 laid down in the conventions. It would be premature, however, to propose any modification which would not be in concordance with all systems of law, and the rapporteur thought that, as a preliminary step, the various Governments should be asked to give an opinion on the point.

In the course of the discussion, the French delegate observed that the competent authorities of his own country favoured the elimination of the age-limit in conventions. The delegates of Germany and Spain mentioned that, in the new Criminal Code proposed or adopted by their respective countries, the age-limit had been abolished.

Realising that there was a tendency to abolish the age-limit, the Committee unanimously adopted the following resolution:

“ The Traffic in Women and Children Committee, having considered the views expressed on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee.”

#### 10. ABOLITION OF THE TRAFFIC IN OBSCENE PUBLICATIONS: DATE OF THE NEXT CONFERENCE.

The Committee discussed whether it was desirable to summon a conference to revise the Convention of 1923 for the Suppression of the Traffic in Obscene Publications; it thought that the time had not yet come for such revision. It considered that at the next session it might consider the possibility of obtaining annual reports from the Governments on the repression of the traffic in obscene publications.

The Committee unanimously adopted the following resolution, submitted by the British delegate:

“ It appears to the Committee that the provisions of the International Convention of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications are comprehensive, and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

“ The Committee wishes to express the hope that all those Governments which were signatories of the Convention but which have not yet presented their ratifications will do so without further delay.

“ The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and, with this object in view, the Committee has decided to place the subject on its agenda for its next session.”

#### II. COMPOSITION OF THE COMMITTEE.

The Council resolution of December 13th, 1928, on the adoption of a new procedure regarding the participation of the assessors in the Committee's work, was examined at a joint meeting of the Traffic in Women and Children Committee and the Child Welfare Committee.

After an exchange of views, it was agreed that a distinction should be drawn between the assessors of the Child Welfare Committee and those of the Traffic in Women and Children Committee, who had been appointed as the outcome of a recommendation of the 1921 Conference.

At the same time, the Traffic in Women and Children Committee considered that it should take account of the discussions of the Child Welfare Committee and unanimously adopted the following resolution:

“ The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

“ The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

“ All assessors appointed in future should be appointed for a period of five years.

“ As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

“ It is desirable that the Committee should reconsider its Rules of Procedure, including the appointment and re-election of assessors.”

12. COLLECTION OF LAWS AND REGULATIONS PREPARED BY THE AMERICAN SOCIAL HYGIENE ASSOCIATION.

The Committee took note of the plan presented by the Sub-Committee which it had set up to examine the collection of laws and regulations concerning international traffic in women and children, a research begun by the American Social Hygiene Association, and partially completed by the Secretariat. The Committee instructed the Secretariat to classify the laws and regulations which had already been forwarded by the Governments, in accordance with the system proposed by the Sub-Committee. When this classification had been completed, the Secretariat should, in accordance with the resolution of 1927 approved by the Council, submit to each Government that part of the collection which particularly concerned it, in order that the Governments might review and, if necessary, complete the texts. This text should be sent out in English only, the Governments being asked to send, the authentic text in French, whenever such text exists, to the Secretariat.

The collection of laws when completed should be issued in both official languages of the League.

13. REQUEST FROM THE INTERNATIONAL CRIMINAL POLICE COMMISSION.

The Committee, in joint session with the Child Welfare Committee, considered the possibilities of co-operation with the International Criminal Police Commission, which had informed the Council of its desire to co-operate with the Advisory Committee for the Protection of Children and Young People.

The Secretary communicated to the Committee a letter from the President of the International Criminal Police Commission, in which this Commission asked to be allowed to take part in the work of certain League Committees that might be connected with the work of the police. The Committee consented to a member of the Criminal Police Commission attending when subjects which the Committee felt would be of special interest to that Commission were under discussion.

14. BUDGET.

The draft submitted by the Secretariat was accepted, with an amendment which reduced the budget by 2,000 Swiss francs.

15. PRINTING OF THE MINUTES OF THE MEETINGS OF THE COMMITTEE.

The Committee, being convinced of the great value of printed Minutes of its meetings, both for the Governments and for the representatives of voluntary organisations, decided to reconsider its resolution of last year and adopted the following resolution:

"The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members of the Committee have found the printed Minutes of the greatest use both for Government departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

"It therefore requests the Council to give its sanction for the printing of its Minutes."

16. DATE OF THE NEXT SESSION.

Various members and assessors of overseas countries stated that it was difficult for them to take part in the Committee's work on account of the date at which its meetings were generally held. The Secretary suggested that the Committee should consider whether it was possible to change the date of the sessions.

After all the members present had been consulted, eight Government delegates and six assessors declared themselves in favour of maintaining the usual dates of sessions. The next session was accordingly fixed for April 2nd, 1930.

---

RESOLUTIONS.

I. The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in other countries not

previously visited, especially in the East, and expresses the hope that funds may be made available for the purpose, and in that event that the Council will sanction forthwith the extension of the enquiry as proposed.

The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances, so as to ensure in particular that it includes persons who have a wide knowledge and experience of Eastern conditions.

II. The Committee welcomes the evidence which has been furnished to it by several delegates as to the growing change in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries.

The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.

The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.

The Committee recommends that the Council should cause a further communication to be sent to Governments and to charitable associations asking them to be good enough to give all the information possible, so as to enable the further study of the question by the Committee to continue.

III. The Committee, having considered the very complete report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souteneur* to justice.

The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons; of inflicting penalties suited to the dangerous character of their national and international activities; and of applying special repressive measures in the case of repeated offenders.

IV. The Traffic in Women and Children Committee, having considered the views expressed on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee.

V. It appears to the Committee that the provisions of the International Convention of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications are comprehensive, and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

The Committee wishes to express the hope that all those Governments which were signatories of the Convention but which have not yet presented their ratifications will do so without further delay.

The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and, with this object in view, the Committee has decided to place the subject on its agenda for its next session.

VI. The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The Special qualifications of the person to be nominated should be taken into consideration by the organisation.

All assessors appointed in future should be appointed for a period of five years.

As regards existing assessors, the question should be considered in three years' time (namely in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

It is desirable that the Committee should reconsider its Rules of Procedure, including the appointment and re-election of assessors.

VII. The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members

of the Committee have found the printed Minutes of the greatest use both for Government departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

It therefore requests the Council to give its sanction for the printing of its Minutes.

*(Signed)* PAULUCCI DI CALBOLI,  
*President.*

*(Signed)* Rachel E. CROWDY,  
*Secretary.*

*(Signed)* ITO,  
*Vice-President.*

---

Geneva, April 25th, 1929.

LEAGUE OF NATIONS.

**CHILD WELFARE COMMITTEE**

**REPORT ON THE WORK OF THE  
FIFTH SESSION**

**April 12th to 19th, 1929**

At the fifth session of the Child Welfare Committee, Marquis Paulucci di Calboli, delegate of Italy, acted as Chairman, and M. Ito, delegate of Japan, as Vice-Chairman.  
The following attended the session :

*Government Delegates :*

His Excellency Marquis PAULUCCI DI CALBOLI ( <i>Chairman</i> ),	<i>Italy.</i>
M. Omero FORMENTINI (Assistant Delegate),	
His Excellency Count CARTON DE WIART,	<i>Belgium.</i>
Mr. S. W. HARRIS,	<i>British Empire.</i>
Miss WALL (Substitute Delegate),	
Dr. Estrid HEIN,	<i>Denmark.</i>
His Excellency M. REGNAULT,	<i>France.</i>
M. BOURGEOIS (Substitute Delegate),	
Mlle. CHAPTAL (Assistant Delegate),	
M. MARTIN (Technical Adviser),	
Dr. BÄUMER,	<i>Germany.</i>
M. ITO ( <i>Vice-Chairman</i> ),	<i>Japan.</i>
M. SAITO (Technical Adviser),	
M. SHIMIZU,	
Senator POSNER,	<i>Poland.</i>
Mme. ROMNICIANO,	<i>Roumania.</i>
M. Martinez AMADOR (replacing Don Pedro Sangro y Ros de Olano),	<i>Spain.</i>
Dr. LUISI,	<i>Uruguay.</i>

*Assessors :*

M. ROLLET, International Child Welfare Association.  
Dr. HUMBERT, League of Red Cross Societies.  
Dame Katharine FURSE, International Boy Scouts and Girl Guides Organisation.  
Dr. POLLIGKEIT, Save the Children International Union.  
Miss Eleanor RATHBONE, International Women's Organisations.  
Miss Julia LATHROP, American National Conference of Social Service.  
Mlle. BURNIAUX, International Federation of Trade Unions (Amsterdam).  
Mlle. Fanny DALMAZZO, International Union of Catholic Women's Leagues.

*Liaison Officer :*

Mr. JOHNSTON, International Labour Office.

*Secretary :*

Dame Rachel CROWDY, Chief of the Opium Traffic and Social Questions Section.

Series of League of Nations Publications

✓ IV. SOCIAL ✓  
1929. IV. 4.



#### ADOPTION OF THE AGENDA.

The Committee adopted the agenda as drawn up by the Agenda Sub-Committee at its meeting on April 11th.

#### REPORTS.

The Secretary's report on the progress of the work was approved unanimously.

The liaison officer with the International Labour Office gave certain explanations to supplement the report distributed to the members and assessors of the Committee, which dealt with the progress made during 1928 in those aspects of protection of children and young persons with which the International Labour Organisation is more particularly concerned, and which appear to be of special interest to the Child Welfare Committee. These questions included the progress of the ratification of International Labour Conventions concerning child labour; proposals with regard to the protection of children in connection with forced labour and to the employment of children and young persons in non-industrial occupations and the influence of family allowances on child welfare.

A report on liaison with the Health Organisation was then read. At the suggestion of the representative of the League of Red Cross Societies the Committee decided to thank the Health Organisation for the work it had done on child hygiene, and asked that the enquiry into the causes of infant mortality should be extended to other countries, for instance, Japan. It further expressed the desire that, if sufficient attention had not been given in the report on the causes of infant mortality to causes of a social character, the Social Section of the Secretariat should be allowed to examine the information collected with a view to drawing up on that subject a report on parallel lines to the Health Organisation's report.

The Committee concurred in this view, since it considered that it could not abandon the study of social conditions and circumstances influencing infant mortality.

#### BLIND CHILDREN.

The Danish delegate explained why she had not thought it advisable to act as the Child Welfare Committee had asked her to do at its last session. She had not made a report on the question of blind children, because the Health Organisation of the League had undertaken an enquiry into the general position of the blind and the questionnaire that had been drawn up for the purpose of obtaining information treated those aspects of the question which affected minors. Further, the International Labour Office had undertaken an enquiry into methods of vocational guidance which would include the methods followed in regard to blind children.

Various members of the Committee explained that they felt that the Child Welfare Committee could not abandon this enquiry; it was pointed out that certain aspects of the protection and education of blind children were specifically social in character. The liaison officer stated that, in the enquiry referred to, the Labour Office had not stressed the problem of the blind child.

The Committee adopted the following draft resolution proposed by the Belgian delegate :

"The Child Welfare Committee, having taken note of the report of the delegate of Denmark on the question of blind children, requests her to continue to keep in touch with the enquiries into this problem now being conducted by the other organisations of the League of Nations, and empowers her to establish contact with these bodies for this purpose. It requests her to make a fresh report to the Committee at its next session on the state of the question."

#### PRELIMINARY ENQUIRY CONCERNING CHILDREN IN MORAL AND SOCIAL DANGER.

Mlle. Chaptal, who had been appointed by the Council to conduct the enquiry, informed the Committee of the preliminary steps she had taken. She was not yet, she said, in a position to make a report, but she gave a few details of the method she had adopted. A letter had been sent to the Governments of the eight countries covered by her enquiry to ask for their assistance, and questionnaires had been sent to the members and assessors of the Child Welfare Committee with a view to obtaining the requisite information. The enquiry would be continued during the coming year by means of visits to certain countries.

#### ILLEGITIMATE CHILDREN.

A large amount of valuable information was received from Governments in reply to a questionnaire, and a summary of this information was placed before the Committee.

The delegate of the Amsterdam International Federation of Trade Unions laid before the Committee a report in which she examined the position of the illegitimate child in the light of the information gained from the Secretariat's study. She concluded with a proposal to call the attention of Governments to the necessity of improving the legal status of the illegitimate child. The representative of the International Child Welfare Association moved an amendment reserving the rights of the family.

In the course of the discussion of the motions put forward, the Japanese delegate stated that his Government had now in contemplation a far-reaching Bill under which the illegitimate child would be given the same status as the legitimate child. The German delegate stated that in Germany new legislation on the illegitimate child was before the Legislative Body. As probable changes were taking place in other countries, she recommended that the Governments be asked to send information on their progress in legislation.

The delegate of the International Union of Catholic Women's Leagues said that a distinction should be made at this point, for it might be necessary or useful, as regards the *protection or assistance* given by the State, communes or charitable and social organisations, to adopt provisions which are specially advantageous to illegitimate children (on the ground that both parents are dead or that the children are dependent for their maintenance on the mother alone); but, as regards the legal position of the illegitimate child, she considered as, other persons had already stated, that the principle of respect for the rights of the legitimate family must be borne in mind. The representative of the International Organisations of Boy Scouts and Girl Guides thought that the enquiry into the question of illegitimate children should not be confined to its legal aspect, but should include a study of the psychological effects of illegitimacy upon the child.

At the next session the Committee will consider the desirability of undertaking such a study.

After a protracted debate the Belgian delegate, with several other members of the Committee, moved the following draft resolution, which was adopted unanimously :

“The Child Welfare Committee has examined with interest the report on the position of the illegitimate child; it thanks the Secretariat for having prepared this important document, and requests it to continue to collect information as to progress in legislation in connection with illegitimate children, and to communicate such information to the members of the Committee in due course.

“The Committee requests the Legal Sub-Committee to examine the report and decide what questions should be studied, and in what order.

“Taking into consideration Mlle. Burniaux's proposal, as amended by M. Rollet, the Committee refers this proposal to the Legal Sub-Committee, to which Mlle. Burniaux will be attached for the purpose of its examination. The Sub-Committee may for the same purpose co-opt one or two members having special experience of legislative and administrative measures, and of institutions and movements concerned with illegitimate children.”

The Sub-Committee co-opted Dr. Baumer for the purpose of examining this question.

The Legal Sub-Committee, having carried out a preliminary investigation, laid before the Committee the following resolution, which was adopted unanimously :

“The Child Welfare Committee thanks the Governments for replying so readily to the questionnaire on the position of the illegitimate child, and hopes that they will continue to send information as to any changes in their laws.

“The Committee considers, from an examination of the replies received, that more effective protection should be ensured to illegitimate children and to this end decides to keep the question on its agenda, and it also urges that for the future, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family.”

At the first meeting of the Child Welfare Committee the representative of the International Union of Catholic Women's Leagues was invited to become a member of the Legal Sub-Committee.

#### PROVISIONAL DRAFT AGREEMENT REGARDING THE REPATRIATION OR RETURN TO THEIR HOMES OF CHILDREN AND YOUNG PEOPLE.

The Legal Sub-Committee met in Paris in July 1928 in order to prepare the text of a provisional draft Agreement on the repatriation or return to their homes of children and young people. The Legal Sub-Committee examined this text at a second reading in Paris in 1928 and communicated it to the members and assessors of the Child Welfare Committee in January 1929.

During the examination of the provisional draft, the opinion was expressed that the return of children to their homes should be considered rather than repatriation, since the latter measure might result in the minor being brought back to a country other than that in which reside the persons legally invested with paternal power or with the right of custody over the child.

The Italian delegate said that he could not accept the principle embodied in the Agreement which would in certain cases make it possible for the authorities of the country in which the minor was residing not to comply with a request for repatriation made by the country of which he was a national.

The Belgian delegate proposed the following resolution, which was adopted by the Committee :

“The Child Welfare Committee has noted with interest the provisional draft international Agreement regarding the repatriation or return to their homes of children and young people who have escaped or been removed from the authority of their parents or guardians and are abroad.

“It considers that the term ‘repatriation’ should be removed from the title and text of this provisional draft. It thinks it necessary that the provisional draft should state clearly :

"1. That the interests of the minor must be given first consideration both by the authority making the application for the return home and by the authority to whom it is addressed.

"2. That the contemplated agreement does not affect the right of persons invested with paternal power or with the right of custody to have recourse to the Courts, since the aim of the provisional Agreement is to enable minors to be returned to their homes more rapidly and at less expense than by judicial means, and not to abolish or restrict the right to apply to the Courts in accordance with the laws of the respective countries.

"The Committee takes note of the reservations made by the Italian delegate and refers the provisional Agreement for examination by the Legal Committee, requesting it to submit during the present session an amended text which will take into account the considerations set forth above."

The Legal Sub-Committee, to which three experts in international law had been attached for the consideration of these texts, introduced some modifications into the provisional draft and submitted to the Child Welfare Committee an amended text which was adopted. (This text is annexed to the report, Appendix I.)

The Committee adopted the recommendation that the Council of the League of Nations should be asked to communicate the provisional draft Agreement regarding the Return to their Homes of Children and Young People to all Governments, with the request that they should forward their observations thereon to the Secretariat not later than December 31st, 1929.

#### PROVISIONAL DRAFT CONVENTION ON THE ASSISTANCE TO MINORS OF FOREIGN NATIONALITY.

The Legal Sub-Committee met in Paris in December 1928 in order to prepare a provisional draft Convention on the assistance to minors of foreign nationality.

It continued and completed this work during the present session with the assistance of M. Delaquis, M. de Navaille and M. Ruppert, who had been appointed as experts.

The Child Welfare Committee has thought it desirable and possible to find a solution for the particularly serious problem of assistance for indigent foreign minors, pending the settlement of the whole question of assistance and protection for indigent foreigners.

The Committee thought it essential that provision should be made for assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. Any other solution would leave serious difficulties untouched.

The preliminary draft is based upon several bilateral Conventions which are already in force. Its fundamental principles are :

1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated.
2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance.
3. Repatriation is not to be generally regarded as the best method of affording assistance.

The Committee thought it superfluous to embody in the preliminary draft a clause reserving the rights of paternal power or custody, since those rights and the exercise thereof continue to be subject to the general rules governing the matter.

The preliminary draft, moreover, in no way restricts the right of each of the contracting States to prohibit the settlement or temporary residence of nationals of any other contracting State for reasons of security, health or public morality.

Countries which conclude bilateral or multilateral conventions on the proposed model may, without infringing the fundamental principles it embodies, change the periods specified therein and the clauses dealing with the repayment of costs of assistance.

The preliminary draft does not go into details as regards the formalities for carrying out the Convention. These will be settled by the contracting countries, either by the insertion of supplementary clauses in the convention, or by special agreements or even by direct arrangements between the administrations concerned.

The Committee discussed the preliminary draft which contained a few provisions that had led to certain differences of opinion. The preliminary draft was adopted. The Committee recommended that it should be communicated by the Council of the League of Nations to all Governments with a request that they should forward their observations to the Secretariat by December 31st, 1929, at latest. (This text is annexed, Appendix II.)

#### CINEMATOGRAPH.

The Committee expressed its gratitude to its delegate on the Governing Body of the International Educational Cinematographic Institute at Rome, who was unable to attend this session of the Child Welfare Committee.

The Director of the Institute read to the Committee a statement on the programme which he proposed to carry out. He emphasised the necessity of close co-operation between the Child Welfare Committee and the Rome Institute, since all measures of protection must be based on a study of the psychological reaction of the child to films.

The Belgian and the Polish delegates drew the attention of the Committee and of the Cinematographic Institute to the necessity of providing a larger number of good recreational and educational films for children. The delegate of the International Boy Scouts and Girl Guides Organisation pointed out that in some countries young people were consulted as to the kind of films which interested them; she expressed the wish that this should be more generally done.

The technical adviser to the French delegation drew the Committee's attention to the many fires which had occurred in cinema halls since the last session as a result of the use of inflammable films. These disasters caused the death of a large number of spectators, among whom were many children.

The Committee thanked the Director of the Rome Institute for his statement and expressed the desire that he should be present at future sessions of the Child Welfare Committee. It reiterated the recommendations which it had adopted in previous years regarding measures of safety and health in cinema halls, and in particular the recommendation concerning non-inflammable films, and adopted the following resolution submitted by the Belgian delegate :

"The Child Welfare Committee requests its representative on the International Educational Cinematographic Institute to direct the attention of the latter to a study of the means for promoting and encouraging the production, exchange and representation of recreational films intended specially for children and of a character to amuse them while contributing towards their intellectual and moral progress."

#### COMPOSITION OF THE COMMITTEE.

At the request of the Council, the Committee considered its own composition including the suggestion that the assessors should be invited to attend the meetings only when subjects are under discussion which are of particular concern to the organisations which they represent.

The assessors, at the invitation of the Committee, held a meeting and charged the representatives of the International Association for Child Welfare and the League of Red Cross Societies to present their views to the Committee. The British delegate also submitted proposals. The Danish delegate, supported by other members of the Committee, urged that it should avail itself of the opportunity which the Council's instructions afforded of revising the programme and methods of work of the Child Welfare Committee.

The French delegate, supported by several other members, pointed out that the Council's instructions concerned only the organisation of the assessors' participation in the work of the Committee.

The Committee was of opinion that the participation of the assessors in the work of the Committee had been of value. The suggestion that they should only be convened when their presence was particularly desirable for the examination of certain questions was open to obvious objections. The various aspects of child welfare, although they referred to different subjects, were not independent but reacted on one another. Further, the long distances which some assessors, especially those from overseas, had to travel, would make it difficult to ask them to give the time required if their attendance were confined to one or two meetings only.

After a prolonged discussion, the British delegate and the representative of the League of Red Cross Societies were invited jointly to submit definite proposals to the Committee. These proposals in the following form were adopted :

(a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

(b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

(c) All assessors appointed in future should be appointed for a period of five years.

(d) As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

(e) It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors.

The Secretary communicated to the Committee a letter from the President of the International Criminal Police Commission, in which this Commission asked to be allowed to take part in the work of certain Committees of the League of Nations that might concern the various fields of activity of the police. The Committee considered this letter and decided that it would be glad if a member of the Criminal Police Commission could attend when subjects, which the Committee feels would be of special interest to it, are under discussion.

#### JUVENILE COURTS.

The Secretary-General of the International Prison Commission attended. A general discussion took place on the two following points :

Was the questionnaire drawn up by the three Rapporteurs, whom the Committee had appointed at its fourth session, to be sent to private associations as well as to Governments? Was it to be sent to all Governments, both Members and non-Members of the League?

After several members and assessors had expressed their views, the Committee decided that, after further consideration by the Rapporteurs, the questionnaire should be sent this year to all Governments, but to Governments only. At the next session, after examining the documents received, the Committee will decide whether to obtain information supplementary to that received from official sources by drawing up an appropriate questionnaire in consultation with the International Prison Commission and sending it out to private organisations.

The following resolution, submitted by the representative of the International Union of Catholic Women's Leagues, was adopted by the Committee :

"The Committee approves the questionnaire concerning the auxiliary services of Juvenile Courts<sup>1</sup> and desires that it should be sent out to all Governments, including those which are not Members of the League of Nations."

A further resolution, which reads as follows, was submitted by the Rapporteurs and adopted by the Committee :

"The Child Welfare Committee decides to keep on its agenda the study of the question of juvenile courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the juvenile courts."

#### BUDGET.

No objection was raised to the budget submitted by the Secretariat.

The Committee discussed the possibility of enlarging the expert staff of the Social Section to facilitate certain branches of research; it was decided to adjourn the discussion of this question until the following session.

#### PUBLICATION OF MINUTES.

The Committee instructed its Chairman to ask the Council of the League of Nations for permission to print the Minutes of the session, notwithstanding the fact that the Committee had last year agreed to the suggestion that the Minutes should be discontinued.

It felt compelled to approach the Council on this matter as it had found that no report, however full it might be, could reproduce the Committee's discussions in sufficient detail.

It felt justified in making this recommendation as it had learnt that a number of other Committees and Commissions of the League had encountered the same difficulties and had received authorisation to continue publication of their Minutes.

#### DATE OF THE MEETINGS OF THE COMMITTEE.

The Committee decided to hold its future meetings during the early part of April and that the date of its next meeting should be April 9th, 1930.

---

<sup>1</sup> This questionnaire is attached (Appendix III).

## RESOLUTIONS.

### I.

The Child Welfare Committee, having taken note of the report of the delegate of Denmark on the question of blind children, requests her to continue to keep in touch with the enquiries into this problem now being conducted by the other organisations of the League of Nations, and empowers her to establish contact with these bodies for this purpose. It requests her to make a fresh report to the Committee at its next session on the state of the question.

### II.

The Child Welfare Committee has examined with interest the report on the position of the illegitimate child; it thanks the Secretariat for having prepared this important document, and requests it to continue to collect information as to progress in legislation in connection with illegitimate children, and to communicate such information to the members of the Committee in due course.

The Committee requests the Legal Sub-Committee to examine the report and decide what questions should be studied and in what order.

Taking into consideration Mlle. Burniaux's proposal, as amended by M. Rollet, the Committee refers this proposal to the Legal Sub-Committee, to which Mlle. Burniaux will be attached for the purpose of its examination. The Sub-Committee may for the same purpose co-opt one or two members having special experience of legislative and administrative measures and of institutions and movements concerned with illegitimate children.

### III.

The Child Welfare Committee thanks the Governments for replying so readily to the questionnaire on the position of the illegitimate child, and hopes that they will continue to send information as to any changes in their laws.

The Committee considers, from an examination of the replies received, that more effective protection should be ensured to illegitimate children and to this end decides to keep the question on its agenda, and it also urges that for the future, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family.

### IV.

The Child Welfare Committee has noted with interest the provisional draft international agreement regarding the repatriation or return to their homes of children and young people who have escaped or been removed from the authority of their parents or guardians and are abroad.

It considers that the term "repatriation" should be removed from the title and text of this provisional draft. It thinks it necessary that the provisional draft should state clearly :

1. That the interests of the minor must be given first consideration both by the authority making the application for the return home and by the authority to whom it is addressed.

2. That the contemplated agreement does not affect the right of persons invested with paternal power or with the right of custody to have recourse to the Courts, since the aim of the provisional agreement is to enable minors to be returned to their homes more rapidly and at less expense than by judicial means, and not to abolish or restrict the right to apply to the Courts in accordance with the laws of the respective countries.

The Committee takes note of the reservations made by the Italian delegate, and refers the provisional Agreement for examination by the Legal Sub-Committee, requesting it to submit during the present session an amended text which will take into account the considerations set forth above.

### V.

The Child Welfare Committee requests its representative on the International Educational Cinematographic Institute to direct the attention of the latter to a study of the means for promoting and encouraging the production, exchange and representation of recreational films intended specially for children and of a character to amuse them while contributing towards their intellectual and moral progress.

### VI.

The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

All assessors appointed in future should be appointed for a period of five years.

As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors.

#### VII.

The Committee approves the questionnaire concerning the auxiliary services of Juvenile Courts, and desires that it should be sent out to all Governments, including those which are not Members of the League of Nations.

#### VIII.

The Child Welfare Committee decides to keep on its agenda the study of the question of Juvenile Courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the Juvenile Courts.

---

**Appendix I.**

**PROVISIONAL DRAFT INTERNATIONAL AGREEMENT REGARDING THE RETURN  
OF CHILDREN AND YOUNG PEOPLE TO THEIR HOMES.**

Whereas grave prejudice is caused by the moral and material neglect suffered by children and young people who are removed from the authority of their parents or guardians;

Whereas it is desirable to facilitate the return of these children and young people to their homes, and to avoid compelling persons or institutions invested with paternal power or entitled to custody to have recourse to the courts for that purpose;

And whereas the interests of the child must be considered before all others:

The Child Welfare Committee recommends that States should conclude with one another for this purpose multilateral or bilateral international agreements in conformity with the following provisional draft :

*Article 1.*

The Contracting Parties undertake to facilitate the return to their homes of children and young people of foreign nationality who have not completed their ..... th year<sup>1</sup> and who are in their territory against the will of the persons or institutions legally invested with paternal power over them or entitled to their custody.

*Article 2.*

The persons or institutions legally invested with paternal power or entitled to custody shall make to the competent authority a signed application from the country of which the minor is a national or the country in which they reside. This authority shall examine the application and shall forward it, accompanied by its opinion or by any useful document or information, to the competent authority of the country in which the minor is living for the time being. After investigation, such authority shall either comply with the request or shall inform the authority which forwarded it of the reasons why a return home appears contrary to the minor's interests.

*Article 3.*

The present Agreement shall not affect the right of persons and institutions legally invested with paternal power or entitled to custody to appeal to the competent court at any time for a judicial decision ordering the minor to be handed over to them.

*Article 4.*

Each of the Contracting Parties shall name the authorities who shall be empowered to take the measures provided for in the present Agreement.

The contracting parties shall for this purpose arrange for such co-operation between their departments as will simplify the formalities and reduce to a minimum the costs involved and the time required by the proceedings.

*Article 5.*

The Contracting Party making an application in due form for the return of a child or young person undertakes to refund the travelling expenses and all subsistence expenses incurred after the receipt of the application by the country in which the child or young person was found.

*Article 6.*

The Contracting Parties further undertake to allow and to facilitate the passage of children and young persons in transit to or from any of the contracting countries.

*Article 7.*

The Contracting Parties shall take all reasonable measures for the care of children and young persons during their journey home by land or sea and shall avail themselves, when desirable, of the assistance of child welfare organisations.

<sup>1</sup> The Committee considers that, as a general rule, the completion of the eighteenth year might be adopted; but, owing to the differences between the laws and customs of different countries, it has preferred to leave it to the States themselves to determine the age-limit.



Appendix II.

PRELIMINARY DRAFT CONVENTION ON ASSISTANCE FOR FOREIGN MINORS.

INTRODUCTORY NOTE.

The Child Welfare Committee has thought it desirable and possible to find a solution for the particularly serious problem of assistance for indigent foreign minors, pending the settlement of the whole question of assistance for indigent foreigners.

The Committee thought it essential that provision should be made for assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. Any other solution would leave serious difficulties untouched.

The preliminary draft is based upon several bilateral conventions which are already in force. Its fundamental principles are the following :

1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated.
2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance.
3. Repatriation is not to be generally regarded as the best method of affording assistance.

The Committee thought it superfluous to embody in the preliminary draft a clause reserving the rights of paternal power or custody, these rights and the exercise thereof continuing to be subject to the general rules governing the matter.

Nor does the preliminary draft in any way restrict the right of each of the contracting States to prohibit the settlement or temporary residence of nationals of any other contracting State for reasons of public security, health or morality.

Countries which conclude bilateral or multilateral conventions on the proposed model may, without infringing the fundamental principles it embodies, change the periods specified therein and the clauses dealing with the repayment of costs of assistance.

The preliminary draft does not go into details as regards methods of carrying out the Convention. These will be settled by the contracting countries, either by the insertion of supplementary clauses in the Convention, or by special agreements or even direct negotiations between the administrations concerned.

\* \* \*

A few comments should suffice to explain the principal articles in the preliminary draft.

*Article 1.*

Article 1 lays down the fundamental principle that indigent foreign minors and minors who are nationals of the country shall be placed upon the same footing for purposes of assistance. This refers to assistance in the strict sense, and not to special favours and advantages which are not covered by the term "assistance" and which may be reserved for nationals (scholarships to secondary and higher schools, for example).

The Committee thought it desirable to indicate the chief factors constituting assistance. It is clearly stated that a State shall in no case be bound to give to a minor of foreign nationality more than it would grant to its own nationals.

*Articles 3 and 4.*

The preliminary draft draws a distinction between temporary and prolonged assistance. It has fixed thirty days as the limit of temporary assistance. Experience has shown that such assistance hardly ever exceeds this time-limit.

The cost of temporary assistance in accordance with established usage must in all cases be borne by the country of residence.

*Article 5.*

Paragraphs 1 and 2 of this article determine the measures which the State of residence may take in the case of prolonged assistance :

1. It may give assistance to the minor without applying in any way to the State of which he is a national.

2. It may notify the State of which the minor is a national of its intention to continue assistance if the cost is refunded, reserving to itself the right to repatriate the minor if reimbursement is refused.

3. Finally, if the State of residence considers that repatriation is in the minor's interest, it shall carry out this measure after having notified the country of which the minor is a national.

The last paragraph deals with the special case of a minor who is in imminent moral danger. It applies more particularly to young people who, having lost their employment, are without means of support. In such cases the minor may be repatriated immediately, without administrative formalities.

#### *Article 6.*

The purpose of Article 6 is to make it possible in the course of prolonged assistance for the State of residence and the State of which the minor is a national to modify, on the strength of new or special circumstances, any decision they may previously have taken.

For instance, the fact that the illness of a minor which was considered to be curable has turned out to be incurable, or that the hospitals or homes of the State of residence are overcrowded, may justify the decision on the part of such a State to proceed with the repatriation. Similarly, the State of which the minor is a national and which had undertaken to refund the cost of assistance may demand repatriation if new and special circumstances arise, such, for instance, as the discovery of the minor's parents, whose existence or situation had hitherto been unknown.

#### *Article 7.*

Article 7 confirms the fundamental principle that the measures taken by the State of residence must essentially be inspired by the interests of the minor. In order to decide as to what measures would be in the minor's best interest, a number of considerations should be taken into account, of which only the more important ones are mentioned, such as the minor's family ties, the resources at his disposal, his age and the length of his stay. Obviously, when the minor lives with his family, repatriation must, as a rule, not be resorted to. It was considered wiser not to lay down fixed rules and to leave the country of residence, helped by the advice of the country of origin, to take a decision in delicate and complex situations every one of which requires individual treatment.

#### *Article 11.*

This article provides for special agreements between Governments and administrations, in order to settle the details of the application of the Convention. These details vary according to different factors, such as the geographical situation of the State and the number of the minors who are nationals of each State and are living on the territory of the other. These must be settled in accordance with the special circumstances in each individual case.

\* \* \*

#### *Article 1.*

§ 1. Each of the Contracting States undertakes to grant to every indigent minor who is a national of any other Contracting State the same assistance as it grants to its own indigent minors. This assistance shall refer chiefly to protection, maintenance, education, apprenticeship, medical attendance and health provisions, hospital treatment and funeral, and shall be given to the same extent as to nationals.

§ 2. Minority, for the purposes of the present Convention, shall be defined by the laws of the country of residence.<sup>1</sup>

#### *Article 2.*

An indigent minor who possesses the nationality both of his country of residence and of another country, or whose nationality is uncertain, shall for the purpose of assistance be considered as a national of his country of residence.

#### *Article 3.*

Assistance shall be considered as being prolonged if it appears likely to last for more than thirty days, or if, in fact, it has already lasted for more than that period.

In all other cases it shall be regarded as temporary.

---

<sup>1</sup> Unless the Contracting States agree on some other principle.

*Article 4.*

The cost of temporary assistance shall in all cases be borne by the country of residence. The latter shall not escape its obligations regarding temporary assistance by repatriating the indigent minor.

*Article 5.*

§ 1. In the case of prolonged assistance, the State of residence may notify the State of which the minor is a national of its intention to continue assistance if the cost is refunded, reserving to itself the right to repatriate the minor if reimbursement is refused.

The State thus notified must notify within thirty days whether it accepts responsibility for the cost of assistance.

The obligation to refund the cost of assistance is not cancelled because the prolonged assistance has been interrupted on one or more occasions owing to a temporary improvement in the situation of the indigent minor. In such event, no fresh notification is necessary.

If there is no reply within thirty days, the State of which the minor is a national shall be required to refund the cost of assistance as from the thirty-first day, and the State of residence may repatriate the minor.

§ 2. If, however, the State of residence considers that repatriation is in the interests of the minor, it shall inform the State of which the minor is a national, and may carry out this measure on the expiration of a period of thirty days from the receipt of the notification.

If the minor is in imminent moral danger, he may be repatriated at once, on conditions to be agreed upon between the countries interested, in conformity with Article 12.

*Article 6.*

§ 1. In the course of prolonged assistance, the State of residence may, on the strength of new and special circumstances, decide to proceed with the repatriation, even if the State of which the minor is a national would continue to accept responsibility for the cost of assistance.

§ 2. Similarly, in new and special circumstances, the State of which the minor is a national has the right to demand repatriation, and, if steps to repatriate are not taken within one month, that State shall no longer be required to refund the cost of any assistance incurred after that period.

§ 3. In accordance with the principles laid down in Article 7, the above-mentioned measures cannot be taken if they are detrimental to the interests of the minor.

*Article 7.*

In applying the measures provided by the present Convention, the first considerations of the competent authorities in the State of residence shall as a general rule be humanitarian considerations, such as the minor's family ties, any resources at his disposal, his age and the length of his stay.

Repatriation shall be neither requested nor carried out if it would be detrimental to the material or moral interests of the minor.

*Article 8.*

The cost of returning an indigent minor as far as the frontier of the State of which he is a national, including assistance supplied during the journey, shall not be subject to any refund. The same shall apply to the cost of the funeral, should he die on the journey.

*Article 9.*

§ 1. The State of residence shall be obliged to take measures for the protection of the repatriated minor as far as the frontier of his country of destination. It shall, by agreements in accordance with Article 11, arrange with the countries of transit and of destination with a view to the avoidance of difficulties during the journey.

§ 2. Each of the Contracting States shall, as regards the transit of repatriated minors, grant in its territory the same protection facilities and reduced charges as it grants for the conveyance of its own indigent nationals.

*Article 10.*

The present Convention reserves the right of any Contracting State or of any institution or person who has contributed to the assistance or repatriation of the minor, to claim from the persons responsible for his support the refund of the cost incurred for these purposes.

The Contracting States shall grant each other mutual assistance, within the limits of their laws, with the object of facilitating this refund.

Article 11.

The detailed execution of the present Convention shall be determined by agreements between the parties concerned.<sup>1</sup>

Article 12.

Any disputes regarding the interpretation or application of the present Convention shall be submitted to arbitrators appointed jointly by the Contracting Parties or, failing this, to the Permanent Court of International Justice.

Formal Clauses :

.....

Appendix III.

QUESTIONNAIRE

TO BE ADDRESSED TO VARIOUS GOVERNMENTS PRELIMINARY TO A PROPOSED STUDY OF THE DIFFERENT AUXILIARY SERVICES OF JUVENILE COURTS.

Question I.

Are there in your country one or more auxiliary services in connection with the juvenile courts?

- A. What are the services which act at present?
- B. Are these auxiliary services created by a law? If so, please forward a copy of the law.
- C. Have these services been accepted by the courts on the basis of a liberal interpretation of laws already in existence?

Question II.

What are the duties of these auxiliary services? Are they laid down in a standing order? If so, what is the standing order?

- A. Are the auxiliary services called upon before the court takes its decision, in order to establish the nature of the facts on which that decision is based?
- B. At the time when the court takes its decision?
- C. After the court has taken its decision?

A. Before the Decision :

What are the duties of an auxiliary service in carrying out a preliminary enquiry as to the facts and in investigating the deeper causes of the act committed (study of the family and of the child's surroundings, study of the character and of the physical and mental state of the child) for the purpose of furnishing the judge with any information that may assist him in taking the best steps in the interest of the child's education?

Can the educational authorities be required to give information regarding the child's career and progress at school?

What action is taken by an auxiliary to assist the judge in taking temporary measures for the child during the course of the enquiry?

B. At the Time when the Court takes its Decision :

What part do the auxiliary services take in the assistance and defence of minors, in the furnishing of information, and in helping to carry out the decisions of the judge?

C. After the Court has taken its Decision :

What part do the auxiliary services take in carrying out the orders of the juvenile court (probation, the visiting of children in public and private institutions and establishments?)

Do the auxiliary services intervene and apply to the court to modify its first decision, and if so, how?

<sup>1</sup> The various time-limits provided by the present Convention may be modified according to the geographical situation.

*Question III.*

What is the organisation of these auxiliary services?  
Are they part of a general system covering the whole country?  
Are these services public or private?  
Are their members public officials? Are they officials employed by private institutions or  
are they volunteers?  
Are they paid or not?  
What is their training?  
To what authority are they responsible?  
How are the expenses of these auxiliary services met?

*Question IV.*

What part do women play in the auxiliary services attached to the Juvenile Courts?

*Question V.*

What are the duties of doctors in connection with these courts?  
What steps are taken in regard to abnormal children?

*Question VI.*

What are the results obtained by the auxiliary services in the work of the juvenile courts?

*Question VII.*

What changes would you suggest in the methods by which the auxiliary services assist the courts in your country ?

*Supplementary Question.*

Name one or more juvenile courts in your country in which the assistance of the auxiliary services is considered of particular value to children.

**RESOLUTION ADOPTED BY THE CHILD WELFARE COMMITTEE ON APRIL 19th, 1929.**

The Child Welfare Committee decides to keep on its agenda the study of the question of juvenile courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the juvenile courts.

---

SOCIETE DES NATIONS.

Genève, le 1er mars 1929.

COMMISSION CONSULTATIVE POUR LA PROTECTION DE L'ENFANCE

ET DE LA JEUNESSE

Comité de la Protection de l'Enfance

Cinquième Session.

ETUDE SUR LA SITUATION DE L'ENFANT ILLEGITIME D'APRES  
LES RENSEIGNEMENTS COMMUNIQUES PAR LES GOUVERNEMENTS

Ce document ne vous a pas été distribué parce qu'il sera publié comme annexe aux Procès-Verbaux de la Cinquième Session du Comité de la Protection de l'Enfance. (N° officiel: C.295.M.98.1929.IV - Série des Publications: 1929.IV.7.)

LEAGUE OF NATIONS.

Geneva, March 1st, 1929.

ADVISORY COMMISSION FOR THE PROTECTION AND

WELFARE OF CHILDREN AND YOUNG PEOPLE.

Child Welfare Committee

Fifth Session.

STUDY OF THE POSITION OF THE ILLEGITIMATE CHILD BASED  
ON THE INFORMATION COMMUNICATED BY GOVERNMENTS.

This document has not been despatched to you because it will be annexed to the Minutes of the Fifth Session of the Child Welfare Committee. (Official No: C.295.M.98.1929.IV - Publication No: 1929.IV.7.)

Serie de Publications  
de la Société des Nations

IV. QUESTIONS SOCIALES  
1929.IV.5.

[Distributed to the Council  
and the Members of the League.]

Official No. : **C. 294. M. 97.** 1929. IV.

Geneva, August 1st, 1929

LEAGUE OF NATIONS

ADVISORY COMMISSION FOR THE PROTECTION  
AND WELFARE OF CHILDREN AND YOUNG PEOPLE

TRAFFIC IN WOMEN AND CHILDREN  
COMMITTEE

---

MINUTES

OF THE

**EIGHTH SESSION**

Held at Geneva from Friday, April 19th, to Saturday,  
April 27th, 1929

Series of League of Nations Publications

✓ IV. SOCIAL ✓  
1929. IV. 6.

## CONTENTS.

	Page
LIST OF MEMBERS . . . . .	6
FIRST MEETING, April 19th, 1929, at 11 a.m. :	
210. Adoption of the Agenda of the Session. . . . .	7
SECOND MEETING, April 20th, 1929, at 10.30 a.m. :	
211. Progress Report by the Secretary . . . . .	10
212. Examination of the Summary of Annual Reports from Governments for the Year 1927 . . . . .	10
213. Death of M. de Meuron . . . . .	15
THIRD MEETING, April 20th, 1929, at 3 p.m. :	
214. Examination of the Summary of Annual Reports from Governments for the Year 1927 ( <i>continuation</i> ) . . . . .	16
FOURTH MEETING, April 22nd, 1929, at 10 a.m. :	
215. Examination of Reports from Voluntary Organisations :	
A. Report of the International Bureau for the Suppression of Traffic in Women and Children for 1928. . . . .	20
B. Report of the " Fédération internationale des Amies de la jeune fille " for 1928 . . . . .	21
C. Reports of the International Women's Associations for 1928 .	23
FIFTH MEETING, April 22nd, 1929, at 3 p.m. :	
216. Representation of Belgium on the Committee . . . . .	26
217. Examination of Reports from Voluntary Organisations ( <i>continuation</i> ) :	
C. Reports of the International Women's Associations for 1928 ( <i>continuation</i> ) . . . . .	26
D. Report of the " Association catholique internationale des œuvres de protection de la jeune fille " for 1928. . . . .	27
E. Report of the Jewish Association for the Protection of Girls and Women for 1928 . . . . .	30
218. Proposal of the Delegate of Uruguay in connection with the Exhibition of Films on Sea Voyages . . . . .	32
219. Date of the Next Session . . . . .	32
SIXTH MEETING, April 23rd, 1929, at 10.30 a.m. :	
220. Experts' Enquiry : Additional Information . . . . .	33
221. Abolition of the System of Licensed Houses . . . . .	33
SEVENTH MEETING, April 23rd, 1929, at 3 p.m. :	
222. Abolition of the System of Licensed Houses ( <i>continuation</i> ) . . . . .	39
223. Question of publishing in Booklet Form the Resolutions and Certain Parts of the Records of the Committee. . . . .	46
EIGHTH MEETING, April 24th, 1929, at 10 a.m. :	
224. Abolition of the System of Licensed Houses ( <i>continuation</i> ) : Recom- mendation passed by the Sub-Committee on Seamen's Welfare in Ports of the Joint Maritime Commission for Strict Medical Control of Women having Illicit Intercourse with Seamen in Ports. . . . .	46
225. Punishment of Persons who live on the Immoral Earnings of Women.	53



**NINTH MEETING, April 24th, 1929, at 3.15 p.m. :**

226.	Punishment of Persons who live on the Immoral Earnings of Women ( <i>continuation</i> ) . . . . .	55
227.	Communication from the Advisory Committee on Traffic in Opium and other Dangerous Drugs regarding the Connection between Dangerous Drugs and the Traffic in Women and Children . . . . .	59
228.	Desirability of removing the Age-Limit from the Convention of 1910 as amended by the Convention of 1921 . . . . .	59
229.	Question of the Continuation or Extension of the Enquiry by the Special Body of Experts . . . . .	60

**TENTH MEETING, April 25th, 1929, at 11 a.m. :**

230.	Suppression of the Traffic in Obscene Publications : Date of the Next Conference . . . . .	62
231.	Reorganisation of the Composition of the Committee : Proposal submitted by M. Regnault, Mr. Harris and Mr. Cohen . . . . .	63
232.	Examination of the Draft Budget for 1930 . . . . .	63
233.	Question of the Printing of the Minutes of the Committee . . . . .	64
234.	Punishment of Persons who live on the Immoral Earnings of Women ( <i>continuation</i> ) : Draft Resolution submitted by M. Le Luc, M. Maus and Miss Wall . . . . .	65
235.	Request from the International Criminal Police Commission to be repre- sented at Meetings of the Committee when Questions of Interest to it were under Discussion . . . . .	65
236.	Question of the Continuation or Extension of the Enquiry by the Special Body of Experts : Draft Resolution submitted by M. Ito and Mr. Harris . . . . .	65
237.	Examination of the Work carried out by the Secretariat for the Compilation of a Digest of Laws dealing with the Traffic in Women : Report of the Sub-Committee . . . . .	66

**ELEVENTH MEETING, April 27th, 1929, at 3 p.m. :**

238.	Examination of the Work carried out by the Secretariat for the Compilation of a Digest of Laws dealing with the Traffic in Women : Report of the Sub-Committee ( <i>continuation</i> ) . . . . .	66
239.	Examination of the Draft Report to the Council . . . . .	66
240.	Preparation of a List of Documents submitted to the Advisory Commission . . . . .	69
241.	Close of the Session . . . . .	69

**Joint Meeting of the Traffic in Women and Children Committee and the Child Welfare Committee.**

**MEETING, April 19th, 1929, at 11.40 a.m. :**

1.	Reorganisation of the Advisory Commission for the Protection and Welfare of Children and Young People . . . . .	70
2.	Request of the International Criminal Police Commission to be represented at Meetings of the Advisory Commission when Questions of Interest to it are under Discussion . . . . .	71
3.	Date of the Next Session of the Advisory Commission . . . . .	72
4.	Unification of the Different National Laws relating to Maintenance Allowances : Letter from the International Institute for the Unification of Private Law . . . . .	72

LIST OF ANNEXES.

---

	Page
1. Agenda of the Eighth Session . . . . .	74
2. Progress Report for 1928, presented by the Secretary . . . . .	74
3. Summary of Annual Reports from the Governments for the Year 1927, prepared by the Secretariat . . . . .	77
3a. Supplement to the Summary of Annual Reports from the Governments for the Year 1927, prepared by the Secretariat. . . . .	109
4. Report of the International Bureau for the Suppression of Traffic in Women and Children for 1928. . . . .	111
5. Report of the " Fédération internationale des Amies de la jeune fille " for the Year 1928 . . . . .	115
6. Report of the International Women's Associations for the Year 1928 . . . . .	116
6a. Supplementary Report of the International Women's Associations for the Year 1928. . . . .	123
7. Report of the " Association catholique internationale des œuvres de protection de la jeune fille " for the Year 1928. . . . .	126
8. Report of the Jewish Association for the Protection of Girls and Women for the Year 1928 . . . . .	128
9. Report to the Council on the Work of the Eighth Session of the Traffic in Women and Children Committee . . . . .	132

---

**ADVISORY COMMISSION FOR THE PROTECTION AND  
WELFARE OF CHILDREN AND YOUNG PEOPLE**

---

**TRAFFIC IN WOMEN AND CHILDREN COMMITTEE.**

---

**Minutes of the Eighth Session**

*Held at Geneva from Friday, April 19th, to Saturday, April 27th, 1929.*

---

*Government Delegates:*

His Excellency Marquis PAULUCCI DI CALBOLI (Chairman)	<i>Italy.</i>
Dr. Fanny DALMAZZO (Assistant Delegate)	
His Excellency Count CARTON DE WIART	<i>Belgium.</i>
M. Isidore MAUS (Technical Adviser)	
S. W. HARRIS, Esq., C.B., M.V.O.	<i>British Empire.</i>
Miss WALL (Assistant Delegate)	
Dr. Estrid HEIN	<i>Denmark.</i>
His Excellency M. REGNAULT	<i>France.</i>
M. BOURGOIS (Assistant Delegate)	
M. LE LUC (Substitute Delegate)	
Dr. G. BÄUMER	<i>Germany.</i>
Dr. MATZ (absent)	
M. SATO (absent), replaced by	<i>Japan.</i>
M. ITO (Vice-Chairman)	
M. SAITO (Technical Adviser)	
M. SHIMIZU	
Senator POSNER	<i>Poland.</i>
His Excellency M. COMNÈNE (absent), replaced by	<i>Roumania.</i>
Mme. ROMNICIANO (Assistant Delegate)	
Don Pedro SANGRO Y ROS DE OLANO (absent), replaced by	<i>Spain.</i>
Don Emilio M. Martinez AMADOR	
Miss Grace ABBOTT (absent)	<i>United States of America.</i>
Dr. Paulina LUISI	<i>Uruguay.</i>

*Assessors representing Voluntary Organisations:*

Baroness DE MONTENACH	Association catholique internationale des œuvres de protection de la jeune fille.
Mme. AVRIL DE SAINTE-CROIX	Associations féminines internationales.
Mme. CURCHOD-SECRÉTAN	Fédération internationale des Amies de la jeune fille.
Mr. SEMPKINS	International Bureau for the Suppression of Traffic in Women and Children.
S. COHEN, Esq.	Jewish Association for the Protection of Girls and Women.
Mlle. LAVIELLE	Union internationale des Ligues féminines catholiques.

*Liaison Officer:*

Mr. JOHNSTON	International Labour Office.
--------------	------------------------------

*Secretary:* Dame Rachel CROWDY, Chief of the Opium Traffic and Social Questions Section.

---

## FIRST MEETING

*Held on Friday, April 19th, 1929, at 11 a.m.*

---

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott.

### 210. Adoption of the Agenda of the Session.

The CHAIRMAN, referring to the recent session of the Child Welfare Committee, pointed out that after the child came the woman ; he had heard it said that women had one compartment less than men in respect of intelligence and one more in respect of the heart. He did not agree with this assertion, and he thought that the sessions of the Committees on Child Welfare and Traffic in Women and Children had proved that women were the equals of men in dealing with these questions. Dr. Bäumer had told him that the great reduction in the number of prostitutes in Germany had been largely due to the action of women. He was sure that the intellect and skill of the women members of the Committee—a skill which was almost superior to the greater vigour of men—would greatly assist the Committee in its consideration of the questions before it.

The Chairman then recalled that the programme of the first meeting was limited to the adoption of the draft agenda, and that the Committee would then hold a joint meeting with the Child Welfare Committee, in order to discuss certain questions which were of interest to both.

The SECRETARY informed the Committee that the questions to be discussed at the joint meeting were the reorganisation of the Committee, the dates of the next sessions of both Committees and the request of the International Criminal Police Commission to participate in the Committee's work.

She added that the Committee might wish to add to these items a question which at present appeared only on the agenda of the Traffic in Women and Children Committee : " Protection of Young Female Artistes touring Abroad in Music-Halls and Similar Places of Amusement. "

Mr. HARRIS (British Empire) said that he thought that the agenda in its present form was too long to make it possible to do more than treat it superficially. He would propose that, in order to enable the Committee to devote more time to the more urgent questions, the consideration of items 9 to 13 should be postponed until the next session.

Mr. Harris would also propose that, if it were decided to consider question 5 in a joint meeting, the discussion on this question should also be postponed, in view of the fact that the relevant document had been circulated only on the previous evening.

The SECRETARY wished to remind Mr. Harris that it would in any case be necessary to discuss question 10(b), the Committee having undertaken to advise the Council on the desirability or otherwise of holding the Obscene Publications Conference in 1930.

M. Ito (Japan) agreed with Mr. Harris that the programme was overloaded, and said that he would be in favour of postponing consideration of items 9, 11, 12 and 13 until the next session. M. Ito wished to take this opportunity of putting in a plea that the items of the final agenda should be discussed in the order in which they were listed.

*M. Ito's proposal was adopted.*

M. REGNAULT (France) believed that all his colleagues would agree that a certain number of the items on the agenda should be suppressed, but thought that there might be differences of opinion as to the choice of those items. He proposed that the items should be taken in order and that the question of the preservation on the agenda of each individual item should be put to the vote without discussion, with the reservation that members might submit written statements for insertion in the Minutes.

*M. Regnault's proposal was adopted.*

*Items 1 to 4 were adopted.*

*Item 5 : Protection of Young Female Artistes touring Abroad in Music-Halls and Similar Places of Amusement.*

Mr. HARRIS (British Empire) pointed out that the Committee should decide, in the first place, whether or not this question was to be discussed in a joint meeting. In the affirmative case, it would not be possible to delay the departure of the Assessors of the Child Welfare Committee solely for this purpose, and consideration of the question would therefore have to be postponed.

Mr. COHEN, whilst regretting the necessity, owing to the work done by the International Labour Office, supported Mr. Harris's proposal that the consideration of this item should be deferred for the reasons advanced, and particularly if it was felt that certain aspects of the question ought to be dealt with in a joint session.

*The Committee decided to hold over its decision on this point.*

*Items 5 to 8 were adopted.*

*Item 9 : Desirability of removing the Age-Limit from the Convention of 1910 as amended by the Convention of 1921.*

Mr. COHEN recalled that he had been appointed Rapporteur on this question at the previous session and that his report was now before the Committee. If consideration of that report were to be deferred for twelve months, any execution of the suggestion contained in the report would necessarily be postponed for two years instead of only one year, as would be the case if the report were examined at the present session. The preliminary steps that he suggested consisted merely in the presentation of requests to Governments for information, and he would urge that this item should be discussed during the present session, in order that these steps might be taken forthwith and that the good results which he confidently expected from them might be obtained at an earlier date.

M. REGNAULT (France) wished to make a statement on this point. This question was at present under discussion by the French authorities, and the trend of that discussion was very favourable to the removal of the age-limit.

Count CARTON DE WIART (Belgium) thought that this question should be retained on the agenda. It was possible that the statements of Mr. Cohen and of M. Regnault might be followed by similar ones.

Dr. Estrid HEIN (Denmark) supported the Belgian representative's proposal, particularly in view of the fact that a report on this subject had actually been presented.

*The Committee agreed to retain this item on its agenda.*

*Item 10 : Suppression of the Traffic in Obscene Publications.*

*The Committee decided to postpone consideration of Item 10(a) : Additional Information from Governments, but to retain on its agenda Item 10(b) : Date of the Next Conference.*

*Item 11 : Assistance to be given to Discharged Female Prisoners.*

Mr. HARRIS (British Empire) recalled that this was a question in which Don Pedro Sangro had shown special interest. He would propose, therefore, that, if M. Amador agreed, consideration of this question should be postponed.

M. AMADOR (Spain) supported Mr. Harris's proposal.

*The Committee decided to postpone consideration of this item until the next session.*

*Item 12 : Repatriation of Foreign Prostitutes.*

The SECRETARY recalled that Mr. Harris had proposed that consideration of this item should be postponed.

Mr. SEMPKINS agreed that this was a complex question which would repay further study. He understood, however, that it would be included in the agenda of the next session.

*The Committee decided to postpone consideration of this item until the next session.*

*Item 13 : Women Police.*

The SECRETARY recalled that Mr. Harris had proposed that the consideration of this item should be postponed until the next session.

Dr. Estrid HEIN (Denmark) wished to know whether the Secretariat had received any additional information on this question.

The SECRETARY replied that such information as had been received, which was very little, was contained in the summary of annual reports.

Mme. AVRIL DE SAINTE-CROIX said that the women's associations attached particular importance to this question. She was prepared to agree to Mr. Harris's proposal, but she trusted that the item would appear on the agenda of the next session.

*The Committee decided to postpone consideration of this item until the next session.*

*Item 14 : Reorganisation of the Committee.*

*Item 15 : Correspondence with the International Criminal Police Commission.*

The SECRETARY recalled that these items would be discussed at the joint meeting.

*Item 16 : Draft Budget.*

*This item was adopted.*

*Item 17 : Date of the Next Session.*

The SECRETARY recalled that this item would be discussed at the joint meeting.

*Item 5 : Protection of Young Female Artistes touring Abroad in Music-Halls and Similar Places of Amusement (continuation).*

Mr. COHEN recalled that the suggestion that this item should be discussed at the joint meeting had been made by the Secretariat. He would be pleased if the Secretary would inform the Committee of the reasons for that suggestion.

The SECRETARY explained that, in studying the documentation, it had been noted that many laws relating to the protection of this section of artistes came under the heading of legislation for the protection of children and minors. Discussion of the question at a joint meeting was not indispensable, but certain members of the Traffic in Women and Children Committee had believed that the subject would be of interest to the Child Welfare Committee.

COUNT CARTON DE WIART (Belgium) thought that, from the practical point of view, it would be preferable that this question should be discussed by the Traffic in Women and Children Committee only. While certain aspects of it were, of course, of concern to the Child Welfare Committee, the question related primarily to young women and not to children. He believed, moreover, that many of the assessors would find it difficult to be present at a joint meeting.

M. REGNAULT (France) agreed with Count Carton de Wiart, particularly in view of the fact that the number of children employed in music-halls was very small. If, moreover, there were to be a joint discussion of this question, it would be necessary for the members of the Child Welfare Committee to remain at Geneva for a considerable part of the session of the Traffic in Women and Children Committee, which would entail inconvenience and considerable expense. For his part, he would like to see the consideration of this question postponed until the next session.

Mr. HARRIS (British Empire) agreed with the two preceding speakers. The question was a wide one and it would not be possible at the present session to have more than a preliminary and general discussion of it. This discussion should be restricted to its primary aspect—that was to say, the fact that young female artistes touring abroad constituted one of the main sources of the traffic in women. The Committee might, however, note in the course of this discussion which aspects of the question were of interest to the Child Welfare Committee, and refer these aspects to that Committee at a later date.

Mr. JOHNSTON agreed with the views expressed by Count Carton de Wiart and Mr. Harris. The question was one that primarily concerned the Committee on Traffic in Women, and, if it were discussed at a joint meeting, various points would be raised which were not directly relevant to the main issue, and which would still further complicate the question. He would urge, therefore, that this question should be retained on the agenda of the Traffic in Women and Children Committee in order that its original aspect might be preserved.

Dr. Paulina LUISI (Uruguay) agreed that the Committee should reserve to itself the consideration of this item. She would point out, however, that one aspect of the question was the possibility of traffic in children employed in music-halls abroad.

Dr. Estrid HEIN (Denmark) proposed that the consideration of this question should be postponed until the next session, in view of the fact that the Committee had had little time to study the documentation relating to it.

*Dr. Hein's proposal was adopted.*

*The agenda, as amended, was adopted (Annex 1).*

---

SECOND MEETING

*Held on Saturday, April 20th, 1929, at 10.30 a.m.*

*Chairman : M. Iro (Japan), Vice-Chairman.*

Present : All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli and Miss Abbott.

**211. Progress Report by the Secretary.**

The CHAIRMAN, before opening the discussion on the progress report, welcomed Mlle. Lavielle, representing the Union of Catholic Women's Leagues. He expressed his regret that Mlle. Matz was unable to attend the present session of the Committee.

The progress report was read (Annex 2).

*Action taken on Resolutions passed at the 1928 Session.*

With reference to the passage concerning the possible extension to the Far East of the enquiry by the Experts, Mr. SEMPKINS informed the Committee that the Bombay and Calcutta Vigilance Associations had also passed resolutions urging that the enquiry should be extended to India.

Dr. Estrid HEIN (Denmark) reminded the Committee that she had pointed out that Governments sometimes did not properly understand the meaning of some of the questions submitted. It would be valuable if further explanations could be given. She referred more particularly to document 123, of which the intention, as far as she remembered, had been to obtain a picture and perhaps a definite expression of opinion from Governments as to the situation in their countries resulting from the abolition of brothels.

*1921 Convention for the Suppression of Traffic in Women and Children and 1923 Convention for the Suppression of Obscene Publications.*

Dr. Estrid HEIN (Denmark), referring to the chapters on the Convention for the Suppression of Traffic in Women and Children 1921, and the Convention for the Suppression of Obscene Publications, explained that the same reasons for the lack of ratification by Denmark which she had already furnished at previous sessions still held good. The Danish Government had just resigned ; elections were pending, and the revision of the Penal Code was not yet finished.

The CHAIRMAN, on behalf of the Committee, thanked the Secretary for her report.

**212. Examination of the Summary of Annual Reports from Governments for the Year 1927.**

Mr. HARRIS (British Empire) said that, in view of the unusually full and interesting reports, he hoped that this summary would be carefully examined by the Committee (Annex 3).

Count CARTON DE WIART (Belgium) agreed.

Mr. COHEN said that the reports were the most practical part of the Committee's work, and he hoped that they would be very carefully considered.

The SECRETARY drew attention to a certain number of errors. The footnote on the first page applied to Norway and not to Latvia. Since the list of States Members of the League which had not sent in annual reports for 1927 had been compiled, the following States had sent in reports : Czechoslovakia, Denmark, Irish Free State, Portugal and Spain.

Dr. Paulina LUISI (Uruguay) said that, though her country had not sent in a report for 1927, she had, in November of that year, deposited with the Secretariat, for the use of the Committee of Experts and for the Traffic in Women and Children Committee, the text of a new law passed in Uruguay in 1927, the effect of which was to close the licensed houses. It punished as procurers any person who derived profit from prostitution. It would therefore

be seen that the law of Uruguay was quite decisive in this respect. She thought that her country was now unique in South America. She was surprised that the law in question had not been distributed to members, and asked that steps should be taken to distribute it forthwith.

The SECRETARY explained that the law in question had not been included in the summary of annual reports because it was not in itself an annual report and did not reply to the questionnaire of the Committee upon which those reports were based. The law, however, had been included in full in the report of the Committee of Experts, and also in the document concerning *souleueurs* (document C.T.F.E. 418).

Dr. Paulina LUISI (Uruguay) thought that the Uruguayan law to which she had referred was of sufficient importance to merit a separate distribution. It went much further than the mere enactment of measures against *souleueurs*. By the terms of its first articles it had, as a result, abolished all licensed houses. In view of this fact, in addition to circulating the document separately, Dr. Luisi asked that the name of Uruguay should in future be included in the list of those countries which had abolished licensed houses.

Mr. HARRIS (British Empire), with reference to the summary, asked whether the list of States which had not sent in reports included the names of many habitual offenders or whether they were mainly countries whose reports were delayed.

In reply to Dr. Luisi, he expressed the hope that she would give detailed explanations to the Committee in regard to the new Uruguayan law at a later stage.

Mr. COHEN noted that the number of Governments not sending in annual reports appeared to be on the increase. The Committee must urge countries to send in their reports regularly. It should also address itself to the three or four States not Members of the League which were of great importance in this matter. They were : Turkey, Mexico, Argentine and Egypt. Further, there was no annual report from the United States of America. These countries should have been mentioned in the list of States which had failed to send in reports.

The SECRETARY said that the reason why the five States mentioned by Mr. Cohen were not included in the list of countries which had not sent in annual reports was that she had felt unable to pillory non-Members of the League. In addition, some of the countries mentioned were parties neither to the 1910 nor to the 1921 Convention. It would, however, be possible to write to them unofficially.

In reply to Mr. Harris, she said that the number of countries which were habitual offenders was large.

*Question 1 : Offences discovered.*

M. MAUS (Belgium) thought that the wording of this question was very satisfactory. Nevertheless, only Austria and Germany had replied to it properly. Other States had included cases of procuring as well as cases of traffic. The Secretariat should, he thought, ask countries to give exact details of all cases of traffic only under this heading.

M. AMADOR (Spain) had nothing to add to the report on Spain, but could quote a recent case which had occurred in his country, and in which the police had not been called upon to intervene. A young Belgian girl had arrived in Seville with her mother, who had forced her to practise prostitution. After some time she had fled for refuge to a convent. Being frightened, however, lest her mother should claim her, she had appealed directly to Her Royal Highness the Infanta Isabel. Her Royal Highness was engaged on the case at the moment, and in all probability the girl would be allowed to remain in the convent.

*Germany.*

Dr. Estrid HEIN (Denmark) noted that no case of traffic had occurred in Germany during 1927. On page 14 of the summary, however, it was stated that five men had been deported on a charge of procuring.

Dr. Gertrud BÄUMER (Germany) replied that these men had probably been expelled in 1927 as the result of sentences passed in 1926.

She agreed that the exact meaning of question 1 was not always quite understood by Governments. Some Governments included cases of traffic and procuring in their answers, others only the former. Would it be possible to draft the question in a more exact form ?

Mr. HARRIS (British Empire) agreed that there was a difference of interpretation. Great Britain had included procuration in her reply ; Germany had not. He suggested that any amendment to the question might be considered at the next session, for it did not seem possible to improve the text at the moment.



Dr. Paulina LUISI (Uruguay) pointed out that she had several times urged that a definition of "procuring" and "traffic", which could be understood by everyone, should be adopted. In Uruguay, any sort of commerce in women, whether practised within the country or outside it, was regarded as falling within the meaning of the term "procuration". In fact, the two terms meant exactly the same thing.

For the purposes of the Committee, however, it appeared necessary to make a distinction between internal traffic, which alone was considered by some members of the Committee to constitute procuring, and external traffic, which they considered as traffic in women in the real sense of the term. In her view, everything was included in the term "procuring".

Mr. COHEN hoped that no such distinction would be made. One of the great objects for which the voluntary organisations were working was to abolish any distinction in regard to offences involving procuring or traffic. All forms of procuring should, in the view of those organisations, be defined as "traffic". To ask for two separate sets of figures, one for the internal traffic and the other for international traffic, would be, therefore, to defeat this object.

Dr. Paulina LUISI (Uruguay) agreed with Mr. Cohen. She had only made her proposal because there seemed to be confusion in the minds of certain members of the Committee, a confusion which she had also observed in the Committee of Experts, as to the difference between procuring and traffic. She agreed with Mr. Cohen in thinking that procuring should cover all forms of this offence, whether committed inside or outside a country. This was the view held in Uruguay, as was to be seen from the terms of the recent legislation of that country.

Mr. SEMPKINS agreed with Mr. Cohen. At the time when the Experts were carrying out their enquiry, the voluntary organisations were conducting a campaign with the object of securing recognition for their contention that all procuring should be covered by the word "traffic". They had been materially assisted by the very important statement of the Experts to the effect that, when they had come to examine the problem, they had found it impossible to distinguish between national and international traffic. Any change in the wording of the question should, therefore, be in the direction suggested by Mr. Cohen and supported by Dr. Luisi.

Mme. AVRIL DE SAINTE-CROIX warmly supported Mr. Cohen. The women's organisations which she represented could do no useful work if the distinction between national and international traffic were maintained.

Mr. HARRIS (British Empire) said that this point had been discussed at length at previous sessions, and the Committee had been unanimously of the opinion that cases of national traffic (procuring) threw great light on the international traffic. He had no objection to amending question 1, but would remind the Committee of its last paragraph, which he thought was as clear as it could reasonably be made. It was to the following effect :

" Please give the age and nationality of the offender and of the victim, the nature of the offence, and the action taken ; and distinguish as far as possible between cases relating : (a) wholly to your own country ; and (b) partly or mainly to another country, specifying the country. "

The British Government had always interpreted this question literally. Unless any real improvement could be made it should, therefore, be left unchanged.

Dr. Gertrud BÄUMER (Germany) agreed with Mr. Cohen. One term to cover all cases of traffic would mean, she supposed, that cases of local traffic, in which the girl was not enticed away from her home but remained in the same town, would also be included.

Mr. COHEN said that the Committee should ask States to submit statistics of all cases of procuring of whatever nature. The procuring of a girl for the purposes of carnal knowledge almost invariably involved payment of some kind, which meant that these cases were really cases of traffic.

M. MAUS (Belgium) thought that what was most important was not to discuss the legal meaning of the terms "procuring", "debauching", "traffic", but to obtain the facts. The same terms were used in question 1 as in the Convention of 1910. If Governments were asked only to state the facts to which the questionnaire precisely referred, it would seem that the Committee's point would be met.

Dr. Paulina LUISI (Uruguay) said that, if it were desired to distinguish between international traffic and procuring, the terms must be defined exactly. It was essential for the members of the Committee to be agreed as to the value of the terms they used. She had always

maintained that there was but one crime—that of procuring—no matter whether it took place inside or outside a country. The Experts had tried to draw a distinction between international and national traffic, describing the latter as procuring. It appeared now, however, that the majority of the members of the Committee were in favour of regarding the crime of procuring as including traffic. If that were so, let the Committee decide that every form of offence of this nature should be called "procuring".

The SECRETARY drew attention to the fact that a number of Governments were still replying to the original unamended questionnaire. It was partly for that reason that confusion had arisen.

#### *Belgium.*

Count CARTON DE WIART (Belgium) said that the figures for offences committed in Belgium might seem to be excessive. They included, however, all cases arising under Articles 379-380<sup>ter</sup> of the Penal Code, and some of these were offences which could not be strictly described as cases of traffic.

#### *Bulgaria.*

Mr. COHEN said that if the suggestion of Dr. Hein were adopted, to the effect that a covering letter should be sent to the Governments with the questionnaire, fuller replies might be expected than those returned by the Bulgarian Government. In the case of Bulgaria, there was no indication of the nature of the offences committed or the penalties inflicted.

The SECRETARY pointed out that this was the first reply received from the Bulgarian Government. The Bulgarian authorities were beginning to take a much greater interest in the work of the Committee owing to the fact that they had recently abolished licensed houses.

#### *Cuba.*

Mr. COHEN said that references were often made to the repatriation of girls who were rescued from the traffic. Nothing, however, was said as to the method of repatriation, and whether such repatriation was carried out in accordance with the recommendations of the Committee. He would suggest that a reference might be inserted in the report to the effect that Governments should describe the manner of such repatriation.

*The Committee agreed.*

Dr. Estrid HEIN (Denmark) said that this recommendation would more appropriately be brought forward during the discussion of question 4.

#### *Spain.*

Mr. HARRIS (British Empire) referred to the case described in the penultimate paragraph. This was an interesting case, as being a definite example of the practice of endeavouring to recruit women for the traffic from among cabaret artistes.

M. AMADOR (Spain) regretted that he could not furnish any more detailed information in regard to this case. It was being investigated by the courts, but the judicial proceedings were necessarily slow.

Mr. HARRIS (British Empire) said that he had no intention of pressing for further information, and still less of complaining that such information was not available. He would like to congratulate the Spanish Government on its initiative.

#### *France.*

Mr. HARRIS (British Empire) noted that three arrests had been made on definite charges of international traffic in women and children under the Convention. Details as to the particular offences would be interesting.

M. REGNAULT (France) said that, personally, he was not in a position to add to the information contained in the report. He had, however, in his hands a circular which had been issued by the French authorities on the subject of procurement. He would like, at some stage of the proceedings, to communicate the contents to the Committee.

The CHAIRMAN proposed that this communication should be made at the end of the discussion of the present report.

M. LE LUC (France) said he was in a position to give certain details in regard to two of the cases to which Mr. Harris had referred. One was the case of a young girl in Paris, who had gone to the Argentine, ostensibly to take up an engagement in a business house. She had

been ultimately sent to a licensed establishment. The other case was that of a minor procured by a *souteneur* to go abroad, and provided for that purpose with false papers. In the latter case the criminal was an old offender, and had been sentenced to three years' imprisonment.

M. POSNER (Poland) asked whether the sentence had been imposed on the ground that the man had procured false papers, or on the ground that he had been engaged in the traffic.

M. LE LUC (France) said that the man had been sentenced for engaging in the traffic. The papers which he had procured were not actually false. He had supplied the girl, who was a minor, with a genuine passport on which her photograph had been superimposed. He had been condemned expressly for engaging in the traffic.

Mr. HARRIS (British Empire) thanked M. Le Luc for his information. Such explanations were a proof of the advantage of having representatives of the police on the Committee.

Mr. COHEN said he would like to express his appreciation of the assistance afforded by the French police in the campaign against the traffic. The French police were doing all they could to help the associations, particularly in making enquiries and following up cases of the traffic.

M. LE LUC (France) said that he had done his utmost to develop the relations of the French police with foreign Government departments and with foreign private associations. He hoped he had succeeded in achieving practical results.

#### *Great Britain.*

Mr. HARRIS (British Empire) drew attention to the second case in the list, which was one of the worst that had occurred in Great Britain for many years. He mentioned it because it had led to the passing of an Act for increasing the penalties.

Dr. Estrid HEIN (Denmark) noted that in Great Britain only three cases had been reported. Had the British Government understood the intention of the questionnaire?

Mr. HARRIS (British Empire) said he had circularised all police authorities and had examined all the evidence received. The three cases to which reference was made were the only cases which came definitely under the heading of procurement.

#### *British Colonies, Possessions, Protectorates and Mandated Territories.*

Mr. COHEN drew attention to the fact that the last offender mentioned in the paragraph dealing with Ceylon had been sentenced to two months' rigorous imprisonment for a serious offence. The imprisonment would certainly have to be rigorous to justify the short period.

#### *India.*

Mr. HARRIS (British Empire) drew attention to the fact that this summary contained another reference to the recruiting of women for the traffic from among artistes.

#### *Poland.*

Mr. HARRIS (British Empire) said that the second paragraph, referring to the establishment of women police, was interesting. Perhaps M. Posner had some further information as to the working of women police in Poland.

M. POSNER (Poland) said that, in 1925, schools had been established for the training of women police. Some of the women trained in these establishments were now employed and were carrying out their duties admirably. Many of the women police were women of great competence and in some cases had adopted this career for philanthropic reasons. The women police had at first had to meet with a certain amount of resistance on the part of the male members of the service, who had been unwilling to accept them as colleagues. These prejudices, however, had been overcome. A second school was being organised, with a very comprehensive course of training, and new candidates were being enrolled. The women had done excellent work and the experiment had been entirely satisfactory, meeting with the approval, not only of the police, but of the Courts. The women police had been complimented by the judges, and it should further be noted that a woman had recently been appointed as a judge in one of the Children's Courts.

Mr. COHEN said he would like to corroborate the assurances of M. Posner. During the last year he had been in daily communication with the Committee of his Association in Warsaw, which had often reported to the effect that a particular case was being dealt with by the women police, who were admirably discharging their duties.

There was another question to which attention had been drawn in Poland. It appeared that men arrested on suspicion of engaging in the traffic were frequently allowed bail. On being released they either disappeared or persuaded their victims not to continue with the proceedings. Could M. Posner give any information on this point ?

Mme. AVRIL DE SAINTE-CROIX said she would like to confirm what M. Posner had said in regard to the results obtained from the employment of women police in Poland.

M. POSNER (Poland), replying to Mr. Cohen, said it was true that offenders were frequently let out on bail. The judges in such cases asked them to deposit sums which they felt to be adequate, not realising that these men had at their disposal large sums of money from the organisations engaged in the traffic. He had circularised the judges to the effect that the sums demanded were insufficient and urging them to discontinue the practice of allowing bail to such offenders. The effect of such representations would, however, require some time to make itself felt.

#### *Roumania.*

Mme. ROMNICIANO (Roumania) regretted that no answer had yet been received from Roumania. This did not mean that the Roumanian authorities were doing nothing. The control of passports was now more severe, and the police at Constanza were taking special action owing to the fact that cases had been discovered of traffic between Constanza and Constantinople. It was hoped to institute a system of supervision by women police in Roumania, and the position would doubtless improve rapidly in the near future. She had no doubt that, very shortly, the Roumanian Government would reply to the questionnaire. She had herself made personal representations to secure a reply, but so far without success, because the officials in the Ministries who had been entrusted with the duty of replying were overburdened with work and did not understand the necessity of the said questionnaires.

#### *Switzerland.*

Mr. HARRIS (British Empire) drew attention to the second case referred to in the paragraph on Switzerland, which afforded another example of endeavours to recruit victims of the traffic from artistes.

Dr. Paulina LUISI (Uruguay) said that the Committee might be interested in a case in which Uruguay was indirectly concerned, but which could not normally be included in the official report of the authorities of Uruguay.

A Belgian girl had desired to go to the Argentine in order to find work. On her way out she had met a Belgian who had offered her advice and assistance as being a man who knew the country. On arrival the girl had been sold to a licensed house in Buenos Aires for 1,000 dollars. She had subsequently been resold and had ultimately arrived at a licensed house in Rosario. She had there interested a young man in her case, who had helped her to escape. On a date when a Belgian merchant ship was known to be leaving the harbour, he had taken her to the quay. She had gone on board and for two days had lived as a stowaway. She had been discovered, and the captain had been obliged to notify the authorities at Monte Video on his arrival of her presence on board. The question arose how the girl was to be repatriated. The captain of the vessel was ready to take her to Belgium, but the girl had no papers and the Belgian Consul had at first refused to act. Dr. Luisi had herself taken up the case and the Belgian Consul, under pressure, had interested himself in the matter, with the result that the girl had been ultimately returned to her country. The case was interesting as showing how the campaign against the traffic might be hindered by purely official difficulties.

*The continuation of the discussion was adjourned to the next meeting.*

#### **213. Death of M. de Meuron.**

Dr. Paulina LUISI (Uruguay) said that, before the Committee separated that morning, she desired to make a reference to the great loss which had been incurred by the death of M. de Meuron. M. de Meuron had, all his life, been devoted to the cause which the Committee had at heart, and had worked continually for the abolition of licensed houses. She was sure that the whole Committee would desire to express its sympathy and regret.

Mr. COHEN said that he had himself intended to move a vote of condolence. He thought that the Committee should include in its report a reference to the great loss which had been incurred.

Mme. AVRIL DE SAINTE-CROIX, speaking in the name of the associations she represented, desired to pay a most respectful tribute to the memory of M. de Meuron. All the associations would remember him with gratitude and regret.

M. LE LUC (France) said that he was sure that all the members of the Committee and all who had been in any way associated with M. de Meuron would remember him with a feeling

which amounted to veneration. He had been, perhaps, the greatest moral influence in the cause with which the Committee was identified, and his intellectual gifts had been of equal value. His advice had on all occasions been inestimable, being inspired by reflection, knowledge and an appreciation of practical conditions. He felt that the Committee should express to the Swiss Government in some way its appreciation of the services of M. de Meuron.

Count CARTON DE WIART (Belgium) associated himself with the tribute paid to M. de Meuron, and suggested that the Committee should send a telegram of condolence to his wife.

Mr. HARRIS (British Empire) said that M. Le Luc had given expression to what he himself felt. M. de Meuron was a man who had always spoken from long experience and a ripe knowledge of his subject. He was much loved by his colleagues and by all who had had the privilege of working with him. He felt that a reference should be made to this loss in the Committee's report.

Dr. Paulina LUISI (Uruguay) thought that there were three steps which the Committee would probably wish to take. The first, as suggested, was to refer to the death of M. de Meuron in its report; the second was to send a telegram of condolence to his family; and the third was to express to the Swiss Government its appreciation of his services.

M. POSNER (Poland) said he desired to associate himself with everything that had been said concerning M. de Meuron, both on behalf of the Polish Government and of the associations which he represented.

*The Committee unanimously adopted the suggestions which had been put forward.*

---

### THIRD MEETING

*Held on Saturday, April 20th, 1929, at 3 p.m.*

---

*Chairman : M. Ito (Japan), Vice-Chairman.*

Present : All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli and Miss Abbott.

#### 214. Examination of the Summary of Annual Reports from Governments for the Year 1927 (continuation).

##### *Question 4 : Repatriation and Deportation.*

Mr. HARRIS (British Empire) drew attention to the third paragraph of the summary regarding India, which provided an interesting example of the manner in which the profession of artiste was exploited for the purposes of the traffic.

He noted that it was stated in the Italian report that 597 prostitutes under age had been repatriated. It would be interesting to know whether this was in pursuance of a general policy, and what the age in question was.

Mlle. DALMAZZO (Italy) said that she was only a substitute delegate and was therefore not in a position to give full explanations of the Italian report. She would, however, endeavour to obtain information during the present session on the points to which Mr. Harris had referred.

M. REGNAULT (France) drew attention to the statement in the French report that eight women of foreign nationality had been expelled for prostitution, and also two foreign procurers who could not be legally prosecuted. This expulsion had been the result of the decision of the French authorities to forbid the exercise of prostitution to foreigners. The Committee would appreciate the importance of this decision in its bearing on the traffic.

Mr. COHEN asked M. Regnault whether the women in question had been carrying on their profession in licensed houses.

M. REGNAULT (France) said that there were no longer any foreign women in these houses. If foreign women applied for employment in licensed houses they were either repatriated or expelled. M. Regnault wished to point out the distinction between repatriation and expulsion. A woman was subject to expulsion, which was a penal offence, only if she returned to a country which had repatriated her.

M. POSNER (Poland) drew attention to the statement in the Netherlands report that proceedings had been instituted against one woman for procuring. It appeared strange to him that a charge of procuration should have been brought against a woman, and he would be glad if the Secretariat could submit the original document relating to the case.

The SECRETARY said that she would be pleased to show M. Posner the document in question. She felt sure that there had been no mistake in the text. The Secretariat had not thought the charge unusual, since several cases of procuration on the part of women had already come to its notice.

*Question 5 : Employment Agencies.*

Mlle. DALMAZZO (Italy) drew attention to the following passage in the Italian report : " Five agencies suspected of promoting the traffic in women have been compelled to close down ; another has been closed and its owner summoned because concrete proofs were brought corroborating the information." Mlle. Delmazzo wished to stress the importance of women's employment agencies as a source of the traffic. All such agencies had now been placed under strict control in Italy, and licences for the establishment of new ones were granted only after close enquiries had been made.

*Question 6 : Protection of Travellers.*

M. AMADOR (Spain) said that it was not to be inferred from the fact that the Spanish Government had not replied to this question that no measures were taken in Spain for the protection of women and children travelling in the country. On the contrary, the police exercised a very rigorous supervision in the trains. The measures were of a very general character and were diligently executed.

M. POSNER (Poland) drew attention to the detailed report of Poland on the organisation of station missions. He did not wish to anticipate the report of Mme. Avril de Sainte-Croix, who would speak on this subject later from her own point of view, but he would like to lay stress upon the very great development that had taken place in these missions. In Poland, there was a large influx to the capital of women in search of work and, previously to the establishment of the missions, the arrival of each train from the country had been awaited by a number of men of doubtful character. In their endeavour to protect young women from the importunities of these men, the station officials had frequently had to resort to physical force and sometimes it had been necessary to call in the police. Now, however, that the missions had come into operation, such scenes no longer occurred. M. Posner believed that these missions represented the greatest triumph of the Committee's work.

Mme. AVRIL DE SAINTE-CROIX pointed out that in 1926 the organisers for station work in France had been confronted by very grave financial difficulties. Since then, however, thanks to a very happy agreement, the Roman Catholic, Protestant and Jewish Associations engaged in this work, having decided to co-operate more closely, and setting aside all differences of creed, had pooled their financial resources and had thus overcome their previous financial difficulties. The associations had, moreover, been able to exercise a considerable influence on the railway companies, which had provided them with waiting-rooms, in the form of kiosks, in which they awaited the arrival of the trains.

Mr. SEMPKINS said that, in Great Britain, some two thousand girls were assisted by the National Vigilance Association at the London stations in the course of each year, and that the station authorities were most enthusiastic about the value of the work. As an instance of the dangers to which girls were exposed on their arrival in London, he would like to mention a case which had recently occurred.

An official of the National Vigilance Association at a London terminus had noticed a man who was obviously awaiting a passenger on a country train and had enquired whether she could be of assistance. The man said that he was awaiting a young girl, and carefully described her appearance. On the arrival of the train, however, the official saw the man speaking to a girl of a totally different description. The official then approached the man and asked him whether he knew this girl. He replied that he did not, but that he would be pleased to assist her. The official warned off this individual and took the girl under her own custody. A few moments later, a woman, who was also a total stranger to the girl but who had been noticed talking to the man, offered her assistance, and she in turn had to be warned off.

Mr. COHEN said that, as a result of the large influx of girls to London, a large proportion of whom had got into difficulties of various kinds, the Home Secretary had summoned a conference of organisations instituted for the welfare of such girls. As a result of this conference, a Home Office Committee of Enquiry had been set up, of which Mr. Cohen was a member, and a good deal of evidence had been taken. As a result, a Central Information Bureau under the Central Council for the Social Welfare of Girls in London had been created, on which most of

the voluntary organisations were represented. District organisations in London had been created which were prepared to assist girls at all times, and which would refer them to the Central Bureau. An Advisory Committee had also been appointed by the Home Secretary to follow the work of the Bureau and to co-ordinate all the efforts that would be made, both in London and the provinces.

Baroness DE MONTENACH pointed out that the Catholic Association for the Welfare of Young Women had extended its supervision to girls arriving from the country in motor-cars and chars-à-bancs.

Mr. COHEN said that the Conference to which he had referred had considered this point also, and hoped that it would be possible for the organisations concerned to include this mode of transport in their supervisory and protective work.

M. REGNAULT (France) read the text of two police circulars recently issued by the French authorities.

*The Committee agreed that this document should be appended to the Minutes.*

M. REGNAULT (France) wished to pay a tribute to M. Le Luc, to whose efforts the drafting of these documents was due.

#### *Question 8 : Children.*

Count CARTON DE WIART (Belgium) wished to submit an alternative draft for this question. The assimilation, in the present draft, of the adopting, pawning and bartering of children might give rise to confusion and was somewhat shocking.

With regard to bartering, it would appear from the information relating to Cochin-China contained in the French report, that organisations existed in that colony for the recruiting of young Chinese girls for sale in China for purposes of prostitution, and of young boys for sale to childless Chinese families. Such practices belonged to an entirely different category from that of adoption, which was an excellent system, and was particularly useful in enabling the natural family to be replaced by an artificial one. As a system, adoption was open to objection only in respect of its abuses.

Count Carton de Wiart would suggest, therefore, that the conclusion of question 8 should read as follows : " especially by the system of pawning or bartering children, or by abuses in connection with adoption ".

M. AMADOR (Spain) agreed with the Belgian representative that these three processes should be kept distinct. It would be seen from the Spanish report that adoption was widely practised in his country. It was always the result of judicial proceedings, and was not open to any widespread abuse.

Mr. SEMPKINS supported the alternative draft submitted by Count Carton de Wiart. He recalled that, at the Congress of the International Bureau held in the preceding year, a resolution had been passed requesting the Commission to enquire into the possibilities of abuses of adoption as practised in the different countries. It had been noted, however, that very little documentation on the subject could be obtained.

Dr. Gertrud BÄUMER (Germany) supported Mr. Sempkins's proposal that information on the practice of adoption in the various countries should be collected. In Germany, the system of adoption was at present being revised, together with the legal position of the illegitimate child. She thought it very desirable that the Committee should have a picture of the various systems.

Mr. HARRIS (British Empire) said that adoption had been legalised in Great Britain several years previously. A guardian *ad litem* was appointed, who instituted full enquiries in connection with each application. Mr. Harris welcomed Mr. Sempkins's proposal as a part of the Committee's future work, and suggested that it should be considered by the Agenda Committee. It would be useful to the Committee to know how the abuses connected with the practice of adoption were surmounted.

The CHAIRMAN submitted the Belgian representative's draft amendment to the Committee for approval.

*The draft amendment was adopted.*

The CHAIRMAN wished to inform his colleagues that, in Japan, the question of the abuse of adoption was being studied by the Home Minister. There was every reason to hope that a new penal law would be passed to deal with such offences. He would himself be in favour of the study suggested by Mr. Sempkins, but thought that this question might be postponed to a later session. The Committee might mention in its report that the subject had been raised and had been reserved for future consideration.

*Agreed.*

*Question 9 : Legislative Measures.*

Mr. HARRIS (British Empire) drew attention to the new German law for the prevention of venereal diseases. He thought that it would be interesting if the German representative would give additional information regarding this law.

Dr. Gertrud BÄUMER (Germany) said that to give a detailed account of the provisions of the new law would be too lengthy, but that she would be ready to distribute a translation. The law had come into operation in October 1927, and was now in full force in all the States and municipalities. She believed that her Government might supply information, which would be of interest to the Committee, on the measures taken during the transition from the old system to the new one. She would endeavour to obtain this information, if possible, during the present session.

M. POSNER (Poland) noted that Governments were requested to supply "texts for reference" on any new legislative measures dealing with matters arising out of the traffic in women and children. He would suggest that the Secretariat should annex such texts to its summary and that, in the event of a Government failing to furnish them, it should be expressly requested by the Secretariat to do so.

The CHAIRMAN recalled that an extract from the German law to which reference had been made was to be found in the report of the Committee of Experts. It would, however, be very interesting to have a statement with regard to the measures taken in Germany during the transition period.

Mlle. DALMAZZO (Italy) drew attention to the information contained in the Italian report on the new law on public security of 1927. The penalties provided for in this law were greatly feared, and it had proved to be extremely effective.

In response to a question by Dr. Paulina Luisi as to whether the Italian law of 1923 relating to prostitution and venereal diseases had been modified or reinforced, Mlle. Dalmazzo replied in the negative.

Count CARTON DE WIART (Belgium) thought that it would be well to publish summaries of documentation of this kind. The Society for the Study of Comparative Law might be asked to provide copies or reprints of laws.

M. POSNER (Poland) supported the Belgian representative's proposal, particularly in view of the fact that the Experts' report did not contain full information on all legislative measures. He would suggest that the Secretariat should get into touch with the various publishing houses.

M. Posner added that, at the next session, he would be in a position to give fuller particulars on the Decree referred to in the report of his Government. A very important event in the preceding year had been the unification of the three penal codes, of Austrian, Prussian and Russian origin respectively. These codes had been widely different, and had presented great obstacles to the punishment of persons found guilty of implication in the illicit traffic.

Mr. COHEN pointed out that there appeared to be a mistranslation in the English text of the Bulgarian summary reading: "Prostitution must be prevented in all establishments where it is carried on".

Dr. Paulina LUISI (Uruguay) observed that the document C.T.F.E. 418 appeared to be issued more or less as an annex to the document C.T.F.E. 405. In the latter document, no mention was made under question 9 of the new legislative measures which had been taken by Uruguay in 1927 and which had completely revolutionised the laws hitherto in existence in regard to *souteneurs*. As delegate of Uruguay, she had deposited the relevant documents with the Secretariat, and expressed her astonishment at this omission.

*General Observations.*

Mr. HARRIS (British Empire) thought that the Committee should not close the discussion of the summary of annual reports without thanking the Secretariat for preparing so valuable and interesting a document. The discussion had demonstrated the value of the summary and had shown that the Committee was justified in giving close attention to it. He hoped that the summary would not be dismissed by a mere mention of its adoption in the report to the Council, but that it would be possible to include in the latter a short account of the different points to which particular importance had been attached during the Committee's discussion, especially in regard to question 1. This would help to prove to the public, not only that the traffic existed in an active form in different countries, but would also indicate the steps which Governments were taking to suppress it.

In regard to the form of the questionnaire, Mr. Harris wondered whether the Secretary was still satisfied that the questions asked were the right ones and that the method of presentation was the best possible? Would it not, for instance, be possible to make the summaries



of answers to question 1 as full as possible ; but would not the replies to other questions be more suitable if summarised, instead of being presented country by country ? He also suggested that the names and addresses of the central authorities might be omitted or placed at the end of the report. Mr. Harris was not asking the Secretary to make an immediate reply on this point, but merely to consider it for the next session.

The CHAIRMAN agreed with Mr. Harris that, in its report to the Council, the Committee might indicate its appreciation of the summary prepared by the Secretariat and draw attention to the main points.

In regard to the question of method, he would ask the Secretary to consider Mr. Harris's suggestions for the next session. For his own part, he approved the present method of presentation.

*The Committee approved the summary of annual reports.*

---

#### FOURTH MEETING

*Held on Monday, April 22nd, 1929, at 10 a.m.*

---

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott.

#### 215. Examination of Reports from Voluntary Organisations.

##### A. *Report of the International Bureau for the Suppression of Traffic in Women and Children for 1928.*

Mr. SEMPKINS submitted and commented upon the report of the Bureau (Annex 4). With reference to the question of the repatriation of prostitutes, he desired it to be recorded that the reason why he had agreed that this question should be removed from the Committee's agenda was not because he did not think it to be very important. On the contrary, the organisation which he represented was strongly of opinion that, until measures had been adopted for helping and rehabilitating prostitutes, the Committee's work would not be finished.

The greatest value of all international work was the extension of a principle. The International Bureau had accordingly devoted much attention in the past year to extending its work. In Egypt, for instance, a great practical step had been taken in co-ordinating the work at Port Said, Cairo and Alexandria. A competent organising Secretary had been appointed, and reports received were very favourable. It was an extension of the local work which had been done in past years, particularly at Port Said, where the improvements had been remarkable largely owing to the assistance of the Commandant of the Police. The Secretary of the Bureau in that town, Mme. de Buono, was particularly well qualified.

Similarly, the Bureau was trying in India to co-ordinate the work in Bombay, Calcutta and Madras, and in other places where the Vigilance Associations had been prominent in obtaining the adoption of legislation against *souleneurs* and in helping rescued women.

The Centenary of Josephine Butler had aroused universal interest which had greatly helped the work of the Bureau. The Association in Calcutta had asked for a worker to be sent from the Abolitionist Association to conduct a special campaign against brothels. This request had been complied with and Miss Shepherd, the lady in question, had started work in that town. She was, of course, not connected with the Bureau, but it was important to note that she had succeeded in arousing interest by emphasising the fact that India had been represented at the last International Congress of the Bureau.

As far as Japan was concerned, the work of the Bureau was of too recent date to enable any results to be reported for the present. It was to be hoped that the National Committee would do valuable work in that country. That interest existed was obvious, and quite recently two important Japanese officials who were passing through London had been sent by the Embassy to discuss the work and aims of the Bureau.

The position in South Africa was very promising, and he had heard from Bishop Talbot that the personal interest of Princess Alice had been obtained for the extension of the work there.

Mr. Sempkins wished to draw special attention to preventive work which was being carried on in various countries and which was regarded as of the greatest importance.

In conclusion, his Bureau would like to see an extension of the system of enquiries on behalf of girls taking employment away from their home town, which had led to most gratifying results.

The Committee must realise the tremendous weight of its proceedings in all parts of the world. Its decisions controlled the whole work of the voluntary organisations and it was not too much to say that the Committee could make or mar that work.

Dr. Paulina LUISI (Uruguay) would pay a special tribute to the work of Mrs. Lighton Robinson, the Head of the Committee in Buenos Aires. She had consecrated her whole life to the work of assistance.

Mr. HARRIS (British Empire) pointed out that the report from the International Bureau showed that a new and valuable piece of work was being carried out by the sending of a well-qualified lady by the Bureau to Egypt to act as organising secretary. It would be remembered by the Committee that the report of the Experts had disclosed evidence of traffic to Egypt.

Similar steps had been taken in regard to Calcutta by another organisation. This policy seemed likely to yield useful results.

He would like to congratulate the International Bureau on the work done in 1928.

Mr. SEMPKINS thanked Mr. Harris and Dr. Luisi. He had not dealt at length with the work because he knew the importance of brevity and because he always feared to exaggerate the work of his own organisation.

As far as Egypt was concerned, the Bureau fully realised the importance of the work in that country. His present report concerned the co-ordination of the efforts made in the various ports and cities. It had been found how fatally easy it was for good work in one town to be counteracted by bad work in another. As he had already pointed out, the position in Port Said had been greatly changed owing to the energetic action of the Local Committee, assisted in every possible way by the Commandant of the Police. He hoped that similar results would be achieved in Cairo and Alexandria.

The despatch of a lady to Calcutta was somewhat different. In that case a representative of the Abolitionist Association had been despatched with the express object of working for the abolition of licensed houses. Any good results obtained by her would inevitably react on the work of the Vigilance Associations elsewhere. The report of the International Bureau was confined to the question of co-ordinating the efforts in the various towns.

The work performed by Mrs. Lighton Robinson in Buenos Aires was similar to that which would be carried out by the new organising Secretary in Egypt. Mrs. Lighton Robinson was the Head of the Vigilance Association which, together with the Jewish Committee in Buenos Aires, was responsible for all the work in that city.

M. ITO (Japan) congratulated the International Bureau on setting up a Committee in Japan. He would make a general statement at a later stage on the influence of all the voluntary organisations in his country, with special reference to the question of abolition.

In reply to Senator Posner, Mr. SEMPKINS said that his Association was in close touch with the Polish Association. He had not been able to furnish an account of the work done in that country because the report from the Association had only just reached him; as it was drafted in Polish, he had not had time to translate it.

M. POSNER (Poland) said that he would take steps to ensure in future that the report should be sent in some other language than Polish.

#### B. *Report of the Fédération internationale des Amies de la jeune fille for 1928.*

Mme. CURCHOD-SECRETAN submitted her report (Annex 5). In view of the Olympic Games, the Netherlands Union of the Federation, with the assistance of various societies for moral and social service, had formed a "Christian Social Society" which had looked after the material and moral welfare of young girls during this period. The work had been much appreciated.

The Federation had extended its work in Roumania. Active work was being done at the port of Galatz, where there was a home and employment agency, and a similar organisation was being set up in Constanza.

In the Kingdom of the Serbs, Croats and Slovenes, the Federation worked in close touch with the Government authorities in connection with the important question of the abolition of licensed houses. These had so far only been abolished in Belgrade and Zagreb. A petition had recently been sent to the Minister of the Interior asking for total abolition throughout the country.

In Germany, the Federation had decided to build a "Woman's Palace" in Berlin to commemorate its fifty years of work. The German Government had authorised a house-to-house collection throughout Germany for the purpose of obtaining funds for this building.

In accordance with the desire expressed by the Committee, the Federation had endeavoured to prepare in India for the enquiry by the experts. It had succeeded in interesting in this cause a number of persons who were well suited to give valuable information, particularly in Cottayam, Calcutta, Bombay and Madras, where it had been necessary to settle several cases of illegitimate children sold to coolies for the purpose of begging until they were old enough to be re-sold to brothels. The Federation was also in touch with Ceylon, Colombo and the Netherlands Indies.

Mme. Curchod-Secrétan had laid special emphasis on the importance and undoubted utility of lectures on the traffic and on prostitution as a means of propaganda. She herself had often been able to appreciate the effect of such lectures on the young people of various countries, particularly in university circles—at Cluj in Roumania, at Paris and Lille in France. She wished to pay a tribute to the report of the Experts, which had served as an effective working instrument for her. Many young men had been much impressed by certain facts given in the report, and there was no doubt that lectures helped to create a powerful current in public opinion which, in its turn, would exert so much pressure on the Governments that they would be obliged to shut all licensed houses.

In conclusion, she asked whether it would not be possible to prepare and publish a summary of the Experts' report for the use of social workers. Such a summary would be of very real use.

M. POSNER (Poland) thanked Mme. Curchod-Secrétan for her very interesting report. He was particularly interested in the subject of lectures. Two lectures had been delivered in Warsaw by members of the Federation, but no reference had been made in them to Josephine Butler. This, he thought, had been an omission, for it should never be forgotten that it was the work begun by Josephine Butler that was now being continued. He himself had translated her book into Polish. He would ask, therefore, that in any future lectures reference should be made to Josephine Butler.

Mme. CURCHOD-SECRETAN thanked M. Posner. The omission to mention the name of Josephine Butler had been far from intentional, as the Federation regarded itself almost as her spiritual heir. To such an extent was this the case that a model lecture containing the central facts of her life had been prepared by the headquarters of the association and distributed to all its branches.

Dr. Estrid HEIN (Denmark) supported the proposal of Mme. Curchod-Secrétan that a summary of the Experts' report should be prepared and circulated. If it were sold at a reduced price, it would be of great use to social workers.

The SECRETARY said that no difficulty would be experienced in preparing such a summary. She would draw attention, however, to the fact that M. Maus had already done so.

Mme. AVRIL DE SAINTE-CROIX was delighted at the success of the lecture delivered by Mme. Curchod-Secrétan in Paris and recalled that each year since Josephine Butler had first set foot in France lectures had been given to young persons in all walks of life, including university students. The most distinguished men in France had consented to deal with the subject. The lecturers included professors of law, medicine and theology, and sociologists.

Mr. HARRIS (British Empire) noted that the Swiss Union of the Federation had produced a film bringing to the notice of young girls the dangers to which they were exposed. Would it be possible for that film to be shown to the Committee?

M. REGNAULT (France) thanked Mme. Curchod-Secrétan as well as all the voluntary associations for their zeal in carrying on the work to which they had devoted themselves. As regards the lectures delivered in Paris, he hoped that the benefits of such lectures would be extended to other towns. They should, he thought, deal with the local aspect of the question. It was necessary to convince the members of the audience that it was for them to agitate for the suppression of the licensed houses. In France this was a municipal question. In a town in which public opinion was strongly felt the licensed house would have to be abolished. The solution of the problem lay in the amount of pressure which public opinion would exercise on the municipal authorities.

M. MAUS (Belgium) thanked the Secretary for her reference to his pamphlet summarising the report of the Special Body of Experts. He had originally prepared it to form the basis of a lecture delivered at Brussels. It had subsequently been published in four reviews and a separate edition of 4,500 copies had also appeared. This edition had been circulated by the League against Venereal Diseases. A new edition was in course of preparation. If members of the Committee desired copies, he would arrange for that edition to be enlarged. Unfortunately, it was impossible to distribute the pamphlet gratis owing to lack of funds.

M. REGNAULT (France), in reply to Mlle. Lavielle, said that there was no State legislation in France regarding the opening or closing of brothels. The ordinary police powers were

held by the municipal magistrate and these powers included the regulations governing prostitution. He would explain the matter more in detail when the Committee passed to a discussion of licensed houses.

M. POSNER (Poland) thought the work done in Belgium by M. Maus in connection with the summary of the Experts' report both interesting and important. He, too, had prepared a somewhat similar summary in Polish and had published it in the form of an article in a well-known Polish review. The editor, however, had altered the article to a considerable extent without the permission of M. Posner and, when he had remonstrated, the editor had explained that he had regarded the article as of such importance that he felt it should at all costs be published, but at the same time he had to consider the feelings and views of the readers of the review. The publication in question appeared in Cracow and M. Posner's article contained so many startling ideas that the editor had been forced to tone it down by the omission of expressions such as "*souleneurs*" so as not to shock the susceptibilities of the pious citizens of that town. He had not, therefore, dared to publish the whole truth.

M. Posner informed the Committee that he intended to publish this article unchanged at a later date.

He had proposed at a previous session that the Secretariat should issue the report of the Experts bound in book form, which was more convenient than the present form. He would now repeat this proposal and add to it a proposal to the effect that the report should be translated into several languages.

Mr. SEMPKINS said that, with regard to the Olympic Games, he had published a report written by the organising secretary of the Committee referred to by Mme. Curchod-Secrétan. He would supply copies for members of the Committee if the Secretariat could distribute them.

#### C. *Reports of the International Women's Associations for 1928.*

Mme. AVRIL DE SAINTE-CROIX asked the Committee to excuse the fact that the reports submitted to the Committee (Annexes 6 and 6a) were somewhat long; they represented a considerable amount of correspondence which, as the representative of the women's associations, it was her duty to summarise for the information of the Committee. All the associations with which she was connected were doing useful work in the campaign against the traffic.

It would be seen that in Germany, owing in part to the women's associations, licensed houses had been closed and the general conditions from the moral standpoint considerably improved.

She had received encouraging letters also from the Argentine Republic, where the activities of the women's organisations were developing rapidly. She would refer in this connection to lectures which had been delivered at Buenos Aires by Dr. Luisi on the work of the Advisory Committee. Licensed houses were not yet closed in the Argentine, but the effect of the work of propaganda which had been done in this connection was already appreciable.

The reports from Egypt were encouraging. Apart from the correspondence summarised in her report, she had received a letter in which emphasis was laid on the fact that progress in Eastern countries must necessarily be slow, owing to the difference between Eastern and Western ideas concerning the moral and social position of women. The situation, however, was gradually improving. The Egyptian women were now demanding that licensed houses should be closed, and were calling for severe measures in dealing with procurers and *souleneurs*. She would point out that the enforcement of severe measures against foreigners engaged in the traffic was rendered very difficult by the system of capitulations.

The reports from France were particularly interesting; the National Council of French Women was taking an increasing interest in the work of the Committee and abolitionist ideas were gaining ground everywhere. It was true that licensed houses were not yet abolished, but the campaign in favour of closing them was gradually bringing about a change in the attitude of the general public to the question.

Mme. Avril de Sainte-Croix wished to draw the attention of the Committee to a letter which she had received from M. Tardieu, Minister for the Interior, as evidence of the sympathy with which the authorities now received communications from the women's associations. She had informed M. Tardieu of the help being given by certain persons to women and girls to enable them to leave France for other countries, such as Egypt and the Argentine, where they became victims of the traffic. M. Tardieu had assured her that the question would receive the particular attention of the competent departments of his Ministry; some days later she had been told that the persons concerned had been arrested and sentenced.

The associations had made further representations to the French authorities in regard to the foreign immigrant minors who came to France from Poland and Czechoslovakia, and frequently appeared before the juvenile courts as being engaged in prostitution. She had written to the French Ministry of Labour on this matter, and had been assured that such immigrants would be more strictly controlled in future.

Further representations had been made to the Paris Municipal Council concerning the organisation of women police in Paris. The Prefect of Police, when urged to express his

opinion, had replied that he was much interested in this matter, and that he had constantly in mind the arguments put forward by the women's associations. The National Council of French Women felt rather that it would prefer an immediate realisation of its hopes than such sustained attention to its arguments.

She desired, in reference to Great Britain, to correct the impression conveyed in her previous report regarding the question of the recruiting of prostitutes from among domestic servants. The British women's associations had protested against any suggestion that the servant class in Great Britain was peculiarly liable to be drawn into prostitution. She was glad to find that the information she had been given in the previous year was not, in fact, justified.

Mme. Avril de Sainte-Croix drew attention to the passage in her report emphasising the value of the work done by the women's associations in India. The National Council of Indian Women, associated with the Vigilance Committee, had done excellent work. In particular, an attempt had been made, with a certain measure of success in Madras and Bombay, to deal with the question of abolishing the prostitution of children in the temples.

The activities of the women's organisations in Japan were also increasing, but she would ask M. Ito to deal with that aspect of the movement. She would merely emphasise the awakening of interest in questions affecting the dignity of women in regions of the world which had hitherto remained unaffected by feminist ideas.

As licensed houses in Norway and the Netherlands had been abolished, the work now being done by the women's associations was particularly that of directing the moral education of young people. In the Netherlands, the Queen Mother had received, on the occasion of her jubilee, a very interesting work on the activities of women in the Netherlands; that work included a chapter on the campaign against the traffic and on the activities of the Advisory Commission.

In reviewing the work of the women's associations, it was impossible to define exactly the task of each of these organisations, all of which were called upon to effect a closer co-operation day by day.

Since drafting her report, Mme. Avril de Sainte-Croix had received additional correspondence from South Africa and Australia, and a new report from Cuba. The women of Cuba were endeavouring to obtain the abolition of licensed houses, and the Government had, at their instigation, undertaken a vigorous campaign against the traffic and had adopted legislative measures for the expulsion of foreign prostitutes.

She had received an interesting report from Poland, dealing more particularly with the excellent work done in the railway stations.

The Committee would see from the two reports which she had submitted that the work of the women's associations was going actively forward, and that these reports represented a very real desire to fight the traffic, suppress regulation and collaborate effectively with the Advisory Commission.

Mr. HARRIS (British Empire) thanked Mme. Avril de Sainte-Croix for her interesting report, and for the continued exercise of her great personal influence, both in her own and in other countries.

He welcomed the statement which she had made concerning British domestic servants, who, he believed, were a particularly moral class.

He noted in the report from Hungary a statement to the effect that the inactivity of the central authorities in a number of countries made progress difficult. If the report were substantiated, this was a matter which the Committee ought to take up.

He further noticed references to the question of travelling artistes in the reports from certain countries, particularly Germany, Belgium, Denmark and Egypt. In this connection, he would draw attention to a case which was reported in *The Times* of London, of April 20th, 1929. From the extract (which he proceeded to read), it appeared that the London County Council had cancelled the licences of two employment agencies which had engaged a number of girls to go to Belgium on a four-weeks' dancing contract at a salary of £4 a week. These girls on arriving in Brussels had found that the nature of their employment was very different from that for which they had contracted. Both in Brussels and in Luxemburg, attempts had been made to exploit them by employing them in an undesirable way.

Dr. Paulina LUISI (Uruguay) thanked Mme. Avril de Sainte-Croix for the references made to the lectures which she had delivered in Buenos Aires. She would point out that there were certain associations, particularly in South America, which were not represented by Mme. Avril de Sainte-Croix and, as the South-American member of the Committee, she would like to make some reference to their activities. There was, for example, the Ligue des Femmes hispano-américaines, which included women from all the countries of Latin America. She was herself a member of the Ligue, which did important propaganda work on questions of interest to women. Excellent work had been done at Buenos Aires in the course of a women's congress, where special attention had been devoted to questions of interest to the Advisory Committee. She had herself given a public lecture at the time of the congress and had described the work of the Committee.

She had been agreeably surprised to note that important progress had been achieved at Buenos Aires in the last ten years. In 1919 the newspapers of Buenos Aires would not make any reference to the question of the traffic in spite of a vigorous campaign which had been started in that year. During the recent congress, however, all the newspapers had

published reports of the proceedings. They now reported cases of the traffic, and even published the photographs of notorious procurers. This movement had been started and encouraged by women's associations which were not represented on the Advisory Committee.

In Chile, an important campaign was being carried forward against the system of licensed houses, and this movement had been particularly assisted by the Chilean League of Social Health. This League was not exclusively a women's organisation, but its president was a woman doctor.

The progress achieved in the Argentine was remarkable. At Rosario a draft scheme for the complete abolition of licensed houses had been presented to the municipality, and in connection with that scheme she had herself received a request for bibliography and information relating to the movement.

She would like also to refer to a Spanish organisation to which she had the honour to belong. There was an important movement going forward in Madrid, and the centenary of Josephine Butler had given rise to important abolitionist demonstrations as a result of the growing influence of the women's organisations. The movement largely owed its success to the president of the association, Mme. Clara Campoamor. She wished to congratulate Don Pedro Sangro on his effective collaboration as regards the demonstrations.

Mme. ROMNICIANO (Roumania) was glad to find, in the reports from Roumania, a confirmation of the communications she had made. She would refer, in particular, to the paragraphs concerning the activity of the police, with the assistance of women's organisations, in the ports and on ships, the circularising of school teachers and priests requesting them to draw the attention of young girls to the danger of the traffic, and the publication of rewards for those notifying the authorities of cases of the traffic.

The compulsory medical examination of domestic servants in Roumania was considered to be necessary in order to safeguard the health of Roumanian families.

Count CARTON DE WIART (Belgium) congratulated Mme. Avril de Sainte-Croix on her report. He felt that the annual comparison and discussion of the work done by the various associations was both encouraging and instructive, and likely to stimulate a profitable collaboration between the various organisations which were working for the abolition of the traffic.

He noted with satisfaction that the Association of the Amies de la jeune fille had taken up the question of the use of the cinematograph for purposes of propaganda, and more particularly with a view to warning young people against the dangers of the traffic. He felt that this kind of propaganda should be further developed.

Would it not be possible for the various women's organisations to exchange propaganda films and co-operate in their preparation? He felt it would be particularly useful to exhibit such films in vessels containing large numbers of emigrants. Greater co-ordination and co-operation among the various associations as regards general problems was certainly desirable, and in the matter of propaganda and the cinema it might be of advantage to have recourse to the International Educational Cinematograph-Institute in Rome.

He was grateful to Mr. Harris for drawing attention to the case of the artistes who had been engaged in London to take up employment in Belgium. That case was an excellent illustration of the dangers attendant upon such contracts. The inference to be drawn from such cases was that care was especially necessary at the point of departure. The British agencies should have ensured that the girls were accompanied on their journey and have ascertained the conditions under which they would be required to work.

Dr. Paulina LUISI (Uruguay) desired to support the idea of conducting propaganda on board ship by means of films specially prepared for the purpose. Would it not be possible to take some practical step in this direction by approaching the appropriate persons with a view to ensuring that such films should be shown on all boats carrying emigrants?

She would incidentally enquire whether the Secretariat had received the newspapers referring to cases of the traffic in Buenos Aires which she had mentioned in her previous speech, together with the draft plan for the suppression of licensed houses in Rosario.

M. REGNAULT (France) also thanked Mme. Avril de Sainte-Croix for her report, particularly for the reference she had made to the assistance which the women's associations were receiving from the French authorities. He had been glad to hear the praise which this document had received from the various members.

Dr. Gertrud BÄUMER (Germany) said that she would reserve her observations on the question of licensed houses in Germany for a later meeting.

She was somewhat sceptical as to the desirability of propaganda by means of films. Such films, in order to be attractive, must be dramatic in form, and might perhaps prove to be seductive rather than deterrent. A film dealing with the traffic had recently been shown in a German town, with the result that several girls applied to the Women's Auxiliary Services enquiring to whom they should apply in order to enter so elegant a profession. It was necessary to proceed in this matter with discretion, and she doubted whether such propaganda was ever really effective.

M. POSNER (Poland) said he desired to pay a tribute to Mme. Avril de Sainte-Croix on behalf of all the women's associations in Poland. He would refer to the work which was done by the railway missions at a later meeting.

Poland had already taken up the question of propaganda by means of the cinematograph, and a film had been shown in Warsaw and throughout the country. He thought that the film was a most important instrument of propaganda, though he agreed with Dr. Bäumer that its reaction might differ considerably according to the educational level of the audience. The proposal to show such films on board ship was in his view excellent. He would emphasise that such films, to be effective, must be produced on a large scale and by a competent firm; otherwise they were not likely to appeal to a sufficiently wide public. The film shown in Warsaw had not, from this point of view, been conspicuously successful.

*The continuation of the discussion was adjourned to the next meeting.*

---

## FIFTH MEETING

*Held on Monday, April 22nd, 1929, at 3 p.m.*

---

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott.

### 216. Representation of Belgium on the Committee.

The CHAIRMAN read a letter from Count Carton de Wiart regretting that he had been compelled to leave Geneva and requesting the Committee to authorise M. Maus to act as assistant delegate of Belgium in his place.

### 217. Examination of Reports from Voluntary Organisations (continuation).

#### *C. Reports of the International Women's Associations for 1928 (continuation).*

M. LE LUC (France) said that the first report submitted by Mme. Avril de Sainte-Croix was of particular interest to himself, since it demonstrated the relations existing between the voluntary organisations and the French Administration. Her report indicated the results obtained by the women's associations in France. It was largely due to the recognised competence of Mme. Avril de Sainte-Croix and to the high esteem in which she was held by the Administration that the latter had given her as full and effective assistance as possible. Her report, for instance, showed that the traffic in girls through Marseilles had been very considerably reduced, and there was reason to hope that it would be suppressed altogether, since, owing to Mme. Avril de Sainte-Croix's representations to the police, the latter had brought pressure to bear on the port authorities and ships' officers, who were now collaborating more effectively with a view to the suppression of the traffic.

M. Le Luc had already informed Mme. Avril de Sainte-Croix and the various philanthropic associations that the French authorities would be always ready to give them as full and effective help as possible in all cases of the traffic brought to their notice. If some of the police were less helpful than others, it must be remembered that the police were only human beings; but the great majority were always prepared to lend an ear to genuine cases of distress and to assist in the suppression of the traffic. While, therefore, repeating his request to the representatives of the voluntary organisations to bring to the notice of the French authorities all suspected cases, M. Le Luc would urge upon them the necessity of not overburdening the police with work by reporting cases which had not been properly investigated. It was only in cases where there were serious grounds for suspicion that the police could give really useful assistance, and M. Le Luc illustrated his point by quoting concrete examples to show that cases reported to the police without due investigation might hamper them in the execution of their duty. He would put the representatives of the voluntary organisations on their guard against the *a priori* inference that a woman who had eloped or run away had been abducted against her will. Appearances might deceive even those who acted in the best faith. Cases, however, in which there were really strong grounds for suspicion would always meet with active assistance on the part of the French authorities.

Mr. SEMPKINS said that he had followed closely the case referred to by Mr. Harris of the treatment of certain English girl artistes abroad. Before leaving London, Mr. Sempkins had been promised access to the full report of the proceedings before the London County Council. He would, in any case, be printing a statement of the facts, and, if the Secretariat would

undertake to distribute it, a fuller account would be available for the Committee than that contained in the newspapers.

Mme. CURCHOD-SECRETAN wished to say, in addition to what she had said at the previous meeting concerning the Swiss film, that it was an entirely sober production which did not show the sordid side of prostitution but only the dangers to which young girls might expose themselves through placing too much confidence in strangers.

Dr. Estrid HEIN (Denmark) agreed with what the other speakers had said concerning the value of the efforts made by the private organisations. She would specially thank Mme. Avril de Sainte-Croix, whose report was an admirable work of propaganda. Mme. Avril de Sainte-Croix forced herself upon the attention of the women's organisations and made them take an interest in these questions, which otherwise were not perhaps of direct interest to them. She acted as an international broadcaster of the Committee's ideas and had her own wave-length. Dr. Hein thought that the efforts of Mme. Avril de Sainte-Croix perhaps reached further than any film could reach.

D. *Report of the Association catholique internationale des œuvres de protection de la jeune fille for 1928.*

BARONNESS DE MONTENACH said that, as was brought out in her report (Annex 7), her Association was constantly busy. The services it rendered daily in all countries might be described as a net for the protection of women and for the prevention of the traffic. It must be remembered that, usually, women fell a prey to the traffickers by gradual steps, and it would therefore be agreed that, in watching over women and girls and placing at their disposal the services organised by Baroness de Montenach's Association, the latter was helping them to remain honest and to resist any enticements they might encounter.

The chief concern of the Association was the steady development of its services. Baroness de Montenach's report gave an account of her recent visit to Poland, where she had obtained evidence of the strong and practical organisation of the railway station missions in that country. Her Association took a particularly active part in that service. The committees belonging to it had for years carried out railway mission work, and, accordingly, when the Polish Government had taken up the question of their development in Poland, it had recognised the value of the work done and had consented to second the efforts of the Committees. The National Bureau for the Suppression of Traffic in Women gave them a considerable monthly grant.

The enthusiasm shown for the cause was great and the work done in this connection admirable. Women and young girls were met in the stations, where dormitories containing three or four, and sometimes as many as twelve, beds were installed for their use. Their safety, too, was watched over at all stages of their journey, and, on their arrival at their destination, they were accompanied to the place to which they had to go; and, if they had no definite work arranged in advance, they were watched over and were placed provisionally in homes while they were found work in conditions offering full safety for their morality. In the four stations at Warsaw, the railway station missions of the Association catholique had, in 1927, given assistance to 14,425 girls.

Another point to be mentioned in connection with Poland was the initiative of the Women's Catholic Associations, among them Baroness de Montenach's organisation, which had conjointly opened in the large Polish cities cheap restaurants, which were particularly useful in these times of social upheaval. The restaurants were charmingly decorated and provided cheap and copious meals for whole families. They acted, moreover, as a barrier against immorality, since they prevented many young girls from succumbing to the temptation of alleviation for their distress in misbehaviour. One of these restaurants in Cracow alone had supplied over 600,000 meals in 1927.

Baroness de Montenach had continued her journey into Czechoslovakia, with the result that the services of her organisation had been extended beyond Prague.

A propaganda tour in Belgium had enabled the representatives of her organisation to attend a number of meetings, among them one at Verviers, at which M. Maus had submitted a remarkable report on the traffic and on the work of the Advisory Commission of the League. The Belgian Minister for Foreign Affairs had asked the Association to supply him with fifty copies of its "International Address Book", to be forwarded to the passport issuing bureaux, to which young girls intending to go abroad were obliged to apply.

At the National French Congress held in Paris in October 1928, Maître Reverdy, Advocate at the Court of Appeal, had given a very interesting address on "Morality and Contemporary Woman".

Baroness de Montenach's Association had, in Paris, a number of special homes for foreign women, in particular for young girls from Switzerland, Luxemburg and Spain. It had found that it was highly desirable to preserve for young girls who had been transplanted to another country the atmosphere of their fatherland. Homes in which they were surrounded with the customs of their own country became immediately familiar to them and were, from the moral point of view, an extremely efficacious safeguard.

The British Committee of the Association catholique was developing its work. It was in the hands of the Catholic Women's League and of the Ladies of Charity, and on the best relations with the Travellers' Aid Society and the Vigilance Association.

Baroness de Montenach's organisation was, further, in negotiation with Lithuania and the Kingdom of the Serbs, Croats and Slovenes with a view to the formation of national committees, and the services of her organisation were asked for in Salvador.



The centre at Salonica mentioned in her last report had been extended and there was now a home there with auxiliary services. While speaking of the extension of her organisation, Baroness de Montenach would mention the attention it had received from the public authorities in many countries which had had recourse to its services.

The International Secretariat was preparing a new edition of the "International Address Book", and, as a result of the enquiry it had undertaken with this object, offers of co-operation had been received from new places. Centres had been opened at Panama, in China, and at Tokio and Kobe.

The majority of the committees of the Association catholique were actively engaged in the field of emigration. In addition to the International Committee, six national committees had so far adhered to the International Conference of Private Organisations for the Protection of Migrants. At its last session, the organisation known as Caritas Catholica had entrusted to the international centre of Baroness de Montenach's Association the secretarial work of its section known as "Migratio".

The International Secretariat had been visited by a delegate from the Emigration Section of the National Catholic Welfare Conference in the United States, with which it was in close relations. At the request of the Conference, this delegate had been given an introduction to the various national committees of the Association catholique. Important negotiations had taken place with the Antwerp Committee, which had been appointed correspondent for Belgium. The Havre Committee supplied to the Immigration Service in Washington a weekly list of Catholic emigrant women embarking at Havre so that they might be met on their arrival in the United States.

The Dutch National Committee had been represented on the Vigilance Committee which had been formed in connection with the Olympic Games in the previous year at Amsterdam. Baroness de Montenach's own Committee had itself done much valuable work by publishing cautions in the international Press with the object of making public the conditions of service in the canteen where the staff was purely masculine and of preventing girls from going to Amsterdam to take up posts. It had further instituted a service of voluntary assistants in order to reinforce the services in the Amsterdam and frontier railway stations.

In regard to its International Congress, the Association had, to the great regret of the Hungarian National Committee, been obliged, for special reasons, to postpone until 1930 the Congress which was to have been held in the present year at Budapest.

As to the work done by the Association catholique in direct relation with the resolutions adopted by the Committee at its previous session, Baroness de Montenach stated that, in connection with Item 6 on the Agenda of that session, her Association had instructed one of the members of the German National Committee, who was going to Sydney, with calls in China and Japan, to seize the opportunity to prepare public opinion in influential circles for the supplementary enquiry to be made at some later date as to the extent of the traffic in Asiatic countries. Her organisation had also got into touch in this connection with a person who had lived for some years in India and whose experience would most probably be very valuable owing to his philanthropic activities on behalf of the victims of prostitution.

In regard to Item II of the agenda, although moral rehabilitation was not one of the special activities of Baroness de Montenach's organisation, all the national committees were nevertheless occasionally in touch with the associations for the rehabilitation of women, and there were even some which devoted a great deal of time to fallen girls, visited hospitals and prisons, and concerned themselves in the future of the women discharged from them.

In conclusion, Baroness de Montenach wished to quote the recent testimony of one of the Netherlands correspondents in support of the abolitionist cause. That correspondent wrote as follows :

"As regards prostitution and the traffic in women, we may assert that, although prostitution is still carried on clandestinely, particularly in large towns, it is comparatively rare, and the Olympic Games were found not to have affected it to any great extent. It was even decided to make this last fact publicly known in order to prove that the abolition of licensed houses is the true remedy for prostitution. During the year 1928, not a single sentence was passed in connection with the traffic in women."

Mlle. DALMAZZO (Italy) said that, in reading the remarkable report from the Association catholique, she had been especially struck by the account of the work carried on in ports. From that account it was possible to appreciate the great value of the work done by the women's associations in co-operation with the police with the object of preserving young girls from the dangers of the traffic. Many speakers had laid stress on the importance of enrolling women in the police force, but Mlle. Dalmazzo considered that the report from the Association catholique showed that the best way in which women could co-operate with the police took the form of close collaboration between the *police des mœurs* and the women's philanthropic associations. The Polish delegate had stated that schools for the training of women police had been instituted in Poland and that young women left those schools at 20 or 21 years of age and were enrolled in the police force. Mlle. Dalmazzo thought that it must be a sad experience for a girl of that age to learn the melancholy facts of life, and the result might well be that they would be disgusted with their work.

M. POSNER (Poland) recalled that, in her report, Baroness de Montenach had quoted the figure for the number of girls assisted by railway station missions in Poland in 1927. M. Posner could give the figure for 1928, which amounted to 101,700.

In reply to Mlle. Dalmazzo, M. Posner pointed out that he had not said that all the young women police were enrolled in the force at 21 years of age ; 21 years was only the minimum age-limit. The women were selected by the Chief of Police in consultation with the National Committee for the Suppression of the Traffic, and there was no cause to think that the selection was made otherwise than with the greatest care. All women selected were of age, and they chose their profession of their own free will and because they preferred it. The selection was made purely on the ground of their qualifications. About one hundred women presented themselves for the preliminary examination, but, as a rule, only about forty were authorised to sit for it.

Mme. AVRIL DE SAINTE-CROIX said that, while the women's organisations gladly upheld M. Le Luc's suggestion for closer and more regular co-operation with the Government departments and with the police in general, they were unable to accept Mlle. Dalmazzo's proposal that they should co-operate with the *police des mœurs*. The reason why the women's associations could not accept any suggestion of the kind and become, so to speak, a department of the *police des mœurs*, was that the latter institution, whether it wished it or not, was regarded by everyone as representing State regulation of prostitution. While, therefore, the women's organisations had every interest in securing the goodwill of the public authorities in the suppression of the traffic and in the protection of young people, they were not prepared to work with the *police des mœurs*. If, nevertheless, Mlle. Dalmazzo referred only to co-operation with the ordinary police, her proposal might be of real importance.

Dr. Gertrud BÄUMER (Germany), in reply to Mlle. Dalmazzo, pointed out that the enrolment of women in the police force was not intended to replace the work done by the women's associations. It had, however, been found that collaboration between the women's organisations and the police was much more effective and had much more practical results if there were in the police women with whom they could co-operate. In Germany, no women had been enrolled in the *police des mœurs*; the women had refused to become officials of the *police des mœurs* so long as the latter were responsible for the supervision of regulation. Relief bureaux had been established to assist girls arrested on first charges of prostitution, but that was quite distinct from the work of the *police des mœurs*.

In regard to the age of the enrolment of women in the police force, Dr. Bäumer thought that the women should not be too young. Educational requirements in Germany prevented them from entering the force before the age of 25 or 27.

It would be of value if the reports from the voluntary organisations could indicate the manner in which they trained their workers. The question of training was being very seriously discussed in Germany, since it was felt that the work of assisting girls in ports and at railway stations needed a special line of instruction.

M. REGNAULT (France), in reply to the question put by Mlle. Lavielle at the morning's meeting, said that there was no French law regulating prostitution. The Municipal Law of April 5th, 1884, authorising the mayors to take the necessary measures to guarantee public order and security, implicitly conferred upon them the right to take measures to prevent the deadly effects of prostitution. It was in virtue of that Law that the municipal authorities issued, if necessary, decrees when the practise of prostitution appeared to them to compromise good order, security or public health. Various large towns, however, among them Strasburg and Colmar, were at the present time making a trial of the abolition of regulation. The subject, too, was on the agenda of other towns. Regulation, as it existed in France, was therefore purely a municipal police measure. It followed that the municipalities could suppress regulation without there being any need to change the law and for any action on the part of the central authorities. In the same way, the Bill for the abolition of regulation, submitted to the Senate by M. Justin Godard on January 19th, 1928, read as follows with regard to this question :

“ Article 2.—All ordinances, decrees and administrative regulations concerning prostitution at present in force are and shall remain abrogated in so far as they are at variance with the provisions of the present Law. ”

Further interesting information on the subject would be found in a book by a former Commissioner of Police, M. M. N. Boiron, entitled *La Prostitution dans l'histoire, dans le droit et devant l'opinion publique*.

Dr. Paulina LUISI (Uruguay) supported the remarks made by Dr. Bäumer and Mme. Avril de Sainte-Croix in regard to Mlle. Dalmazzo's suggestion. The women's organisations would never consent to collaborate with the *police des mœurs*, and she would further point out that they had always taken a definite stand against those police. On the other hand, they had always promised their co-operation with women police provided that their work was protective and preventive. When the question of the employment of policewomen first came before the Committee, the latter had made it clear that policewomen should be engaged exclusively on preventive and protective work and never employed as *agents provocateurs*, as was too often the case with the *police des mœurs*.

Dr. Estrid HEIN (Denmark) said that, although there were no licensed houses nor regulation of prostitution in her country, Denmark nevertheless employed a *police des mœurs*. The term was perhaps understood in a different sense from that employed in other countries. She thought that there could be no objection to the collaboration of women with the *police des mœurs*, since it was preferable to have women inside the force. She might, too, suggest that

it would be well to have a woman at the head of one section of the *police des mœurs*, because it was far easier to get the work done in the way the women wished it done with a woman chief than with a man chief, and because she believed that the women police had special preventive work to do in this field.

M. AMADOR (Spain) asked M. Regnault whether the Bill presented to the Senate in 1928 by M. Godard was in any way connected with the new French Bill reproduced in document C.T.F.E. 428.

M. REGNAULT (France) observed that there was no connection between the two Bills.

M. MAUS (Belgium) said that he had asked to have distributed to the members of the Committee a former draft contained in document C.T.F.E. 428. It was merely a draft at present, but he had asked for its distribution because he believed in many of its basic principles.

Mme. AVRIL DE SAINTE-CROIX added that the Bill distributed at M. Maus's request had been discussed and voted by an Extra-Parliamentary Commission which had sat in Paris from 1923 to 1927, and that mentioned by M. Regnault was connected with the Extra-Parliamentary Commission for the reform of the " Régime des mœurs " which had met at the Ministry for the Interior from 1903 to 1908.

#### E. *Report of the Jewish Association for the Protection of Girls and Women for 1928.*

Mr. COHEN said that he had complied with the request made by the Committee in the previous year that his report should be shorter than usual (Annex 8). With this object he had omitted much that should otherwise have appeared. At the same time, the observations submitted on a number of subjects during the Committee's discussions had been so interesting that Mr. Cohen felt that a much greater measure of publicity should be given, not only to the reports of the voluntary organisations, but also to those of the Governments, and he would therefore suggest that the Committee should reconsider the possibility of securing full publicity for its proceedings, notwithstanding the vote which it had taken in regard to the Minutes in the previous year. The draft budget presented to the Committee showed that the amount expended in 1928 had been less than half the estimate, so that it appeared that there should be a considerable surplus.

The SECRETARY pointed out that the 1928 surplus had already been returned to the general pool.

Mr. COHEN said that much of the value of the Committee's work would be lost if its proceedings were deprived of publicity, and he therefore hoped that an opportunity would be given for full discussion of this question at a later meeting.

The work of the voluntary organisations showed progress each year. The Government reports likewise showed progress, but Mr. Cohen ventured to think that the progress made by the Governments would have been less important but for the efforts of the voluntary organisations, since the latter existed in order to stir up public opinion, and without public opinion nothing would be done at all.

He had no further details to give in addition to those contained in his own report. He, however, would draw attention to the very great advantage of quoting actual cases. There were two aspects of propaganda. Propaganda was needed for the general instruction of the public in the movement for which the Committee was working; but that was not enough. It was essential to demonstrate the practical work that had been done and that the Committee's main object was to fight the traffic by proposing protective and preventive measures to the Governments. It was for that reason that the Committee received the reports from the Governments, which included, in particular, the answers to question 1, and it was for that reason also that the Committee spent so much time in discussing these replies. Mr. Cohen hoped that the replies would be fuller each year, so that the Committee might be in a position to know what had been done as a result of its efforts.

The Association which Mr. Cohen represented had, in the past year, concentrated its efforts largely on Eastern Europe and South America. It had been hampered in its work in those parts of the world because propaganda there failed to have the same effect that it had in other parts. Mr. Cohen's Association had been particularly concerned about the economic conditions, in Eastern Europe, of the people in whose interests it was working, and, while it was glad to note an improvement in political conditions, it was fully acquainted with the seriousness of the struggle against economic conditions. It was in view of those conditions that Mr. Cohen had particular pleasure in stating that there had been a great improvement in the work of fighting the traffic and in lessening the evil of prostitution. The Committees of the Jewish Association in Eastern Europe had been in almost daily touch with Mr. Cohen, as representative of the Central Bureau, in connection with suspected cases of the traffic and various other cases occurring all over the world.

As to the position in South America, the Jewish Association was still reorganising its work there with a view to avoiding overlapping. The Association had realised that the work done at the ports and railway stations for the protection of immigrant women by its various

committees in South America was so much the same that it was essential to co-ordinate their activities. The report showed the success which had been attained in this connection. Mr. Cohen had been greatly interested in Mme. Avril de Sainte-Croix's statement concerning the work being done by the women's organisations in the Argentine. He hoped that she would be able to give him their addresses with a view to strengthening co-operation between his and the women's associations in South America. In this connection, he might express his Association's gratification at the co-operation between the voluntary organisations in all parts of the world, irrespective of creed or race.

Mr. Cohen then drew attention to the very valuable pamphlet which had been distributed to the Committee, giving a summary of the Experts' report. A pamphlet of that kind was essential in order to keep interest in the work of the Experts and of the Committee from flagging. It would be extremely valuable if pamphlets in the different languages could be circulated in all countries.

In regard to the question of films, and particularly in connection with the proposal made by Dr. Luisi, Mr. Cohen would urge upon the Committee the necessity of moving very slowly in that direction. Hopes had been expressed that any film produced would be non-inflammable. Mr. Cohen hoped that the film would be non-inflammable, not only in so far as the possibility of its catching fire was concerned, but also in respect of its effects upon young people. He had seen several films which had been produced with the object of assisting in the fight against the traffic, but there was none which he would use for any purpose whatsoever. The most careful attention should therefore be paid to the contents of such films, and the most cautious consideration was essential before any action was taken. Since films could be used for the purposes of higher propaganda, especially in cases of emigration, Mr. Cohen would suggest that it would be wiser to show films describing the scenic and other glories of the countries to which emigrants were going rather than scenes of night life.

The Jewish Association had established a committee in Brazil; but, as it had only been in operation since October, Mr. Cohen was unable to give any account of the work it was doing. He hoped in the next year to receive a satisfactory report, showing not only the number of cases dealt with, but also the action taken for spreading a knowledge of the fight undertaken by the Committee against the traffic in Brazil. Much work was needed in that country, and Mr. Cohen hoped that the Committee there would receive the active co-operation of all sections and communities.

In regard to the work of the Central Office in London, the report contained a number of statistics. The Association had been active in spreading knowledge throughout Great Britain by means of lectures and by the distribution of pamphlets, etc. Mr. Cohen had distributed, at the expense of the Association, copies of the Committee's records in the previous year, and that distribution had made for greater interest in the Committee's work. He would therefore close with an expression of the hope that the excellent discussions held in the Committee would not be lost to the general public.

Dr. Paulina LUISI (Uruguay), in reply to Mr. Cohen's observations with regard to her suggestion for special films for emigrants, said that her only intention had been to sow the seed, in the hope that it might come to flower in the next year. She had never expected her proposal to be accepted in its present form, but she thought that there would be someone to take up her idea and secure its acceptance.

She was very glad to hear of the organisation of a committee of the Jewish Association in Brazil and she would be pleased to have details of its work. A Committee was being formed at Montevideo at the time when she had left the country. She herself had assisted at its foundation and hoped to continue the work on her return. The Committee, however, must not be surprised if it were found difficult to form committees in Latin America for the prevention of the traffic. The Latin-American women had a special outlook on this subject. They felt that no honest woman should deal with questions of this kind. She hoped, however, that they would eventually understand that an honest woman did not forfeit her respectability by taking up the question of the traffic.

Mr. Cohen had also referred to the problem of economic conditions. In this connection, Dr. Luisi would ask the Committee to note the proposal made by the Belgian Government, upon the request of the Belgian National Committee, asking the International Labour Conference to consider the question of fixing minimum salaries for women workers in industry. She wished to congratulate the Belgian Committee on this step, to which the Traffic in Women and Children Committee should give its strong support.

M. LE LUC (France) said that, in dealing with the part to be played by women in the police, it was essential to be clear as to what were the duties of the police. It must be remembered that the police was a very complicated organisation and was divided into various branches. The Committee on Traffic in Women was more especially concerned with the judicial rôle of the police, namely, that of enforcement of the laws for the repression of offences such as vagrancy and the crime of procuring women for the purposes of the traffic. He did not think that there could be any idea that in doing work of that kind women would be in any way lowering their dignity by co-operating with the police. What was commonly called the *police des mœurs* had the duty of supervising prostitutes in the streets and of putting a stop to their activities; that was not a subject for discussion by the Committee on the Traffic in Women. Provided, however, that the rôle of the *police des mœurs* was modified, M. Le Luc thought that it might even be possible for women to co-operate usefully with them.

Mr. COHEN, in reply to Dr. Luisi, said that the Jewish Committee for the Protection of Immigrants was already in existence in Montevideo, and that only the question of finance had prevented the Jewish Association's representatives from joining that Committee in watching ships on their arrival at ports. While it was true that there was a lack of interest in the question in the Argentine, it must nevertheless be pointed out that a representative of the Jewish Association was co-operating with the Argentine authorities. Again, the representative of the Argentine Vigilance Association, Mrs. Robinson, was doing splendid work, especially for English and American girls, who had received assistance in a large number of cases.

M. REGNAULT (France) said that he agreed with M. Le Luc. People seemed to think that, if regulation were abolished, the *police des mœurs* would also disappear. That was an error. The police would remain, since, even in those countries where there was no regulation, it was still necessary to supervise offences committed in public places and, in particular, to enforce the regulations on soliciting, as would be seen from Mr. Cohen's report. The police would continue to carry out this supervision.

Mme. ROMNICIANO (Roumania) recalled that, at the preceding session, she had promised the Jewish Association for the Protection of Girls and Women the support of the Roumanian authorities. She had been very pleased to note the reference in Mr. Cohen's report to the sympathy and activity that these authorities had shown.

Mr. SEMPKINS drew attention to the statement in the report that the Argentine Committee had had to close down. The Committee had been a possible nucleus of work, but for many years it had been more or less inactive. Mr. Sempkins regretted to say that the British Committee in the Argentine was of opinion that it would not be opportune at the present time to attempt to reconstitute the committee. The work of the National Vigilance Association and of the Jews would, of course, continue.

Mlle. LAVIELLE, representative of the Union internationale des Ligues catholiques féminines, said that she would present a report at the next session on the protection and rehabilitation of women, which was one of the branches of the work done by the Union. She wished to take this opportunity of thanking the Committee for the honour it had paid her in inviting her to collaborate in its work.

The CHAIRMAN said that he believed that he might speak for all his colleagues in thanking the voluntary organisations, the Committee's valuable allies.

Mme. AVRIL DE SAINTE-CROIX, speaking on behalf of the representatives of all the voluntary organisations, wished to thank the Committee for its support of their efforts. The authority of private organisations was greatly enhanced by the moral prestige of the League. Mme. Avril de Sainte-Croix wished to express particular thanks to Dame Rachel Crowdy.

218. **Proposal of the Delegate of Uruguay in connection with the Exhibition of Films on Sea Voyages.**

Dr. Paulina LUISI (Uruguay) said that she was aware that objections might be made to the draft resolution which she had submitted at the preceding meeting. On the other hand, she believed that a discussion on this resolution might lead to the drafting of a more satisfactory one. She proposed that it should be dealt with at a later session of the Committee.

Dr. Luisi added that the Committee might resort to the International Educational Cinematographic Institute for the class of films which she had in mind.

M. AMADOR (Spain) proposed that consideration of this resolution should be deferred until the next session.

Dr. Paulina LUISI (Uruguay) accepted M. Amador's proposal.

*The proposal was adopted.*

219. **Date of the Next Session.**

*The Committee decided to hold its next session on April 2nd, 1930.*

## SIXTH MEETING

*Held on Tuesday, April 23rd, 1929, at 10.30 a.m.*

*Chairman : M. Iro (Japan), Vice-Chairman.*

Present : All the members of the Committee, with the exception of Marquis Paulucci di Calboli and Miss Abbott.

### 220. **Experts' Enquiry : Additional Information** (document C.T.F.E. 420).

Mr. COHEN wondered whether the Governments had fully understood what they had been asked to do by the terms of the resolution passed at the Committee's seventh session. The Council had been requested "to ask Governments and voluntary organisations to forward to the Secretariat any documentation in their possession which may add to the information already available on the question with which the enquiry is concerned". Did Governments understand this to mean that they were required to give special information in regard to particular cases or general information upon the laws and regulations in force within their territories?

The SECRETARY replied that the resolution had been forwarded by the Council to the Governments. It was difficult to say whether they had understood exactly what it meant. Its object had been to enable those Governments which considered that they had been somewhat hardly used by the Experts to justify the position in their country by sending further information and explanations.

Mr. COHEN concluded from the information in the document before the Committee that the Experts' enquiry had been productive of good effect, at least in Greece, where serious efforts had been made to improve the situation, especially in regard to girls going to Egypt. The Greek Government was apparently trying to stop this form of emigration.

### 221. **Abolition of the System of Licensed Houses** (document C.T.F.E. 336 (2)).

The SECRETARY explained that the document before the Committee was a new edition of a former document brought up to date by the replies received from various Governments. The latter had confined themselves mostly to forwarding the texts of new laws and regulations. The Committee might perhaps think it advisable to pass a more definite resolution making it clearer what type of information it desired to receive.

Dr. Estrid HEIN (Denmark) said that her Government had not confined itself in its reply merely to quoting the texts of laws, but had tried to show what had happened in Denmark since the abolition of the system of licensed houses. She could say at once that no difficulties had been experienced owing to abolition. At the outset there had been a certain amount of disorderly conduct, which had, however, ceased very soon.

It would be seen from the Danish Government's reply that the theory that prostitutes were the only spreaders of venereal disease was not true. The statistics for 1885-1927 showed that, although various factors entered into all statistics of venereal disease, it was safe to say that the rise and fall in the number of notified cases could not be connected with the existence or non-existence of a system of regulated prostitution. She could therefore maintain that Denmark had experienced no difficulties as a result of abolition.

Mr. HARRIS (British Empire) regretted that the additional replies had been included in a new edition of an old document, which had been prepared with a different object. The Committee had decided at its last session that the information it desired from Governments concerned primarily the manner in which the countries without a licensed-house system dealt with the problem of prostitution. He himself, therefore, had submitted on behalf of the British Government a detailed memorandum accompanied by an annex from the British Social Hygiene Council. He hoped that the replies from Great Britain, Denmark and other countries would subsequently be issued in a separate document. Owing perhaps to an oversight the first part of his memorandum had not been printed. He would therefore read it to the Committee as it explained the object of the memorandum. It was as follows :

"At the seventh session of the Traffic in Women and Children Committee, held in March 1928, a resolution was passed inviting the Governments of all those countries which still retain the licensed-house system to investigate the question as soon as possible in the light of the report made by the Body of Experts and the other information collected by the League of Nations. In order to facilitate this investigation the Secretariat

was asked to make a study of the laws and regulations in force in those countries where this system has been abolished. This memorandum has accordingly been prepared as a contribution to this study.

"The official regulation of prostitution may consist of a number of measures which are not necessarily dependent on one another though often they are found in combination. These measures include, among others, the registration of prostitutes, the medical examination of prostitutes and the licensing or recognition either direct or indirect of brothels. Prostitution is a social evil which is found to a greater or less extent in all countries, and it is necessary for the Government of every country to formulate a policy for dealing with it. Few, if any, countries have gone so far as to make prostitution in itself a criminal offence or think that by any legislative or administrative procedure they can bring prostitution to an end. No country on the other hand can adopt a policy of complete indifference and leave the question with all its attendant evils to find its own solution. Countries have ranged themselves, generally speaking, into one of two groups. Either they have adopted wholly or partially the system of official regulation—the so-called 'regulationist' countries; or else they have rejected the policy of official regulation and have endeavoured to meet the problems resulting from prostitution in other ways. These are the so-called 'abolitionist' countries."

At the outset he wished to explain that prejudice had sometimes been imparted to the controversy between the system of abolition and that of regulation by the suggestion that it was a question of morality. He desired to dissociate himself from this point of view. The question at issue was concerned not with morals but with prostitution as a social evil. The claim that abolitionist countries made was that they had succeeded to a certain extent in getting rid of the commercial aspect of prostitution. It was with that aspect and that aspect only that his memorandum dealt, and no question or claim in regard to morality arose.

There were four main points: First, the effect of abolition on venereal disease. The memorandum from the British Social Hygiene Council dealt with this aspect, and showed, incidentally, the great increase in the number of persons voluntarily submitting themselves to free treatment.

Secondly, there was information regarding the exploitation of vice; that was to say, procuration and brothel-keeping. In regard to both a progressive decline was to be seen in recent years, as was shown by the numbers of prosecutions recorded. In the years 1900 to 1904 the annual average number of prosecutions for brothel-keeping had been 1,277; in 1926—the last year for which figures were available—the number had fallen to 334. In 1910 to 1914 the average number of prosecutions for procuration had been 34; in 1926 the figure had fallen to 3.

The third point of his memorandum dealt with the volume of prostitution in the United Kingdom. Here the difficulty of obtaining accurate figures was very great, because there was no system of registration. Even with such a system, however, it would not be possible to obtain the figures for clandestine prostitution. The only figures available were the number of offenders brought before the police courts. These figures were apt to fluctuate as there were variations in police activity from time to time. In 1900 to 1904 the average number of prosecutions had been 10,598; in 1926 the number had fallen to 3,965. Figures had been also supplied for some of the large towns, for example, Glasgow, in which the figures had fallen from 2,797 in 1902 to 283 in 1927.

The last part of his memorandum dealt with the preservation of good order. This was admittedly an extremely difficult problem, which was not peculiar to abolitionist countries, and Great Britain did not pretend to have solved it. A recently established Committee—the Street Offences Committee—had been enquiring into the whole question, and had made several recommendations for changes in the law. Copies of its report were available if members desired to consult it.

With regard to the appendix to his memorandum, Mr. Harris would refer to the considerable movement in some parts of the Empire with the object of dealing with prostitution and venereal disease on modern lines. He would take as an example the Straits Settlements, where the problem was a vast one owing to the excess of male Chinese population over female. The local administration had wished to adopt a system of strict regulation. This had given rise to considerable controversy, and a Committee had been appointed, of which Mr. Harris had been a member, and had reported in favour of a system of free treatment for venereal disease and the gradual closing of the brothels. These recommendations had been adopted by the Government. A further enquiry had been held more recently, and it had been shown that the measures adopted were proving very successful. In particular, there had been a large increase in the number of persons attending for free treatment, the figure having risen from 37,000 to 180,000. The number of brothels had been reduced, and it was hoped that in the course of a few years it would be possible to introduce legislation making brothel-keeping illegal.

Dr. Gertrud BAUMER (Germany) wished to give certain explanations concerning the new German law. The aim of the law was to abolish the system of regulation, and to substitute for it medical supervision of the entire population in respect of venereal diseases.

Under the constitution of the Reich, health questions were dealt with by the individual States, Prussia, Bavaria, etc. The Reich was only entitled to enact laws of a general character, whereas all measures concerned with points of detail, whether legislative or administrative, were reserved for the States. The venereal diseases law of 1927 was therefore a general law, which was enforced by means of local measures.

Prior to the entry into force of the new law, the only medical authorities particularly engaged in the campaign against sexual diseases were, with the exception of the police, the consultation bureaux, which were public insurance institutions and were therefore organised on the same principles throughout Germany, public insurance being a Reich institution. The general health authorities of the States, provinces and municipalities were organised on widely different lines, according to the variations in the administrative systems. Dr. Bäumer referred to this situation because it had been a source of difficulty in introducing the law. When it had been attempted by means of this law to dissolve the *police des mœurs*, and to hand over the campaign against sexual diseases to the health authorities, there had not been found health authorities in all quarters, and particularly in the small towns and country districts, who were in a position to take up these new duties.

There were four types of organisations for social relief—organisations which, together with those for medical assistance, were to replace the former system of regulation. Three were official, and the fourth was constituted by the philanthropic associations. The three official organisations were the Jugendämter, which were offices for the protection of children, the usual social relief offices for the assistance of adults, and, lastly, special organisations for assistance to girls in danger of prostitution (the Pflegeämter) which had been set up in several towns side by side with the police, but entirely distinct from them. The officials in these latter offices were women, and all girls who had been arrested on a first charge of prostitution were required to present themselves to them. These organisations, which co-operate with the employment offices and other institutions, had proved of great assistance in the rehabilitation of women.

In addition, the Government recommended the provision of refuge homes for women. The basis of co-operation was to be found in Article 3 of the law. The most essential point in that article was the part played by the police. It had naturally been found impossible to do away entirely with the services of the police, whose duties were to preserve good order and who were responsible for the protection of the citizen. For this purpose the police had been placed at the disposal of the health authorities. In so far as the campaign against venereal diseases was concerned, the police had no independent power of initiative, nor did they perform the functions of the former *police des mœurs*. As far as other organisations were concerned, co-operation had been assured in different forms. If, as in many cases, medical assistance had to be supplemented by social help, the health authorities transferred all measures of medical and social relief to the relief authorities, who in addition would act in an assistant capacity to the health authorities. The Health Bureau kept under its own control only cases in which medical treatment for disease was required, and in which it was merely necessary to make sure that the patient was submitting to the treatment. It was therefore the relief bureaux which carried out the greater part of the work.

Another form of co-operation was under the control of the social insurance organisations, which worked with the medical authorities in the campaign against disease. Their co-operation was based upon regulations which had just been prepared by the Government of the Reich.

She would now turn to the results which had already been achieved. The medical authorities were of opinion that, in general, a surprising degree of success had been achieved by the new system in so far as disease was concerned. In Berlin, in the first year after the enforcement of the law, 30,000 persons had received treatment from the consulting bureaux, of whom 65 % had been men. The number of persons seeking medical assistance voluntarily had considerably increased. In Cologne, for example, the figure had been twenty times more than had been the case in the previous year. The percentage of voluntary patients attending the bureaux was between 60 and 70. It was hoped to effect a large increase in this number.

The effect of the law on prostitution as such depended entirely on the existence of well-organised "Pflegeämter". Of the 5,000 prostitutes dealt with in Berlin, 1,500 had returned to a normal life, 3,000 had submitted to the new form of treatment, and 300 had escaped further control.

Dr. Bäumer would also mention the fact that, according to a report submitted to the Reichstag in December 1928, new cases of syphilis in Berlin had diminished by 30 per cent, and new cases of gonorrhœa by 15 per cent. From a medical point of view, the educative influence of the new system upon the population as a whole was a most satisfactory feature. The dangers of infection had been much more clearly realised by persons infected, from the moment when the doctor had warned them that he would be obliged to bring them before the health bureau if they did not submit to treatment. It was maintained that it was much more possible now than formerly to discover the sources of infection. It was obvious that officials responsible for the working of the system were required to show great tact.

Greater difficulties had been found in suppressing the licensed houses by prosecuting their proprietors. According to the law it was permissible to let a room to a prostitute, provided that she was not exploited in any way, that was to say, provided that the rent she paid for the room was not higher than the normal, and provided that she was not induced to lead a life of prostitution by her landlord. The brothel-keepers had tried to circumvent the law by providing girls with lodging without restricting their independence, but at the same time making their profit by raising the rent, which meant that licensed houses continued to exist in another



form. The municipalities had not always been as severe as they should have been in prosecuting persons who adopted these methods of evading the law. She would point out that all the municipalities had been convinced of the efficacy of the new law.

In the case of the first few prosecutions the courts had shown themselves tolerant in their interpretation of the term licensed house. They had taken the view that the existence of a licensed house was proved only in cases when the inmates had been actually dependent on the proprietor or when they had been exploited. A person giving lodging to a prostitute had not been regarded as a keeper of a brothel. It had therefore been found impossible to abolish the worst centres of procuring. A judgment by the Supreme Court which had been promulgated in November 1928 would be of great assistance. The case had concerned a brothel-keeper who had housed girls and charged them for washing and lighting a price double that of the ordinary prices. This action had been judged to be exploitation. It had also been decided that the inmates had been granted lodging in the house because the men frequenting them knew that they could always find them there, that was to say, that they were lodged there for the purpose of prostitution. For that reason the Supreme Court had decided that the house in question was a brothel. This precedent would make further prosecutions against persons letting such forms of lodging more effective.

Another difficulty had been the provision of lodging for women after their removal from licensed houses. This problem had been all the more difficult because of the housing shortage in Germany. An attempt had been made to introduce safeguards for the protection of children and of the ordinary population by prohibiting soliciting in the neighbourhood of churches, schools, etc. Experience had shown that prostitutes mostly concentrated in a particular quarter. If they lived in the respectable quarters of the town they found themselves in a position of inferiority and subjected to control. They therefore preferred not to be the only one of their class in a house. They tended in fact to congregate together.

As regarded the question of decency in the streets, the solution of the problem had been rendered somewhat easier by the fact that the persons engaged in prostitution had become far more discreet. Under the system of regulation, prostitutes had felt themselves to be privileged to a certain degree and had carried on their trade with a feeling of security. Now the only ground on which the police intervened was that of scandalous conduct, and the behaviour of prostitutes had consequently improved.

This improvement would be more marked when the police had fully learned the new part they were required to play. In some places the police had at first shown a certain opposition to the new law. After the abolition of regulation they had found that the limits of their new powers had not been clearly enough defined and they preferred to take no action at all. This attitude, however, was disappearing.

Another problem, from the social point of view, was that sufficient aid was not yet given to young men. It was unfortunately true that boys of from 16 to 18 frequently visited brothels. It was a curious fact that this side of the problem had been neglected and Dr. Bäumer hoped that it would soon be remedied.

In conclusion, she trusted that she would next year be able to give the Committee a more accurate account, supported by statistics, showing how the new system in Germany was working.

M. REGNAULT (France) made the following declaration :

Regarding the question of the abolition of licensed houses, I have to make the following statement on behalf of my Government :

The French authorities are closely following the evolution of public opinion in regard to the abolition of licensed houses. They are able to study this problem with all the more freedom because there is no French law to regulate prostitution. The system of regulation in France is merely a municipal police measure enforced by the municipalities under the law of April 5th, 1884, which empowers them to take the necessary steps to guarantee order, security and public health, and when such action appears requisite to combat the evil effects of prostitution.

The municipalities can therefore abolish the regulation which they have introduced without any need for altering the law or for referring to the central authorities. Moreover, several important towns are at present making experiments in abolition.

In these circumstances, the way to secure the triumph of abolitionist views is to work upon public opinion. The municipalities could not fail to follow public opinion in such a matter as this.

In this connection, the municipal—and also the central—authorities were specially interested in the Committee's decision of last year to make a collection of the laws and regulations in force in abolitionist countries. It is indeed essential to have complete information regarding the measures adopted in these countries to preserve order and public health, *i.e.*, to guard against the danger of driving out, either into the streets or into clandestine houses the prostitution which is now carried on in licensed houses. It is essential, in such a very delicate question, to act only with full knowledge of the circumstances and after taking every necessary precaution.

As an indication of the action taken by the French Government, I would remind you of the appointment of a " Commission of prophylaxis against venereal diseases " which drew up a scheme for abolition. This draft was submitted to the Senate by M. Justin Godart.

It is desirable to draw attention, particularly during this session, to a very important article of this draft punishing " any person who has induced another person to commit acts

of debauchery, *even* with the consent of the said person and *even* if the said person is of age ". It will be seen that this draft goes beyond the Convention of 1921, which excludes persons who are of age where there is " consent ". By abolishing the age limit (21 years) in that Convention, it meets the suggestion in the Experts' report and also the proposal inserted in the agenda of this session by one of the assessors.

I desire to state that the French authorities concerned are very favourable to this clause, the great importance of which is recognised by your Committee. Indeed, the question of the age-limit has hitherto been one of the chief obstacles to effective action towards repression.

M. POSNER (Poland) suggested that a series of pamphlets might with advantage be issued containing the most striking speeches delivered in the Committee and the texts of the laws in force in the various countries. Such pamphlets would be extremely useful for purposes of propaganda. As the Minutes of the Committee were not printed it was impossible for the public to appreciate the amount of work which was being done and the progress which was being achieved. Not more than twenty or thirty lines was devoted, even in the Geneva press, to the daily meetings of the Committee. He would enquire whether it was not possible for the Secretariat to stimulate the interest of journalists in the work of the Committee, and he would appeal to the journalists themselves to realise the importance of that work and to do full justice to it in their reports. The first pamphlet of the series which he had suggested might well consist of a verbatim report of Dr. Bäumer's speech, together with a copy of the German law of February 18th, 1927, for combating venereal diseases.

The problem of the measures to be taken during the period of transition from the system of licensed houses to that of abolition was of special interest and importance. Licensed houses had recently been abolished in Poland. M. Posner had never been one of those who thought that such a step would make an end of prostitution. The effect in Poland had been that clandestine establishments had, to a large extent, taken the place of licensed houses, and the women police of Poland were at present engaged in a very difficult campaign against the owners of these houses, whom they found it extremely difficult to trace. Distinct progress, however, was being made, and the private houses certainly did not do one-half of the evil which the licensed houses had done before them.

He would suggest that Mr. Harris's speech should also be given as wide a publicity as possible.

He agreed with Mr. Harris that prostitution must to a great extent, be an economic question. That was certainly the case in Poland. Eighty-five per cent of the women of Poland belonged to the working classes and many were unemployed. Girls were frequently driven to prostitution by poverty. Housing conditions were also an important factor. There was everywhere a shortage of houses and much overcrowding, which obviously had a deplorable effect on public health and public morals. Under such conditions prostitution was bound to flourish, and, in order to abolish the evil, a solution would have to be found for the economic problem.

He could not, however, agree with Mr. Harris that the abolition of licensed houses was not a moral problem. In his view, the declaration of M. Regnault, which should also, if possible, be published *in extenso*, represented a very important moral advance, particularly as it conveyed the views of the French Government. He had engaged in many keen discussions with M. Bourgois on the Committee. He had himself always been a convinced abolitionist, but his views had not always been shared by all the members of the Committee. Five or six years ago several of his colleagues had not been in favour of abolition, and had regarded the demand for abolition as a merely sentimental and feminist war-cry. The position had entirely changed since, and the declaration of M. Regnault marked an immense moral progress as compared with many previous declarations which had been made in the Committee.

The CHAIRMAN suggested that M. Posner's proposal that a series of pamphlets should be prepared on the work of the Committee should be discussed at a later stage.

*The Committee agreed.*

Mr. HARRIS (British Empire) said that M. Posner seemed to have misunderstood his observations on the moral aspect of the question under discussion. He had never intended to suggest that abolition was not a moral question. He had merely observed that a country which had abolished licensed houses might not necessarily be more moral than a country which was opposed to that measure.

Mlle. DALMAZZO (Italy) said she desired to draw attention to the Italian law of November 6th, 1926, concerning public safety which would be found in Part II of the report of the Special Body of Experts. Article 196 laid down that the local police authorities might, in the interests of public order, prevent a building from being used as a house of prostitution ; that no place might be used for such purposes, when its situation was likely to cause scandal, *i.e.*, particularly when it was near places of instruction, education, worship, barracks, markets or other public meeting places ; and that a house of prostitution might be closed when its situation became liable to cause a public scandal.

It was further laid down in Article 197 that interested persons might appeal against any positive or negative action of the local police authorities in such matters. The validity of

such appeals was decided by a Commission presided over by the prefect of the province or by a councillor of the prefecture or by an official of the public prosecutor. Further, the Minister of the Interior had the power in the interests of public morals, decency and public order, to cancel decisions of the Commission authorising the maintenance of a house of prostitution.

These regulations were extremely important from the point of view of the voluntary and private associations. They enabled the private associations to collaborate usefully with the public authorities. The private organisations might, under these regulations, appeal to the police or to the Minister of the Interior, asking that houses of prostitution might be closed or that new houses should not be opened. Private organisations might also take steps to ensure that local persons interested in the public order of the district should take the necessary steps with the authorities by way of petition. The authorities would only act if the persons concerned appealed to them by way of petition or protest, and the intervention of the private organisations was an obviously important factor.

In this connection she would point out that under the police law of 1891 further opportunities of intervention were afforded the voluntary organisations. The law provided that police officials who had reason to believe that women in licensed houses desired to leave them should notify the voluntary organisations and that the representatives of the organisations might thereupon enter the licensed houses in order to ascertain the facts. This right had been exercised extensively. Licensed houses were frequently visited and excellent work was done in assisting the inmates who might be ill or who desired to have news of their children or seek another way of life.

She would draw attention to Chapter 3 of Appendix III of Part II of the report of the Special Body of Experts dealing with the Italian Central Office. The work of the office in assisting prostitutes who were destitute of means was of particular interest to the voluntary associations, as in such cases the office was instructed to hand the woman over to the care of public or private relief institutions.

All the regulations to which she had referred showed the importance and necessity of close collaboration between the private organisations and the public authorities.

Mr. COHEN said that every member of the Committee would agree that remarkable progress had been achieved in the matter of licensed houses. Opinions on the subject had in the early days of the Committee been divided, and there had often been extremely vehement discussions. The present discussion was entirely amiable and there was now apparent agreement in principle in favour of abolition.

He agreed with M. Posner as to the desirability of giving to the proceedings of the Committee, particularly in regard to the present subject, a wider publicity.

He also agreed that prostitution was largely determined by economic conditions. The problem was not, however, entirely economic, though that aspect was particularly important, at least in Europe.

He desired to thank M. Regnault for his declaration, which would be of the greatest value to the voluntary organisations which were still fighting for abolition. M. Regnault in his declaration had given a practical lead to the voluntary organisations by pointing out that the matter now lay in the hands of the municipalities. In France, women were not often to be found enjoying official position but their influence in local politics was by no means negligible.

He also felt the need for more complete information concerning the results of the abolition of licensed houses in various countries and the transitional measures which it had been necessary to take. At the last session M. Bourgois had suggested that a circular letter should be sent to the various Governments asking for this information. The replies received were not as disappointing as might appear at first sight. It was true that in 1928 only eleven Governments had given information as to what they had done since 1923. It might, however, be inferred from the silence of other Governments which had abolished the system of licensed houses that they had not had any reason to regret their decision or observed any unexpected difficulties. Governments which had discovered that abolition was a mistake would undoubtedly have expressed their views.

It was of course inevitable that there should be difficulties during the period of transition, and that the countries which had abolished the system of regulation should find it necessary to introduce special measures and safeguards. The examples of Germany and Great Britain, however, showed that all these difficulties could be surmounted. He would suggest that the replies of Great Britain, Denmark and Germany should be published, together with M. Regnault's declaration as a separate document, and that this document should be circulated as widely as possible.

He would also suggest that a further circular letter should be sent to the Governments of countries in which licensed houses had been abolished, asking for fuller information regarding the steps which they had taken in the campaign against prostitution and venereal disease. This information would be particularly valuable to countries in which prostitution was still regulated by the State and which were beginning to feel doubtful of the merits of regulation.

## SEVENTH MEETING

*Held on Tuesday, April 23rd, 1929, at 3 p.m.*

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott.

### 222. Abolition of the System of Licensed Houses (continuation).

M. REGNAULT (France) thanked Mr. Cohen for the observations he had made at the previous meeting and, in particular, for his proposal for an enquiry in the abolitionist countries ; that proposal was in accordance with the French Government's views. He also thanked Mlle. Dalmazzo for her remarks and, in particular, for her account of the work done by the devoted women who had not hesitated to penetrate into the lowest quarters of the population.

M. LE LUC (France) said that, having worked for some years with the French authorities dealing with the question of licensed houses, he was acquainted with their views. He would be glad to have definite information on two points in regard to which the French authorities felt some concern. In the first place, how was it possible, if licensed houses, and perhaps regulation also, were abolished, to ensure good order in the streets ? Secondly, what measures were taken to protect the clients of prostitutes from contamination by venereal disease ? He would specially ask Dr. Bäumer and Mr. Harris, who had a long experience of abolition, as to the measures taken in their countries to prevent soliciting in the streets and to deal with women arrested for soliciting. He would also be glad to know the penalties imposed, and what measures were taken to deal with prostitutes or men who had contracted venereal disease. These were the two main objections which the French authorities had had in the past, and would probably continue to have for some time to come, against the reform.

M. AMADOR (Spain) said that he had paid most careful attention to what had been said by the various speakers on this question. He considered that the meeting held that morning and the opinions advanced would mark an epoch in the Committee's work. As Mr. Cohen had said, a new direction had been given to that work. There was no longer any question of controversy between the abolitionist countries and those countries where regulation still existed. The only point at issue was the methods to be adopted in the case of the abolition of regulation. The German representative had given a remarkable account of the measures adopted in her country to deal with venereal disease. The French representative, again, who was the delegate of a country which was known for the breadth of its opinions from all points of view, had outlined the programme of future work in France. Mr. Harris, also, had given a valuable account of what was being done in Great Britain. Mr. Cohen had said that, in view of the Committee's discussion and of the documents placed before it, the time had come to take more energetic steps. An energetic recommendation would act as a stimulus towards the attainment of the Committee's desires.

There was no need for him to give details of the situation in Spain in regard to regulation and abolition, since the position had been fully explained by Don Pedro Sangro at previous sessions, while the Spanish Government's report gave a sufficiently lengthy account of the present situation and showed that Spain was at present going through a period of transition. There could be no doubt that, in the best circles, public opinion in Spain was frankly abolitionist. That question was no longer an issue, though it was true that the populace perhaps did not fully understand the principle at stake.

It had been asked what was to be done about venereal disease if regulation were abolished. It was in this connection that M. Amador paid a tribute to Dr. Bäumer for her account of what was being done in Germany. He pointed out that, under Article 608 of Chapter III of the Spanish Penal Code, persons guilty of co-operating in or protecting the prostitution of two or more persons, whether in Spain or abroad, and benefiting from prostitution, or living on earnings derived therefrom, were liable to from four months' to four years' imprisonment, and to a fine of from 2,000 to 10,000 pesetas. As soon, therefore, as the position was sufficiently ripe to allow of the abolition of regulation, the law as it stood at present would suffice to punish all those who still maintained houses of ill-fame. Mention had been made of the necessity of making laws dealing with the traffic in women universal. M. Amador would draw attention to the fact that, under Article 608, offences of that kind were punishable in Spain even if committed abroad.

Dr. Estrid HEIN (Denmark) thanked and congratulated the French representative on the progress to which he had drawn the Committee's attention.

Dr. Bäumer's statement concerning the treatment of venereal disease was of special interest to Dr. Hein, since the law by which Denmark had abolished regulation in 1906 also included provisions for the methods to be applied for the treatment of venereal disease. The German law appeared to be in complete accordance with the Danish law of 1906, although social relief for patients applying for free consultations in the clinics was better organised in Germany than in Denmark. Anyone could apply to the free clinics, and private specialists in venereal disease were hard hit by that measure, since people had no reluctance in going to the free clinics. If a patient had begun treatment, he had to continue it for as long as the doctor thought necessary. If he did not do so, he was denounced to the health authorities and received a caution to attend for treatment. If he failed to turn up, he received a warning from the police and was forced to undergo treatment. The same measures applied if the patient did not finish his treatment. It might be supposed, however, that very few patients suffering from venereal disease failed to present themselves for treatment, and a very insignificant number had to be fetched by the police. The efforts made in Denmark and in many other countries had been such as to facilitate the treatment of venereal disease without forcing any particular class of people, whether women or men, to attend under police control.

It was on this account that Dr. Hein regretted a rumour that the Committee on Seamen's Welfare in Ports had recently passed a recommendation for the enforcement of the strict medical control of women who had illicit intercourse with men, and she wished to ask the Secretary whether she had any information to give concerning that recommendation. If the report were true, Dr. Hein could not but deplore it, for it was in entire opposition to the efforts of the Committee and to the Experts' report. The recommendation referred only to the control of women having illicit intercourse with men and was intended to protect seamen in particular. It took no account of the necessity of controlling seamen who had illicit intercourse with women, and Dr. Hein would have thought that such control would have been all the more necessary in that seamen made voyages round the whole world and were specially liable to infect others. The only right point of view was that sexual intercourse was indulged in at the risk of either party and that it was essential to hinder the spread of venereal disease by giving all persons full opportunities for treatment. Dr. Hein hoped that the Committee would join her in a strong protest against the recommendation.

The SECRETARY said that a recommendation in the sense referred to by Dr. Hein had been voted, but she suggested that it would be better if she postponed her statement on the matter until the Committee had concluded its discussion on the question now before it.

The CHAIRMAN agreed.

Mme. ROMNICIANO (Roumania) believed that there was no Government which was not giving full and careful consideration to the question of abolition. That question had become one of reality. The pamphlet mentioned by M. Posner that morning might be of great value to countries where regulation still existed.

While it was true that this question was largely economic and moral, she would point out that it was also one of education. She would therefore ask Dr. Bäumer to give a short summary of the measures taken in Germany for the education of the masses, since Article 2 of the German Law laid down that it was the duty of every German citizen who had contracted venereal disease to obtain treatment. It would be interesting to know what had been done to bring the terms of that article to the attention of the people in general.

BARONESS DE MONTENACH had noted the Polish representative's statement that the questions of the housing shortage and of insanitary housing were of great importance and that, where such conditions prevailed, prostitution was bound to flourish. In this connection, she suggested that a beginning might be made at the top of the social scale and that the well-to-do might be requested to cut down their expenditure on luxuries and to turn their attention to the accommodation provided for their servants. In many of the big cities, servants were lodged in dangerous promiscuity in rooms situated on the sixth or eighth storey of flats.

M. MAUS (Belgium) recalled that the statements made by the Belgian representative to the Committee had always been openly in favour of abolition, and yet the regulation of prostitution still existed in his country. This contradiction was due to the fact that the measures for the regulation of prostitution were entrusted to the communal authorities under the law which had been passed as long ago as 1836. Owing to the national history, in which the communes had played a particularly brilliant part, it would be difficult to lay hands on their autonomy, since any attempt to do so would be liable to raise a storm. M. Maus nevertheless hoped that it would be possible to induce the communes to abolish regulation.

He had asked the Secretary to distribute to the Committee a Bill prepared by M. Lejeune, not because he altogether shared the views embodied in it, but in order to pay a tribute to the memory of that great philanthropist. The Bill, too, was interesting because, though the Committee was prepared to go further than many of its provisions, it had represented a very advanced stage at the date at which it had been framed.

The question before the Committee, as it appeared to M. Maus, was as follows. The Committee had asked the Council to request the Governments to consider whether it might not be expedient to consider the abolition of licensed houses. There was general agreement as to the disadvantages of the system of regulation and licensed houses, but the question raised was, What was to be put in their place? The point which the non-abolitionist countries desired to know was what had been done, in those countries in which abolition had been adopted, to deal with the consequences arising from abolition, and whether abolition had created any special difficulties. In this connection, it was a remarkable fact that no abolitionist Government had mentioned any particular difficulties, and their silence as to such difficulties, which had always been alleged to be insurmountable, was extremely eloquent.

It was generally admitted that the administrative authorities should be dispossessed of their powers to regulate prostitution, but the question arose as to the measures which in that event were to be taken to safeguard public order and health. In this connection, M. Maus would first remind the Committee that, at the Conferences held in Brussels in 1899 and 1902 on prophylaxis and venereal disease, particular emphasis had been laid on the fact that minors were the most active agents in spreading such diseases. The greatest danger came from prostitutes who were minors. In many legislations, minors under 16 years of age were dealt with in the juvenile courts, where the magistrates were empowered to send them for education to reformatories. There were many such reformatory homes in Belgium, where the minors, in addition to education, received specialist treatment in accordance with the most up-to-date methods. M. Maus suggested that the Committee should go further, and should recommend that all prostitutes who were minors should be sent for reformatory education. Such a measure would have the best possible effect, not only from the moral, but also from the health point of view.

Another question involved in the abolition of licensed houses was that of the preservation of public order. In this connection, M. Maus would propose that the administrative measures in existence heretofore, by which prostitutes were tracked down, should be replaced by ordinary legal measures providing for punishment in the case of offences against public order. Soliciting and provocation to commit offences against public order should be punishable. Procureur général Bulot (Paris) had submitted proposals for a law which was similar to the English laws on soliciting. These laws should be applicable to men and women alike, since it could not be denied that men provoked or enticed girls and young women to offences which were against public order. Again, the penalties at present inflicted in many countries for soliciting should be increased. Prostitutes were apt to consider the existing penalties as an ordinary part of their profession and the multiplication of small penalties tended to bring the administration of the law into disrepute. For this reason, the offence of soliciting should be assimilated to that of vagrancy, or punished like provocation to commit an indecency, by not less than two or three months' imprisonment, so that the prostitute would be prevented from exercising her profession for a sufficiently long time to deter her from repeating the offence.

Another point which required attention was that of the protection of public health. In this connection, two opposite tendencies might be observed. Under the old regime—that was to say, before the French Revolution—the monarch enjoyed absolute power; he was not supposed to respect the liberty of citizens; he took preventive measures such as censorship and “lettres de cachet”. Under the modern regime, on the contrary, the liberty of citizens was sacred in so far as public and administrative powers were concerned. In case of infractions of the laws, penalties were inflicted only by the courts.

Under modern ideas, sick persons, and in particular minors, should be looked after when they had been condemned by the courts. Contamination should be made an offence and charlatanism, such as the advertisement and sale of quack medicines, should be punished. Voluntary, secret and free treatment of venereal diseases should be organised. This system had given splendid results in England; the annual figure for venereal contamination in the Army was 245 per 1,000 in 1882 when the Acts were abolished; in 1905 it had fallen to 90 per 1,000, and this was before the discovery of the syphilis microbe and of modern medical preparations.

In Belgium, the regulations obliged several hundred women to submit to medical inspection and they avoided it as much as they could. The voluntary, secret, free treatment, on the contrary had resulted in 425,000 spontaneous consultations in a year. Dr. Bayet had stated at the Academy of Medicine that syphilis had diminished by nine-tenths in five years, whereas it had formerly continued to increase despite regulation.

In view of the failure of regulation, a system had been evolved based on the ideas of the old regime, which disregarded the liberty of citizens. It was proposed that the health administration should be given that absolute power which, under the old regime, had belonged to the monarch and, under the system of regulation, to the *police des mœurs*. Prostitutes should seek treatment voluntarily and, if they did not, they would have to be forced to do so by the health administration. Doctors would bring to the notice of the health authorities the case of any person who had contracted a venereal disease, or would give that person a warning and inform the health authorities if she did not have treatment. According to certain

methods now in use, doctors were required to examine suspects and, if venereal disease was found, treatment was imposed on the patient and supervised by the administrative authorities.

There were great objections to that method. In the first place, it was contrary to the modern tendency in legislation ; in the second place, it could not be applied universally ; it would only be applied to women, and only to women in the poorest class. No one could suppose that an influential politician or a woman having influential friends would consent to police supervision of his or her treatment. Such a system amounted to giving the administration legal authority to continue the regulation of prostitution, and to impose medical examination on the poorest class of women, as indeed was shown by the reports on the system as used in certain North American States. This system might be called a kind of neo-regulation, since it conferred on the health administrations powers formerly held by the police. It was absurd to suppose that public health could be ensured by compulsion. Dr. Bayet had stated that compulsion rendered the treatment odious, and that, in order to become customary, treatment must be voluntary. That view was shared by a large number of the medical profession.

M. Maus would therefore propose that the Committee should place entire confidence in the efficacy of free, secret and voluntary treatment. There was great danger in placing discriminatory powers in regard to treatment in the hands of the public authorities, even of the medical authorities ; this could be proved by what had taken place in the United States of America. When such vast powers were given to the administration there were bound to be abuses.

There was another objection to compulsory treatment. The health administration only concerned itself with bodily health. The spiritual side of man, however, must not be neglected. Every human act had a moral side and a social effect. An individual must be treated from the point of view of the man as a whole ; that is to say, his spiritual and moral interests. The contrary system was mere materialism. The spiritual and moral interests of humanity were on a higher plane than physical interests and should be given greater importance.

M. Maus agreed with what M. Posner had said concerning the economic causes of prostitution, and on that account he would emphasise what had been done in England by providing healthy distractions for soldiers in order to combat prostitution. It was necessary also to help women who had become prostitutes owing to their poverty.

In conclusion, if the Committee agreed that regulation should be dispensed with, M. Maus thought an international convention on the subject, binding the Governments, would not be practicable, but that it would suffice if the Committee were to make a recommendation. He would, therefore, submit the following draft resolution :

“ The following measures are likely to prove more effective in protecting public health and order than the regulation of prostitution, and they have none of the disadvantages of the latter system :

“ 1. The courts should be empowered to order a prolonged period of reformatory education for minors engaging in prostitution ;

“ 2. Incitement in public places to commit prostitution, and the exploitation of the prostitution of others in its various forms, should be made a punishable offence without distinction as to sex ;

“ 3. Arrangements should be made for the voluntary and secret treatment of venereal disease, free of charge ;

“ 4. The culpable communication of a venereal disease should be made a punishable offence ;

“ 5. Charlatanism—that is to say, the advertising of remedies against venereal disease—should be made a punishable offence. ”

M. Maus wished to add, in conclusion, that, if, in addition to the foregoing measures, a country desired to enact other laws, that was a matter for its own consideration. With the measures which M. Maus had proposed, the Committee would be able to say that it was perfectly possible to abolish regulation.

M. Iro (Japan) noted with regret that few Governments had replied to the request which, on M. Bourgeois' proposal, the Committee had, in the previous year, decided to make with a view to obtaining information upon the best methods to be adopted to secure public order and health in the event of the abolition of regulation. He wished to pay a particular tribute to those representatives, and more particularly to Mr. Harris and Dr. Hein, who had given so complete an account of the measures taken in their countries. He would also thank Dr. Bäumer for her valuable account of the measures taken in Germany to prevent the spread of venereal disease.

In regard to the measures adopted in Japan for the combating of venereal disease, a law had been put into force on September 1st, 1928. The basic principles on which that law was founded were (1) that anyone guilty of spreading venereal disease should be liable to punishment ; (2) provision by the Government of free or cheap treatment according to the circumstances of the patient ; (3) the existence of regulation in the sense of strict rules governing medical practice and the sale of medical preparations. As the law had only been put into execution in the latter part of the previous year, M. Iro was unable to give any information on the results obtained, but hoped to be able to do so at the next session.

His colleagues would remember that, when the Committee began its discussion on the reports from the voluntary associations, M. Ito had said that he would, later in the session, make a statement on the part played by the voluntary associations in Japan.

He would first thank all the voluntary associations for their activity in his country and especially for extending their admirable work to the Far East. Almost all the reports from the voluntary associations submitted to the Committee referred to their work in the Far East. As M. Ito had said in the previous year, in spite of the efforts of the voluntary organisations, the century-old system of regulation existing in the Far East had not been stamped out. It could not, indeed, be expected to disappear at once. In Japan, however, there was no law for the regulation of prostitution. The measures taken to that effect were entirely in the hands of the local authorities, who could therefore abolish or maintain regulation at their discretion. This fact offered a great opportunity for the work of the voluntary organisations. M. Ito was glad to note the great increase in their efforts in Japan. It was thanks to their endeavours that, at the end of the previous year, the provincial assemblies in four prefectures had passed resolutions in favour of abolition. The results of those resolutions would be awaited with interest.

The question of abolition had often been before Parliament and had been raised again this year, but in a somewhat different form. It was on the initiative of a Socialist deputy, supported by a Radical deputy, that a Bill had been presented to Parliament, proposing the abolition of regulation, not immediately, but within five years. The Bill had been discussed by Parliament on March 19th and an animated debate had taken place in which twelve speakers had taken part. The Bill had been sent with other Bills of a cognate nature to a Commission for examination, the results of which were not yet known. It was due to the efforts of the voluntary associations that this Bill had been submitted to Parliament. The rôle they had played was therefore a very important one, but it might be still more important in the future, and their endeavours, if continued, would no doubt be crowned with success.

Mme. AVRIL DE SAINTE-CROIX warmly supported the views of Baroness de Montenach concerning lodging conditions of young servant girls and hoped that the Committee would give her proposals the consideration they merited.

She thanked M. Maus for his remarks concerning the education and treatment of minors. Much remained to be done in that field. The question was not that of the punishment of offenders but of their education and of affording them favourable conditions for their moral development in a humane atmosphere different from that of a prison; namely, in a school or home where they could be morally helped and rehabilitated. They must be placed in a good environment and, if possible, honest families must be found to house them.

Mme. Avril de Sainte-Croix was not a doctor by profession, but she had for a long time been a member of a French Association for the prophylaxis of venereal disease and of the Prophylactic Institute, and she wished to stress the point made by M. Maus that the improvement in the incidence of venereal disease was not due so much to modern medical discoveries—although these had undoubtedly made the task of reducing venereal disease easier—as to the three great principles of free (or very cheap), secret and voluntary treatment, which had resulted in an enormous improvement in the venereal disease curve.

She would pay, in particular, a tribute to the Italian Government, which had been the first to recognise the danger of venereal disease and had decreed that treatment should be free and that, as was so necessary, the travelling expenses of poor patients from outlying districts should be met by the State. Professor Santoliquido, Head of the Italian Public Health Department, had stated that, when free treatment was first instituted in Italy, the venereal disease curve was rising constantly, that it had at the outset remained stationary or even risen, but that later it had fallen very considerably. This was due to the adoption of the three principles enunciated by M. Maus.

M. REGNAULT (France) noted that M. Maus had attributed the improvement in the statistics relating to venereal disease to the closing of the licensed houses. M. Regnault would point out, however, that the number of cases of venereal disease was decreasing in all countries. This decrease was largely to be ascribed to the introduction of new rules for the treatment of persons attacked by the disease, and particularly to the system of free treatment.

Belgium was now beginning an interesting experiment. In certain Belgian towns, the licensed houses had been suppressed, but at Brussels they had been reopened as the result of scandals. The French Government was not in favour of radical action and of shutting the licensed houses without any preparation, because it did not wish to be obliged to rescind its decision. It wished to have more complete information on the subject.

M. MAUS (Belgium) agreed that the improvement in the statistics to which he had referred was largely due to the system of free treatment. The introduction of free treatment in Belgium had been followed by a very great increase in the number of persons who presented themselves for such treatment. In Great Britain, in 1882, the proportion of men tainted by venereal disease in the Army had been 245 per 1,000, but in 1905, after the institution of the system of free treatment, this proportion had decreased to 90 per 1,000. In Belgium, the incidence



of venereal disease had been reduced by nine-tenths as a result of the institution of this treatment.

M. Regnault had referred to the temporary suppression of licensed houses in Belgium. This suppression had been effected in Antwerp and in Brussels. When the houses had been suppressed in Antwerp, an agitation had been set up by certain newspapers as a result of scandals which had occurred in places of entertainment. The Burgomaster had summoned the Chiefs of Police, had told them that, while he believed that they had served him loyally under the old system, he noticed that their efficiency was no longer as great under the new one, and had threatened them with dismissal unless they performed their duties in a more satisfactory manner. In forty-eight hours the scandals had ceased. They had given rise to judicial proceedings, during which it had been definitely proved that they had been instigated by the owners of the licensed houses. An article published by Senator Le Bon of Antwerp had exposed the doubtful part played by the police in this matter. So far as Brussels was concerned, M. Maus doubted whether the police had evinced much goodwill for the success of a new system which would suppress their powers. He would point out that the Mayor of Colmar had attributed the satisfactory transition from the old to the new system to the staunch support of the police of that town.

Mr. HARRIS (British Empire) said he had listened with great pleasure to M. Regnault's statement. The Committee knew that the opinions which M. Regnault expressed were always governed by the highest interests of morality, but in a matter of this kind the attitude of a Government had to be determined by public opinion. It was interesting to hear that public opinion in France was changing. Mr. Harris did not believe that any abolitionist country had a simple or complete solution of the problem to offer. Those countries, however, did claim that their methods were more successful than the regulationist system, especially in reducing the evils of commercialised prostitution; that is to say, in getting rid of the third party element. So far as Great Britain was concerned, he had already given the Committee information on this point which did not give any ground for thinking that the troubles which some people thought would arise if regulation were abolished were likely to arise in practice.

Mr. Harris also pointed out that medical opinion had undergone a great change in favour of the new methods of treating venereal disease as compared with regulation.

M. Le Luc had asked him for further information with regard to the method of treatment for venereal disease adopted in Great Britain and the steps taken for the preservation of public order. Mr. Harris would be pleased to transmit this information to him. As regards the preservation of public order, he pointed out that the problem concerned countries with a system of regulation as well as the abolitionist countries, since even where there was regulation there was a large amount of clandestine prostitution, and this problem would remain whatever system was adopted.

Mr. Harris said he had not been able to examine closely the methods adopted in Germany and Denmark for the treatment of venereal disease as described by Dr. Bäumer and Dr. Hein, but he gathered that there was an element of compulsion. It was necessary to watch carefully any proposal for compulsion, because it might lead to something like a return to regulation. There would certainly be great opposition in Great Britain to anything which involved the compulsory examination of a section of the population.

Mr. Harris then submitted the following draft resolutions :

"The Committee welcomes the evidence which has been furnished to it by several members as to the growing changes in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries."

"The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear."

"The desire of the Committee is to study as closely as possible the various means by which the problems arising out of prostitution are being dealt with in countries which have not adopted or which have rejected the system of the registration of prostitutes and of licensed houses. These problems include the spread of venereal diseases, the exploitation of women for the purposes of vice, the increase of clandestine prostitution, the preservation of public order, etc."

"The Committee recommends that the Council should cause a further communication to be sent to Governments asking them to be good enough to give all the information possible so as to enable the further study of the question by the Committee to be carried out."

M. POSNER (Poland) wished to suggest an amendment to Mr. Harris's second resolution. He believed that it would be preferable to apply for the information desired not to Governments but to the voluntary associations. It frequently occurred that Governments had not sufficient time to devote to the compilation of a satisfactory reply, and there had been cases of the receipt of identical replies from Governments on two or three consecutive occasions. Moreover,

this reply was transmitted through the medium of officials, some of whom were partisans of the system of regulation and consequently did not always give entirely frank information.

M. Posner recalled that he had referred, at the preceding meeting, to the lack of adequate housing accommodation in towns as a source of prostitution. This lack of such accommodation was one of the post-war evils. When several families were housed together in one small apartment, it was only to be expected that prostitution would occur. M. Posner wished to call attention to the generous action of a Warsaw banker who had offered an entire floor of a working-men's building to the Women's Associations, requesting them to organise on this floor single rooms for working women at low rentals.

M. Posner said that he had been pleased by Baroness de Montenach's corroboration of his statement with regard to the dangerous situation of many women in domestic service in large towns. A frequent cause of distress among such women was unemployment during the temporary absence, for instance on a holiday, of the family for which they had been working. As a result of this unemployment, these women often ran the risk of being contaminated against their will.

M. Posner proposed, therefore, that the Secretariat should put the question of the situation of women in domestic service on the agenda of the next session.

M. REGNAULT (France) thanked the Belgian representative for his explanations on a point which had been somewhat obscure to him.

M. Renault thought, as did Mr. Harris, that measures of reform should not be enforced before public opinion was in agreement with the authorities. He supported Mr. Harris's resolution, though he did not wish to exclude the possibility of enquiry by means of the voluntary associations.

Dr. Gertrud BÄUMER (Germany) supported Mr. Harris's proposal. She did not believe, that there was any reason to fear that the system of compulsory treatment instituted by the new German law would result in application of this treatment only to women. Hitherto, the percentage of men who had been treated was higher than that of women.

Dr. Estrid HEIN (Denmark) thought that a further appeal for information should be made to Governments and not only to the voluntary associations, as M. Posner had suggested. She was convinced that a change of attitude might be expected in France and other non-abolitionist countries. Dr. Hein was prepared to support Mr. Harris's resolution, which the French representative had accepted.

M. MAUS (Belgium) pointed out that the information which it was most important to obtain from Governments was that relating to the "means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution".

He agreed with M. Posner's proposal that application should be made to the voluntary associations.

Mme. ROMNICIANO (Roumania) agreed with M. Posner that it would be preferable to apply for information to the voluntary associations, which would show a greater interest in furnishing this information. Government officials were frequently overworked and did not always fully understand the importance of such information.

Mme. Romnicianso wished to point out that the success of the new system in Roumania was largely to be attributed to the preparation of public opinion by the voluntary associations, previous to the introduction of that system.

M. AMADOR (Spain) supported Mr. Harris's proposal. He thought, however, that application should be made to both Governments and voluntary associations, and that the replies received from each should be compared.

Mr. COHEN thought that the first draft resolution submitted by Mr. Harris would be accepted by all as an expression of opinion. He believed that the second would also be adopted, as amended by M. Posner and M. Renault. As an instance of the value of information submitted by private organisations it was only necessary to recall the excellent memorandum submitted by the British Social Hygiene Council.

Mr. Cohen wished, however, to ask M. Maus to reconsider his resolution, and to withdraw it for the time being. He thought that this resolution was premature, and that it would be preferable to postpone its consideration until the next session, when the Committee would have fuller documentation at its disposal.

Mr. HARRIS (British Empire) agreed with Mr. Cohen that the resolution submitted by M. Maus was premature, and supported the suggestion that its consideration should be deferred.

M. MAUS (Belgium) said that he would be prepared to withdraw his resolution, in order to submit it again when further documentation had been obtained. He wished, however, to press his suggestion that the information requested in Mr. Harris's resolution should be more exactly defined.

Mr. HARRIS (British Empire) said that he would be glad to accept M. Maus's amendment to his suggestion.

*The first resolution proposed by the British representative was adopted.*

*The second resolution proposed by the British representative, amended by the representatives of Poland, France and Belgium, was adopted in the following form :*

" The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.

" The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.

" The Committee recommends that the Council should cause a further communication to be sent to Governments asking them to be good enough to give all the information possible so as to enable the further study of the question by the Committee to continue. "

**223. Question of publishing in Booklet Form the Resolutions and Certain Parts of the Records of the Committee.**

M. ITO (Japan) wished to raise a point in connection with M. Posner's proposal that the principal speeches delivered in the Committee, and resolutions passed by it, should be published in booklet form. He recalled that the Committee already intended to ask the Council that its Minutes should be printed and that the financial question would have to be considered. M. Ito would therefore ask the Polish representative to leave the question of the publication of these documents to the discretion of the Secretariat.

The SECRETARY said that the Secretariat would be very glad to consider this question, if instructed to do so by the Committee.

Dr. Gertrud BÄUMER (Germany) said that she would not be prepared to agree to the publication in its present form of her statement with regard to the new German law relating to venereal diseases. She would have no objection, however, to the inclusion of this statement in the Minutes.

M. POSNER (Poland) said that his proposal for perpetuating for several generations the record of the services of the Committee to the welfare of humanity, a proposal which had been hailed at first as a stroke of genius, now seemed to have undergone a complete collapse. He was convinced, however, that this proposal would be raised once more on some future occasion. It seemed to him highly desirable that the introduction of the new German law on venereal diseases, which he considered a great triumph in the Committee's cause, should be preceded by a commentary, and he would urge, therefore, that the Secretariat should undertake the task of editing this law.

(The remainder of the discussion was adjourned to the next meeting.)

---

**EIGHTH MEETING**

*Held on Wednesday, April 24th, 1929, at 10 a.m.*

---

*Chairman : M. Ito (Japan), Vice-Chairman.*

**Present :** All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli and Miss Abbott.

**224. Abolition of the System of Licensed Houses (Continuation) : Recommendation passed by the Sub-Committee on Seamen's Welfare in Ports of the Joint Maritime Commission for Strict Medical Control of Women having Illicit Intercourse with Seamen in Ports.**

The SECRETARY reminded the Committee that on the previous day Dr. Hein had asked her whether she could give any information concerning the recommendation made by the Sub-Committee on Seamen's Welfare in Ports of the Joint Maritime Commission for the strict medical control of women having illicit intercourse with men.

The Secretary's attention had been called to the fact that a recommendation in that sense which had been passed in 1926 by the Sub-Committee on Seamen's Welfare in Ports, and which had subsequently been approved in spirit by the Joint Maritime Commission and by the Governing Body of the International Labour Office, was to be submitted to the Maritime Session of the International Labour Conference to be held in October with a view to the examination of the possibility of sending to the Governments a recommendation along those lines. The recommendation passed in 1926 by the Sub-Committee on Seamen's Welfare in Ports with a paragraph added by the Joint Maritime Commission in 1928 was as follows :

- " 1. That the transmission of venereal disease should be a punishable offence ;
- " 2. The adoption of prophylactic measures against venereal disease ;
- " 3. Strict medical control of women who have illicit intercourse with men."

When Dame Rachel Crowdy had heard that this recommendation was to be considered at the Maritime Session of the International Labour Conference, she had immediately realised that it was necessary to take some action at once unless the recommendation, which appeared to be at variance with the discussions that had taken place in the Committee, with the report of the experts and with the Assembly's resolution of 1928, was to be approved by the Conference. She had felt that if the recommendation of the Sub-Committee on Seamen's Welfare in Ports went to the Governments as a recommendation of the Conference, the consideration by the Governments of the whole question of regulation might be prejudiced, and that, further, the Governments would be placed in the very awkward position, of having committed themselves to two very different policies. She had accordingly got into touch with the Director of the International Labour Office who had asked her to prepare an objective memorandum containing an account of the action taken by the Traffic in Women and Children Committee in regard to the investigation of this question of State regulation. Dame Rachel Crowdy had complied with this request and had sent M. Albert Thomas a memorandum on the lines indicated, together with the following covering letter dated April 10th, 1929 :

" My attention has been called to the fact that it is proposed to circulate to all Governments the report of the Sub-Committee on Seamen's Welfare in Ports as part of the grey report on this item of the agenda of the 1929 Maritime Conference.

" The Sub-Committee's report contains a recommendation for strict medical control of women who have illicit intercourse with men. It is felt that this recommendation differs greatly in spirit from the recommendations which have been made from time to time, in connection with State regulation, by various organs of the League.

" I should be glad, therefore, if you would be good enough to bring the attached memorandum to the notice of the Joint Maritime Commission at its coming session. Perhaps in the light of facts contained therein it may be found possible to withdraw Recommendation A 6.

" The eighth session of the Traffic in Women and Children Committee opens at Geneva on April 19th, and the question of the abolition of the licensed house figures on its agenda. The recommendation of the Sub-Committee on Seamen's Welfare in Ports will undoubtedly be subjected to great criticism and I should be glad, therefore, if possible to be able to inform the Committee before the end of its session of any decision which the Joint Maritime Commission may take in connection with the recommendation."

In reply she had received the following letter from the Director of the International Labour Office dated April 22nd, 1929 :

" I have the honour to acknowledge the receipt of your letter of the 10th instant bringing to my notice a memorandum on Licensed Houses, Registration of Prostitutes and their Medical Control.

" In view of the fact that the abolition of licensed houses figures on the agenda of the eighth session of the Traffic in Women and Children Committee, and of your feeling that Recommendation A 6 of the Sub-Committee on Seamen's Welfare in Ports is likely to provoke criticism, I shall be happy to bring the memorandum in question to the notice of the Joint Maritime Commission in the course of its ninth session which opened in Paris on the 18th instant.

" The Commission will doubtless give this memorandum very careful consideration, realising the importance of preventing, as far as possible, the expression of divergent views by different organs of the League of Nations."

On April 23rd she had received the following additional communication from the Deputy Director of the International Labour Office :

" I have the honour to inform you that your letter of April 10th, 1929, relating to the report of the Sub-Committee on Seamen's Welfare in Ports, together with the attached memorandum, were laid before the Joint Maritime Commission at its session held in Paris on April 18th to 20th, 1929.

“ The Joint Maritime Commission referred the matter to the Sub-Committee on Seamen's Welfare in Ports, which met during the course of the session and adopted a report. The report was submitted just before the close of the session, and the Joint Maritime Commission did not feel it possible to make any pronouncement on it; it considered, however, that the report, as it stood, should be communicated to you.

“ The whole question will, as you are aware, come before the International Labour Conference in October, and the Office will, in the grey report which will be submitted to the Conference, reproduce your memorandum and the report of the Sub-Committee.”

The text of the report adopted by the Sub-Committee on Seamen's Welfare in Ports and mentioned in the letter from the International Labour Office was as follows :

“ The Sub-Committee have carefully considered the communication from the Social Questions Section of the Secretariat of the League of Nations with regard to Recommendation A 6 of their report on Seamen's Welfare in Ports.

“ The Recommendation proposed :

- “ ‘ 1. That the transmission of venereal disease should be a punishable offence ;
- “ ‘ 2. The adoption of prophylactic measures against venereal disease ;
- “ ‘ 3. Strict medical control of women who have illicit intercourse with men.’

“ As regards the first two of these proposals we presume that there is no difference of opinion between us and the Traffic in Women and Children Committee. As regards the third proposal there seems to be a serious misunderstanding. The Sub-Committee did not suggest, and never intended to suggest, that licensed houses were desirable. On the contrary, as the memorandum enclosed in Dame Rachel Crowdy's letter points out, the weight of the evidence printed in the appendices to our report is against their maintenance. On the other hand, the Sub-Committee could not close its eyes to the fact that prostitution is officially recognised, and licensed houses are permitted by the national or local authorities in the ports of a number of countries. Without expressing any opinion as to the desirability of such a system, we consider that, where it still exists, strict medical control of women is necessary, in order to minimise the danger of disease to which seamen are particularly exposed in ports where the system obtains. In many cases women are even permitted to send their cards on board vessels arriving in port. Where such or similar conditions exist, there is an obligation on the authorities to ensure as far as possible that seamen are not exposed to infection.

“ The Sub-Committee feel strongly that the position of seamen is peculiar, and needs special consideration, and it hopes that the League Committee will agree with it in supporting the recommendations it has put forward in the sense in which they are intended to be understood.”

The Secretary added that in her memorandum to the International Labour Office she had dealt only with the third paragraph of the Sub-Committee's recommendation, that calling for strict medical control of women having illicit intercourse with men. She had further observed that it was on the basis of certain passages in reports from the Norwegian consular authorities that the Sub-Committee on Seamen's Welfare in Ports had held its discussions, and had adopted its recommendation and she had pointed out in her memorandum that the only references made in those reports to medical control showed rather the ineffectiveness than the adequacy of such control and that, therefore, the inference drawn from the reports appeared to be incorrect.

In conclusion, she wished to say that the International Labour Office had shown great understanding of the situation, and had been extremely helpful to herself in every way. It was at the request of the Labour Office that she had prepared her memorandum which was not intended to express any opinion, but merely to place at the disposal of the Maritime Conference fuller information than it at present possessed. At the time at which the report of the Sub-Committee had been drafted, the authors were apparently in entire ignorance of any of the recommendations which had been passed either by the Traffic in Women and Children Committee or by the Assembly on the subject of State regulation and medical control.

The CHAIRMAN pointed out that the question raised in the first instance by Dr. H\*<sup>n</sup> did not appear on the agenda of the Committee, and he would therefore be glad to have the opinion of his colleagues as to whether they had had time to give the matter sufficient consideration to make it possible to discuss it at the present session. The question had been placed on the agenda of the Maritime Session of the International Labour Conference to be held in October.

If the Committee wished to discuss the question he thought that it could be taken up in connection with the discussion on the abolition of licensed houses.

Dr. Estrid HEIN (Denmark) expressed her gratitude to the Secretary for her answer to the question she had herself raised on the previous day and for the initiative she had taken *vis-à-vis* the International Labour Office.

Dr. Hein hoped that the Committee shared her view. She did not wish to repeat the observations she had made on the previous day. She feared that there might be a divergence of opinion among the members of the Committee upon the substance of the question, but was sure that all members would agree that the Sub-Committee on Seamen's Welfare in Ports had chosen a very inconvenient moment to pass its recommendation. Some twenty-eight countries had abandoned the system of medical control and others were on the point of doing so. In the resolution which she was about to propose, Dr. Hein did not accordingly ask the members of the Committee to take any definite standpoint in regard to the substance of the question. She proposed only that the Committee should request the Maritime Conference not to take up any definite standpoint, and not to express any opinion which would prejudice an impartial study of the whole question. Her resolution was as follows :

“ The attention of the Traffic in Women and Children Committee has been drawn to the resolution passed in 1926 by the Sub-Committee on Seamen's Welfare in Ports which recommends that strict medical control of women who have illicit intercourse with men should be enforced, to its further recommendation that it should be left open to each country to institute such control and to the report of the Sub-Committee on Seamen's Welfare in Ports of April 19th, 1929, which contains the explanation of these recommendations.

“ The Committee feels sure that when these recommendations were approved by the Joint Maritime Commission it had not been informed of the recommendations made from time to time by various organs of the League and, particularly, the findings of 1927 of the special body of experts appointed by the Council to enquire into the extent and causes of the traffic in women and children.

“ The Committee desires to draw the attention of the Joint Maritime Commission and the Joint Maritime Conference to the resolution passed in the following terms by the Assembly of the League of Nations :

“ ‘ The Assembly . . .

“ ‘ Requests the Traffic in Women and Children Committee to examine as soon as possible the question of the desirability of recommending to all Governments the abolition of the system of the licensed house ;

“ ‘ . . . earnestly recommends Part I of the report, and especially its conclusions, to the study of the Governments of all States Members and Non-Members of the League of Nations. ’

“ In the circumstances, the Traffic in Women and Children Committee thinks that the Joint Maritime Commission will agree that any such recommendation as that passed by the Sub-Committee may prejudice an impartial study of the situation by Governments which are parties both to the International Labour Organisation and the League of Nations.

“ It therefore earnestly requests the Joint Maritime Commission to reconsider the situation with a view to the final adoption of a resolution in complete harmony with the spirit of the recommendations made from time to time by the organs of the League of Nations.

“ The Committee understands that the memorandum submitted by its Secretary which makes mention of certain findings of the experts' report and which includes the resolution of the Assembly of 1927 will be reproduced in the grey report to be submitted to the Joint Maritime Conference in October. The Committee hopes that the present resolution will also be included in that document.”

M. REGNAULT (France) raised a point of order. Dr. Hein's resolution had been submitted under somewhat unusual conditions, since the great majority of the members of the Committee had had no previous knowledge of the question, and this was the first occasion on which they had heard of it. They were, therefore, at a disadvantage as compared with other members of the Committee who seemed to have had cognisance of the matter beforehand. The question had not been placed on the agenda and Dr. Hein's resolution raised a number of matters which had been given no examination whatever.

M. Regnault, therefore, thought that it would be quite impossible for the Committee to take any resolution on the subject. It was even difficult to discuss the matter because the Committee had not before it the text of the recommendations or of the discussions of the Sub-Committee on Seamen's Welfare or of the Joint Maritime Commission. The Secretary had already taken action, and M. Regnault proposed that the Committee should leave it to her to make a statement as to the position of the matter.

The Committee might content itself with transmitting to the Joint Maritime Commission its conclusions on the subject of State regulation together perhaps with the Minutes of its

discussions. In any case M. Regnault personally could not consent to discuss Dr. Hein's resolution, which was long and detailed, without time for further study.

The CHAIRMAN pointed out that at the beginning of the discussion he had observed that the question was not on the agenda, and he had accordingly asked whether members were prepared to discuss it. No objection had been raised. Two proposals were now before the Committee, that of Dr. Hein and that of M. Regnault, and in these circumstances he would ask his colleagues to confine their remarks to the question whether it was desirable to pass a resolution at once or whether the Committee should content itself for the moment with the steps taken by the Secretary and authorise her to send to the Maritime Conference, together with her memorandum which was entirely objective in character, the Minutes of the Committee's discussion.

The SECRETARY, replying to M. Regnault, said that it was true that the question had come before the Committee somewhat late, but reminded him that she had received M. Thomas's letter only at 6.30 p.m. on the previous evening, so that she had not been aware until the previous night of the attitude that would be taken by the Joint Maritime Commission. At the same time she would urge the Committee very carefully to consider the matter, since the Maritime Conference might either adopt or reject the recommendation of the Sub-Committee on Seamen's Welfare in Ports, or suspend taking a decision, according to the report which it received from the Traffic in Women and Children Committee and to the support which she received from the Committee in the action she had taken.

M. MAUS (Belgium) observed that the Secretary appeared to be apologising for having acted in this urgent matter on her own initiative because the Committee was not in session. Failure on the part of the Committee to approve the action she had taken would amount almost to a disavowal of that action. It was, therefore essential for the Committee to approve what she had done and to call the attention of the Joint Maritime Commission to the incompatibility of the recommendation made by the Sub-Committee on Seamen's Welfare and the work done by the Traffic in Women and Children Committee. The situation would be impossible if two bodies belonging to the League of Nations were to pass mutually incompatible resolutions.

Dr. Paulina LUISI (Uruguay) considered the question very serious. She agreed with what M. Maus had said, but she agreed at the same time with M. Regnault. On the one hand, it was impossible for the Committee to allow the resolutions it had passed to be ignored altogether by other bodies which belonged more or less to the great international confraternity of the League. On the other hand, the Committee could certainly adopt no resolution without further study of the question in all its details. At the same time it seemed that the recommendation of the Sub-Committee on Seamen's Welfare in Ports might destroy all the valuable work done by the Traffic in Women and Children Committee in past years.

The Committee had arrived at the stage at which many of the Governments which hitherto had received its proposals somewhat coldly were now inclined to accept them. The recommendation of the Sub-Committee on Seamen's Welfare might open the door to the reintroduction of the old system. She therefore proposed that the Maritime Session of the International Labour Conference should be requested to postpone its examination of the question until the next session following that to be held in October, so that the Committee would have time to study the matter and to discuss it at its next session.

Mr. COHEN felt from the discussion that the Committee must come to a definite decision on what it was going to do. There could be no question of the necessity of supporting the Secretary in the action she had taken, since all members would agree that the recommendation contained in the report of the Joint Maritime Commission was of a very serious nature and might have the effect of nullifying all the good work that had been done by the Committee. Nevertheless, he saw some reason in the protest made by M. Regnault and other members against placing the question on the agenda without the proper documentation and without full time for consideration.

He agreed with Dr. Luisi's proposal but would put it in the following somewhat different form :

"The Traffic in Women and Children Committee requests the Maritime Conference not to proceed with its discussion of the recommendation concerning the welfare of seamen in ports in so far as it applies to the medical control of women, until it has fully considered the documentation to be supplied by the Secretariat of the League of Nations."

Mr. Cohen thought that his proposal would save further discussion by the Committee and would also have the effect of inducing the Maritime Conference to postpone its discussion of the question.

Mme. ROMNICIANO (Roumania) agreed as to the necessity of supporting the Secretary in the action she had taken. At the same time she associated herself with what M. Regnault had said. The question raised by the Sub-Committee on Seamen's Welfare was of vast importance to all countries with ports. The members of the Traffic in Women and Children Committee had so little information on the question and had been given so little time to consider it, that if they dealt with the matter without further study they might endanger the Committee's prestige. Personally, she would not venture to discuss the matter without further information.

Mr. HARRIS (British Empire) sympathised with the view of M. Regnault. All the members of the Committee were in much the same position, because the question had been brought up unexpectedly, and the Secretariat had not had time to place it on the agenda. It must be recognised, too, that M. Regnault was faced with a special difficulty that he had before him only the English text of Dr. Hein's resolution. At the same time there appeared to be a misunderstanding on the purport of that resolution. Mr. Harris did not think that either Dr. Hein or the Secretary desired a full discussion of the recommendation made by the Sub-Committee on Seamen's Welfare in Ports. It was, indeed, too late in the session to have a discussion on so complicated a question.

Dr. Hein's resolution in point of fact amounted to a statement of the action which had been taken by the Secretary, and it proposed little more than confirmation and approval of her action. Mr. Harris thought, nevertheless, that it would be inexpedient for the Committee, without full discussion, to take a formal resolution on the matter, and therefore he suggested that, without discussing the substance of the question, it should ask the Chairman to include in the report to the Council a short statement giving the facts of the situation and the action taken by the Secretary, and indicating that the Committee approved her action. This proposal would have the advantage of avoiding a long discussion on a subject on which everyone might have much to say.

The CHAIRMAN observed that Mr. Harris had made a proposal which was in the nature of a compromise. The Committee would pass no formal resolution but would merely give an account of the facts in its report and would state that it approved the action taken by the Secretary. He requested the members of the Committee to say whether they approved that proposal.

Mr. JOHNSTON (International Labour Office) did not wish to go into the details of the question, because he understood that the Committee was, at present, merely discussing the point of order. He thought, however, that he should make two matters clear.

In the first place, the recommendation of the Joint Maritime Commission was in point of fact purely a preparatory or preliminary document. It had been prepared by the Joint Commission as part of the documentation to be submitted to the Maritime Session of the International Labour Conference when the question of seamen's welfare came before the Conference. When a question was placed on the agenda of the International Labour Conference the first step, according to its normal procedure, was to discuss the question in its general aspects and, if it decided that the question was suitable for the adoption of a draft convention or recommendation, to draw up a questionnaire to be sent to the Governments for their opinion. In accordance with that procedure, the Maritime Conference, which was to meet in October, would discuss the question of seamen's welfare in ports and, if it considered this question suitable for the adoption of a draft convention or recommendation, it would draw up a questionnaire on the subject. A recommendation would not be adopted, if at all, until the following year, 1930. The question of the medical control of women having illicit intercourse with seamen in ports was merely indicated as one of the points for consideration by the Conference with a view to the preparation of a questionnaire.

Secondly, Mr. Johnston drew the Committee's attention to the fact that Recommendation A 6 of the Sub-Committee on seamen's welfare was only one of twenty points included in its recommendations, and if the International Labour Office had not drawn the attention of the Traffic in Women and Children Committee to the matter, it was because the Office had considered the report of the Joint Maritime Commission to be a purely preparatory document and that therefore the time was not ripe for consulting the Committee.

The CHAIRMAN observed that mention had constantly been made in the Committee of the necessity of unity of action on the part of all the organs of the League of Nations. He understood that the recommendation of the Sub-Committee on Seamen's Welfare in Ports had first been made in 1926. It had only now been brought somewhat suddenly to the attention of the Traffic in Women and Children Committee. He would therefore say on behalf of that Committee, that it would be glad if, in future, the International Labour Office would acquaint it somewhat more promptly, with any subject which the Office might take up which affected its work.

Mr. JOHNSTON, on behalf of the International Labour Office, welcomed the Chairman's suggestion. He would point out, however, that up to the present the procedure of the International Labour Office had been to bring matters of interest to the Traffic in Women and Children Committee before that Committee only when it seemed desirable to have the Committee's views in regard to a draft convention or recommendation that might be adopted by the International Labour Conference. This procedure had been followed two or three years before in regard to a question of emigration.

The procedure adopted in regard to the Child Welfare Committee was somewhat different. According to that procedure, the liaison officer of the International Labour Office presented a report each year on questions dealt with by the Labour Office which were of interest to the Committee. Mr. Johnston ventured to think that this procedure was the more suitable, and added that the Labour Office would be glad to adopt it in regard to the Traffic in Women and Children Committee.

M. REGNAULT (France) thought it unnecessary to continue the discussion. He fully agreed with what the Chairman had said in regard to the importance of not discussing questions which had not been placed on the agenda or given due consideration beforehand. Such a practice would make the entire work of the Committee impossible.



He approved Mr. Harris's suggestion that the report to the Council should contain a passage approving the action taken by the Secretary. After that was done, the matter might be placed on the Committee's agenda for the following year.

The SECRETARY pointed out that the Maritime Conference was to meet in October, and that the Committee would lose its opportunity of intervention if it merely decided to approve the action she had taken and to place the matter on the agenda for the coming year.

Mr. HARRIS (British Empire) asked M. Regnault whether, in view of the fact that the Maritime Conference would meet in October, he was prepared to accept the proposal that the report to the Council should contain a passage indicating the facts and stating that the Committee approved the Secretary's action.

M. REGNAULT (France) replied in the affirmative.

Mme. AVRIL DE SAINTE-CROIX, while understanding the reasons for which certain members did not wish to discuss the substance of the matter, desired to congratulate the Secretary on her initiative and requested the Committee to have full confidence in her and to leave it to her to continue the good work she had begun. In connection, however, with the second paragraph of Dr. Hein's resolution, she thought that the Secretariat should be asked to approach the other organisations of the League requesting them to satisfy themselves that any resolutions taken by them were in accordance with those which had been taken by the Traffic in Women and Children Committee.

The CHAIRMAN observed that, if the Committee adopted Dr. Hein's proposal, it was understood that the memorandum which the Secretary had prepared for the International Labour Office would be sent to the Maritime Conference to be held in October conjointly with the report of the Sub-Committee on Seamen's Welfare in Ports.

Dr. Estrid HEIN (Denmark) said that she was prepared to withdraw her resolution, which had, in the first instance, been intended to express approval of the Secretary's action and the desire that the Maritime Conference should postpone its consideration of the question. As she had said previously, her resolution was not intended as a formal decision of the Committee on the substance of the matter. She was therefore prepared to accept Mr. Harris's proposal.

Mme. ROMNICIANO (Roumania), while agreeing that the Secretary's action should be supported by the Committee, wished to ask the Secretary whether she could (1) show the Committee the correspondence that had taken place with the Director of the International Labour Office ; (2) state the time at which that correspondence had begun ; (3) indicate the contents of that correspondence ; (4) state what replies had been received ; (5) indicate the date of the last letter ; and (6) supply a copy of the Minutes of the meetings of the Sub-Committee on Seamen's Welfare in Ports and of the Joint Maritime Commission at which the question had been discussed.

The SECRETARY replied that only three letters had passed between the International Labour Office and herself. Those letters she had read out to the Committee at the meeting. The last of them had been received at 6.30 on the previous evening.

M. MAUS (Belgium) agreed with M. Regnault that the Committee could not discuss the substance of the question. He would remind the Committee, however, that Dr. Luisi's resolution, which had been amended by Mr. Cohen, was to the effect that the Maritime Conference should be requested not to discuss the subject until the Traffic in Women and Children Committee had had time to examine it. In M. Maus's experience, when a matter had been discussed and approved once, it had every chance of being approved a second time. Mr. Johnston had told the Committee that the documents were purely preliminary. M. Maus thought that, in that case, it would be reasonable for the Committee to say that it would not discuss the recommendation in the present year and that it was accordingly requesting the Maritime Conference to postpone its examination until the Committee had had time to consider it.

Dr. Gertrud BÄUMER (Germany) associated herself with the approval which had been expressed on the Secretary's action in pointing out the divergencies of views on this question held by two bodies of the League of Nations. At the same time, she realised the difficulty of discussing without further documentation this subject, which was one of the most intricate of all those before the Committee. Mr. Johnston's statement, however, had somewhat changed the aspect of the question. If the only point at issue was that of the protection of health, and if the only result of the Maritime Conference's discussions was to be a questionnaire to the Governments, Dr. Bäumer did not see the necessity of adopting a formal resolution. It was hardly possible for the Committee to request the Maritime Conference to postpone a question which it no doubt thought very serious. She suggested, therefore, that the Committee might ask Mr. Johnston to make a statement to the Maritime Conference on the views held by the Traffic in Women and Children Committee and on the work of the experts and their recommendations.

M. AMADOR (Spain) supported what M. Maus had said. Mme. Luisi's proposal, as amended by Mr. Cohen, appeared to him to meet the wishes of the Committee. It showed that the Committee desired to support the Secretary in her action. At the same time he supported

Dr. Bäumer's proposal, since in that way the Committee could approach the Maritime Conference and ask it to suspend further action for the present. At the same time, supposing the Maritime Conference approved a recommendation in the sense of that proposed by the Sub-Committee on Seamen's Welfare, what would happen? The recommendation of the Maritime Conference did not require the approval of the League Assembly, since the International Labour Organisation was an entirely independent body.

The CHAIRMAN declared the general discussion closed, but before putting to the vote the different proposals which had been submitted, he wished to ask the representative of the International Labour Office whether he had anything further to say.

Mr. JOHNSTON (International Labour Office) said that there still appeared to be some misapprehension as to the procedure to be followed by the International Labour Office, the Joint Maritime Commission and the Maritime Session of the International Labour Conference in this matter. The International Labour Office was at present preparing a grey report, that was to say, a preliminary document showing the existing law and practice on the question of the welfare of seamen in ports. It had already been decided that the grey report should include not only the report from the Joint Maritime Commission but also the memorandum from the Secretary of the Traffic in Women and Children Committee, in which she referred to the resolution of the Assembly and to various points in the recommendations made by the experts, and covered the whole ground from the point of view of the Committee. The two points of view, therefore, would be given exactly the same importance in the grey report.

Next, as to the procedure of the Conference itself. It had been suggested that the Conference should be asked to postpone its examination of the question. That was not necessary, because all that would be done at the session in October was to draw up a questionnaire for submission to the Governments. No recommendation would be made. Only at the second session, to be held in 1930, would a recommendation, if any, be made. There was therefore plenty of time for the Committee to express its views.

Mr. COHEN said that, in view of Mr. Johnston's explanations and, in particular, of his statement that the Secretary's memorandum would be included in the preparatory document submitted to the Maritime Conference, he would withdraw his proposal.

Dr. Estrid HEIN (Denmark) asked Mr. Johnston first whether the only work of the Maritime Conference at its next session would be the preparation of a questionnaire and whether there would be no full discussion on the substance of the problem, and, secondly, whether Mr. Johnston would attend the Conference as representative of the Committee.

Mr. JOHNSTON (International Labour Office) replied that the only practical result of the coming session of the Conference would be the questionnaire. A preliminary discussion would, of course, be held in order to prepare it. Secondly, he would attend the Conference as an official of the International Labour Office. It was possible for the Committee, however, to be represented at the Conference since the Secretary, as a member of the Secretariat of the League, could ask to be represented at the Committee of the Conference which would deal with the question of Seamen's Welfare in Ports.

The SECRETARY asked Mr. Johnston whether a Committee of the Conference would be set up to consider the principle of the recommendation made by the Sub-Committee on Seamen's Welfare in Ports before the questionnaire was drawn up.

Mr. JOHNSTON (International Labour Office) replied that a Committee of the Conference would be set up to examine the question with the object of drawing up a questionnaire on the welfare of seamen in ports.

The CHAIRMAN observed that the Maritime Conference was a sovereign and independent body. It was impossible for the Traffic in Women and Children Committee to control its discussions or to exert pressure on it, even for the good of the human race. He would, therefore, ask the Committee whether there was any objection to Mr. Harris's proposal.

Dr. Paulina LUISI (Uruguay) said that, in view of Mr. Johnston's explanations, she withdrew her proposal.

*Mr. Harris's proposal was adopted unanimously.*

## 225. Punishment of Persons who live on the Immoral Earnings of Women.

Mr. HARRIS (British Empire) said that he would be pleased if Miss Wall, as substitute British delegate, would take part in the discussion on this subject (document C.T.F.E. 418). Miss Wall had assisted in drafting the information furnished by the British Government.

Miss WALL (British Empire) recalled that, on the preceding day, the Committee had discussed the question of licensed houses. Another important factor in the illicit traffic was the *souleneur*. Although *souleneurs* might not actually lead women into prostitution, they,

nevertheless, maintained them in that state and found them employment in foreign countries. In some countries there was no legislation particularly relating to these men, and they could only be punished when found guilty of an offence against the laws relating to procurement. Other countries had such legislation but found it very difficult to apply. An example of this was provided by the reference in Mr. Cohen's report to a round-up of *souleneurs* by the Argentine police; the provincial legislation having been inadequate, it had been necessary to release these men unpunished. The report now before the Committee was valuable in that it discussed the strength and weakness of certain representative types of legislation, and it would be of practical assistance to Governments who were engaged in framing new legislation for the prevention of this social evil, or in amending their existing legislation.

With regard to the comparative table of penalties contained in the report, Miss Wall believed that it would be very difficult to establish a common basis of comparison. In the first place, certain terms, such as hard labour, *dépôt de mendicité*, were understood in certain countries only, and the Secretariat had been unable to translate them. Again, certain countries legislated by fixing a minimum penalty, and others a maximum. Miss Wall added that she wished to give an explanation with regard to the provisions of the Canadian Criminal Law. The Committee might be surprised at noting the penalty of ten years imprisonment. It should, however, be understood that this imprisonment could only be enforced in punishment of an offence tried on indictment, that was to say, an offence of so serious a nature that it was necessary to refer it to a higher court than the court of first instance, for trial before a jury.

Miss Wall wished to draw attention to a valuable provision of the English law, on powers of arrest, which was stated in the report as follows :

“ A court of summary jurisdiction has power, in certain circumstances defined by the law, to issue a warrant authorising a constable to enter and search a house and arrest a male person therein who is suspected of living wholly or in part on the earnings of prostitution. In order to exercise this power it is necessary that information be given to the court on oath, and that it be shown that there is reason to suspect that the house in question, or any part of it, is used by a woman for purposes of prostitution, and that the man lives in or frequents the house.”

*Souleneurs* being illusive individuals, wide powers of this kind were extremely desirable, and Miss Wall would suggest that this passage of the English law might be referred to in the general survey.

Miss Wall thought that the report should not be overloaded, and she hoped that the Committee would consider that the legislation that had been studied was sufficiently varied and representative to provide a complete picture of the present situation. She suggested that the report should be made available for Governments and that their attention should be called to the necessity of bringing *souleneurs* to justice.

M. MAUS (Belgium) thought that no attempt should be made to give a definition of the word “*souleneur*” in the text of the resolution, since this word had such different implications in different countries. It would be preferable to follow the example set in the Convention of 1910 and concentrate attention on the facts of each individual case. There were three offences of which *souleneurs* might be guilty. In the first place, they might aid prostitutes in their profession and protect them against the police and the advances of other *souleneurs*, if need be, in the latter case, at the point of the knife; secondly, they might make the proceeds of prostitution a source of livelihood; thirdly, they might recruit women for houses of prostitution. All three were grave offences and should be severely punished.

M. Maus agreed with Miss Wall that the police should have the power of provisional arrest of persons suspected of carrying on the profession of *souleneur*. The period of detention, pending production of proof of guilt, might be settled by local regulations. With regard to the penalty for the offence, M. Maus thought that this penalty should be made largely dependent on the circumstances of each individual case, a distinction being drawn between professional repetition and casual commission.

M. Maus would also urge that the Courts inflicting a penalty should take into consideration sentences that had been passed on previous occasions in a foreign country for the commission of the same offence. He was aware that this proposal involved considerations affecting the right of sovereignty of States, and he would not therefore urge that a *souleneur* on trial, who had previously been found guilty in a foreign court, should be treated as an old offender, but only that the judge should take the circumstances fully into account. In the future, this crime could be made an international one.

M. POSNER (Poland) said that he did not think that it would be possible entirely to overcome the great difficulties which this question presented. The question of the *souleneur* was several centuries old, but in its legal aspect it dated only from some thirty years previously, when the necessity of making provision in the criminal code for the offences committed by this type of man had first been raised in France and Germany. The resolution of the Committee should therefore call the attention of Governments to the importance of the question, and to the necessity of making effective provision in their penal codes in regard to it.

The most successful attempt to define what was meant by the word "*souleneur*" had been made in the Convention of 1910. The text therein adopted was, however, not so much a definition as a description since, in endeavouring to enumerate the different qualities of the *souleneur*, it had left certain of these qualities unmentioned. M. Posner recalled that *souleneurs* were not necessarily members of the lower classes of society, but included many men in high places. One of the essential qualities of a *souleneur* was physical strength, for since *souleneurs* frequently protected many women at the same time, they sometimes aroused the jealousy of other members of their profession, which led to struggles and occasionally, indeed, to play with the knife. *Souleneurs* generally disappeared after some ten years, unless they had made enough profits to open a café or to pursue some similar source of livelihood. He wished to call attention to a work by Albert Londres entitled "*Le chemin de Buenos-Ayres*". Although written in novel form, and very exaggerated in parts, this book contained a great mass of carefully observed facts, and several pages had been devoted to the psychology of the *souleneur*.

M. Posner thought that if the Committee were to adopt a resolution on this subject, the terms of this resolution should be brief. The Secretariat had prepared an admirably clear study of the question, which might be transmitted to Governments together with the resolution, the attention of Governments being drawn to the work that had been done and to the fact that it was now expected of them that they should give this work practical effect. The Committee itself, not being a legal body, was not competent to take further action. Many Governments were now revising their penal codes, and as a result of this revision provisions should be drawn up defining the position of *souleneurs* and enacting penalties which should be regulated in accordance with some common standard.

M. Posner said that, for his part, he would be pleased if an international conference of State representatives could be summoned in order to discuss the question of penalties.

M. LE LUC (France) recalled that the provisions of the French Penal Code of 1885 had been the object of criticism in that they related only to vagabondage and procuration. This cause for reproach had now, however, been removed by the introduction of the new Law of December 20th, 1922, which he believed to be one of the most elastic and comprehensive of existing laws. M. Le Luc then read the text of this Law (see page 74 of the experts' report, Part II), and drew attention to the wide application of its provisions.

In connection with M. Maus's suggestion that penalties should be placed on an international basis, M. Le Luc would point out that this practice was current in France at the present time. When a vagabond of foreign nationality was arrested, the police authorities requested information regarding him from the country of origin or from the country in which he had last resided, and were thus enabled to ascertain whether he had been sentenced to a penalty on a previous occasion. It was also possible for the Central Offices for the Suppression of the Traffic in Women to obtain information of this kind from each other.

A valuable provision of French law was the *interdiction de séjour* (prohibition of residence in a certain area). By enforcing this provision, it was possible to exclude the *souleneur* from large towns, where it was easiest for him to carry on his profession, and to restrict him to less populated areas, where he could be kept under closer supervision. The Government had, moreover, the right to expel at its discretion any individual who was suspected of exercising the profession of *souleneur*.

The French system was therefore a most adequate one, in virtue of the elasticity of the Penal Code, the provisions for *interdiction de séjour*, and the right to expel suspects.

*The remainder of the discussion was adjourned to the next meeting.*

---

## NINTH MEETING

*Held on Wednesday, April 24th, 1929, at 3.15 p.m.*

---

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott.

### 226. Punishment of Persons who live on the Immoral Earnings of Women (Continuation).

Dr. Paulina LUISI (Uruguay) asked that the summary and extract of the legislation in Uruguay contained in document C.T.F.E. 418 should be corrected. In that document the Secretariat had given a summary of the provisions of the Law on Procuring of October 20th, 1916, and had failed to take into account the new Law of 1927 which Dr. Luisi, as representative of Uruguay, had deposited with the Secretariat in October 1928. She therefore requested

the Committee to note that the law of 1916 had been abrogated and replaced by that of 1927. The first article of the new law was very wide in scope. It read as follows :

“ Article 1.—Any person of either sex exploiting the prostitution of another or in any way concerned in procuring for purposes of gain, even with the consent of the victim, shall be punished by imprisonment for from two to eight years. In the case of a repetition of the offence, the maximum legal penalty shall be applied.”

That law accordingly punished anyone who sought to profit from the earnings of prostitution, and among them, of course, was included the class of persons known as *souteneurs*.

Furthermore, at the end of the Secretariat's report, reference was made to Article 19 of the new law conferring certain powers on the police for the expulsion of aliens engaging in the traffic, and it was indicated that the provision conferring these powers on the police was temporary. The Secretariat's report omitted all mention of Article 9, which was a permanent clause dealing with the expulsion of all aliens of either sex who engaged in the traffic, whether inside or outside the frontiers of Uruguay. Articles 10, 11 and 12 of the new law indicated the methods to be followed for the expulsion of such persons. She would therefore ask the Secretariat to correct and complete the report in accordance with the new law.

In regard to M. Maus's proposals, Dr. Luisi pointed out that the new Uruguayan law covered almost all the desiderata contained in them.

Mlle. DE ROMER (Member of the Secretariat) observed that the Secretariat had been instructed to make only a summary of the laws relating to *souteneurs*. It had therefore been impossible to include references to all the laws governing procuration. The new Uruguayan law governing procuration was drafted in such wide terms that it had appeared to her to be a question of interpretation as to whether that law dealt with the particular question of *souteneurs*. The law of 1916 concerning the punishment of *souteneurs* having been included in the summary, it had appeared necessary to include as well Article 19 of the new law, which was labelled “ Temporary Provisions ”, since in it special reference was made to the persons mentioned in the law of 1916.

Dr. Paulina LUISI (Uruguay) said that it was precisely because of the fact that the new Uruguayan law made no distinction between the various categories of persons living on the immoral earnings of others that she requested its inclusion in the report. Article 1 of that law defined the persons falling under its provisions, that was to say, persons living on the immoral earnings of another, whether they were procurers or *souteneurs*, or keepers of brothels, or engaged in any other similar activity. As the law dealt with all persons concerned in the traffic without discrimination, it was impossible to indicate any particular measures applicable to *souteneurs*, who were liable to the same laws and penalties as all other persons engaged in the traffic.

Dr. Luisi could not admit the Secretariat's argument that the new law did not come within the scope of the summary of laws and penalties relating to *souteneurs* on the ground that the terms in which it was drafted were too wide and that in view of this consideration the Secretariat had been justified in quoting the provisions of an obsolete law. In regard to the question of the provisions labelled temporary, she would repeat that Article 9, which was the essential clause dealing with the expulsion of aliens, formed a permanent part of the new law. She would therefore ask that both Article 1 and Article 9 should be included in the summary.

Miss WALL (British Empire) said that it was important that the Committee should realise that it was not dealing at the moment with the laws on procuration. The scope of the subject under discussion had been specially limited by the Committee to the laws governing *souteneurs*. A further reason for not dealing with the laws on procuration was that the Committee was not documented on that subject. It was only because in some countries the law dealing with procuration was the same as that dealing with *souteneurs* that the two subjects had been mentioned together. That was not the case either in France or in England or in certain other countries, but where the law was the same for both categories of offence it had, of course, been necessary to mention the law on procuration. She therefore hoped that M. Le Luc would not press the Committee to deal with the laws on procuration. At the same time, it would be useful if the Committee could have further information upon the French law concerning *interdiction de séjour*, which might well be of great importance in this question.

As to M. Maus's proposals, while they formed a very valuable and useful contribution, they went rather further than the Committee was at present able to go in that it was dealing only with a very simple and clear study on the *souteneur* alone. M. Maus's proposal, that “ persons procuring inmates for a brothel ” should be included in the definition of *souteneurs*, lay outside the scope of the question before the Committee, since that offence was rather one of procuration.

In conclusion, Miss Wall submitted the following draft resolution :

“ The Committee, having considered the valuable report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the attention of the Governments, drawing their attention to the importance of ensuring that legislation and its application are effective in bringing the *souteneur* to justice.”

M. LE LUC (France) observed that M. Maus had been quite correct when he had said that it was very difficult to define precisely the term "*souleneur*". If he had spoken of the French laws of procuring, it was with the object of attempting to find a more accurate definition for that term. The French law defined as a *souleneur* anyone who habitually, and with a view to sharing in her earnings, incited a woman to commit immoral offences or to solicit; hence, without taking into consideration all forms of procuration, the Committee might confine itself to the question of *souleneurs* according to the definition of that term in French law.

Mr. SEMPKINS said that the study prepared by the Secretariat filled a want which had been felt for some years and would be of the greatest help in arousing interest in all countries. The subject had been placed on the agenda of the next Congress of the International Bureau for the Suppression of the Traffic, and Mr. Sempkins was sure that it would play a predominant part in the discussions of the Congress. He agreed with Miss Wall that the Committee should keep as closely as possible to the simple question of the laws relating to *souleneurs*. There were certain definite points in this connection which would no doubt be insisted upon both by the National Committees and the Congress. First, that the police should have the right of easy arrest. No difficulties should be placed in the way of the arrest of a man or woman living on the immoral earnings of another. Secondly, the penalties should be progressive. A man should not be allowed to carry on such a profession continually and to get away with a small punishment. Thirdly, proof of the offence should not be made too difficult. In this connection, Mr. Sempkins drew attention to the exceptional wording of the British law which threw on the accused the burden of proving himself innocent. That was an altogether unusual practice in English law. Mr. Sempkins would like to see a provision of the same sort included, so far as was desirable, in the laws of other countries.

At the same time, he felt that the moment was a little premature for adopting any formal resolution, especially after so short a discussion, and he thought that the very general wording used in Miss Wall's draft resolution was as far as the Committee should go at the present session. The question, however, should be kept on the Committee's agenda. The problem of the *souleneur* was perhaps even of greater importance than that of the trafficker. Although it enlarged the field of the Committee's work, it brought it much nearer to reality.

In conclusion, Mr. Sempkins hoped that the Secretariat's report would be distributed as widely as possible.

Mr. HARRIS (British Empire) agreed that the summary was a very useful document and, on that account, he thought that it would be a mistake to encumber it with a quantity of extraneous matter. It might perhaps be made clearer that the summary did not give the whole of the law on procuration.

Miss Wall's proposal might possibly be more acceptable if Mr. Harris asked the Secretariat at what stage the compilation of the digest of laws dealing with the traffic, which had been originally prepared by the American Social Hygiene Association, had arrived.

The SECRETARY reminded the Committee that in 1927 it had passed a resolution instructing the Secretariat to bring up to date the digest of laws on the traffic in women and children prepared by the Bureau of Social Hygiene, and to include laws contained in the expert's report. The Secretariat, which had been working on this task for three months, had made a large number of additions to the digest, which had been much improved. It would greatly assist the Secretariat if the Committee were to ask two or three of its members to inspect the work that had been done and to report. If that were done now, it might be possible for the Secretariat to follow up immediately the resolution of 1927 and to transmit to Governments those sections of the digest which concerned them, with a view to their making any additions or corrections they might think fit. That course might perhaps satisfy those members of the Committee who felt that the position with regard to the laws in their countries concerning *souleneurs* was not fully covered in document C.T.F.E. 418.

M. MAUS (Belgium) observed that, at the morning meeting, M. Posner had asked the Committee to draw the Governments' attention to the dangerous character of *souleneurs*. It was impossible, however, for the Committee to content itself with a recommendation of that sort; it had already passed a similar resolution in previous years. This year, therefore, the Committee must go further and indicate the deeds which should be punished. The members of the Committee themselves were not agreed upon the definition of the term "*souleneur*" and the Governments even less so. It was with that object in view that M. Maus had made his proposal (document C.T.F.E. 442), which, he believed, coincided in substance with that made by Miss Wall.

As he had said that morning, the French definition of the term "*souleneur*" was not altogether clear. Living on the immoral earnings of a woman was not the only characteristic of a *souleneur*. He was also a man who aided and abetted her in the exercise of her profession. It was in consideration of this fact that M. Maus had proposed the definitions contained in the first three paragraphs of his proposal. As to the third definition, that of "persons procuring inmates for a brothel", M. Maus considered that this constituted the most serious offence of all and required particularly severe punishment. He was, however, prepared to delete that

definition, since, as Miss Wall had rightly pointed out, it would be more properly described as procuring.

Dr. Estrid HEIN (Denmark) said that the question before the Committee was a very old one. She quoted police regulations passed in Geneva as long ago as 1459. It seemed that mankind had not been very successful in dealing with this problem. Certain of the difficulties mentioned by Miss Wall were due to the fact that in many legislations the offence of procuration and those characteristic of *souleneurs* were merged in the same clause. That was the case both in Uruguay and in Denmark. The two aspects of the problem were amalgamated both in the Danish Law of 1911 and in the Bill for the new Criminal Law. A perusal of the Secretariat's summary showed that many of the laws summarised dealt, in point of fact, with procuration and did not concern *souleneurs* in particular. Dr. Hein would be unable to accept the first paragraph of M. Maus's proposal in its present form, since the limitation of the offence to public places would imply a retrograde step for the Committee.

Mr. HARRIS (British Empire) proposed that, in accordance with the Secretary's request, a Sub-Committee should be set up, consisting of M. Maus, M. Le Luc and Miss Wall, to examine the digest of laws on the traffic in women, while the Chairman was preparing the report to the Council, and to report to the Committee.

M. POSNER (Poland) thought that the work of examining the digest of laws would be too considerable for the Sub-Committee to be able to present a report before the following year.

Mr. COHEN pointed out that there was no need for the Committee to take further action in the matter since, under the decision taken in 1927 at M. Posner's request, the Secretariat had been instructed to prepare the digest and to circulate it to the Governments for any observations and additions they wished to make. The Sub-Committee could therefore examine the digest without there being any need for it to report to the Committee. The Committee had been waiting for the completion of the digest for two years and if it were desired to have a report from the Sub-Committee it might have to wait another two years.

The SECRETARY confirmed Mr. Cohen's statement that under the 1927 resolution the Secretariat had been empowered to send out the digest in draft to the Governments when it felt that it was sufficiently advanced to be submitted to them. Before taking that step, the Secretariat merely desired the advice of one or two experts of the Committee as to the principle upon which the collection had been compiled. The digest of laws transmitted from the Bureau of Social Hygiene was in English only and therefore the laws which the Secretariat had received later and which it had added to the original digest were also in English.

M. AMADOR (Spain) said that the new Spanish Penal Code dealing with procuration had not been promulgated in time for inclusion in document C.T.F.E. 418. When the digest referred to by the Secretary was circulated to the Governments, the latter should accordingly be asked to insert in it any laws which had not hitherto been included. It would be seen that the new Spanish Penal Code covered the point now under discussion by the Committee. Article 608, to which M. Amador had drawn the Committee's attention on the previous day, was drafted in wide terms so as to cover all offences connected with the traffic in women, including those of *souleneurs*.

M. REGNAULT (France) accepted the proposal for the formation of a small Sub-Committee to examine the digest of laws prepared by the Secretariat. He would, however, draw the Sub-Committee's attention to the necessity of taking no step which might endanger the Convention of 1921, which had not yet been accepted unanimously. He would therefore urge the necessity of the Sub-Committee's inspection of the digest being confined to purely general matters.

M. POSNER (Poland) had no objection to the Sub-Committee's examining the English text of the digest. If the French translation had not yet been prepared, steps should be taken to expedite it, since if there were to be any practical outcome of the Committee's work, it was essential to bring the contents of the laws to the attention of all Governments, for which purpose a French translation would be needed. He would therefore urge the Secretariat to see that the translation into French was carefully carried out and revised. That work would take six or seven months at least.

M. Regnault had urged that the Sub-Committee's examination of the digest should be confined to its general aspects. As a lawyer, M. Posner knew that it was impossible to consider only the general aspects of a legal text, but that it was essential to go carefully into details when dealing with such questions. He would therefore ask that the consideration of the French translation of the laws should be postponed until the following year.

The SECRETARY pointed out that she was not asking that the Committee should examine the text of the laws. The laws had been passed by the various Governments and were already in existence. She was only asking that the Sub-Committee should examine the principle on which the Secretariat had based the collection. One question, for instance, to be decided was whether the Secretariat should include laws on venereal diseases. She therefore hoped that M. Posner would withdraw his proposal.

Mr. HARRIS (British Empire) observed that the responsibility of creating the text of the laws contained in the digest would rest with the Governments and not with the Committee. His idea had been that the Sub-Committee should decide whether the summary was ready for distribution. He therefore hoped that M. Posner would withdraw his proposal. At the same time, he would suggest that it would expedite matters if M. Maus and Miss Wall were asked to prepare a joint resolution on the question of *souteneurs*.

M. POSNER (Poland) intimated that he accepted both Mr. Harris's proposals.

*The Committee adopted Mr. Harris's proposal for the appointment of the Sub-Committee to examine the digest of laws on the traffic in women and children, and requested it to submit at a later meeting a draft resolution on the question of souteneurs.*

M. ITO (Japan) observed that at the morning's meeting M. Maus had raised a question of capital importance for the suppression of *souteneurs*. M. Maus had only touched on the point, but he had suggested that it should be possible for the judicial authorities in each country, in dealing with offences committed by *souteneurs*, to take into account previous offences committed in other countries. In this connection, M. Ito would draw attention to the action which had recently been taken by the Conference on the Counterfeiting of Currency. In the Convention on the Counterfeiting of Currency, the Conference had adopted the principle of the universality of the offence and had laid down that previous offences committed in one country should be taken into account in the sentence awarded for a subsequent offence committed in another country. Since the representatives of States, both Members and non-Members of the League, had been unanimous in the adoption of that principle in a subject like that of the counterfeiting of currency, M. Ito thought that the Traffic in Women and Children Committee should endeavour to secure the adoption of the same principle, especially in a social question having the importance of that of the traffic in women. He merely wished his suggestion to be recorded in the Minutes in order that he might have an opportunity of reverting to the subject at a later date.

M. AMADOR (Spain) supported M. Ito's suggestion. As he had already stated, the new Spanish Penal Code embodied the idea that offences committed in one country should be punishable in another, since the article dealing with offences connected with the traffic in women laid down that offenders were punishable whether their offence was committed inside or outside the boundaries of the Kingdom.

M. REGNAULT (France) said that he, personally, was in favour of the view expressed by M. Ito and M. Amador. The question was one of great interest and deserved investigation in legal circles and, perhaps, by the legal advisers of Governments. He would remind the Committee that the same idea had been recognised in the 1921 Conference.

Article 1 of the 1910 Convention read as follows :

"Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries."

It therefore seemed that the way was open to the Committee, but it was obvious that the question was of very wide scope and would need further investigation. It would be well to consult the Governments.

M. ITO (Japan) thanked M. Regnault for his observations, but pointed out that he did not wish to raise a discussion on the subject at the present session. He merely reserved his right to revert to the subject in due course. He was aware of the existence of the text quoted by M. Regnault.

The CHAIRMAN declared the discussion closed.

**227. Communication from the Advisory Committee on Traffic in Opium and Other Dangerous Drugs regarding the Connection between Dangerous Drugs and the Traffic in Women and Children.**

Mr. COHEN invited the attention of the Committee to document C.T.F.E. 424, which contained a report prepared by the Secretariat in accordance with a recommendation adopted by the Advisory Opium Committee concerning the relationship between drugs and the traffic in women. That document having been distributed to the Committee, it would serve no useful purpose if the Committee omitted to take note of it. He therefore suggested that the Committee should state in its Minutes that it had noted the contents of the report in question.

*The Committee agreed.*

**228. Desirability of removing the Age-Limit from the Convention of 1910 as amended by the Convention of 1921.**

Mr. COHEN, Rapporteur, said that he would be brief in his remarks, for he felt that his proposal would meet with general agreement (document C.T.F.E. 412). The question of the elimination of any mention of age from the 1921 Convention had been raised several years



previously, and he was pleased to say that considerable progress had been made towards the realisation of this idea. In some countries, indeed, the age-limit had already been eliminated. At the 1921 Conference the discussion of this question had been overshadowed by the discussion of the question of licensed houses, but the Swiss delegation had rescued the idea from oblivion.

Mr. Cohen did not think that any attempt should be made to obtain a new Convention. He proposed that the Committee should merely inform Governments of its views on this subject and request them to communicate their own views to the Committee in their turn. The Committee would then be in a position to judge what further progress might be made and Governments would have an opportunity of putting forward, at the same time, any other suggestions which they wished to make.

Mr. Cohen then submitted the following draft resolution :

" The Traffic in Women and Children Committee, having considered the views advanced on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee."

Mr. Cohen wished to thank the Committee once more for having appointed him Rapporteur on this subject. The duty had been a pleasant one, for he had been interested in the subject for many years, and he fully appreciated its importance.

There were two aspects of the present situation to which he would draw particular attention : the presentation of false papers to girls under twenty-one years of age, which described them as being over age ; and the fact that when the victim was perhaps only some few months above the age limit, it was impossible to take action even in cases of flagrant offence.

M. BOURGOIS (France) warmly supported Mr. Cohen's proposal. The question of the removal of the age limit was of the greatest importance, for during the last twenty years this limit had been one of the chief obstacles to the suppression of the traffic. The French authorities were in favour of the proposed removal. This principle had been upheld by the Committee on Prophylaxis against Venereal Disease, and was embodied in the Bill which Senator Godart had submitted to the Senate.

Mr. SEMPKINS wished to state that Mr. Cohen's report was an accurate expression of the views of the International Bureau on this question.

M. MAUS (Belgium) thought that it would be preferable not to ask Governments for a definite indication of their intentions. The future action of Governments would depend on the attitude of their Parliaments, and if Governments were requested to furnish information of this kind, they could only do so in a very guarded manner. The Committee should therefore merely set forth the cogent reasons for the removal of the age limit, and Governments might then convene a diplomatic conference for the discussion of the question.

Dr. Gertrud BÄUMER (Germany) said that provision had been made in the new German law for a removal of the age limit.

M. AMADOR (Spain) supported Mr. Cohen's proposal. In the new Spanish Penal Code, in which was given the penalty for anyone living on the proceeds of prostitution practised by another; no distinction was made as regards the age of the latter.

Dr. Estrid HEIN (Denmark) said that her Government was not in favour of altering the age limit, for it held the view that the liberty of action of adults should be respected.

Mr. HARRIS (British Empire) thought that the enquiry suggested by Mr. Cohen might give very valuable results. He believed that many Governments would declare themselves in favour of the removal of the age limit. Mr. Harris was glad that Mr. Cohen had not proposed an immediate convocation of a Conference on this special point, for it would be better to postpone the question of holding another Conference until there were other matters requiring consideration.

*Mr. Cohen's resolution was adopted.*

Mr. COHEN said that he was sure all the voluntary organisations would greatly appreciate the adoption of this resolution. He wished to express his thanks, in particular, to the French and German representatives for their encouraging statements.

## 229. Question of the Continuation or Extension of the Enquiry by the Special Body of Experts.

Mr. HARRIS (British Empire) said that the enquiry could not be continued unless funds for the purpose were available. From the discussions which had taken place last year he

assumed that if funds were forthcoming there would be no difference of opinion on the question whether the enquiry should be continued. He believed that it would also be generally agreed that the enquiry should be extended to the Far Eastern countries. The Government reports furnished to the Committee showed that in some of these countries cases of traffic were known to exist. In deciding upon the nature and scope of the enquiries, account would of course have to be taken of the different conditions obtaining in those countries. If the Committee agreed, in principle, to an extension of this enquiry, Mr. Harris would submit a draft resolution on the matter.

Dr. Estrid HEIN (Denmark) supported Mr. Harris's proposal. It would be interesting to have information regarding prostitution in the Far-Eastern countries, where it was no doubt regarded in a different light.

M. ITO (Japan) said that it was important to remember that the proposal for the continuation of the enquiry had been accepted, in principle, at the preceding session. The next stage would be to determine the nature and extent of the new enquiry.

Mr. SEMPKINS wished to draw attention to the very favourable attitude of Indians to the proposal that the enquiry should be extended to their country. He wished to call particular attention to the following resolution, which had been passed by the Calcutta Vigilance Association on July 23rd, 1928 :

“ Resolved that it is the considered and unanimous opinion of this Association that the proposed extension of the enquiries of the League of Nations Committee on Traffic in Women and Children to the Far East should include India and Burma, owing to the need for scientific investigation into the traffic in minor girls which exists in these countries ; and respectfully offers its co-operation in such enquiries. ”

Mr. Sempkins read the text of similar resolutions from associations in Bombay and Madras. He would point out that the majority of the members of these associations were Indians who represented all classes and castes and included among that number well-known public men and women. Mr. Sempkins was convinced that no objection would be raised to the opening of an enquiry in India, provided that it was conducted—as of course it would be—in a reasonable and non-contentious manner. With regard to the Straits Settlements he was sure that the officials concerned would welcome an enquiry. There might be differences of opinion as to the subsequent action that should be taken, but the collection of facts would meet with the approval of all. Mr. Sempkins recalled that, thanks to the assistance of M. Sugimura, the International Bureau had been enabled to open relations with Japan. A number of Japanese had called at the Bureau, and all had declared themselves in favour of the opening of an enquiry in their country.

Mr. Sempkins suggested that the Committee should therefore state in its report, in unqualified terms, its desire for the extension of the enquiry to the East, and a specific request to the Council to convene the experts.

Dr. Paulina LUISI (Uruguay) said that she would be quite prepared to agree to any decision of the Committee that the enquiry should be extended to all countries. She wished to point out, however, that the enquiry which had been undertaken in South America and which had been inadequate and superficial could not be regarded as final. In the Argentine only two towns had been visited—Buenos Aires and Rosario da Santa Fé—and in Uruguay only Montevideo and Salto. During the visit of the experts to Brazil in 1925, a revolution had been in progress and they had been only able to visit Rio de Janeiro. Conditions in towns such as Santos, a port of entry, and São Paulo, a rich industrial town, had been left unstudied. Mme. Luisi explained that she did not wish in any way to oppose the extension of the enquiry to the Far East, but only to point out that, as the enquiry which had taken place in South America was very incomplete and superficial, it could not be regarded as anything but an incomplete document.

Mr. COHEN thought that it would be premature to consider the nature and extent of the new enquiry at the present time. He supported Mr. Sempkins' proposal, however, that the Council should be requested to summon the experts, should the necessary funds be forthcoming, in order that they might decide upon the main lines of the enquiry. The experts might then communicate their decision to the Advisory Committee.

Mr. HARRIS (British Empire) said that he was sure that the authorities in the Straits Settlements would welcome and facilitate any enquiry. There was no doubt of the existence of the traffic in the Straits Settlements. Since it would be necessary to conduct the enquiry in the Far East in a very discreet manner, in cases where religious and national questions were involved, it was essential that some members at least of the body of experts should have a wide experience of Eastern conditions. There was already a Japanese representative on that body, and it might be well to fill the vacancy created by the death of M. de Meuron by the appointment of someone with a special knowledge of the East.

M. ITO (Japan) pointed out that, if the enquiry were limited to India, Malay and Japan, it would be no more than a superficial one. He recalled that M. Maus had suggested at the

preceding session that the whole of the East should be included in the scope of the enquiry. The Japanese authorities, after having investigated the routes of the traffic, had decided that it would be essential to study conditions in the Netherlands Indies, which constituted a kind of market, in Indo-China, in China, which was a great reservoir for the traffic, and in Siberia. M. Ito doubted that, even if the vacancy created by the death of M. de Meuron were filled by someone with a special knowledge of Eastern conditions, the body of experts would be able to lay down the lines of the enquiry themselves. This question should be studied.

M. MAUS (Belgium) wished to pay a tribute to the admirable work of the Japanese Government in the Far East. That Government had repatriated all Japanese prostitutes living in foreign countries at its own expense, a proceeding which was, he believed, unique and which might serve as an example to other countries. The Japanese Government had studied conditions in the stretch of country between India and China, but it was most important that conditions in the vast stretch between the Mediterranean and India should also be investigated.

*The remainder of the discussion was adjourned to the next meeting.*

---

### TENTH MEETING

*Held on Thursday, April 25th, 1929, at 11 a.m.*

---

*Chairman : M. Ito (Japan), Vice-Chairman.*

**Present :** All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli and Miss Abbott.

#### **230. Suppression of the Traffic in Obscene Publications : Date of the Next Conference.**

The CHAIRMAN reminded the Committee that, under the terms of the Convention of 1923 on obscene publications, the Convention was to be revised by an international conference to be held five years after the coming into force of the Convention. That time-limit had expired in 1928; but, in the absence of a request on the part of the prescribed number of States, no Conference had been held in that year. The Council now wished to have the opinion of the Traffic in Women and Children Committee on the question of the advisability of holding a further Conference.

Mr. HARRIS (British Empire) observed that all those who had taken part in the 1923 Conference realised that the results of the Convention drawn up in that year had been very satisfactory. He did not, therefore, think that the time had yet come for the revision of the Convention. He, personally, was prepared to admit that the Convention was likely to last for a number of years to come. It would, therefore, hardly be wise to recommend to the Council that a new Conference should be held. The real need was to persuade those Governments which had signed the Convention to ratify it, and to give effect to its terms. It appeared that a number of Governments had under consideration at present the question of modifying their laws on the subject of obscene publications. He would therefore suggest that the Committee should make a recommendation to the Council to the effect that no further Conference was necessary, but that those Governments which had not yet ratified the Convention should be urged to do so as soon as possible.

If there had been sufficient time at the present session, Mr. Harris would have been glad to have a discussion on the question of asking Governments for further information upon the enforcement of the Convention in their countries; but, as the Committee was already at the close of its session, he would content himself with suggesting that, in the following year, it should consider carefully whether it was desirable to ask Governments for further information as to the extent of the traffic in obscene publications and the measures taken by them to deal with it. This might be done either by means of a special questionnaire, or, perhaps better, by the inclusion of one or two additional questions in the annual reports on the traffic in women.

M. AMADOR (Spain) supported Mr. Harris's proposal. He agreed that the Convention was giving very satisfactory results. Several Governments were, he understood, modifying their legislation in order to bring it into line with the provisions of the Convention. This the Spanish Government had already done in its new Penal Code. M. Amador regretted that he was unable to give the exact terms of that code at the moment, as he had given it to the Secretariat so that certain articles might be copied.

Mme. ROMNICIANO (Roumania) agreed that the Convention of 1923 had given very useful results. That being so, it would be best to concentrate on two points. In the first place, the ratification of the Convention by those Governments which had hitherto only signed it, and, secondly, the procuring of information from the Governments which had ratified it as to the measures taken by them to enforce it. It would also be useful to obtain from those Governments which had not yet ratified the Convention information as to the reasons which prevented them from doing so.

Mr. HARRIS (British Empire) then moved the following proposal, *which was adopted unanimously* :

“ It appears to the Committee that the provisions of the International Convention of 1923 for the suppression of the circulation of and traffic in obscene publications are comprehensive, and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

“ The Committee wishes to express the hope that all those Governments which were signatories of the Convention, but which have not yet presented their ratifications, will do so without further delay.

“ The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and with this object in view the Committee has decided to place the subject on its agenda for its next session. ”

**231. Reorganisation of the Composition of the Committee : Proposal submitted by M. Regnault, Mr. Harris and Mr. Cohen.**

The CHAIRMAN drew attention to the proposal submitted by M. Regnault, Mr. Harris and Mr. Cohen with regard to the reorganisation of the composition of the Committee. The wording of that proposal was identical with that of the resolution on the same subject adopted by the Child Welfare Committee, with the exception of paragraph (b), which had been modified to fit in with the circumstances of the Traffic in Women and Children Committee.

Mr. COHEN said that the wording of paragraph (b) was in accordance with the desires of the voluntary organisations.

*The proposal, which read as follows, was adopted :*

“ (a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

“ (b) The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

“ (c) All assessors appointed in future should be appointed for a period of five years.

“ (d) As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

“ (e) It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors. ”

**232. Examination of the Draft Budget for 1930.**

The SECRETARY submitted the following budget estimates for 1930 :

	Estimates			Expenditure
	1930	1929	1928	1928
Sessions of the Committees (including Child Welfare Committee) .. .. .	2,500	2,000	2,500	2,341
Printing and documentation .. .. .	14,000	15,000	15,000	6,076
Cables, telegrams and miscellaneous ..	500	1,000	1,500	102

The CHAIRMAN pointed out that the budget estimates did not fall within the jurisdiction of the Committee, since the budget was submitted by the Secretary-General to the Assembly. It could accordingly only examine the estimates and express its wishes in the matter.

The SECRETARY, after going through the various items in the budget estimates, suggested that, in view of the actual expenditure of printing and documentation in 1928, it would be safe to reduce the 1930 estimate for that heading from 14,000 to 12,000 Swiss francs. Even so,

there would be an ample margin for the printing of the Committee's Minutes, if the Committee decided to request authorisation from the Council to have its Minutes printed.

*The Committee assented to the reduction proposed by the Secretary.*

Mme. ROMNICIANO (Roumania) said that, as the budget had been admirably drawn up, and as the Committee had no power to alter it, it could do no more than thank the Secretary for her excellent work and take note of the budget without further discussion.

*The Committee assented.*

### 233. Question of the Printing of the Minutes of the Committee.

The CHAIRMAN observed that several members had expressed the desire that the Minutes of the Committee should be printed. At the same time, in the previous year, the Committee had decided, in accordance with the wishes of the Assembly, that its Minutes should not be printed in future, but that the report to the Council should be amplified. He would be glad to know whether the members of the Committee wished to seek authorisation from the Council to print the Minutes.

Mr. COHEN proposed that the Committee should request the Council to permit it to go back on the decision which it had taken in the previous year in regard to the printing of its Minutes, and should seek authorisation to have its Minutes printed as heretofore. He did not need to say that the Minutes were of very great value to the work of the assessors and of the voluntary organisations.

Mr. SEMPKINS had no hesitation in asking respectfully but firmly that the Minutes of the Committee should be printed. They were of great value to his Association, which would have to incur considerable expense by publishing a very full report to replace the Minutes, if the latter were not printed.

Mme. ROMNICIANO (Roumania) agreed with Mr. Cohen's proposal. The decision that the Minutes should not be printed with a view to saving money had been taken somewhat hastily in the previous year. It was desirable that the public should be informed of all aspects of the keen struggle waged by the Committee for the suppression of the traffic in women. Further, if the Minutes were only roneographed they could not reach those persons by whom it was particularly desirable that they should be read.

Mr. HARRIS (British Empire) thought it desirable that one or two points in connection with this question should be recorded in the Minutes. As the Child Welfare Committee had decided to ask the Council for authorisation to print its Minutes, the Traffic in Women and Children Committee should make the same request on its own account. The Committee had discussed the question in the previous year, and had, as a result, decided first, that, the two Committees should follow the same procedure, and, second, that, instead of printed Minutes, it should prepare a more extensive report to the Council giving an account of the discussions which had taken place. There were, however, two matters which justified the Committee in reconsidering its decision. In the first place, the Council had granted authorisation to other Committees of the League to print their Minutes, and the Child Welfare Committee and the Traffic in Women and Children Committee were, therefore, certainly entitled to the same consideration. In the second place, it had been found almost impossible to carry out the decision to prepare a report which was full enough to reflect the discussions which had taken place during the session. The time allowed for the sessions of the Committee did not give the Secretariat sufficient opportunity to prepare a report giving a full and accurate account of the debates.

M. MAUS (Belgium) said that the Minutes were essential to the Governments for the execution of the decisions taken by the Committee. It must be remembered that the Government officials responsible for the execution of those decisions were not always the same persons as the Government delegates to the Committee. Further, the money saved by not printing the Minutes represented a false economy.

Dr. Gertrud BÄUMER (Germany) suggested that the Council's attention might be drawn to the fact that the subjects dealt with by the Child Welfare Committee and the Traffic in Women and Children Committee were so complicated and affected so many Government departments that it was essential to have a large number of copies of the Minutes for distribution to the Government Departments, apart from circulation to the public. The Government departments required full and accurate records, and a large number of copies of those records. For this purpose, the Minutes must be printed.

The CHAIRMAN noted that the members of the Committee agreed that it had been found impossible to carry out the decision which it had taken in the previous year not to print its Minutes for the sake of economy, and that the Council's authorisation should be sought for the printing of the Minutes. He would therefore ask Dr. Bäumer and Mr. Cohen to draft a resolution containing an explanation of the Committee's views.

Dr. BÄUMER and Mr. COHEN then presented the following resolution, *which was adopted* :

“ The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members of the Committee have found the printed Minutes of the greatest use both for Government Departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

“ It therefore requests the Council to give its sanction for the printing of its Minutes. ”

234. **Punishment of Persons who live on the Immoral Earnings of Women (Continuation) : Draft Resolution submitted by M. Le Luc, M. Maus and Miss Wall.**

Miss WALL (British Empire) submitted the following draft resolution, which had been prepared by M. Maus, M. Le Luc and herself at the request of the Committee :

“ The Committee, having considered the complete report prepared by the Secretariat on certain legislation dealing with the *souleneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souleneur* to justice.

“ The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons ; of inflicting penalties suited to the dangerous character of their national and international activities ; and of applying special repressive measures in the case of recidivists. ”

Miss Wall added that the Sub-Committee had considered her original resolution, together with the points to which M. Maus had attached particular importance, and had considered how far it would be possible to combine the two proposals. After a long discussion, it had decided against including in the resolution any definition of the term “ *souleneur* ”, owing to the very wide divergences in the legislation governing the subject in the various countries. The Sub-Committee attached particular importance to the summary of measures indicated in the second paragraph of the draft resolution.

*The draft resolution was adopted*, with a textual amendment in the French version proposed by Mlle. Dalmazzo.

235. **Request from the International Criminal Police Commission to be represented at Meetings of the Committee when Questions of Interest to it were under Discussion.**

The SECRETARY said that, in response to the letter from the International Criminal Police Commission concerning co-operation with certain of the League's Committees, the Child Welfare Committee had decided to reply to the Commission on the lines of the resolution adopted in regard to the same matter by the Advisory Committee on the Traffic in Opium, namely, that the Committee would be glad to invite a representative of the Commission to attend at meetings at which questions were being discussed which, in the opinion of the Committee, seemed to be of interest to the International Criminal Police Commission. A passage to that effect had been inserted in the Child Welfare Committee's report to the Council.

M. MAUS (Belgium) thought that the Committee could not do better than adopt the same wording as that adopted by the Opium Committee and the Child Welfare Committee.

*The Committee agreed.*

236. **Question of the Continuation or Extension of the Enquiry by the Special Body of Experts : Draft Resolution submitted by M. Ito and Mr. Harris.**

The CHAIRMAN submitted, on behalf of Mr. Harris and himself, the following draft resolution :

“ The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

“ The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in other countries not previously visited, especially in the East, and expresses the hope that funds may be available for the purpose and, in that event, that the Council will sanction forthwith the extension of the enquiry as proposed.

“ The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

“ The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances so as to ensure, in particular, that it includes persons who have a wide knowledge and experience of Eastern conditions. ”

Mr. COHEN reminded the Committee that, in its discussion on this question, he had asked that, when the extension of the enquiry was decided upon, the Committee might be given an opportunity of examining the plan of enquiry adopted by the Special Body of Experts. Mr. Harris had assured the Committee that it would be given that opportunity. Although no reference was made to that subject in the draft resolution, Mr. Cohen did not propose to suggest any amendment, but he would be glad if some expression to that effect could be included in the Minutes and in the report to the Council.

Mr. SEMPKINS said that the draft resolution met all the various points he had raised and covered the whole ground.

*The draft resolution was adopted.*

**237. Examination of the Work carried out by the Secretariat for the Compilation of a Digest of Laws dealing with the Traffic in Women : Report of the Sub-Committee.**

M. MAUS (Belgium), on behalf of the Sub-Committee, said that the Sub-Committee had met that morning but had been unable to finish its work and would meet again in the afternoon.

The CHAIRMAN observed that the work entrusted to the Sub-Committee did not necessitate any formal resolution on the part of the Committee. He would therefore be glad if, when the Committee came to consider its report to the Council, the Sub-Committee would make a short report.

---

## ELEVENTH MEETING

*Held on Saturday, April 27th, 1929, at 3 p.m.*

---

*Chairman : M. Ito (Japan), Vice-Chairman.*

Present : All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli and Miss Abbott.

**238. Examination of the Work carried out by the Secretariat for the Compilation of a Digest of Laws dealing with the Traffic in Women : Report of the Sub-Committee (continuation).**

Miss WALL (British Empire), speaking in the absence of M. Le Luc, said that the Sub-Committee had made a classification of the laws to be included in the Digest under three or four main headings. It did not seem necessary, however, at this stage to submit a detailed account of the work, but progress had been made and it should now be possible to circulate the digest to Governments.

The SECRETARY reported that, in the first instance, the Digest had been prepared in English.

*The Committee decided, after discussion, that, as an exceptional measure, the Digest should be circulated only in English.*

**239. Examination of the Draft Report to the Council.**

The various chapters of the draft report on the work of the eighth session of the Committee were read :

*Adoption of the Agenda : Report by the Secretary on the Position of the Committee's Work.*

*These chapters of the report were adopted without observation.*

*Summary of Governments' Annual Reports for the Year 1927.*

Mr. HARRIS (British Empire) proposed that the following passage should be added to the first paragraph :

“ The most significant feature in the annual reports from Governments is the reference to actual cases of traffic and the measures taken to deal with these. These cases were of the greatest interest to the Committee, indicating as they do the need for and importance of international co-operation. ”

Mme. ROMNICIANO (Roumania) requested that the following paragraph should be inserted between the fourth and fifth paragraphs of the draft report :

“ The Roumanian delegate observed that, although her country had not sent in any annual report, that did not mean that nothing had been done to suppress the traffic. Rigorous measures had been taken by the port police, a strict system of passport supervision had been established and a force of women police was to be organised shortly. ”

*This chapter was adopted, subject to the amendments of the British and Roumanian delegates and to certain minor amendments.*

*Reports from the Voluntary Organisations.*

Mr. HARRIS (British Empire) asked whether Dr. Luisi would agree to delete the following sentence in the eighth paragraph :

“ The delegate for Uruguay thought that the International Educational Cinematographic Institute at Rome should be asked whether, in its opinion, propaganda films of this description could be shown to passengers on liners travelling between Europe and America. ”

Dr. Paulina LUISI (Uruguay) said that she would agree to the deletion of this passage provided that reference were made to it in the Minutes.

*This chapter was adopted, subject to the amendment of the British delegate and to certain minor amendments.*

*Reports from Liaison Officers.*

At the instance of Mr. JOHNSTON, this chapter was amended as follows :

“ At the request of the Chairman, the representative of the International Labour Office undertook in future to make an annual report to the Committee on the work of the International Labour Office in so far as it affected the work of the Committee. ”

*This chapter was adopted as amended.*

*Experts' Enquiry.*

Mr. HARRIS (British Empire) proposed that the following text should be substituted for the first four paragraphs of this chapter :

“ (a) *Further Information from Governments.*

“ Last session it was decided to ask Governments for any further information they were able to give, supplementing that given in the reports of the Special Body of Experts. Most of the Governments had no further observations to offer, but an interesting statement from the Greek Government was laid before the Committee describing the difficult conditions created by the large number of refugees in Greece and the measures taken to protect them.

“ A reply from the Latvian Government was also laid before the Committee.

“ (b) *Extension of the Enquiry.*

“ Last year the Committee decided to recommend the extension of the enquiry made by the Special Body of Experts if the necessary funds could be obtained. The circumstances have not materially changed since last year and the Committee decided to reaffirm its recommendation.

“ Some discussion took place as to the field of any new enquiry and it was agreed that the investigation should be extended to those countries which had not previously been visited, especially in the East. At the same time, the Committee realised that the circumstances of many Eastern countries were widely different from those of Europe or America, and that the character of the investigation would have to be considered, as well as the composition of the body of experts, in the light of the altered circumstances. The following resolution was agreed to unanimously . . . ”



Dr. Paulina LUISI (Uruguay) proposed that, if Mr. Harris's suggestion were adopted, the following sentence should be inserted between the first and second sentences of the third paragraph :

“ On this point, the delegate of Uruguay reiterated the observations which she had presented to the Council regarding the enquiry made by the Special Body of Experts. ”

*The text proposed by the British delegate, together with the addition proposed by the delegate of Uruguay, was adopted.*

*This chapter as amended was adopted.*

#### *Abolition of the System of Licensed Houses.*

Mr. HARRIS (British Empire) proposed that the following text should be substituted for the first paragraph :

“ When this question was discussed last year, a request was made that the Secretariat should endeavour to obtain from countries which had no system of regulation some account of the methods adopted for dealing with prostitution and its evils. Unfortunately, the Committee failed to make its object sufficiently clear to the Governments concerned, and only one or two Governments sent the information desired.

“ A reply from Great Britain showed the results obtained in that country under four headings : The prevention of disease ; the steps taken against the exploitation of women ; the reduction of prostitution ; and the preservation of public order. As regards the prevention of disease, the memorandum was supplemented by a full statement prepared for the information of the Committee by the British Council of Social Hygiene.

“ The Danish Government also furnished a short statement of the experience gained in their country. The Danish delegate promised a fuller statement next year.

“ It was agreed that steps should be taken to obtain similar information from other Governments and to give the results in a separate document and not in the form of a re-edition of the old document on licensed houses, as was done this year.

“ A particularly valuable discussion then took place, to which it is impossible to refer in detail, but reference can be made to the Minutes. It became abundantly clear from the discussion that the whole question is receiving considerable attention in many countries and that public opinion is changing. ”

Mr. Harris proposed that, if this amendment were adopted, the fifth, sixth and seventh paragraphs of this chapter should be deleted, the subject matter of these paragraphs being contained in his text.

Mr. COHEN proposed that the following paragraph :

“ The Belgian delegate said that, in his country, the question of licensed houses was left to the communal authorities and that consequently they could only be abolished by winning over the most important towns to this cause. They had already been abolished in Antwerp ”,

should be completed as follows :

“ He emphasised the necessity of the co-operation and goodwill of the police in securing a change of method. ”

*The Committee agreed to insert the following paragraph :*

“ The delegate for Uruguay announced that, since October 1927, as a result of the new law against procuration, licensed houses had been closed. Health questions were now being studied in her country from the abolitionist point of view. ”

Dr. Gertrud BÄUMER (Germany) proposed that the eighth paragraph should be amended as follows :

“ The German delegate, after stating that the new German law, as well as the text of the executive measures of the State, had been sent to the Secretariat, commented on this new law, which introduces medical supervision of the whole population with regard to venereal disease. This law provides for close co-operation between social welfare organisations and the Health Services. It abolishes the system of regulation and decrees that licensed houses should be closed. In the beginning, various interpretations had been given to the term ‘ licensed houses ’, the proprietors had tried to run them under another form and the municipalities had not always been severe in their interpretation of the law. But now a judgment of the Supreme Court involving a clear definition had put an end to such misinterpretation. ”

*This chapter was adopted, subject to the amendments of the British and German delegates and of Mr. Cohen, and to certain minor amendments.*

*Penalties to be imposed upon Persons living on the Immoral Earnings of Women.*

Miss WALL (British Empire) proposed that the second paragraph should be amended as follows :

“ The Committee considered various matters arising out of the study of the laws relating to *souleneurs* and, in particular, the definition of the offence and the difficulties in arresting the offender. Attention was drawn to the bad record of many *souleneurs* who had committed offences in different countries and it was felt that the record should be taken into account when punishment was being prescribed. ”

*This chapter was adopted, subject to Miss Wall's amendment.*

*The remaining chapters of the report were adopted with minor amendments.*

*The Committee agreed to insert two chapters in the report on the following subjects :*

*Communication with the Joint Maritime Commission ;*

*Collection of Laws and Regulations prepared by the American Social Hygiene Association.*

*The report as amended was unanimously adopted (Annex 9).*

**240. Preparation of a List of Documents Submitted to the Advisory Commission.**

In reply to a question by M. Amador (Spain), the SECRETARY said that she was endeavouring to obtain authorisation to print an up-to-date list of all documents submitted to the Traffic in Women and Children and Child Welfare Committees. It was intended that a list of the Committee's resolutions should be appended.

**241. Close of the Session.**

M. BOURGOIS (France), speaking on behalf of his colleagues, thanked the Vice-Chairman for his work on the report, which gave an accurate and complete idea of the trend of the Committee's discussions.

Mr. COHEN wished to express not only his appreciation of the Vice-Chairman's able direction of the proceedings during his tenure of the Chair, but also his regret that the Marquis Paulucci di Calboli had been prevented by ill-health from remaining with his colleagues until the end of the session. Mr. Cohen and another member of the Committee had had the pleasure of working with the Marquis Paulucci di Calboli in the Committee's cause for many years before the foundation of the League, and his absence had therefore occasioned them particular regret.

The CHAIRMAN said that he believed he might speak for all his colleagues in expressing deep regret at the absence of the Marquis Paulucci di Calboli, who, as the Committee was aware, had even thought it necessary, on account of the state of his health, to tender his resignation. M. Ito was sure that his colleagues would look forward to the Marquis's restoration to health as a matter of personal concern, and that it would be their sincere desire that it would be possible for him to attend the next session of the Committee.

Dr. Paulina LUISI (Uruguay) wished to thank Dame Rachel Crowdy and the members of the Social Section who had assisted her for the devotion and ability which they had displayed in the execution of their duties, which had become increasingly onerous from day to day. She trusted that their work would win much more widespread appreciation than that which she was able to bestow upon it in making this tribute.

The CHAIRMAN declared the eighth session of the Traffic in Women and Children Committee closed.

## ADVISORY COMMISSION FOR THE PROTECTION AND WELFARE OF CHILDREN AND YOUNG PEOPLE.

### Joint Meeting of the Traffic in Women and Children Committee and the Child Welfare Committee.

Held on Friday, April 19th, 1929, at 11.40 a.m.

Chairman : Marquis PAULUCCI DI CALBOLI (Italy).

#### 1. Re-organisation of the Advisory Commission for the Protection and Welfare of Children and Young People.

The SECRETARY explained to the assessors of the Traffic in Women and Children Committee that the Child Welfare Committee had discussed this question and had accepted the following proposal which had been submitted by Mr. Harris and Dr. Humbert :

" (a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

" (b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

" (c) All assessors appointed in future should be appointed for a period of five years.

" (d) As regards existing assessors the question should be considered in three years' time (namely in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

" (e) It is desirable that the Committee should re-consider its rules of procedure, including the appointment and re-election of assessors."

Mr. COHEN said that he had been present at a part of the Child Welfare Committee's discussion on this subject, and that it had seemed to him that M. Villegas' proposal at the Council meeting of December 13th, 1928, did not apply to the Traffic in Women and Children Committee. That proposal had referred to "the steadily increasing number of delegates and assessors" on the Advisory Commission for the Protection and Welfare of Children and Young People. In the case of the Traffic in Women and Children Committee, there had been no such gradual increase, the assessors that had been appointed having been those recommended at the 1921 Conference, with one exception. These assessors had all been appointed because of their expert knowledge of the subject as a whole, and not in their capacity as experts on one particular aspect of their subject. They had similar aims and Mr. Cohen saw no objection, therefore, to agreeing to the proposal of Mr. Harris and Dr. Humbert.

Count CARTON DE WIART (Belgium) pointed out that, if the text of this proposal were to be adopted for insertion in the report of the Traffic in Women and Children Committee, it would be necessary to replace the words in paragraph (b) "international organisations which are recognised as acting on behalf of large groups of children and young persons" by the words "important international organisations".

Mr. HARRIS (British Empire) agreed that an amendment of the present text would be necessary. He proposed, however, that this amendment should read "international organisations concerned with the problems arising out of the traffic in women and children".

M. REGNAULT (France) thought that an amendment might be made in a more general form, such as "international organisations with a large membership".

Mr. HARRIS (British Empire) thought that the particular organisations in view should be specified in order to avoid a great number of unacceptable applications.

Dr. Paulina LUISI (Uruguay) suggested that both Committees might adopt the following wording: "important international organisations qualified to decide on questions which come within the purview of the two Committees".

The SECRETARY pointed out that it was not in any way necessary for both Committees to adopt the same text unless they desired to do so, since each branch of the Commission's work had its own Rapporteur on the Council.

Mme. AVRIL DE SAINTE-CROIX believed that the text suggested by M. Regnault "international organisations with a large membership", would be suitable for both Committees. A safeguard against possible misconceptions was provided by the final sentence of the second paragraph of the proposal of Mr. Harris and Dr. Humbert: "The special qualifications of the person to be nominated should be taken into consideration by the organisation."

The SECRETARY suggested that the most consistent course would be to retain the original wording adopted by the Council, as drafted in 1922.

Mr. HARRIS (British Empire) rose to a point of order. It appeared to him that the question had been definitely settled in so far as the Child Welfare Committee was concerned. He would suggest, therefore, that the Traffic in Women and Children Committee should leave the wording of the passage under discussion to be settled when the report was drafted.

*This proposal was adopted.*

*It was decided to appoint a Drafting Committee to draw up the text of the resolution relating to the Traffic in Women and Children Committee.*

After a short exchange of views, *the Commission decided on the proposal of M. Ito (Japan) that the Sub-Committee should be composed of Mr. HARRIS, Mr. COHEN and M. REGNAULT.*

**2. Request of the International Criminal Police Commission to be represented at Meetings of the Advisory Commission when Questions of Interest to it were under Discussion.**

The SECRETARY explained that the Commission had been asked by the International Criminal Police Commission to allow one of its members to attend its meetings when questions of interest to the Commission were under discussion. A similar request by the International Criminal Police Commission had been made to the Advisory Committee on the Traffic in Opium and other Dangerous Drugs.

Mr. HARRIS (British Empire) thought it unwise that, at a time when the Commission was trying to find means to reduce the number of its assessors, it should be asked to consider appointing an additional member. He proposed that the consideration of this question should be postponed to the next session, especially as the Council had not yet considered the proposals of the Commission as to its composition.

The SECRETARY pointed out that the request from the International Criminal Police Commission had been referred to the Advisory Commission by the Council. The reply of the Advisory Committee on Traffic in Opium had not yet been forwarded to the Council for it had been thought best to wait until both Committees had expressed their views. The reply of the Committee on Traffic in Opium was to the following effect:

"The Secretary-General communicated to the Committee a letter from the President of the International Criminal Police Commission in which this Commission asks to be allowed to take part in the work of certain Committees of the League of Nations that might concern the various fields of activity of the police. The Committee considered this letter and noted that its constitution did not permit it to invite a representative of that Commission to sit as an active member on the Advisory Committee. It would be glad, however, if a member of the Criminal Police Commission could attend when subjects which the Committee feels would be of special interest to it are under discussion."

Mr. HARRIS (British Empire) hoped that the adoption of such a form of words would not mean that a representative of the Police Commission would sit continuously on the Committees. What was the exact meaning of the reply given by the Advisory Committee on Traffic in Opium? It would seem at first sight that there was more to be said for the proposal that a representative of the International Criminal Police Commission should sit on the Opium Committee and perhaps on the Traffic in Women and Children Committee, than on the Child Welfare Committee.

The SECRETARY re-read the reply of the Opium Committee which had been most carefully drafted. As could be seen, it was quite clear that it merely provided means whereby that Committee could invite the International Criminal Police Commission to send a representative to attend those meetings of the Opium Committee in which it discussed questions of interest to the International Criminal Police Commission.

M. BOURGOIS (France) pointed out that Sir Malcolm Delevingne, the British representative on the Opium Committee, had himself drafted the terms of the Committee's reply.

Mr. COHEN thought that the Commission could certainly adopt the same form of words as that used by the Opium Committee. It was only necessary to consult this International Criminal Police Commission in exceptional cases in its capacity as criminal experts. There were already attached to the Committee experts in Police matters.

M. POSNER (Poland) thought that no useful purpose could be served if a representative of the International Criminal Police Commission attended the meetings of the Committees, which already included a sufficient number of experts in criminal matters. The question was very delicate and in his view it was quite useless to call in the International Criminal Police Commission.

COUNT CARTON DE WIART (Belgium) thought that this objection would only be valid if that Commission were to be permanently represented, or if it were allowed to choose those meetings of the Advisory Commission at which it might desire a representative to attend. By the wording of the reply of the Opium Committee, which it was proposed should be adopted by the present Commission, it was clear that a representative of the International Criminal Police Commission would only attend as the result of a direct invitation to do so. It would be a pity to exclude all possibility of consulting such an organisation. He therefore supported the proposal of Mr. Cohen that the form of words used by the Opium Committee should be chosen.

M. MAUS (Belgium) agreed with Count Carton de Wiart. The International Criminal Police Commission should be placed on the same footing as other international organisations chosen from time to time by the Commission to be asked to give advice.

M. POSNER (Poland) would maintain his opposition to the proposal. To allow the police to intervene in the working of the Commission would be fatal. He had great experience of police methods. At all costs the Commission must maintain its high moral authority. It would be quite unable to do this if it worked with the criminal police. The police had been doing work in connection with the traffic in women and children for many years and it was precisely with the object of destroying all the harm that that work had done that the Commission had been formed.

The ladies on the Commission would, he felt sure, agree with him in his view that the action of the police in regard to traffic in women and children was more often than not disastrous. As regards the proposal to consult this Police Commission as criminal experts, the Commission, if it wanted information of that kind, could always obtain it without having recourse to the police. He begged his colleagues to regard this matter most seriously for, in his view, it was a question of life or death. He spoke as a defender of those principles upon which the whole work of the Commission was based and which excluded all interference by the police.

Dr. Estrid HEIN (Denmark) agreed with Count Carton de Wiart that there might be questions, or aspects of a particular question, upon which the criminal police were experts and they should therefore be consulted. She referred more particularly to legislation regarding *souleneurs*, where the greatest difficulties lay not in the legislation itself but in its enforcement. There might be aspects of this matter in regard to which the Commission would desire to hear the opinion of women police.

Her own view was that it was unwise for the Commission to put the whole criminal police of the world against it by stigmatising them as criminals, who should not even be heard.

Mr. HARRIS (British Empire) said that the explanations furnished by the Secretary fully satisfied him. As a representative of the International Criminal Police Commission would only attend at the special invitation of the Advisory Commission he had no further objection to make. This being so he would propose that in reply to the Police Commission the present Commission should thank it for its offer of assistance and say that it would call upon it if necessary.

The SECRETARY, on behalf of Mme. Romniciano, who was not present, explained that in the view of the Roumanian representative all difficulties had been met by the manner in which the reply of the Opium Committee had been drafted. That reply completely satisfied her. She would regret any proposal aiming at the complete rejection of the idea that criminal police should be consulted.

M. ITO (Japan) supported the proposal that the Commission should adopt the formula used by the Opium Committee.

*That formula was adopted.*

### 3. Date of the Next Session of the Advisory Commission.

After an exchange of views, *the Commission decided to postpone a final decision on the date of its sessions.*

### 4. Unification of the Different National Laws relating to Maintenance Allowances : Letter from the International Institute for the Unification of Private Law.

On the proposal of M. ITO, *the Commission decided to refer to the Legal Sub-Committee, for examination and report, the letter from the President of the International Institute for the Unification of Private Law concerning the unification of the different national laws relating to maintenance allowances.*

---

# **ANNEXES**

**ANNEX 1.**

**AGENDA OF THE EIGHTH SESSION,**

*As adopted by the Committee on April 19th, 1929.*

1. Secretary's Report.
2. Examination of Annual Reports from Governments for the Year 1927.
3. Examination of the Reports of the Voluntary Organisations.
4. Enquiry by the Special Body of Experts : (a) Additional Information ; (b) Continuation or Extension of the Enquiry.
5. Abolition of the System of Licensed Houses.
6. Punishment of Persons who live on the Immoral Earnings of Women.
7. Desirability of removing the Age-limit from the Convention of 1910, as amended by the Convention of 1921.
8. Suppression of the Traffic in Obscene Publications : Date of the Next Conference.
9. Draft Budget for 1930.

C.T.F.E. 419.

**ANNEX 2.**

**PROGRESS REPORT BY THE SECRETARY,**

*Submitted to the Committee on April 20th, 1929.*

As a special appeal was made last year to the Members and Assessors of the Committee to send in their reports in sufficient time to allow of distribution in both languages one month before the date of the Committee, I should like to start my report this year by thanking the Assessors for the way in which they have responded to this appeal. Some explanation is due, however, both to the Members and Assessors for the failure of the Secretariat to fulfil its part. In order to effect economies which are considered essential, the Publications Committee decided that all new documents for this Committee should be printed elsewhere than locally. A lack of familiarity with League documents and with the English language has, in some cases, necessitated two proofs before final printing. This fact, combined with the time involved in the transit backwards and forwards of the proofs and final documents, has made for great delay. At the same time, reports have also been greatly retarded owing to information being sent for inclusion in documents which were already in the hands of the printers. It will be readily understood that this holds up the work of the printers who, in the first few months of this year, have dealt with some ten thousand printed pages of League documentation.

*Action taken on Resolutions passed at the 1928 Session.*

To give effect to resolutions passed at the seventh session of the Committee, three circular letters were despatched to Governments.

1. *C.L. 124.*—Forwarding the questionnaire concerning the material and moral protection of female artistes travelling abroad.

2. *C.L. 123.*—Drawing the attention of Governments to the resolution on licensed houses and requesting copies of laws and regulations in force in those countries where the system has been abolished.

3. *C.L. 125.*—Transmitting the resolution passed regarding Part II of the experts' report and asking for any information which may add to that which has been made available on the questions enquired into by the Special Body of Experts.

With regard to the replies received to the first letter, information received up to March 7th has been embodied in document C.T.F.E. 410. A report by the International Labour Office on the same subject has been distributed in document C.T.F.E. 410(a) and replies from Sweden and the Dutch Colonies, which reached the Secretariat after March 7th, are distributed separately, (document C.T.F.E. 410(b)). A further note from the International Labour Office (document C.T.F.E. 410(c)) and information from the Spanish Government (document C.T.F.E. 410(d)) have been distributed separately.

Supplementary information received in reply to C.L. 123 has been incorporated in a reprint of document C.T.F.E. 336, which was originally distributed in 1927.

Few replies have been received to C.L. 125, and a statement regarding these has been distributed in document C.T.F.E. 420. Since the date of this distribution, the Government of Siam has written to say that His Siamese Majesty's Government is not in a position to furnish any information on the subject ; the Government of the Netherlands states that all information concerning the suppression of traffic in women and children is given in the annual report, and expresses the willingness of the Netherlands Government to send further information to the Special Body of Experts if it so desired.

Regarding the possible extension of the enquiry into the Far East, resolutions strongly in favour of the proposal have been received from the National Council of Women of India (document C.T.F.E. 400), the Pan-Pacific Union (document C.T.F.E. 402), and the Bombay, Calcutta and Madras Vigilance Associations (document C.T.F.E. 406). The Council of the League of Nations, when considering the report of the seventh session of the Traffic in Women and Children Committee, discussed the question of the extension of the enquiry. The Rapporteur said : " I feel sure that the Council will share the Committee's opinion regarding the value of the enquiry, which has thrown so much light on this terrible social evil and must contribute to its suppression. As regards the question of further investigation, we must await the report of the Committee as to the scope and nature of the enquiry which it would recommend before taking any decision in the matter ".

The opinion of the Assembly on this question is expressed in the following terms : " It expresses the hope that it will be possible to extend the investigations to countries where no investigation has taken place before ". In addition to the documents compiled as a result of the circular letters to Governments of States Members of the League, document C.T.F.E. 418 has been distributed. This document is based on information received in reply to letters addressed to the delegates of Governments represented on the Committee, requesting information regarding the punishment of *souleuteurs*.

#### *Annual Reports from Governments for the Year 1927.*

Since the summary of annual reports from Governments for the year 1927 has been printed and distributed, the report from the Government of the Irish Free State has been received. Regarding employment agencies, it is stated that there is no record of any women or children having been sent abroad through such agencies. Special protection of travellers is not considered necessary. Police visit all important railway stations, and the Catholic Girls' Protection Bureau officers attend Dublin ports and railway termini, interesting themselves in the welfare of women and children travelling and, where necessary, advising kindred societies in other countries to look after them on arrival.

A report for the year 1927 has also just been received from Denmark, but it is feared that it cannot be distributed in time for consideration by this Committee as it has to be translated from Danish into English and French. A report from Czechoslovakia was received on April 18th.

#### *1921 Convention for the Suppression of Traffic in Women and Children.*

On January 15th, 1929, the Government of Chile ratified this Convention, and on February 28th, the Kingdom of the Serbs, Croats and Slovenes notified its adhesion, though the instruments have not yet been deposited with the Secretariat.

Last year the representative of Denmark explained to the Committee that the delay in ratification by Denmark of this Convention was due to the fact that the new penal code had not yet been adopted. No further information has since been received by the Secretariat regarding this point.

#### *1923 Convention for the Suppression of the Circulation of and Traffic in Obscene Publications.*

The Hungarian Government deposited the instruments of ratification of this Convention on February 4th of this year, and the Government of the Kingdom of the Serbs, Croats and Slovenes has notified its adhesion to this Convention also.

The signatures of eighteen States still await ratification. Among these are States represented on the Committee : Denmark, Uruguay and France, whose representative last year informed the Committee that, before ratification was possible, it would be necessary to make some changes in certain points of existing French legislation. These modifications, he said, had been studied by a special committee and the proposal to ratify had been approved by the Chamber and was before the Senate.



*Delegates and Assessors on the Committees.*

The members and assessors on the Committee have already had distributed to them the record of the discussions of the Council on the subject of the assessors on the Traffic in Women and Child Welfare Committees. The Council wished to draw the attention of these Committees to the fact that the steadily increasing number of delegates and assessors may be detrimental to the work, and the Committees are requested to devise some scheme by which assessors should only be called upon to attend meetings when subjects which are of special interest to the organisations they represent, are under discussion.

*Date of the Sessions of the Committees.*

It is greatly to be regretted that the date decided upon by the Committee last year for its 1929 session has proved so inconvenient a date to some members of the Committee. It appears that it is almost impossible for the representative of the United States of America, for instance, to attend any session during the months of February, March, April or May, and other months are apparently equally inconvenient to certain other members. It is suggested therefore, that the Commission discuss this question in full session, deciding the month which seems most convenient to the majority and, as in the case of certain other Advisory Committees, keep a fixed date for the sessions each year.

*Work of the Social Section of the Secretariat.*

It may be worthy of mention that an increasing amount of interest appears to be taken in the work of the Social Section of the League of Nations. The publication of the experts' report and the centenary of Mrs. Josephine Butler succeeded in arousing almost universal interest in the work of the Traffic in Women and Children Committee. The Chief of the Social Section is constantly asked to contribute articles on this subject to publications of different countries. During the past year she has addressed large audiences in London, Bristol, Manchester, Birmingham, Liverpool, Newcastle, Paris, Bucharest, Ottawa and New York, on the work of the Advisory Commission, and of the special body of experts.

---

ANNEX 3.

Official No.: C.T.F.E. 405.

SUMMARY OF ANNUAL REPORTS FROM GOVERNMENTS FOR 1927,  
PREPARED BY THE SECRETARIAT.

The Governments of the following States have communicated to the Secretariat their annual reports on traffic in women and children for the year 1927 :

Austria <sup>1</sup>	Hungary	Portugal
Belgium	India	Siam
Bulgaria	Italy	South Africa
Cuba	Japan <sup>2</sup>	Spain <sup>3</sup>
Finland	Latvia <sup>4</sup>	Sweden
France	Netherlands	Switzerland
Germany	Norway	
Great Britain	Poland <sup>5</sup>	

Replies have also been received from Governments of the following colonies, possessions, protectorates and mandated territories :

*British Colonies, Possessions, Protectorates and Mandated Territories:* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Ceylon, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Iraq, Jamaica, Leeward Islands, Unfederated Malay States, Malta, Mauritius, New Hebrides, Nigeria, Nyasaland, Northern Rhodesia, Southern Rhodesia, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories:* French Equatorial Africa, French West Africa, Cameroons, Cochin-China, Guadeloupe and dependencies, French Guiana, French Settlements in India, Indo-China, Madagascar and dependencies, Martinique, New Caledonia, French possessions in Oceania, Réunion, St. Pierre and Miquelon, French Somali Coast, Togoland.

*Netherlands Colonies:* Netherlands East Indies.

LIST OF STATES MEMBERS OF THE LEAGUE WHICH HAVE NOT SENT ANNUAL REPORTS FOR 1927 :

Abyssinia	Dominican Republic	Nicaragua
Albania	Estonia	Panama
Australia	Greece	Paraguay
Austria	Guatemala	Persia
Bolivia	Haiti	Peru
Brazil	Honduras	Roumania
Chile	Irish Free State	Salvador
China	Liberia	Kingdom of the Serbs, Croats and Slovenes
Colombia	Lithuania	Uruguay
Czechoslovakia	Luxemburg	Venezuela
Denmark	New Zealand	

<sup>1</sup> The report for the year 1926 has been communicated together with that of 1927.

<sup>2</sup> The statistics of offences communicated by the Japanese Government only concerns the year 1926.

<sup>3</sup> The report from Norway states merely that no case of traffic has been discovered in 1927, and that there have been no prosecutions for offences dealt with in the questionnaire.

<sup>4</sup> The reports for 1926, 1927 and the beginning of 1928 are presented simultaneously.

<sup>5</sup> The report of the Spanish Government also covers the year 1926.

## QUESTION 1.

### OFFENCES DISCOVERED.

*"Please give as full information as possible of all cases during the year in which persons have been discovered procuring, enticing or leading away women, or children of either sex, for immoral purposes in order to gratify the passions of another person or attempting to commit these offences (Articles 1 and 2 of the Convention of 1910 and Article 3 of the Convention of 1921).*

*"Please give the age and nationality of the offender and of the victim, the nature of the offences and the action taken; and distinguish as far as possible between cases relating: (a) wholly to your own country; and (b) partly or mainly to another country, specifying the country."*

### Replies.

#### AUSTRIA.

In 1926, criminal proceedings were taken for punishable offences such as are provided for in paragraphs 512 and 132 (III) of the Austrian Penal Code, against 17 persons, all of whom had confined their activities to Austrian territory, so that the punishable offences laid to their charge cannot be defined as international traffic.

No case of international traffic in the strict sense of the word necessitated enquiry in 1927. There were 131 cases of persons suspected of "procuring, enticing or leading away women or children for immoral purposes in order to gratify the passions of another person" investigated.

In 26 cases, complaints were lodged either in virtue of paragraph 132 (III) or of paragraph 512 of the Penal Code. All these cases fell within the Federal territory, with the exception of one that resolved itself into a complaint for abduction, though it seemed justifiable to suspect the offender, a self-styled "artiste" (female), of having abducted for purposes of prostitution a young girl of 14 from a family with which she was acquainted in Saaz (Czechoslovakia), where she was engaged. As a result of correspondence with regard to the matter, this "artiste" was forbidden by the Police authorities in Saaz to take the young girl to night clubs, whereupon she returned to Vienna before the authorities were able to take steps for the protection of the young girl.

#### BELGIUM.

The following sentences were passed in Belgium under Articles 379 to 380<sup>ter</sup> of the Penal Code:

(a) On Belgians for offences committed exclusively in Belgium, 84 (8 at Ghent, 9 at Liège, 67 at Brussels).

(b) On aliens for offences committed in Belgium only, 11 (1 at Ghent, 1 at Liège, 9 at Brussels).

#### BULGARIA.

During the year 1927, 66 procurers were discovered — 62 Bulgarians and 4 foreigners, their ages varying from 25 to 60 years.

#### CUBA.

During 1927, only two cases of any importance were recorded.

The first case was that of a girl under age, M. G. H., who arrived at the port of Havana from Santander, Spain, on December 31st, 1924. As she was subsequently found to be practising prostitution, she was arrested and sent back to her port of origin on September 28th, 1927 (infringement of Article 14 of the Presidential Decree No. 384, of March 2nd, 1925).

The second case was that of a minor, A. K., who stated that she was of age. She had been abducted by her lover and arrived at Havana on July 22nd, 1927, by the s.s. *Cuba*, from Key West. The girl's father notified the Immigration Department, which informed the Judicial Police, with the result that the girl was apprehended and handed over to that department, where the marriage was celebrated. She was afterwards sent back with her husband to the port of Key West, from which she had come.

#### FRANCE.

The number of enquiries, prosecutions or arrests for infringement of Article 334 of the Penal Code (traffic in women and children, other offences against public morals, the enticing of women or girls under age for immoral purposes, vagrancy) was about 100. Of these, 25 were subjected to enquiries, supervision and identification. Special notes concerning 22 persons were addressed to the divisional superintendents, to the Police agents at the ports and frontiers and to the divisional superintendents of the mobile Police squads of the territory. The number of arrests or direct prosecutions in the courts amounted to 57. It should, however, be pointed out that, of these, only 3 arrests were made on definite charges of international traffic in women and children as defined in the Convention concerning the traffic. The Courts passed sentences varying from 3 years' to 1 month's imprisonment, and from 3,000 francs to 50 francs in fines. Of the prisoners, 4 were acquitted, 1 case was not proceeded with, and 5 cases were dismissed; the subsidiary penalty of local expulsion was enforced in 8 cases.

Information concerning the suppression of the traffic in women and children is collected at the Central Office of the Judicial Investigation Services (Service for the Suppression of the Traffic in Women and Children), which sends to all the chief Police offices notes intended to facilitate the investigations of the Police agents, to indicate the best lines of enquiry and to supply information for the magistrates in charge of the proceedings.

#### FRENCH COLONIES AND MANDATED TERRITORIES.

*Cameroons.* — The number of sentences passed in respect of cases of traffic was 23, the same as in 1926. A noteworthy point, mentioned in the previous report, is that offences of this kind occur oftenest in districts frequented by Haussas and other Moslems. They are committed, however, with a view to matrimony and must not be looked upon as attempted prostitution. The penalties inflicted are therefore not those provided for by Articles 334 and 325 of the Penal Code.

*Indo-China.* — No case of trafficking in European women was reported to the judicial authorities in 1927.

Cases of traffic in natives or persons assimilated thereto are decreasing as a result of Police intervention. The two Indo-Chinese Courts of Appeal had to deal with 27 cases in all of offences relative to the traffic in women and children (abduction of minors, sale of women or girls for prostitution, rape of children) which were brought before the Courts in 1927, and for which varying penalties were inflicted.

*French Possessions in Oceania.* — Traffic in women and children has never been known in the French possession in Oceania and, in view of the mentality and the customs of the population, there is no reason to fear its introduction. No special legislative measures have therefore been taken in the colony.

#### GERMANY.

During the past year no case occurred in which, under German law, sentence could have been pronounced for offences of traffic in women.

#### GREAT BRITAIN.

Particulars of the three following cases which occurred last year have been sent in:

A woman (British subject), aged 44, was condemned to 18 months' imprisonment with hard labour for enticing a young girl under 21 to prostitution.

A man (British subject), aged 40, was condemned concurrently to 10 years' penal servitude and 2 years' hard labour for violating a young girl by means of fraud and intimidation.

A woman (British subject), aged 46, was condemned to 2 years' imprisonment with hard labour for inducing her daughter to have sexual relations with one of her lodgers.

#### BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES:

*Barbados.* — No case of traffic has arisen. Prostitution is frequent among the natives, but there is no organised traffic.

*Ceylon.* — Eight cases of traffic were detected last year in the City of Colombo or in the vicinity, and all were confined to the country itself. Of these, 5 consisted of procuring boys for immoral purposes. The 5 offenders were sentenced to rigorous imprisonment varying from 6 weeks to 6 months, and in some cases to an additional fine. The three other cases concerned women procured for prostitution, one being a girl of 9 years of age. The offender was sentenced to 2 months' rigorous imprisonment.

*Cyprus.* — There has been one case relating wholly to Cyprus. The victim was a British subject, aged 15, whom two persons attempted to procure for the purpose of immoral relations with another person. One of the offenders was sentenced to one month's imprisonment and a fine, the other only to a fine. The former appealed against the verdict. The date of hearing the appeal has not yet been fixed.

*Grenada.* — Traffic in women and children does not exist here.

*Iraq.* — Details concerning 5 cases which occurred in 1927 have been supplied. In 3 of these cases the offenders, whose ages varied between 18 and 45, acted as *souleneurs* in respect of boys whom they delivered over to third parties for immoral purposes. The ages of the victims range from 12 to 18. Sentences of from 3 to 6 months' rigorous imprisonment were passed. The other two cases involved young girls of 19, one of whom was abducted by a man of 28 with the connivance of a procuress, aged 40, and the other was seduced by a man of 28 through the intermediary of a woman of 35. The former woman who acted as intermediary was sentenced to 3 years' rigorous imprisonment, the second to 4 months' rigorous imprisonment. Of the two men, the former committed suicide, the second was sentenced to a fine of 250 rupees. All the above-mentioned cases are confined to Iraq.

*Unfederated Malay States.* — *Johore.* — Three cases were discovered last year. In the first, the offender, who was importing women from China for the purposes of prostitution, was released, as the witnesses were afraid to give evidence against him. He was subsequently banished. The victims in the other two cases were young girls of 12 and 16 years of age. One offender absconded; the other was sentenced to 9 months' imprisonment.

*Kedah.* — Four offences were discovered, the victims of which were between 17 and 20 years of age. Only in 1 case could sufficient evidence be obtained to banish the offender.

*Malta.* — Six cases have been dealt with under the White Slave Traffic Ordinance from January 1st to December 31st, 1927. These cases consisted of males living wholly or partly on the earnings of registered prostitution :

The result of these trials was as follows: 2 sentenced to 2 years' hard labour; 2 to 1 year's hard labour; and 2 to 10 months' hard labour.

In addition to the above, two females, a mother and her daughter, were brought before the Court in the year 1927 for having, during the year 1926, kept a brothel and shared with others in the management and earnings of prostitution, but they were acquitted.

The persons tried were all Maltese British subjects; and these cases relate entirely to Malta.

*St. Lucia.* — Traffic in women and children does not exist in St. Lucia.

*Solomon Islands.* — It was reported by the District Officer, Santa Cruz, that nine Reef Island native women were being carried about the Santa Cruz district for the purposes of prostitution. The women in question were between the ages of 20 and 30, and the offenders approximately 40 years of age. Steps were immediately taken for these women to be returned to their villages in the Reef Islands. No further reports of prostitution in the Santa Cruz district have since been received.

## HUNGARY.

In 1927, two persons were accused of international trafficking; in one case, the charge was dismissed because the evidence was insufficient, and, in the other, the verdict has not yet been given. This latter case is one of a procuress who is charged with enticing a young girl to Italy for immoral purposes.

The Hungarian report contains particulars of 33 cases relating wholly to Hungary. A few of these cases are summarised below.

1. A Budapest dressmaker, arrested on a charge of procuring, was sentenced to 1 year's imprisonment, a fine of 3 million crowns, loss of employment for 3 years, and deprivation of civil rights for 2 years.

2. A woman of Csaka, accused of forcing a young girl into prostitution for purposes of gain, was arrested. Her trial is now proceeding.

3. The Prefecture of Police arrested and referred to the Public Prosecutor of Budapest, F. J., aged 33, an ex-prostitute, on the charge of a young girl of 15, whom she had forced into prostitution and compelled to hand over to her the money she earned. The trial is proceeding.

4. The Police have arrested Sch. F., a masseuse of Budapest, who is charged with procuring virtuous girls for men of her acquaintance for her personal profit. The trial is proceeding.

5. The Kalocsa Court sentenced E. N. to 2 years and 2 months' imprisonment, a fine of 300 pengö, 5 years' loss of employment and suspension of the exercise of political rights for inciting third persons to lead an immoral life. K. M., an Austrian citizen, was sentenced for the same offence to 3 months' imprisonment and a fine of 50 pengö. After many enquiries, it was found that E. N. and K. M. had on several occasions jointly procured young girls of 16, 17 and 27 for immoral purposes with a view to profit.

6. The Debreczen Court sentenced D. S. to 2 years' imprisonment, a fine of 320 pengö, and 3 years' loss of employment for inciting, by means of dazzling promises, two young girls of 20 and 24 to lead an immoral life for his personal profit.

## INDIA.

*Bengal.* — An Italian and a Frenchman were deported from India for having placed young foreign artistes for whom they were responsible in a brothel at Calcutta (for details, see Question 4). Three young girls, aged respectively 15, 11 and 8 years, were discovered in a brothel at Calcutta. They had all three been brought from Kashmir for immoral purposes. As a result of this prosecution, the Kashmir Durbar is taking fresh measures to prevent the exportation of women from Kashmir for the purposes of prostitution.

A prosecution on a charge of traffic in women disclosed the fact that a considerable traffic existed in Nepali girls, who were brought to Benares for immoral purposes. Endeavours are now being made to restrict this immigration of young girls into Benares, except in cases where a *bona-fide* marriage is the genuine object of the voyage.

*Bombay.* — Details are given of 57 cases, all referring to Bombay. The majority of these related to abduction for immoral purposes; some of the prosecutions, however, were for living on the earnings of prostitutes. Of the victims, 2 were boys of 12, 43 girls were between 10 and 16, and 12 girls between 17 and 28 years of age. The offenders were sentenced to terms of imprisonment varying from 3 months to 3 years, rigorous imprisonment being specified in the majority of cases. Some of the accused were acquitted owing to lack of sufficient evidence, and in several cases the preliminary proceedings or investigations are still pending.

*Burma.* — During the past year there was one prosecution for procuring. The two offenders were sentenced to 4 and 6 months' rigorous imprisonment respectively. One person was convicted for living on the earnings of prostitutes and 5 others for keeping brothels.

*Madras.* — A report is to hand of the ill-treatment of a young woman by two persons in order to force her to become a prostitute. Both offenders were sentenced to 6 months' imprisonment.

## ITALY.

Information was laid with the authorities regarding 23 cases of alleged trafficking in 1927. Of these, 20 related to offences actually committed or attempted within the country; 2 offences against aliens (one Frenchwoman and one Austrian), and 1 attempted offence against Italian women intending to go to America.

The charge against the accused in the case of the Frenchwoman (then 37 years old) was dismissed; the case relating to the Austrian woman (aged 23 at the time) is still pending; the case of attempted traffic relating to Italian women about to sail for America was dismissed for lack of evidence. In some of the remaining 20 cases, the accused were convicted; other cases were dismissed for lack of evidence; and some are still pending.

The number of traffickers charged in 1927 was 33 in all.

The judicial authorities sentenced 208 persons for trafficking, procuring or corruption. Information had been laid against some of the accused during 1927 and against others in the preceding years.

## JAPAN.

The annual report for 1927 gives a table with particulars of offenders appearing before the Courts of First Instance in 1926 for traffic in women and children or for offences accessory thereto.

According to this table, 213 persons appeared before the Courts of First Instance, of whom 205 were men and 8 women. There were 199 persons proceeded against for abducting or leading away women and girls for immoral or matrimonial purposes or for pecuniary gain. The sentences inflicted varied from 3 months' to 5 years' imprisonment, and there were 8 cases of acquittal and 2 cases were dismissed. Four persons were proceeded against for abducting or leading away female victims for despatch to foreign countries. One of these was acquitted, the other 3 being sentenced to 1 year's imprisonment. Nine persons were proceeded against for abducting or leading away minors. The sentences varied from 3 months to 3 years. Lastly, 1 person was sentenced to 3 months' imprisonment for having received for pecuniary gain or for immoral purposes a woman who had been abducted or sold.

The offenders may be classified by age-groups as follows :

- 2 of 18 years of age,
- 5 between 18 and 20 years,
- 38 between 20 and 25 years,
- 47 between 25 and 30 years,
- 71 between 30 and 40 years,
- 31 between 40 and 50 years,
- 8 between 50 and 60 years.

## NETHERLANDS.

There is no case to report for last year.

Final sentence has now been passed in the case of the young German woman referred to in the report for 1925.<sup>1</sup> The accused, a mechanic's apprentice, who had invited her to take a situation in a café offering facilities for prostitution, has been sentenced to 3 months' imprisonment without appeal.

## NETHERLANDS COLONIES.

*Netherlands East Indies.* — No case of trafficking in boys for sexual or immoral purposes was brought to the notice of the Batavia Government department for the suppression of the traffic in women and children and of the circulation of obscene publications.

Of the offences specified under Question 1, 58 cases were tried. In 35, the accused were sentenced to imprisonment. Whenever possible, they were deported. The attention of the national and foreign authorities responsible for the suppression of the traffic in women has been drawn to them by means of notification cards bearing a description of the persons. (See also the report for 1924.)

## POLAND.

During 1926, there were no convictions for offences connected with the traffic in women and children. Seventy-five sentences were, however, passed on procurers and persons encouraging vice, *i.e.*, for offences which are closely connected with the traffic. Of the persons convicted, one was of foreign nationality.

Following the establishment of women police in 1925, 28 policewomen completed their preparatory course in June 1926. Of this number, 23 have been attached to the Police force at Warsaw and 5 sent to Lodz.

During the year 1927 and the beginning of 1928, judicial proceedings were taken against 20 persons engaged in the traffic.

## PORTUGAL.

Only two cases were reported in Portugal in 1927. In the first case, which occurred in the town of Fundão, a female daily worker, Portuguese, 60 years of age, was prosecuted for having enticed away a girl 15 years of age, and was tried and sentenced. In the second case, which occurred at Portalègre, a manager of a firm dealing in sewing-machines was sent for trial for an offence committed upon the person of a girl under 14 years of age whilst teaching her to hem by machine.

The Lisbon Police Administration invariably adopted the severest measures for the suppression of prostitution in the case of women applying voluntarily for registration as licensed prostitutes. Such certificates are granted only in very exceptional cases, when the women are obviously beyond reformation. For the purposes of registration such women must submit their birth certificate and photograph, which are forwarded for verification to the registration office of their birthplace. In reply to questions as to their occupation, they invariably allege either unemployment or lack of means, or else desertion by their seducer. The Lisbon Police did not discover any case of a woman or minor being seduced for immoral purposes or to gratify the passions of others.

The madames of licensed houses and *maisons de passe* are forbidden by the regulations to allow women not registered as licensed prostitutes or minors of either sex under 16 years of age to reside therein. The madames of licensed houses and licensed prostitutes are forbidden to allow their own children over the age of 3 to remain in such houses. Of the two cases mentioned above indeed, only one related to the enticing away of a girl under age, while the other was a case of assault by the seducer himself, who gratified his own carnal desires on the body of a minor without intending to lead her into prostitution.

## SIAM.

No case of international traffic has been reported, but, in 1927, 28 cases of procuring and enticing children or young girls for immoral purposes by violence or fraud were discovered in Siam. Of the victims, 16 were between 11 and 16 years old and 12 between 17 and 19. The offenders were condemned to periods of imprisonment ranging from 2 months to 2 years, and in some of the actions sentence has not yet been passed.

<sup>1</sup> The statement of the case in the 1925 report might be misinterpreted. The mechanic is there said to have been "accused of traffic in women, but was acquitted as there was no evidence to prove he had resorted to violence or fraud." These last words might give the impression that violence or fraud were essential factors for a conviction for trafficking. Such an interpretation would be wrong, as is proved by the final sentence.

The following are two typical cases :

A woman of 37 years and two men, aged 30 and 35 years, took away a girl of 12 years and sold her for immoral purposes. Two of the offenders were sentenced to imprisonment for six months each, the third offender to imprisonment for 2 months (Penal Code, Section 275).

A girl of 11 years was taken away from her home for immoral purposes and gain by two women, aged 48 and 53 years. The offenders were sentenced to imprisonment for 8 months each (Penal Code, Section 275; length of imprisonment reduced according to Section 59).

#### SPAIN.

In 1926, the authorities took action in 202 cases of procuring or enticing for immoral purposes, 22 offenders being handed over to the judicial authorities. Of this number, 15 were Spaniards and 7 foreigners. The latter included 2 Frenchmen, 2 Italians, 1 Portuguese, 1 Cuban and 1 native of the Argentine.

During 1926, assistance was given to 120 victims from 15 to 22 years of age, of whom 116 were Spanish and 4 foreigners, 1 native of the Argentine, 1 Frenchwoman and 2 Portuguese women.

In 1925, 125 victims from 16 to 23 years of age were assisted; of these, 120 were Spanish, 2 French and 3 Portuguese. The two French girls were repatriated, one at her family's request, and one of the Portuguese girls was handed over to the Portuguese consul.

These victims, according to the circumstances of the case and the judicial decisions, were received either by the refuge homes established by the Royal Association for the Suppression of the Traffic in Women, by other charitable institutions or by the institutions attached to the children's courts, or were returned to their homes.

All the cases discovered were brought to the notice of the judicial authority, which made the necessary preliminary enquiries, and drew up the charges when an offence was shown to have been committed. When the enquiry was completed and judgment given, the legal penalties were imposed.

It should be borne in mind that not all the cases in which the authorities intervened can be described as procuring or enticing minors or as trafficking in women. The actual character of the offences will not be known until the facts have been gone into by the Courts. It is therefore not possible to give figures accurately classifying the offences, as many — probably the majority — of the investigations are still proceeding. According to the information received, however, 114 cases were dealt with in 1926, 105 persons being prosecuted; of this number, 75 were women and 30 men. In 44 cases, sentences were passed involving imprisonment for periods varying from 1 to 5 years and fines from 250 to 1,500 pesetas.

For the year 1926, details have been sent for 16 cases of enticing for immoral purposes, procuring and trafficking. The culprits were 5 men, 6 women and, on two occasions, 1 man and 1 woman. The age of the delinquents averaged between 29 and 55 years and that of the victims between 16 and 24 years. The following characteristic case is quoted :

Sacramento Sanchez Gorro, aged 25, a native of Cuba, was arrested in Barcelona on a charge of trafficking. This man had endeavoured, by offering them enormous sums, to persuade cabaret artistes to go to Cuba as prostitutes. His proposal had been accepted by B. M. O., aged 23, and D. J. F., both of Spanish nationality.

During 1927, 5 persons (3 men and 2 women aged between 25 and 37) were detained on a charge of procuring or trafficking, and placed at the disposal of the judicial authorities, who are taking the necessary action. The victims were nearly all under age.

#### SWEDEN.

There were 10 prosecutions for procuring in 1927. In 8 of these cases, the accused were sentenced to terms varying from 3 months' imprisonment (conditional sentence) to 2 years' hard labour. Six men and 4 women were charged; 5 men and 3 women were convicted. They were between 30 and 42 years of age. All were Swedish subjects.

#### SWITZERLAND.

The Swiss authorities dealt with two cases in 1927.

The first concerned an individual who, on pretext of being a doctor, sought to engage young women as nurses for his hospital at Cairo. He was arrested by the Police when about to start with a young woman from the Canton Schwyz. Upon investigation, his statements proved to be false. As the offence had not been actually committed, no sentence could be pronounced, but the administrative authorities expelled this person from Switzerland.



The second case concerned an individual who enticed two women to Geneva by promising to find them engagements as dancers. In actual fact, he handed them over to prostitution, with the complicity of a woman who had lodgings available. The matter was detected by the Police and the two young women were repatriated; the individual in question was sentenced to 4 months' imprisonment and deportation from Switzerland. His accomplice was sentenced to 2 months' imprisonment.

\* \* \*

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 1:

*Finland.*

*Latvia.*

*South Africa.*

*British Colonies, Possessions, Protectorates and Mandated Territories:* Basutoland, Bechuana-land, British Guiana, British Honduras, Cayman Islands, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Jamaica, Leeward Islands, Unfederated Malay States, Brunei, Kelantan and Trengganu, Mauritius, New Hebrides, Nigeria, Nyasaland, Northern Rhodesia, Southern Rhodesia, St. Vincent, Seychelles, Sierra Leone, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories:* French Equatorial Africa, French West Africa, Cochin-China, Guadeloupe and dependencies, French Guiana, French Settlements in India, Madagascar and dependencies, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, French Somali Coast, Togoland.

## QUESTION 2.

### CENTRAL AUTHORITIES.

*"Please give: (a) the name and address of the Central Authority in your country; and (b) particulars of any cases in which the Central Authority has had occasion to communicate with the Central Authority of any other country during the year."*

### Replies.

#### (a)<sup>1</sup>

AUSTRIA :	Police Department, Rossauerlande 7, Vienna.
BELGIUM :	Direction générale de la Sûreté publique, Brussels.
BULGARIA :	Direction de Police, Sofia.
CUBA :	Commissaire de l'Emigration, Dr. Augusto Diaz-Brito, who fulfils this duty in the capacity of military inspector for this department.
FINLAND <sup>2</sup>	Bureau de la Protection de l'Enfance du Ministère des affaires sociales.
FRANCE AND FRENCH COLONIES :	Ministère de l'intérieur, Direction de la Sûreté générale, Contrôle des Recherches judiciaires, Paris.
GERMANY :	The Central Police Bureau for the Repression of the International Traffic in Women, placed under the control of the Criminal Researches Department of the Berlin Police (Zentral-Polizeistelle zur Bekämpfung des internationalen Mädchenhandels, 3-6, Alexanderstrasse, Berlin).
GREAT BRITAIN :	The Commissioner of the Metropolitan Police, New Scotland Yard, London.
BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES :	
<i>Barbados :</i>	Inspector-General of Police, Bridgetown, Barbados.
<i>Basutoland :</i>	Government Secretary, Maseru.

<sup>1</sup> In this list figure the Central Authorities of countries which have sent in their annual reports this year. A more detailed list has been published in the Summary of Annual Reports for the year 1925.

<sup>2</sup> Concerned with traffic in children only.

<i>Bechuanaland :</i>	Government Secretary, Mafeking.
<i>British Honduras :</i>	Superintendent of Police, Tegucigalpa.
<i>Cayman Islands :</i>	The Commissioner, Cayman Islands.
<i>Ceylon :</i>	Inspector-General of Police, Colombo, with the Deputy-Inspector-General, Criminal Investigation Department.
<i>Cyprus :</i>	Chief Commandant of Police, Nicosia.
<i>Fiji :</i>	The Colonial Secretary, Fiji.
<i>Gambia :</i>	Commissioner of Police, Bathurst, Gambia.
<i>Gibraltar :</i>	Chief of Police, Gibraltar.
<i>Gilbert and Ellice Islands :</i>	Resident Commissioner, Ocean Island.
<i>Gold Coast :</i>	Inspector-General of Police, Accra.
<i>Grenada :</i>	The Colonial Secretary, Grenada.
<i>Iraq :</i>	Director-General of Police, Bagdad.
<i>Jamaica :</i>	Inspector-General of Police, Kingston.
<i>Leeward Islands :</i>	Chief Inspector, Antigua, B.W.I.
<i>Unfederated Malay States :</i>	
<i>Brunei :</i>	Chief Police Officer, Brunei Town.
<i>Johore :</i>	Protector of the Chinese at Johore, Bahru.
<i>Kedah :</i>	The British Adviser, Kedah.
<i>Kelantan :</i>	The British Adviser, Kelantan.
<i>Malta :</i>	Commissioner of Police, Police Headquarters, Valetta, Malta.
<i>Mauritius :</i>	Lt.-Col. R. Deane, O.B.E., Police Headquarters, Mauritius.
<i>New Hebrides :</i>	Two Resident Commissioners. (As traffic non-existent, specially designed authority not considered necessary.)
<i>Nigeria :</i>	Northern Provinces : Inspector-General of Police.
<i>Southern Rhodesia :</i>	The Colonial Secretary.
<i>St. Lucia :</i>	Chief of Police, Castries, St. Lucia, B.W.I.
<i>St. Vincent :</i>	Chief of Police, Kingstown.
<i>Seychelles :</i>	Inspector of Police for the Colony of Seychelles.
<i>Sierra Leone :</i>	Commissioner of Police.
<i>Trinidad :</i>	Colonel J. H. May, Inspector-General of Constabulary, Trinidad, B.W.I.
<i>Zanzibar :</i>	Zanzibar Government.
<b>HUNGARY :</b>	Royal Central Authority for the Department of Public Morals, Budapest VI, O-utca 48 Szam.
<b>INDIA :</b>	The Secretary to the Government of Bombay, Home Department, Bombay, or the Commissioners of Police of Madras, Calcutta and Rangoon.

ITALY :	Central Italian Office for the Suppression of the Traffic in Women and Children, Rome.
JAPAN :	Ministry of the Interior, Tokio.
LATVIA :	La Direction de Police, Riga.
NETHERLANDS :	The Director of the Royal Bureau for the Suppression of the Traffic in Women and Children and the Circulation of Obscene Publications, 109 Reguliersgracht, Amsterdam (Centrum).
NETHERLANDS COLONIES :	
<i>Netherlands East Indies :</i>	Government Office for the Suppression of the Traffic in Women and Children and the Circulation of Obscene Publications in Batavia.
POLAND :	Department for the Suppression of the Traffic in Women, Ministry for Internal Affairs, Warsaw.
PORTUGAL :	Commandant of the Lisbon Public Security Police.
SIAM :	The Director-General of Gendarmerie and Police, Bangkok.
SOUTH AFRICA :	The Commissioner, South African Police, New Government Buildings, Pretoria, Transvaal, South Africa.
SPAIN :	Ministerio de Gracia y Justicia, Comisión Central para la Represión di la Trata de Mujeres y Niños, Madrid.
SWEDEN :	Chief of Police, Stockholm.
SWITZERLAND :	Public Prosecutor's Department of the Confederation, Berne.

The Governments of the following British Colonies have stated that they have no Central Authority :

<i>British Guiana,</i>	<i>Northern Rhodesia,</i>
<i>Falkland Islands,</i>	<i>Solomon Islands,</i>
<i>Unfederated Malay States (Trengganu),</i>	<i>Swaziland.</i>
<i>Nyasaland,</i>	

(b)

#### AUSTRIA.

No complaint concerning traffic was lodged in 1926, but communications with the Central Authorities in other countries were very numerous. The majority of these concerned cases of emigration, of which there is always a large number among young girls and women, in consequence of the economic situation.

There were 187 cases of traffic in women and children investigated in 1927. No complaint was lodged. In some instances suspicions were aroused by the fact that young girls or women disappeared and that no immediate light could be thrown on their disappearance; in the majority of these cases, suspicions were based upon offers of employment abroad addressed to young girls or to women by agents of doubtful character, and gave rise to investigation by correspondence. One characteristic case should be mentioned in which a hairdresser, established in the Netherlands, applied for women assistants from Vienna by means of newspaper advertisements. Correspondence showed in this instance also that the above-mentioned hairdresser did not carry on traffic in women and children, but that he chose his female staff, which he frequently changed, preferably from abroad, with the object of making them his victims.

Correspondence with the foreign Central Authorities was opened partly at the request of the assistants. Official correspondence with regard to cases of this kind has been most frequent with the Central Authority in Poland.

#### FRANCE.

The Central Authority worked normally during 1927, and a large amount of information was exchanged with foreign Central Authorities.

## GERMANY.

The German Central Authority has frequently been in communication with the Central Authorities in other countries. No details are given in the report owing to the large number of cases.

## GREAT BRITAIN.

The British Central Authorities have been in communication with the Central Authorities in France, Switzerland and Hungary. In one case all suspicion of trafficking proved to be unfounded.

## BRITISH COLONIES AND MANDATED TERRITORIES.

*Iraq.* — Communications on this subject from other countries should be sent through the diplomatic channel : *vide* paragraph 3 of Article 6 of the International Convention of the White Slave Traffic.

*Unfederated Malay States.* — *Johore.* — The Central Authority is in constant communication with the Authorities in the Straits Settlements and Federated Malay States with regard to movements of prostitutes, female immigrants and girls under security bond under the Women and Girls' Protection Enactment. These communications amount to many hundreds per year.

## HUNGARY.

The Hungarian Central Authority has communicated with the Central Authorities of the following countries : Austria, Germany, Kingdom of the Serbs, Croats and Slovenes, Poland.

The Hungarian report contains details regarding five correspondences exchanged with Berlin, six with Vienna and twenty-three with the Police authorities of the Kingdom of the Serbs, Croats and Slovenes. These correspondences have helped to throw light on doubtful cases, and have enabled authorities to satisfy themselves that young girls going abroad were provided with suitable employment.

## INDIA.

The Central Authority for the Bombay Presidency has had occasion to communicate once with the Police Administration in Vienna in connection with the movements of two Austrians who were suspected of engaging in the traffic in women.

## NETHERLANDS.

The Netherlands Central Authority has communicated on several occasions with the German Central Authority. In three cases, certain misunderstandings were cleared up, and it was proved that they were not cases of trafficking in women.

Communication with the Austrian Central Authority concerned the case of the two young girls who disappeared, and a young Austrian, resident in the Netherlands, who acted as employment agent for Austrian women and young girls (see reply from Austria).

The Hungarian Central Authority transmitted a circular letter concerning the punishment of offences against morality in Hungary.

Further, the Netherlands Central Authority applied to the various Consuls for information concerning certain addresses.

## SPAIN.

Enquiries were made at the request of the International Office in London, which was desirous of ascertaining the whereabouts of J. A., an English girl of 19, who was said to have gone to Spain to marry an Englishman, Captain D. It appears that J. A. wrote to a girl friend urging her to come to Spain. It was stated that the Captain and the girl were living in Palma, in the Island of Majorca, together with Miss B. C., a native of Nerdigg (England), and that the Captain had had with him another English girl, whom he described as his wife, cousin or friend. Owing to her character, this girl was not received by the rest of the English colony. Captain D., on being questioned, stated that he did not know J. A., and was ignorant of her whereabouts. The enquiries have been continued for some time without any positive results.

## SWEDEN.

The head of the Stockholm City Police only entered into communication with the Central Authority of another country in one instance, namely, with the Prefect of the Paris Police, concerning a Swedish national in France suspected of traffic in women and children. The suspicions proved to be unfounded.

SWITZERLAND.

The Federal Public Prosecutor communicated with the Central Authority in other countries with regard to three suspect cases, which, however, proved to be without foundation.

QUESTION 3.

EXTRADITION.

"(a) Please state in how many cases extradition procedure has been applied during the year to the offences mentioned in Question 1, giving the names of the countries to which and from which offenders have been extradited."

"(b) Mention whether during the year any new extradition treaties or arrangements have been made and whether any practical difficulties have arisen."

Replies.

BELGIUM.

There were 3 cases of extradition on account of offences under Articles 379 to 380c of the Penal Code. Two women were extradited from France to Belgium and one *vice versa*, all three being guilty of enticing minors to prostitution.

At the end of December 1927, Belgium applied to France for the extradition of a woman convicted of similar offences. The proceedings are not yet concluded.

No convention or agreement concerning extradition on account of such offences was concluded in 1927.

The execution of extradition measures has given rise to no difficulties.

CUBA.

No persons were extradited during 1927 in connection with the offences referred to in Question A.

No extradition treaty or arrangement has been made during the year, nor have any practical difficulties arisen.

FINLAND.

Extradition Conventions have been concluded with the following States: In 1924 with Great Britain, United States of America and Latvia. In 1925, with Estonia and Norway. In 1928, with Austria and Belgium. (The acts of ratification have not yet been exchanged with Austria.)

FRANCE.

During 1927, there was no occasion for applying extradition procedure on account of traffic in women and children.

GREAT BRITAIN.

No case for extradition has arisen.

During the year, extradition treaties with Albania and Lithuania were ratified. No practical difficulties have arisen.

BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES:

*Basutoland.* — Treaties with Czechoslovakia, Lithuania and Albania came into force in Basutoland.

*Bechuanaland.* — Treaties with Czechoslovakia, Lithuania and Albania entered into force in Bechuanaland.

*Gold Coast.* — Treaties with Czechoslovakia and Estonia entered into force in this colony.

*Northern Rhodesia.* — Treaties with Czechoslovakia, Lithuania and Albania are in force in this colony.

*Seychelles.* — Three extradition treaties have been concluded during the year :

1. Treaty with Czechoslovakia, applied to the colony by an Imperial Order in Council dated November 20th, 1926, and published in the colony on April 22nd, 1927.
2. Treaty with Lithuania, applied to the colony by an Imperial Order in Council dated May 26th, 1927, and published in the colony on October 14th, 1927.
3. Treaty with Albania, applied to the colony by an Imperial Order in Council dated June 27th, 1927, and published in the colony on November 11th, 1927.

*Swaziland.* — Treaties with Czechoslovakia, Lithuania and Albania entered into force in Swaziland.

#### LATVIA.

On September 12th, 1927, Latvia concluded with Norway a Convention on Extradition and Legal Assistance in Criminal Matters. Negotiations on analogous conventions with Hungary, Roumania, Denmark, the Netherlands and Switzerland are in course of preparation.

#### SPAIN.

Notes have been exchanged between the Spanish, French and Netherlands Governments concerning the reciprocal communications of sentences for punishable offences of all kinds, apart from misdemeanours passed by the Courts of one country on the nationals of the other.

\* \* \*

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 3 :

<i>Austria,</i>	<i>Netherlands,</i>
<i>Bulgaria,</i>	<i>Poland,</i>
<i>Germany,</i>	<i>Portugal,</i>
<i>Hungary,</i>	<i>Siam,</i>
<i>India,</i>	<i>South Africa,</i>
<i>Italy,</i>	<i>Sweden,</i>
<i>Japan,</i>	<i>Switzerland.</i>

*British Colonies, Possessions, Protectorates and Mandated Territories:* Barbados, British Guiana, British Honduras, Cayman Islands, Ceylon, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Iraq, Jamaica, Leeward Islands, Unfederated Malay States (Kelantan, Trengganu, Brunei), Malta, Mauritius, New Hebrides, Nigeria, Nyasaland, Southern Rhodesia, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Trinidad, Zanzibar.

*Netherlands Colonies:* Netherlands East Indies.

---

#### QUESTION 4.

##### REPATRIATION AND DEPORTATION.

*"Please give the number, age and nationality of the following classes of persons who have been repatriated or deported during the year :*

- "(a) Women and children who have been victims of the offences specified in Question 1;*
- "(b) Foreign prostitutes not included in (a);*
- "(c) Men and women found or believed to be engaged in procuration or living on the earnings of prostitution.*

*"In each case, information should be given, if possible, of the circumstances under which the persons concerned entered your country."*

#### Replies.

##### BELGIUM.

Under ministerial decision, 135 alien prostitutes were expelled and 50 were deported under Royal Decree. Under ministerial decision, 17 men were expelled from Belgium and 20 deported under Royal Decree for procuring.

##### BULGARIA.

A Serbian woman, 45 years of age, was deported for procuring.

## FRANCE.

Eight women of foreign nationality were expelled for prostitution, and two foreign procurers who could not be legally prosecuted.

## FRENCH COLONIES AND MANDATED TERRITORIES.

*Cochin-China.* — Two alien prostitutes who were in the colony have left it of their own accord.

The rigid application of the Ministerial Instruction dated April 25th, 1922, concerning the passport regime and the provisions of the Order of October 3rd, 1911, relating to the entry of aliens into the colony make it extremely difficult for alien prostitutes to obtain permission to reside there. They prefer to leave Saigon rather than conform to the municipal regulations under which they are compelled to obtain cards and undergo medical examination.

*Indo-China.* — One alien prostitute was deported in 1927.

As a rule, if alien prostitutes whose passports are in order succeed in spending a few days at Hanoi, Haiphong or Saigon in the interval between the sailings of two vessels, the vigilance exercised by the Security Police frustrates their plans and they are compelled to leave Indo-Chinese territory without delay.

## GERMANY.

- (b) Eight alien prostitutes of ages varying between 22 and 37 were deported last year.
- (c) Five men were deported on a charge of procuring.

## GREAT BRITAIN.

- (b) Three foreign prostitutes, one Swiss and two Frenchwomen, were deported.
- (c) Three women and two men were deported for keeping brothels or for living on the earnings of prostitutes. Their nationality was as follows: two Italians, one Frenchwoman, one Japanese, one Pole.

## BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES.

*Ceylon.* — No alien prostitutes were repatriated or deported. There are now no alien prostitutes in this colony, nor do they come to this colony.

*Iraq.* — It was found necessary to deport three Syrian dancing girls for unsatisfactory conduct.

*Unfederated Malay States.* — *Johore.* — (c) One case of banishment for procuring (see Question 1).

*Kedah.* — (c) One male Chinese has been banished for forcing a young girl of 17 to prostitute herself. He is at present serving a term of imprisonment for breaking into the Kedah Home for Women and Girls with a view to communicating with his victim.

*Malta.* — Foreigners are not permitted to register as public prostitutes.

*Southern Rhodesia.* — No prohibited immigrants in the form of alien prostitutes have been discovered entering the territory; none is known to be resident or domiciled therein; and none has been removed therefrom.

## HUNGARY.

The following women were deported from Hungary for clandestine prostitution or for refusing to work: 33 Czechoslovaks, 24 Roumanians, 1 Serb-Croat-Slovene, 3 Austrians and 1 Pole.

Three Czechoslovak and 2 Serb-Croat-Slovene prostitutes were deported for reasons of public security and on public moral grounds. Of these women, the youngest was born in 1897 and the oldest in 1881. The women were registered before the decree prohibiting registration was passed.

## INDIA.

*Bombay.* — (c) Persons found trafficking in women and children were deported under the Foreigners Act III of 1864 in the following cases :

1. Four Persians were deported to Persia during the year. These Persians were reported to be pimps and were living by extorting money from prostitutes.

2. A Syrian who was convicted under Section 5, clause (1), of Act XI of 1923 (Bombay Prevention of Prostitution Act) and sentenced to 4 months' rigorous imprisonment, was deported to Basrah on his release from prison.

3. There was also one case in which deportation orders were issued in Calcutta, but which partly pertained to Bombay. The facts were as follows : An Italian, about 38 years of age, formed a troupe of dancers in Paris, which consisted of a Frenchman as manager, aged about 35 years, six French girls of easy virtue, and an Italian dancing partner for the girls. The company went to Bagdad via Beyrout, where they ran a bar, the girls being the attraction. The French manager and two girls came to Bombay in March 1927. After a few days, the manager went back to France and the girls entered a brothel in Bombay. The Italian organiser came to Bombay in April, and his case was referred by the Commissioner of Police to Government, with the suggestion that the man should be made to pay for the repatriation of his troupe. Whilst the case was under consideration, he left Bombay for Calcutta, where he was joined by the rest of his troupe, consisting of four girls and their dancing partner, who had travelled from Bagdad via Karachi. On information given from Bombay, a case under the Bengal Suppression of Immoral Traffic Act was instituted by the Calcutta Police against the two men. The magistrate who tried the case held that the fact that the girls had been brought out for the purpose of prostitution, and not for *bona-fide* employment as dancers, had not been proved and accordingly acquitted them. They were then served with deportation orders and left for Bangkok. The four girls accompanied them.

## ITALY.

Statistics obtained by the Italian Central Bureau for the Suppression of Traffic in Women show that, on December 31st last, there were 204 alien prostitutes in Italy. The Police questioned them repeatedly in order to ascertain whether they had been driven by other persons, by trickery or violence, to leave their country in order to engage in prostitution in Italy.

The majority of the replies seemed to indicate that the women had prostituted themselves of their own accord.

When the same questions were put to Italian prostitutes, who are more numerous, almost all replied that they had not been victims of the traffic.

The Police have also been instructed, when questioning prostitutes, to endeavour to find out whether they are satisfied with their way of living, and, when they show signs of weariness or of a desire to lead a different existence, to encourage them to persevere and help them by appealing on their behalf to the Welfare Committees which deal with the rehabilitation of prostitutes or the protection of neglected girls. There are over a hundred such committees in Italy at the present time, and the number of women they have helped is estimated at 5,710.

There have been 597 prostitutes under age repatriated.

Nineteen *souteneurs* have been put under police supervision (*ammonizione*) and 2 were sentenced to confinement to certain specified areas (*confino*).

## NETHERLANDS.

According to information supplied by the Police in the larger towns, 95 alien prostitutes were deported, 10 of whom were minors.

Some of these women have been deported several times, one German six times, a Belgian and a Dane three times.<sup>1</sup> Some of them entered the Netherlands as domestic servants or artistes; one described herself as a dancer.

The Netherlands authorities had been considering the question of the expulsion of alien prostitutes long before the third session of the Assembly of the League of Nations made any recommendations to this effect. During and after the war, alien women had to be expelled who entered the Netherlands in order to engage in prostitution.

Generally speaking, there are very few cases in which it could be assumed that the alien prostitutes had not come alone but were accompanied by a *souteneur*.

<sup>1</sup> During the sixth session of the Committee on the Traffic in Women and Children, reference was made to the passage in the Netherlands report in which it was stated that, "in one case, the same woman was deported six times in 1925", which appeared to point to the fact that deportation was not very effective. The Netherlands Government, in its report for 1927, states that the anomaly is difficult to remedy. Resolution IV of the Report of the Fifth Session of the Committee on the Traffic in Women and Children suggesting that return after deportation should be made a punishable offence has been taken into consideration. But the competent authorities which were consulted consider that such a measure would have but little effect, as an alien woman could obtain the right to live in the Netherlands by marrying a Dutch national. According to the experience of the authorities, this practice is already very common.



Three men charged with being *souteneurs* were deported. Proceedings were instituted against one woman for procuring.

In one of the large cities it was found that, among 38 proceedings instituted for procuring, only one case related to alien women.

#### NETHERLANDS COLONIES.

*Netherlands East Indies.* — The reasons for the arrival in the Netherlands East Indies of about 150 female immigrants have had to be closely investigated. In the majority of cases, the results of the enquiry proved satisfactory for the time being; the women are, however, still under the supervision of the Government Department.

In 16 cases the women had to be deported and repatriated, as they were "free" Chinese prostitutes trying to enter the Netherlands East Indies (see 1924 report concerning these prostitutes).

As stated in the reply to Question 1, 58 cases of traffic in women, etc., were tried. Only a very few of the accused, most of whom were Chinese, could be deported. The remainder had immigration papers which were in good order, but they are being kept under the supervision of the Police and the Government Department.

#### PORTUGAL.

It may perhaps be stated that no case of actual procurement occurred in Portugal in 1927, apart from the case already reported from the town of Fundão, and even in that case (see Question 1) the purpose for which the girl was enticed away was not known.

#### SIAM.

There was no opportunity for repatriation of any of the victims mentioned in Question 1, but during the year eight Chinese girls, who, after arrival in Siam, were found to have been brought here by deceitful means, were repatriated to China.

No foreign prostitutes were repatriated or deported during 1927.

One Pole, one Polish woman, two Cantonese women and one Ta Chiew woman were deported (to Swatow) for keeping unlicensed brothels in Bangkok.

#### SPAIN.

The following cases occurred during 1926 and 1927 :

C. P., aged 24, was repatriated by France to Spain on the ground that she had no identity papers and was leading an immoral life.

As already mentioned, two young French girls were repatriated, one at her family's request, and one Portuguese girl was handed over to her Consul.

There were 20 women deported from Spain as being prostitutes or for procuring — 18 French, 1 Belgian, 1 Swiss. Some of the French prostitutes had also been trafficking in cocaine.

There were also 30 men deported — 20 French, 3 Italian, 5 Algerian, 1 Uruguayan, 1 Greek.

No details are available as to how the foreigners entered Spain.

#### SWITZERLAND.

In all, 62 alien prostitutes were deported in 1927 — 34 Germans, 6 Austrians, 15 Frenchwomen and 7 Italians. Two alien procurers (of German nationality) were also deported.

• • •

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 4 :

*Austria,  
Cuba,  
Finland,  
Japan,*

*Latvia,  
Poland,  
South Africa,  
Sweden.*

*British Colonies, Possessions, Protectorates and Mandated Territories :* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Jamaica, Leeward

Islands, Unfederated Malay States (Brunei, Kelantan, Trengganu), Mauritius, New Hebrides, Nigeria, Nyasaland, Northern Rhodesia, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories:* French Equatorial Africa, French West Africa, Cameroons, Guadeloupe and dependencies, French Guiana, French Settlements in India, Madagascar and dependencies, Martinique, New Caledonia, French possessions in Oceania, Réunion, St. Pierre and Miquelon, French Somali Coast, Togoland.

## QUESTION 5.

### EMPLOYMENT AGENCIES.

*"Please mention any cases in which it is known or suspected that, during the year, women and children have been sent abroad for immoral purposes, by means of employment agencies or that any attempt has been made in this sense."*

### Replies.

#### AUSTRIA.

Among employment agencies, that of the Pädagogenbund, Karlsplatz, Vienna, I, should be mentioned. This agency, which was not prohibited by the Rescript of the Federal Chancellery of January 25th, 1926, confined its activities to obtaining situations in Hungary for female domestics. There is no proof that it carries on traffic, but its business methods are unscrupulous, as it obtains no information concerning the situations or the domestics supplied, and the latter are persuaded to allege before the authorities that a visit is the object of their journey, in order to evade the provisions relating to the protection of national workers, which are also in force in Hungary.

As this method of procedure is calculated to expose young girls to poverty abroad and make them fitting subjects for the activities of procurers, etc., it has been restricted as far as possible by giving warning to the girls in question when passports are issued, and by letters from Police headquarters and the emigration offices.

Employment agencies were strictly supervised during 1927. It was not found that they sent women and children abroad for immoral purposes.

As the work of protection consists in supervising the employment agencies, numerous investigations and communications were made in 1927 on the subject of engagements of female artistes abroad. A detailed report on the subject was submitted by Police Headquarters on December 29th, 1927, under No. G. M. 42. Frequently, individuals who consider themselves qualified to act as impresarios or heads of troupes of artistes attempt to form a troupe, which is generally composed of women dancers who are more or less capable of performing a combined "turn". They then try to obtain an engagement abroad with their troupe. These engagements often end in low-class establishments and thus lead to prostitution in a manner which is more or less veiled but none the less gross.

The number of organisations (*Fürsorgerinnen*) for the protection of persons exposed to moral danger continues to increase, and is even more effectively suppressing the traffic in women and children and attempts at leading women away for immoral purposes.

#### BULGARIA.

An employment agency is supposed to have sent young girls to America under pretext of marriage, but after having been warned the agency stopped this practice.

#### CUBA.

No cases are known of women or children sent abroad for immoral purposes by means of employment agencies.

#### FRANCE.

No case of prostitution abroad through the intermediary of employment agencies has been recorded.

#### FRENCH COLONIES AND MANDATED TERRITORIES.

*Cochin-China.* — There is no agency of this kind in the colony.

*Indo-China.* — There is no employment agency in Indo-China.

*New Caledonia.* — See report for 1925.

*Réunion.* — See report for 1925.

## GREAT BRITAIN.

No cases have come to the notice of the Home Office or the local authorities which have made by-laws dealing with employment agencies.

## BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES :

*Ceylon.* — There are no employment agencies. No women and children were sent abroad for immoral purposes.

*Seychelles.* — There are no such employment agencies in this colony.

## ITALY.

Five agencies suspected of promoting the traffic in women have been compelled to close down; another has been closed and its owner summoned because concrete proofs were brought corroborating the information.

## NETHERLANDS.

There is no case to record. Female labour is in great demand in the Netherlands, and women do not need to go abroad in search of employment. Private employment agencies are few, as they are rendered superfluous by the existence of the official agencies.

## POLAND.

Very strict supervision has been exercised by the Government Labour Office, and no case of suspected traffic in women has been notified.

## PORTUGAL.

No cases are known of any women or children having been sent abroad in 1927 for the purposes indicated in the question, or of any attempt to do so.

## SPAIN.

All these establishments are under constant police supervision. In no case has anything objectionable been discovered.

\* \* \*

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 5 :

*Finland,*  
*Germany,*  
*Hungary,*  
*India,*  
*Japan,*

*Latvia,*  
*Siam,*  
*South Africa,*  
*Sweden,*  
*Switzerland.*

*British Colonies, Possessions, Protectorates and Mandated Territories :* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Iraq, Jamaica, Leeward Islands, Unfederated Malay States (Kelantan, Trengganu, Brunei), Malta, Mauritius, New Hebrides, Nigeria, Nyasaland, Northern Rhodesia, Southern Rhodesia, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories :* French Equatorial Africa, French West Africa, Cameroons, Guadeloupe and dependencies, French Guiana, French settlements in India, Madagascar and dependencies, Martinique, French possessions in Oceania, St. Pierre and Miquelon, French Somali Coast, Togoland.

*Netherlands Colonies :* Netherlands East Indies.

## QUESTION 6.

### PROTECTION OF TRAVELLERS.

*"Please give a statement of the work done during the year to protect women and children travelling in your country, especially at railway-stations and ports."*

#### Replies.

##### CUBA.

Girls under age are forbidden to travel alone. Articles 3 and 4 of Decree 384, which are quoted below, give details of this measure :

*"Article 3. — Any woman, even if a first-class passenger, and of whatever civil status, travelling alone may, at the discretion of the Immigration Commissioner, be refused permission to land unless satisfactory guarantees are produced.*

*"Article 4. — Women under 21 years of age shall not be allowed to land unless accompanied by their parents, by a relation or by an authorised guardian. When accompanied by relations other than parents or guardians, they must present a duly legalised parental authorisation, and must, in any case, prove the relationship or guardianship of those who accompany them. In all other cases they will only be allowed to land at the discretion of the Immigration Commissioner."*

These legal provisions are strictly enforced by the port authorities and steamship companies and in no case are minors of either sex allowed to embark or disembark unless they produce their passports and other duly legalised documents.

The immigration report gives particulars for the whole of 1927 of immigrants who landed and of their civil status and the number of marriages contracted in the Immigration Department since women who state that they are engaged to persons resident in Cuba and have come there to marry them are not allowed to land until the marriage has been celebrated at the Tiscornia Immigration Camp. The above-mentioned report shows that 71 marriages were celebrated at the camp.

##### FINLAND.

In certain towns, such as Helsingfors, Tampere and Katka, night shelters have been kept up for some years by the White Ribbon Society for women arriving from the interior or from foreign countries who are not familiar with local conditions and are exposed to moral dangers on account of their having no work.

##### FRANCE.

The usual measures for the protection of women and children travelling alone have been continued at the stations and ports.

##### FRENCH COLONIES AND MANDATED TERRITORIES.

*French Equatorial Africa. — See report for 1926.*

*French West Africa. — See report for 1926.*

*Cochin-China. — There is no such charitable organisation in Saïgon. This work is undertaken by the Sûreté Générale, which exercises the strictest control.*

*Guadeloupe. — See report for 1926.*

*Indo-China. — There is no welfare organisation of this kind, but, on their entry into port, vessels are watched by the Security Police, who also keep strict watch at the principal stations in the colony.*

*Réunion. — See report for 1925.*

*French Somali Coast. — See report for 1926.*

## GERMANY.

The information contained in the report for 1926 still applies. Frequently the station officials themselves look after unprotected travellers.

## GREAT BRITAIN.

The arrangements outlined in the report for 1922 continue to work satisfactorily.

## BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES:

*Ceylon.* — The Police continue to scrutinise passports at Colombo and Talaimannar. Police travel on the mail trains between these two ports.

*Cyprus.* — Notices have been posted at all railway stations and ports in Cyprus advising the public to appeal for assistance against traffickers to commissioners of districts and Police officers.

*Gilbert and Ellice Islands.* — No special steps taken, as traffic non-existent. All vessels are inspected on arrival.

*Iraq.* — Railway and port Police do all that is needful in regard to protection of travellers. No cases of molestation of women or children were reported.

*Jamaica.* — No necessity for work of this nature in Jamaica.

*Unfederated Malay States.* — Brunei. — No special measures are considered necessary. There is no railway system.

*Johore.* — Chinese notices are posted in railway-stations. If any doubtful cases are observed by detectives, they are sent to the Protector of Chinese for investigation.

All lodging-houses are regularly inspected and any irregularities investigated by officers of the Chinese Protectorate.

*Kelantan.* — Arrangements have been made for women arriving from China to report to the Commissioner of Police or the District Officer.

*Malta.* — The Police take a note of all foreigners arriving in the island and pay special attention to female foreigners styling themselves "artistes". The latter are not allowed to accept employment in music-halls, bars, etc., unless properly guaranteed, and then only under conditions which are satisfactory to the Commissioner of Police, and the duration of their stay depends on their behaviour. No unemployed female foreigner is allowed to reside in Malta unless she is of good character and properly guaranteed in terms of the Aliens Law.

*Mauritius.* — No special protective measures of this nature are necessary.

*New Hebrides.* — Measures unnecessary here.

*Northern Rhodesia.* — No other work than that done by the Immigration Department, and no cases or suspected cases have arisen.

*Southern Rhodesia.* — In carrying the Immigrants Ordinance No. 7/1914 into effect, immigration officers travel on all trains entering the territory and examine all passengers thereon. The necessity not arising, rescue work by private organisations is not undertaken.

*Seychelles.* — The Inspector of Police boards every vessel calling at the port to prevent the landing of persons of immoral character.

Full information is supplied by the Inspector of Police to the Governor of the colony before a passport is granted to women and children leaving the colony as emigrants. There are no railway-stations in the colony.

*Trinidad.* — Supervision by the Police at railway-stations and close scrutiny of persons arriving in and leaving the colony.

## HUNGARY.

Women and children travelling are protected by the Hungarian Association for the Suppression of the Traffic in Women and by the Hungarian Catholic Women's Association.

In 1927, the work of the Station Mission was increased considerably, 2,019 cases being assisted. The activities of the station workers are many and varied; they supply information, assist the infirm and provide accommodation for women travellers. They keep a careful look-out for any

possible cases of traffic, and call in the Police if necessary. The station workers visit the Emigrants' Aid Bureau twice a week to assist young girls leaving for America. In 1927, 96 young women emigrated — 5 to the United States, 2 to Argentine, and the remainder to Canada. Of this number, two cases gave cause for suspicion, and the Station Mission is making enquiries on their behalf. The Hungarian Catholic Women's Association, which is attached to the International Catholic Association of Girls' Friendly Societies (Fribourg, Switzerland), has 18 centres and 103 workers. In 1927, 6,872 persons were assisted. The activities of the station workers are similar to those described above.

## INDIA.

*Bengal.* — New arrivals are watched at the port and railway-stations, and enquiries are made in suspicious cases.

*Bombay.* — The railway Police accompany passenger trains and one of their duties is to protect women and children. The district Police are similarly responsible for these duties in the Karachi port limits. The passport-checking Police watch all arrivals and departures by boat and take action for the protection of women and children when necessary. No special agency for the protection of women and children exists.

*Burma.* — The name of the Rangoon Vigilance Society and the name and address of the Society's lady worker have been placarded at the chief railway-stations in Burma with the information that women or girls travelling to Rangoon and requiring help should apply to her. In one case of kidnapping for immoral purposes which was reported, the Society was able to help the Police in securing the arrest of the offender.

## NETHERLANDS.

See reports for preceding years.

## NETHERLANDS COLONIES.

*Netherlands East Indies.* — See report for 1923.

## POLAND.

The organisation of station missions has been entrusted to the Polish Committee for the Suppression of the Traffic in Women and Children. This Committee has established a certain number of these missions, which are increasing each month. During 1926, station work was undertaken at Warsaw, Cracow, Lwow, Wilno, Lodz, Radom, Grodno, Piotrkow, Tczew, Torun, Bydgoszcz, Czestochowa, Bielsk, Kattowitz, Myslowitz, Krolewska Huta, Lublinitz, Rybnik, Lublin and Kowel. These station missions are in receipt of Government subsidies and are inspected by delegates of the Polish Committee for the Suppression of the Traffic. They are required to present detailed reports on their work. These reports show that, during 1926, 14,667 girls were assisted by the missions. The following are the numbers for the various months:

January .....	869	May .....	1,493	September ...	1,203
February .....	632	June .....	1,413	October .....	1,357
March .....	847	July .....	1,311	November ....	1,418
April .....	1,580	August .....	1,598	December ....	946

During 1926, 1927 and the beginning of 1928, the Committee had the use of two station homes and a hotel in which to house women. The Committee has co-operated with organisations giving assistance to emigrants and has appointed women escorts to protect emigrants proceeding abroad. A report is submitted by these escorts after each journey.

## PORTUGAL.

Railway-stations and ports are watched.

## SOUTH AFRICA.

See report for 1926.

## SWEDEN.

At the Central Station, Stockholm, the Administrative Branch of the Deaconesses of the Swedish State Church has opened an enquiry office, where the public can obtain free of charge information concerning hotels, *pensions*, etc., in Stockholm, and also concerning the state of the labour market in the various trades. These measures would seem helpful as regards the protection of women and children travelling in Sweden.

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 6:

*Austria,*  
*Bulgaria,*  
*Italy,*  
*Japan,*

*Latvia,*  
*Siam,*  
*Spain,*  
*Switzerland.*

*British Colonies, Possessions, Protectorates and Mandated Territories:* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Falkland Islands, Fiji, Gambia, Gibraltar, Gold Coast, Grenada, Leeward Islands, Unfederated Malay States (Kedah, Trengganu), Nigeria, Nyasaland, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Swaziland, Zanzibar.

*French Colonies and Mandated Territories:* Cameroons, French Guiana, French settlements in India, Madagascar and dependencies, Martinique, New Caledonia, French possessions in Oceania, St. Pierre and Miquelon, Togoland.

---

## QUESTION 7.

### EMIGRATION AND IMMIGRATION.

*"Please report on the measures taken during the year to protect women and children travelling to or from or through your country as migrants."*

#### Replies.

##### BULGARIA.

Minors under 18 desiring to proceed overseas alone must attach to their preliminary application for authorisation a duly legalised document from their parents stating that the parents consent to their child going overseas. Similarly, persons of full age going to their husbands, parents, brothers or sisters must produce a certificate of the municipality of the place in which they are domiciled, to the effect that they actually possess relatives in the country to which they desire to emigrate and that the person to whom they are going is willing to receive them and to assume responsibility for their maintenance.

##### CUBA.

All the provisions concerning immigration which are contained in the relevant Law and in Decree 384 are scrupulously enforced. This makes it very difficult for offenders to deceive the immigration authorities, and the few cases in which this has happened have invariably been punished in accordance with the immigration laws, the offenders being sent back to their place of origin at the expense of the Government or the steamship companies, according to circumstances.

The report for 1927, communicated to the Government by the Immigration Department, shows that, as compared with the years 1926 and 1925, the traffic in women in Cuba has been almost eliminated. The Immigration Commissioner's ample powers enable him to take active measures to deal with each particular case, and immigrants who fail to furnish satisfactory proof of respectability and of the purpose for which they desire to land in Cuba are refused admission. Any immigrants of either sex who are minors must present a parental or marital authorisation, duly legalised by Cuban officials abroad. They are also questioned by the Immigration Commissioner himself, so that their identity may be fully established, and are required to produce a guarantee from some responsible person or from a reliable firm or local authority. A sworn declaration to the effect that this guarantee has been produced is then drawn up, signed and deposited in the archives of the Immigration Department, and the minors are handed over to their relations or to the persons or bodies acting as guarantors.

##### FINLAND.

Emigrant children who arrive in the country without guardians or who are otherwise in a precarious condition are cared for by the local Public Welfare authorities or by some local organisation engaged in Child Welfare. The emigrant women and children are given assistance by the Seamen's Missionary Society, which, since 1927, has had temporary shelters for emigrants at Montreal, Canada and at Sydney, Australia.

##### FRENCH COLONIES AND MANDATED TERRITORIES.

*French Equatorial Africa.* — The protection of women and children who leave the colony is assured by the terms of the Decree of July 2nd, 1901, and the Regulations of March 10th, 1924.

These laws forbid any emigrant to leave the colony without authorisation from the Governor. The return of such is provided for by the deposit, at the moment of departure, of the amount required to cover the expense of repatriation.

*French West Africa.* — See report for 1926.

*Cochin-China.* — The immigration regulations (Ministerial Instruction dated April 25th, 1922, and Order of October 3rd, 1911) have proved highly effective; they only admit of the residence of persons who can prove that they possess recognised means of existence or who can give satisfactory references from persons known to, and approved by, the administrative authorities.

*Indo-China.* — A detailed reply to this question was given in a note annexed to the report for 1922.

The emigration of natives, whether adults or minors, is conditional upon the possession of a permit from the administrative authorities and a passport. Children are not allowed to emigrate without their parents, or without the latter's consent.

In order to be admitted to residence in one of the territories of the Union, immigrants must present to the administrative authorities passports which are in order and papers establishing their identity. No child may enter Indo-China unless accompanied by a person who holds the regulation papers.

Immigration services have been established in every important district in the colony and exercise strict supervision over the movements of travellers.

*Réunion.* — See report for 1926.

*French Somali Coast.* — Strict watch is kept, both at the arrival station of the train from Abyssinia and at the port landing-stages, to prevent the landing of women for purposes of prostitution. No traffic has been discovered.

Local Ordinances were issued on August 15th, 1903, and April 16th and May 22nd, 1922, prohibiting the landing of an emigrant in the colony unless he can show that he has an establishment there, or produces a contract of employment with a clause making the employer responsible for his repatriation.

## GERMANY.

The details given in the report for 1926 still hold good. Further, the Public Emigrants' Enquiry Office (Auswandererberatungsstelle, Berlin, W. 10, Königin Augustastrasse 19) gives advice and practical assistance to all persons who desire to leave the country. The office keeps in constant touch with all authorised agencies abroad.

## GREAT BRITAIN.

The measures stated in the report for 1922 continue in force and have worked satisfactorily.

## BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES.

*Ceylon.* — Immigration of prostitutes is prohibited under Ordinance No. 12 of 1907. Tamil and other Indian women of doubtful character occasionally come to Ceylon from India via Talaimannar with theatrical companies. In some cases members of these companies are not in possession of a sufficient sum of money to maintain themselves. They are therefore declared destitute and prohibited from landing in the colony under Ordinance No. 12 of 1907. In some cases, such women are able to obtain the services of a person of sufficient means to sign a bond on their behalf and get permission to land in Ceylon.

*Cyprus.* — There are no special measures to protect women and children emigrating from Cyprus. The number of this class is small, and careful enquiry is made before young women and children are granted passports to enable them to leave.

*Gambia.* — No measures are taken, except that the immigration of prostitutes is prohibited by the Immigration Restriction Ordinance of 1924.

*Gilbert and Ellice Islands.* — No special steps taken, as traffic non-existent. All immigrant females are either recruited under King's Regulation 1 of 1915, or granted a permit to travel by the local authority at the port of origin.

*Iraq.* — See Question 6.

*Jamaica.* — See Question 6.



*Unfederated Malay States.* — Johore. — All female immigrants entering Johore from Singapore are photographed in Singapore. Lists of immigrants with their photographs are sent to the Chinese Protectorate, Johore, the immigrants being put on security bond to report. On arrival, they are all interviewed to ensure that they are not subject to trafficking, and their destination noted. If there is any suspicion of trafficking, the girl is detained or put under security bond.

If any doubt exists about women and girls proceeding from Johore to Straits Settlements or Federated Malay States, they are put under security bond to report to the Chinese Protectorate on arrival.

*Kedah.* — Chinese returning to China with their families and intending to come back to Kedah are given (when applied for) by the Protector of Chinese endorsements of their photographs for the purpose of identification.

Female and child immigrants from China via Penang are notified to the Protector of Chinese, Kedah, in suspicious cases and security is demanded when necessary.

The mail train from Siam is searched for suspicious cases.

*Malta.* — Emigration of Maltese British-born subjects is dealt with by the Emigration Department.

*Mauritius.* — The only persons of this class are natives of India, whose interests are safeguarded by a special Government department.

*Southern Rhodesia.* — Traffic in women and children is non-existent in Southern Rhodesia.

*Seychelles.* — See Question 6.

## INDIA.

*Bengal.* — In cases of new arrivals, after enquiries are made, they are placed, if necessary, in homes (e.g., St. Mary's Home, Y.W.C.A. and St. Vincent's Home) and measures taken to prevent their falling into the hands of undesirables. No cases occurred during the year 1927.

*Bombay.* — The Protector of Emigrants and the Protector of Pilgrims look after the interests of all emigrants and persons proceeding on or returning from pilgrimage. In Bombay City, any protection work at railway-stations or harbours is done by the League of Mercy and other kindred societies.

*Burma.* — The Protector of Emigrants and Immigrants, appointed by the local Government, or his Assistant visit all incoming and outgoing steamers. In any case in which it is suspected that a woman or girl has been imported for purposes of prostitution, she is detained while enquiries are made and, if necessary, she is sent back to her home.

*Madras.* — The Collector of Madras is the Protector of Emigrants.

## NETHERLANDS.

Among immigrants, there is a remarkable number of German domestic servants. Further measures for the protection of women travelling through the country appear unnecessary, as the work done by private societies at stations is adequate. In the chief cities, some of these young women get into touch with associations for the protection of young girls.

A large number of migrants travel through the Netherlands. Their protection is generally ensured by stipulations contained in the contracts of the shipping companies concerning the recruitment of emigrants from the various European countries for transport in their vessels.

The Netherlands Navigation Companies do not welcome the activities of private associations on board their vessels. For two years, however, the Royal Dutch Lloyd, plying between Amsterdam and South America, has allowed such private welfare work to be done. This permission was granted at the request of the Amsterdam Royal Bureau for the Suppression of the Traffic in Women and Children and of the Circulation of Obscene Publications.

## NETHERLANDS COLONIES.

*Netherlands East Indies.* — See report for 1923.

## POLAND.

• See Question 6.

PORTUGAL.

See Question 6.

SIAM.

Since the Immigration Act B. E. 2470 was put in force, the duty of examining passengers arriving from abroad has been transferred from the Police to the Immigration Department. This Department has a considerable staff for the examination of all arrivals and every care is taken to prevent traffic in women and children.

SOUTH AFRICA.

See report for the year 1926.

SPAIN.

A service has been established at the principal stations for protecting women and children travelling in Spain. The officials on the trains also keep a sharp watch.

Strict supervision is exercised at the ports by the naval authorities and the emigration inspectors to prevent the traffic in women and children.

\* \* \*

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 7 :

<i>Austria,</i>	<i>Japan,</i>
<i>France,</i>	<i>Latvia,</i>
<i>Hungary,</i>	<i>Sweden,</i>
<i>Italy,</i>	<i>Switzerland.</i>

*British Colonies, Possessions, Protectorates and Mandated Territories:* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Falkland Islands, Fiji, Gibraltar, Gold Coast, Grenada, Leeward Islands, Unfederated Malay States (Brunei, Kelantan, Trengganu), New Hebrides, Nigeria, Nyasaland, Northern Rhodesia, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories:* Cameroons, Guadeloupe and dependencies, French Guiana, French settlements in India, Madagascar and dependencies, Martinique, New Caledonia, French possessions in Oceania, St. Pierre and Miquelon, Togoland.

---

QUESTION 8.

CHILDREN.

*"In addition to any information given in reply to previous questions, please state whether any other measures have been taken to protect children from exploitation for immoral purposes, especially where any system of adopting, pawning or bartering of children exists."*

Replies.

BELGIUM.

The Royal Decree of April 27th, 1927, and the Law of July 20th, 1927, are intended to strengthen the protection of children against exploitation for immoral purposes. For further details, see Question 9.

BULGARIA.

See Question 7.

CUBA.

The general measures promulgated some time ago for the protection of children from exploitation for immoral purposes are still in existence, and are strictly enforced by the authorities in Cuba. These measures are similar to those which have been established in most civilised countries for the general protection of children.

## FRANCE.

No case of the exploitation of children for immoral purposes has been brought to the attention of the Ministry of the Interior.

## FRENCH COLONIES AND MANDATED TERRITORIES.

*French West Africa.* — See report for 1926.

*Cochin-China.* — The traffic in European children is unknown in the colony, but there are Chinese organisations at Cholon and Saigon which recruit native women, girls and boys for clandestine shipping to China, where the women and girls are sold for purposes of prostitution and the boys are sold to childless families.

A close watch is kept on these suspicious characters and on the places where such dubious transactions are usually effected — Annamite furnished lodgings and Chinese doss-houses.

In spite of this, no arrests were made this year, on account of the precautions taken by the offenders and their accomplices since the preceding year, when very heavy penalties had been inflicted.

The suppression of this type of traffic in women is now effected by the strict application of the regulations laid down in the Orders issued by the Governor-General of Indo-China on November 9th, 1918, and September 16th, 1920, concerning the emigration of natives from Indo-China, and the Order of October 16th, 1906, concerning the immigration of Asiatic aliens into the colony, and of the provisions of Article 344, paragraphs 5 and 6, of the Penal Code, modified by the Decree of December 31st, 1912, promulgated in the colony on February 25th, 1913, under which a penalty of from 6 months' to 3 years' imprisonment is inflicted on any person who induces or attempts to induce one or more persons of either sex to leave Indo-China without passports issued by the French authorities; and the Decree of July 1st, 1923, applying to the French colonies and protectorates under the Ministry for the Colonies the Law of May 30th, 1923, concerning the suppression of the offence of clandestine embarkation on board merchant vessels, promulgated on August 30th, 1923.

In some cases, when traffickers successfully evade the vigilance of the Police on board ships, the English Police authorities at Hong-Kong are notified by telegram. Similarly, the Police at Saigon, when advised, deal with traffickers in Chinese prostitutes bound for the cafés and restaurants in Cholon, when these have evaded the vigilance of the English authorities on vessels clearing from Hong-Kong.

No case of this kind has been dealt with this year, however. In addition to this traffic in aliens, traffic in Annamite boys and girls is carried on on a large scale owing to the poverty of certain districts of Annam; they are brought in sea junks to Cochin-China, where the boys are sold as domestic servants and the girls are placed in brothels.

It is difficult to check this illicit traffic, because the children are removed with the parents' consent and they are landed at some remote spot on the coast.

Such traffic is also carried on with Tonkin and China, but has decreased in Cochin-China owing to the activity displayed by the flying squads of the Security Police in the principal ports of the coast and certain important centres where children are usually landed and sold.

No case of this kind has been dealt with by the Port Commissioners during the year.

*Indo-China.* — A detailed reply to this question was given in the report for 1922.

As a result of the active supervision exercised both by the administrative and judicial authorities, and of the progress made in the moral education of the natives, the offence in question is on the decrease.

*French Possessions in Oceania.* — No pawning of children has ever been reported in the colony. The only method of adoption practised is that provided for by French laws or by the native laws approved and sanctioned by the French authorities.

*French Somali Coast.* — The system of pawning or bartering children is unknown. The natives, who are essentially nomads, sometimes abandon children of 5 or 6 years, who are then adopted by the fathers' tribe. French laws concerning the protection of ill-treated and morally abandoned children and the suppression of violence, beating, cruelty and assault committed upon minors are applicable to the colony.

## GERMANY.

The statement made in 1926 still holds good. On receipt of an application for the adoption of children, the Guardians' Courts communicate with the competent Young Persons' Welfare Bureaux in order to obtain full particulars concerning the adoptive or foster-parents. During the period from March 31st to October 31st, 1927, the Child Adoption Section of the Red Cross placed 110 married couples on their black list of unsuitable persons. In many cases the real object of the adoptive parent is to obtain money by fraudulent means.

## GREAT BRITAIN.

Licences were issued during 1927 under the Children (Employment Abroad) Act, 1913, in respect of 5 girls between 14 and 16 years of age in order that they might be sent abroad for the purpose of singing, playing, performing or being exhibited for profit.

## BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES:

*Barbados.* — No special measures have been taken for protecting children from exploitation for immoral purposes beyond the work of the various churches in the colony.

*Ceylon.* — The adoption of children, especially by childless parents, still continues; but there have been no cases of children being pawned or sold for immoral purposes.

*Cyprus.* — No other measures have been taken. It is a common practice in Cyprus to take female orphans, young girls, the children of poor people and sometimes the children of poorer relations as domestic servants. These girls do not ordinarily receive any wages but live with the family and are virtually adopted. The employer usually provides a dowry in the event of their marriage, so that the system is in the main benevolent. They are not exploited for immoral purposes by their employers.

*Fiji.* — The adoption of Indian children is supervised by the Secretary for Indian Affairs. There is no such dealing in children among the other races.

*Gambia.* — No measures are taken to protect children, nor are any necessary.

*Gilbert and Ellice Islands.* — The number of European children in the colony is very small, and the question does not apply to them. To prevent the abuse of adoption in so far as native children are concerned, all Native Governments have been instructed to regard adoptive relationships as equivalent to those of full blood.

*Iraq.* — No special measures considered necessary; but Police throughout the country, as part of their normal functions, protect children from exploitation.

*Jamaica.* — See Question 6.

*Unfederated Malay States.* — *Johore.* — Action is taken under Section 9 of the Women and Girls Protection Enactment.

*Kedah.* — No cases of suspected exploitation of children for immoral purposes have been discovered during the year 1927.

*Mauritius.* — The existing legal measures of protection are adequate.

*New Hebrides.* — No cases of exploitation for immoral purposes have ever been discovered.

*Southern Rhodesia.* — The operations of the Immigration Ordinance in a country sparsely populated, together with existing laws and Police supervision, are sufficient for the protection of women and children.

*Seychelles.* — Conditions are such that it has not been found necessary to take steps to prevent children from exploitation for immoral purposes. Measures are taken to prevent children from leaving the colony without their parents or guardians.

## INDIA.

*Bengal.* — No pawning or bartering exists. Adoption exists. When it is found that children have been taken away from their lawful guardians for immoral purposes, action is taken under the law by the Police.

*Bombay.* — The Bombay Children Act of 1924 (Bombay Act No. XIII of 1924) came into operation in the city of Bombay on May 1st, 1927, and in the municipal borough of Lonavla from June 1927, and a special Police staff, consisting of one deputy-inspector and two sub-inspectors, have been appointed for its administration. A Children's Aid Society was formed in Bombay on May 1st, 1927, which gives shelter to children who have been rescued from brothels. In the year 1927-28, 139 children were forcibly removed from brothels and sent to the Children's Aid Society.

*Burma.* — No system of adopting, pawning or bartering of children for immoral purposes is known to be in existence. Enquiries were instituted whenever any girl or child was reported to have been brought to Rangoon from Tavoy. During 1927, enquiries were instituted into 18 such cases; in 16 cases the girls were traced and found to be living under proper conditions as servants, and in 2 remained untraced.

#### ITALY.

During the year, strict supervision was exercised over clubs and dancing-halls, where the seeds of vice are often sown. On December 31st, 1927, 256 establishments were closed for reasons of morality. Minors found in them were restored to their families or, when necessary, sent to reformatories.

#### NETHERLANDS.

See preceding reports.

#### NETHERLANDS COLONIES.

*Netherlands East Indies.* — See report for 1923.

113 young immigrants (males) and 30 young women were placed under the supervision of the Batavia Government Department for the Suppression of the Traffic in Women and Children and of the Circulation of Obscene Publications. The total number of young immigrants of both sexes now under supervision is 531.

#### PORTUGAL.

The Police adopt the severe measures laid down in Article 120 and its various paragraphs of Decree No. 10767, dated May 15th, 1925, which read as follows :

“Minors under 16 years of age may not under any pretext whatever frequent licensed houses or *maisons de passe*, houses where prohibited gambling is carried on, or clubs or taverns, or attend cinematograph halls or theatres at which the entertainment is liable to harm their morals or corrupt or pervert them.

“§ 1. Minors under 12 years of age may not attend any cinematograph hall or theatre unless accompanied by adult members of their family or persons in charge of their education; where not so accompanied, they may only attend entertainments of an instructive or educational nature, which have been submitted in advance to the authorities for approval as provided in Law No. 1748, dated February 14th, 1925, and Decree No. 10573, dated February 26th, 1925.

“§ 2. Managers of the places of entertainment referred to in this article and the preceding paragraph who allow minors to attend such places in breach of the law shall be liable for the first offence to a fine of not less than 100\$00 and not more than 500\$00; and for a second offence to three times the fine previously inflicted; while for a third offence such places of entertainment shall be closed either permanently or for a period not exceeding 6 months.

“§ 3. Ticket agents, ticket vendors, commissionaires and attendants at the above-mentioned gaming-houses and places of entertainment who sell tickets to or allow the minors referred to in Article 120 and § 1 to enter such houses or places shall be liable, jointly with the persons referred to in the preceding paragraph, to the fine laid down in that paragraph, and for the third offence to a term of correctional imprisonment not exceeding 6 months.

“§ 4. The respective guardianship boards (*tutorias*) shall be competent to decide the procedure to be adopted and pass sentence on the persons referred to in the present article on the application of the minors' ascendants, guardians, persons in charge of their education, officials of the Jurisdictional and Guardianship Departments, or any police or administrative authorities or their agents.

“§ 5. The Juvenile Courts shall communicate to the Board of Primary and Normal Education and to the General Inspectorate of Theatres, with a view to disqualification for the benefits of Law No. 1748, dated February 14th, 1925, all sentences passed with respect to any concern or cinematograph hall under the terms of this article, or under those of Articles 59 and 60 of the Decree dated May 27th, 1901, which read as follows :

“Article 59. — The following shall be deemed to be morally corrupt minors: Any minor who : (a) frequents or resides for any “valid” reason in a licensed house or *maison de passe*; (b) frequents a house where prohibited gambling is carried on or a house

of ill-fame; (c) who frequents pornographic entertainments or houses in which scenes are shown or enacted which are likely to corrupt the morals of minors or arouse their evil or unwholesome instincts.

“Article 60. — Licensed prostitutes, madames of licensed houses or other persons directly or indirectly responsible for the management of the houses referred to in Article 61, § 4, (c), and in paragraph (a) of the preceding article, who allow minors of either sex, under 16 years of age, to visit, frequent or inhabit such houses shall be liable to correctional imprisonment for a term not exceeding 6 months.

“*Special Paragraph.* — Any person or corporate body responsible for the management of the houses referred to in paragraphs (b) and (c) of the preceding article, on allowing such minors to enter therein, shall be liable to a fine of not less than 10\$00 and not more than 50\$00 or to a corresponding term of correctional imprisonment.”

#### SIAM.

No additional measures were taken for the protection of children. It may be mentioned here that the Police during the year 1927 discovered four cases in which four Chinese boys had been stolen in China and brought to Siam to be sold here. The four boys have, with the help of the Police, been adopted by local residents.

#### SOUTH AFRICA.

There has been no need for the introduction of such legislation.

#### SPAIN.

Considerable attention continues to be given by means of special laws and by private organisations to the protection of children.

The adoption of children is very frequent in Spain, where this action appeals to the family spirit and rarely gives rise to abuses. Adoption is regulated by the law, and the children are usually very well cared for.

#### SWEDEN.

The measures contemplated in this question have not been adopted. Swedish legislation concerning child welfare, however, appears adequate to protect children from exploitation of this kind.

\* \* \*

The Government of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 8 :

*Austria,  
Finland,  
Hungary,  
Japan,*

*Latvia,  
Poland,  
Switzerland.*

*British Colonies, Possessions, Protectorates and Mandated Territories :* Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Falkland Islands, Gibraltar, Gold Coast, Grenada, Leeward Islands, Unfederated Malay States (Brunei, Kelantan, Trengganu), Malta, Nigeria, Nyasaland, Northern Rhodesia, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories :* French Equatorial Africa, Cameroons, Guadeloupe and dependencies, French Guiana, French settlements in India, Madagascar and dependencies, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland.

## QUESTION 9.

### LEGISLATIVE MEASURES.

*"Please give particulars (including texts for reference) of any new legislative measures taken during the year which deal directly or indirectly with matters arising out of the traffic in women and children, and especially with the punishment of the offences mentioned in Question 1, repatriation of aliens, extradition, immigration and employment agencies.*

*"(It is assumed that a complete collection of laws on this subject has already been sent to the Secretariat in response to previous requests.)"*

### Replies.

#### BELGIUM.

The following new legislative measures were enacted by the Government in the past year :

I. Royal Decree of April 27th, 1927, prohibiting the employment of minors under 16 years of age in theatres, music-halls etc.

*"Article 1.* — The provisions of the Law on Female and Child Labour shall be applicable to the employment of children under 16 years of age in theatrical undertakings, music-halls, night clubs, dancing clubs and like establishments, and to the employment of such persons in the sale for profit of any articles in the above-mentioned establishments, in all public establishments and in the streets.

*"Article 2.* — In conformity with Article 4 of the aforesaid Law, the employment of children under 16 years of age in theatrical undertakings, music-halls, dancing clubs, night clubs and like establishments is prohibited.

In special cases, exceptions to the principle of this prohibition may be granted in favour of theatrical enterprises, in the first instance by our Minister of Industry, Labour and Social Welfare or by his delegate.

*"Article 3.* — Similarly, the sale or offering for sale for profit of any articles by children under 16 years of age in the establishments referred to in Article 2, in all public establishments and in the streets is prohibited.

*"Article 4.* — Infringements of the provisions contained in the present Decree shall be reported and punished in conformity with Articles 18 to 25 of the Law on Female and Child Labour.

*"Article 5.* — Our Minister of Industry, Labour and Social Welfare is responsible," etc.

II. Law of July 20th, 1927, laying down penalties for the withdrawal of a child from, or the failure to restore it to, the custody of the person to whom it has been entrusted by judicial authority.

*"Article 1.* — The following provision is added to Article 369b of the Penal Code (Article 57 of the Law of May 15th, 1912, on Child Welfare) :

*" 'In cases in which a decision has been given concerning the custody of the child, either during or at the close of divorce proceedings, or under other circumstances provided for by law, the same penalties shall be applicable to any father or mother who withdraws or attempts to withdraw his or her child, being a minor, from the custody of those to whom it has been entrusted in virtue of the decision, or who does not restore it to those who have the right to claim it, or who removes it or causes it to be removed, even with its consent.' "*

III. Circular of the Ministry of Foreign Affairs of August 24th, 1927, recapitulating and supplementing the provisions regarding guarantees required for the issue of a passport for abroad to minors, and especially to young girls under 21 years of age. This circular was published in the second part of the Experts' Report (document C. 52 (2). M. 52 (1). 1927. IV).

#### BULGARIA.

By Decree No. 49 of June 23rd, 1927, issued by the Police Department, prostitution must be prevented in all establishments where it is carried on. Penalties are provided under Articles 48 and 50 of the Law on Police Administration and Articles 475 and 485 of the Penal Code.

#### CUBA.

Since 1926, no new legislative measures have been adopted.

#### FINLAND.

The most important legislative measures adopted between 1924 and 1927 are the Law of March 27th, 1925, on the employment of workpeople and the Decree of November 23rd, 1926<sup>1</sup>, with regard to the entry of foreigners into Finland and their stay there.

#### FRENCH COLONIES AND MANDATED TERRITORIES.

*Cameroons.* — An Ordinance issued on January 13th, 1928, similar to that promulgated in Togoland on January 31st, 1927, lays down further conditions concerning admission to the territory. As in Togoland, undesirable persons may be deported.

<sup>1</sup> The Law of November 23rd, 1926, can be consulted at the Secretariat.

*Togoland.* — An Ordinance dated January 31st, 1927, supplements the Decree of October 30th, 1926, and the Ordinance of December 13th, 1926, by laying down strict rules concerning the conditions of admission to the territory. The new formalities with which travellers now have to comply on landing enable a still closer watch to be kept for individuals believed to have immoral designs. In addition to these regulations, the Commissioners of the Republic in Togoland have been given powers to order the deportation of undesirable French nationals or aliens.

#### GERMANY.

The Law of February 18th, 1927, concerning the Prevention of Venereal Disease came into force on October 1st of the year under survey (Reich Statute-book, I, page 81).

As the result of the enforcement of this law, which abolishes the system of licensed prostitution, foreign prostitutes can no longer be accounted for as in the past, since the Police are, on the whole, only acquainted with such female prostitutes as are proceeded against for offences against morals and public decency or for infringements of the special legislation for the protection of young persons. Where public health measures are called for under the new law, they are imposed and carried out by the municipal health authorities and not by the Police. In this connection, it may be pointed out that a patient is not necessarily bound to furnish his name either before or after treatment; accordingly, it is not in every case possible to identify foreign prostitutes who come before the health authorities.

#### GREAT BRITAIN.

Under the provisions of the Liverpool Corporation Act, 1927, all employment agencies, with certain limited exceptions, will be brought within the control of the city for the reason that they will require to hold a licence renewable annually.

#### BRITISH COLONIES, POSSESSIONS, PROTECTORATES AND MANDATED TERRITORIES:

*Ceylon.* — The existing Ordinance and provisions of the law continue to be sufficient for the repression of unnatural offences and immorality.

*Iraq.* — See report for 1925.

*New Hebrides.* — The immunity of the New Hebrides from trafficking has not made any special legislation necessary.

*Southern Rhodesia.* — No legislative measures have been introduced, nor is there any reason to believe that any such measures are necessary.

#### ITALY.

In 1927, the traffic in women was even more stringently suppressed by the Police than in previous years, chiefly owing to the wider powers conferred on the authorities by the new Law on Public Security.

This law expressly stipulates that habitual *souteneurs* must be denounced to a special commission and be placed under police supervision (*ammonizione*).

Such individuals are subjected to the strictest possible supervision; they are compelled to live and work at a fixed abode, of which they must inform the public security authorities, and they may not leave it without previously notifying the said authorities.

If this measure does not serve to prevent *souteneurs* from repeating the offence, the public security authorities may demand that they be sentenced to confinement to a fixed area (*confino*).

Any person thus sentenced is compelled to live in the locality assigned to him by the Ministry of the Interior, where he is subjected to even stricter supervision; he must conform to certain rules of conduct and is thus prevented from committing offences against society.

Traffickers are obviously recruited from amongst the lowest type of *souteneurs* and the above-mentioned measures, if strictly carried out — as they were during 1927 — become an effective weapon, in the campaign against trafficking and a valuable means of raising the standard of social morality.

As has been stated in reports for previous years, employment agencies are subject to Police supervision. Legislative measures which are now under consideration and are in concord with the new Italian State organisation will do away with private employment agencies and substitute State-organised labour bureaux.

This step will necessarily place increased difficulties in the way of the traffic in national or alien women and children arriving in the Kingdom.

#### NETHERLANDS.

The Law of May 13th, 1927 (*Legal Gazette*, 1927, No. 136), is an amendment to Article 250 (c) of the Penal Code, which is worded as follows:

“Traffic in women and in boys under age shall be punished by imprisonment not exceeding 5 years.”



The same Law of May 13th, 1927, supplements the Law on Extradition dated April 6th, 1875 (*Legal Gazette*, 1875, No. 66 and *Legal Gazette* 1925, No. 243) by adding the offence of traffic in women and certain other offences against morality to the list of offences for which extradition may be demanded.

The draft Convention concerning the simplification of the inspection of emigrants on board vessels adopted by the International Labour Conference at its eighth session has been ratified. The instrument of ratification was registered by the Secretariat of the League of Nations on September 13th, 1927 (*Legal Gazette*, 1927, No. 333).

#### POLAND.

No new legislation dealing directly or indirectly with the suppression of the traffic in women and children has been introduced in 1926, with the exception of instructions supplementing the regulations giving effect to the laws now in force. A Decree, to be issued by the President of the Republic, concerning the suppression of the traffic in women and children and incitements to vice has been promulgated 1927. It strengthens considerably the penalties against traffickers.

#### SIAM.

Besides the Immigration Act 2470 mentioned in Question 7, an Act (2471) for the Suppression of Traffic in Women and Girls has been promulgated on May 5th, 1928.<sup>1</sup>

The following are the terms of Section 4 of this law, defining the crime and determining the punishment for traffic in women :

"Section 4. — Whoever brings or causes to be brought into Siam, or takes away or causes to be taken away from Siam, any woman or girl for the purpose of prostitution; or unlawfully receives or disposes of a woman or girl knowing that such woman or girl has been brought into Siam for prostitution, shall be punished with imprisonment not exceeding 7 years or with fine not exceeding 1,000 bahts, or both.

"The offender may be prosecuted and punished even though the several acts which constitute the offence have been committed in different countries."

During the year under report, no fewer than 338 Chinese prostitutes have, with the assistance of the Police Department, been released from their connection with brothels, and, of these, 46 prostitutes are now married.

#### SPAIN.

During the years covered by this report, measures have been passed regulating women's night work in industry (Royal Decree of August 13th, 1927) and work at home (Royal Decree of July 26th, 1926) and regulations (October 20th, 1927) for the protection of women against any possible exploitation for immoral purposes.

By Royal Decree of August 23rd, 1926, a national corporative organisation was also established on the basis of committees with equal representation of all parties for the various industries and trades. A large number of these committees have been established and are proving most successful. The committees whose objects most closely concern the matters dealt with in this report are the Public Entertainments Committees, which should prove of great assistance to artists of both sexes.

The Governments of the States, colonies, possessions, protectorates or mandated territories enumerated below have stated that they have nothing to report in reply to Question 9 :

*Austria,*  
*France,*  
*Hungary,*  
*India,*  
*Japan,*

*Latvia,*  
*Portugal,*  
*South Africa,*  
*Sweden,*  
*Switzerland.*

*British Colonies, Possessions, Protectorates and Mandated Territories :* Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Cayman Islands, Cyprus, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Jamaica, Leeward Islands, Unfederated Malay States, Malta, Mauritius, Nigeria, Nyasaland, Northern Rhodesia, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Trinidad, Zanzibar.

*French Colonies and Mandated Territories :* French Equatorial Africa, French West Africa, Cochinchina, Guadeloupe and dependencies, French Guiana, French settlements in India, Indo-China, Madagascar and dependencies, Martinique, New Caledonia, French possessions in Oceania, Réunion, St. Pierre and Miquelon, French Somali Coast.

*Netherlands Colonies :* Netherlands East Indies.

<sup>1</sup> In spite of the fact that this law is for 1928, it has been inserted as it was transmitted with the report for 1927 received from the Siamese Government.

**ANNEX 3a.**

**SUPPLEMENT TO THE SUMMARY OF ANNUAL REPORTS FROM  
THE GOVERNMENTS FOR 1927.**

Since the publication of document C.T.F.E. 405, the following Governments have forwarded to the Secretariat their annual reports for 1927 on the traffic in women and children :

**CZECHOSLOVAKIA**

**DENMARK**

**IRISH FREE STATE.**

**Question 1.<sup>1</sup>**

Nothing to report in the three countries.

**Question 2.**

(a) **DENMARK.**—Prefecture of Police, Copenhagen.

**IRISH FREE STATE.**—Nil.

**CZECHOSLOVAKIA.**—Bureau central pour la répression de la traite des femmes et des enfants auprès de la Direction de police, Prague I No. 313.

(b) **DENMARK.**—There has been no occasion to correspond with the Central Authority of any other country.

**IRISH FREE STATE.**—Nil.

**CZECHOSLOVAKIA.**—As the result of information furnished by the Eisendorf police-station on November 8th, 1927, to the effect that a certain M. St. had disappeared and that it was suspected that she had been taken to Hungary, the Bureau for the Suppression of the Traffic in Women and Children at Budapest was requested to make enquiries. This Bureau replied that the woman in question had obtained suitable employment with Dr. B. H. H.

As the result of a communication from the Bureau for the Suppression of Traffic in Women and Children at Vienna dated February 11th, 1927, to the effect that a woman named K. H. had disappeared and might possibly have been abducted and taken to Italy, it was ascertained that K. H. had found suitable employment with J. P., a farmer at Kresanov in the Prachatice district.

The Police Directorate at Warsaw announced on September 30th, 1927, the disappearance of a certain K. C. It was subsequently discovered that she had committed suicide.

**Question 3.**

(a) Nothing to report.

(b) **DENMARK and IRISH FREE STATE.**—Nothing to report.

**CZECHOSLOVAKIA.**—In 1927, the Czechoslovak Republic concluded extradition conventions with :

Greece, on April 9th (not yet ratified) ;  
Belgium, July 19th (ratified on February 28th, 1928, and brought into operation on March 28th, 1928) ;  
Spain, November 20th (not yet ratified) ;  
Portugal, November 23rd (not yet ratified) ;

The following Conventions, which had been concluded previously, were ratified in 1927 : on February 8th, the Convention with Estonia of July 17th, 1926 (brought into operation on March 8th) ; on February 8th, the Convention with Latvia of July 6th, 1926 (instruments of ratification exchanged on April 14th, brought into operation on May 14th).

<sup>1</sup> For the text of the questions, see document C.T.F.E. 405.

**Question 4.**

**DENMARK.**—(a) None.

(b) Four women, two Norwegian and two Swedish, their ages varying from 18 to 32.

(c) None.

These were women who came to Denmark occasionally or in order to seek employment there ; none of these cases had any connection with the traffic in women.

**IRISH FREE STATE and CZECHOSLOVAKIA.**—Nothing to report.

**Question 5.**

Nothing to report.

**Question 6.**

**DENMARK.**—The protection of women and children at Danish railway-stations is jointly undertaken by the Young Girls' Friendly Society and the " Danske Kvinders Velfaerd ".

**IRISH FREE STATE.**—Special protection is unnecessary. The Catholic Girls' Protection Bureau officers attend Dublin ports and railway termini and interest themselves in the welfare of women and children travelling, and in necessary cases advise kindred societies in other countries to look after them on arrival.

**Question 7.**

**DENMARK.**—This work is undertaken by the emigrants section of the Young Women's Christian Association, the Young Girls' Friendly Society, the Danish Committee for the Suppression of the Traffic in Women and Children and the " Danske Kvinders Velfaerd ". A woman whose duty it is to look after women and children is employed on every steamer transporting emigrants direct from Denmark to Canada or to the United States of America.

**IRISH FREE STATE.**—Nothing to report.

**CZECHOSLOVAKIA.**—The measures communicated in the report for the year 1926 have not been modified in any way. The Czechoslovak Red Cross has looked after 868 women and children, Russian and Ukrainian emigrants, providing them with accommodation, clothing and medical assistance.

The emigrants station registered as emigrants to overseas countries 2,810 women and 1,567 children, of whom 1,133 were accompanied by their mothers and 434 were going to join their parents who had settled in America.

**Question 8.**

**DENMARK.**—Reference should be made to the information furnished under the heading " Children " in the report for 1922 ; the Law of March 1st, 1895, concerning the supervision of children put out to nurse or to be looked after, mentioned in that report has, however, been superseded by the Law of March 28th, 1923, concerning the supervision of children.

**IRISH FREE STATE.**—The system of adopting or bartering children does not exist, and therefore no special measures are considered necessary.

**CZECHOSLOVAKIA.**—Nothing to report.

**Question 9.**

**DENMARK.**—The Danish Parliament has not yet completed its examination of the draft general penal code previously mentioned.

**IRISH FREE STATE and CZECHOSLOVAKIA.**—Nothing to report.

---

ANNEX 4.

REPORT OF THE INTERNATIONAL BUREAU FOR THE SUPPRESSION OF  
TRAFFIC IN WOMEN AND CHILDREN FOR 1928.

*Submitted to the Committee on April 22nd, 1929.*

Before dealing with the work of the year, the Bureau desires to place on record its feeling of deep loss at the death of M. Alfred de Meuron, President of the Swiss National Committee for the Suppression of the Traffic in Women and Children. M. de Meuron was a pioneer of the work in Switzerland. Mr. Coote described him in those early days as a "man of courage, devotion and zeal". He remained that to the end of an honoured life.

\* \* \*

In compliance with the request to cut down printing to a minimum, this report deals mainly with matters of principle which have been dealt with during the year.

EXTENSION OF THE ENQUIRY BY THE SPECIAL BODY OF EXPERTS.

The opinion of the Bureau, as expressed at the last session of the Advisory Committee, is that it would be of the greatest possible value to extend the enquiry to the East. It has, therefore, taken active steps to prepare the way for such an extension, and the Advisory Committee has already received resolutions from India promising unqualified co-operation and support.

It is hoped that, before the Committee meets, a similar offer of support will come from the newly formed National Committee of Japan.

The Bureau would welcome a definite recommendation from the Committee to the Council that the experts be convened again for the purpose of extending the enquiry to those countries where no enquiry has yet been made by them, and that the enquiry should first be directed to the East.

REPATRIATION OF PROSTITUTES.

Both from the broad consideration of the traffic in women and from the more particular consideration of the licensed houses of prostitution, it is now clear that the traffic, in those countries where enquiry has been made by the experts, is largely a traffic in prostitutes. The effective suppression of the traffic is, therefore, bound up with the return of the women trafficked in to their own country.

The Bureau has devoted considerable time to the consideration of this question. For many years it has been concerned with the humanitarian aspect of the problem, and a definite mandate to take up the matter with the League of Nations was given to it at the Seventh International Congress held in 1927.

It has, therefore, drawn up a scheme which has been submitted to National Committees for critical consideration. That scheme deals advisedly with one class only. The Bureau recognises that there is a very strong case for considering the compulsory repatriation of third parties profiting from the exploitation of prostitutes; but it is reluctant to link their case with that of the prostitute, for the reason that the suggestions in regard to the latter are bound up with the help which voluntary organisations are pledged to render.

For the different reason that the proposals deal with compulsory repatriation consequent on some breach of the law dealing with prostitution, the Bureau is equally reluctant to deal in this scheme with the case of stranded women and girls, stowaways, etc.

A copy of the Bureau scheme is attached to, and forms part of, this report (see Appendix).

Other subjects to which attention has been devoted during the year are *Obscene Literature* and *Adoption of Children*. Both are still being subjected to critical discussion.

EXTENSION OF THE WORK OF THE BUREAU.

The efforts which are being made to extend the work have been pursued with vigour and with gratifying results.

*Egypt.*—A central Committee has been formed by the existing Committees in Alexandria, Cairo and Port Said. A constitution has been adopted, and, what is more important, a central organising secretary has been appointed and has now proceeded to Egypt to take up her work.

*India.*—A draft constitution for a central Committee has been drafted and adopted by the Vigilance Associations of Bombay and Calcutta. We are hopeful that its adoption by other associations in India is only a matter of time.

*Japan.*—A National Committee for the Suppression of the Traffic has been formed and has expressed its desire to join the International Bureau. The offer has, of course, been cordially accepted. It is a pleasure to place on record that this has been made possible through assistance given by M. Sugimura after the fifth session of the Advisory Committee.

*South Africa.*—Enquiry is still proceeding as to the possibility of extending the work to the Union of South Africa.

*Preventive Work* has been carried on as usual by the various Committees during the year. Port and station work has been effectively and efficiently done, and enquiries have been made by different National Committees on behalf of young girls taking up employment in various parts of the world.

The Bureau is glad to report that notices, printed in fifteen different languages, are now posted up in Royal Mail Steamers plying between Europe and the Argentine, informing women passengers of the assistance which is obtainable in Buenos Aires from Mrs. Lighton Robinson, Secretary of the Branch of the National Vigilance Association in that city.

This year has shown no diminution in the interest in the work, nor in the results achieved.

January 22nd, 1929.

(Signed) F. SEMPKINS,  
Secretary.

---

### Appendix.

*Suggestions by the International Bureau for the Suppression of Traffic in Women and Children for the conclusion of an International Convention with respect to the Repatriation of Prostitutes.*

---

The Seventh International Congress for the Suppression of Traffic in Women and Children passed the following resolution in 1927 :

“ The Congress expresses the view that the International Bureau should authorise its representative on the Traffic in Women and Children Committee of the League of Nations to propose the conclusion of an International Convention to settle the question of repatriation, either voluntary or compulsory, of any prostitute, including the question of expense.

“ Such expense should comprise assistance before departure, during the journey, and upon arrival at destination.

“ The Convention should be framed so as to contain a clause which would endeavour to prevent the return of a prostitute who had been repatriated. ”

The International Bureau has given that resolution careful consideration and agrees that a Convention on the lines indicated is needed.

It submits the following proposals for critical examination :

### THE PRINCIPLES.

#### *Prevention of Entry.*

Considering that the importance of attainment and preservation of a high standard of morality overrides any objection to action being taken against any particular class, of either sex ; and

Considering that the international traffic in prostitutes is both harmful to public morals and dangerous for the women themselves ;

The Bureau considers that it is advisable to take all possible action towards preventing the entry of women into foreign countries for the purpose of practising prostitution there.

It therefore proposes a provision in the Convention to give effect to such prohibition.

### *Compulsory Repatriation.*

Considering that the international traffic in women is largely a trade in prostitutes, The Bureau is of opinion that the immediate repatriation of all persons earning their livelihood by prostitution outside their own country would practically bring that traffic to an end. It realises, however, the difficulties which prevent the enforcement of that procedure at present.

The condemnatory attitude of the Bureau towards regulation of prostitutes and towards licensed houses of prostitution is well known. To avoid misunderstanding of the suggestion it now makes, it reaffirms that attitude.

At the same time, it records the opinion that it in no way condones prostitution by women who would not come within the scope of that suggestion.

As a first step, the Bureau proposes that every foreign prostitute guilty of a breach of any law or of any municipal regulation dealing with prostitution should be repatriated, and that the Convention should contain an agreement to that effect.

### *Repatriation not Expulsion.*

Considering that it is both useless and inhuman merely to expel prostitutes to the frontiers, The Bureau is of opinion that such women who are compulsorily ejected should be repatriated to their own country by arrangement between the Governments concerned, and that Governments should therefore agree,

- (a) Not to expel such women to the frontiers ;
- (b) Not to get rid of them by serving a notice asking them to remove themselves.

### *Doubtful Nationality.*

In view of the fact that, largely consequent on difficulties owing to the war, cases arise where women have no written proof as to their nationality.

The Bureau considers that in all such cases where prostitutes are concerned Governments should agree to take all possible steps to obtain such papers. But, should those attempts fail, Governments should not divorce themselves of their difficulties by the process of expelling a woman from one frontier to another.

In the same connection it is of opinion that obstacles should not be put in the way of repatriation by the authorities of the country of birth and that passports should be granted with facility where they are required. The Convention should contain a provision to that effect.

### *Penalties for Return.*

In view of the fact that a definite problem exists of prostitutes who, having been expelled from a country, make their way back again ; and considering that this problem needs to be dealt with by definite action, including penalties where necessary, the Bureau considers that any convention should contain an agreement to include in regulations dealing with aliens a provision making such women liable to punishment,

## QUESTIONS OF PRACTICAL PROCEDURE.

Considering that any Convention dealing with prostitutes should give full consideration to the humanitarian point of view, and in view of the fact that voluntary organisations well qualified to apply that point of view exist in many countries, the Bureau suggests the following practical procedure in repatriation cases :

### *Before the Journey.*

1. The Government, before enforcing a repatriation order, should agree to inform :
  - (a) The consular authorities of the country of which a woman is a national (or in which she was born) ;
  - (b) The appropriate voluntary organisation in the country from which she is to be repatriated.
2. The representative of the voluntary organisation should be authorised to visit the woman (if in custody) and find out such details as might be useful in helping the woman and should make recommendations to the Government.

3. Governments should immediately make the necessary arrangements for the repatriation in agreement with the Government of the woman's country of nationality (or birth).

4. The latter Government should without delay enlist the support of the appropriate voluntary organisation for the reception of the woman.

5. Except in cases where no voluntary organisation exists, no repatriation should be carried out until this has been done.

6. In cases of prolonged delay, Governments should agree to consider sympathetically any application to allow the woman to remain in the custody of an approved association which maintained a suitable home.

#### *On the Journey.*

7. Sufficient intimation as to the itinerary of the journey should be given to the voluntary organisations concerned to enable them to make arrangements to assist the woman at departure, *en route*, and on arrival.

8. If an escort is provided, women officers should, wherever possible, be appointed.

#### *On Arrival.*

9. Every facility should be given by the Government receiving a woman to enable voluntary organisations to assist in her reception and subsequently in her rehabilitation.

#### QUESTION OF EXPENSE.

Considering the fact that the question of expense is one which must be definitely settled if a Convention is to have any force, the Bureau is of opinion that any Convention should endeavour to lay down a fixed rule for the allocation of expense as between Governments.

It fully appreciates the fact that few voluntary organisations are in a position to incur considerable responsibility without assistance from the Governments concerned, but is of opinion that such assistance can only be incorporated in an international Convention in the most general terms.

It makes the following suggestions :

(1) The Government of the country which orders repatriation should be responsible for all expenses prior to the dispatch of a woman.

(2) The actual expenses incurred on the journey, from place of departure to place of arrival, should be shared equally between the two Governments concerned.

(3) The expenses subsequent to her arrival should be borne by the Government of the country receiving the woman.

(4) Governments should agree to utilise the assistance of voluntary organisations at all stages, before, during and at the end of the journey, and should help those organisations in a practical manner to overcome any financial difficulties with which they may be confronted in carrying out this work. In particular, they should agree to assist in the financial cost of rehabilitation of women who are repatriated.

January 22nd, 1929.

---

ANNEX 5.

REPORT OF THE "FÉDÉRATION INTERNATIONALE DES AMIES DE LA JEUNE FILLE" FOR 1928.

Submitted to the Committee on April 22nd, 1929.

(Translation.)

Neuchâtel, February 13th, 1929.

During the year 1928, the Fédération internationale des Amies de la jeune fille made special efforts both to extend its protective system to fresh countries and to make known the dangers of the traffic in women, the means of combating it and the action taken by the League of Nations in the campaign to suppress it.

DEVELOPMENT OF THE WORK.

Last year our Association made very encouraging progress, details of which, however, we cannot give here. Desiring to conform to the Committee's request as regards brevity, we will merely report the fresh work undertaken which more directly affects the campaign against the traffic.

The Amies de la jeune fille in *Roumania*, realising the necessity of protecting girls in the large port of Galatz, have opened a home there with an employment and information bureau, and have organised protection centres at the station and in the port. In this work they have received welcome support from the local authorities, from consulates and from shipping companies.

In *Hungary*, the staff of the centre at Budapest station has been increased by two officials of the Amies de la jeune fille, and the usefulness of this service will be enhanced by means of active propaganda making known in the rest of the country the protection available for girls arriving at the capital.

We have been asked to extend our protective system to *Lithuania*, from which country there is a great deal of emigration to Canada and South America. A committee has been formed at Kovno, where the authorities find that a protective centre is needed. In order to help us, the Ministry for Foreign Affairs allowed our delegates to travel by rail free and granted free passport visas to Lithuania, for which we are extremely grateful.

In view of the increasing numbers of young women and girls leaving for the Belgian colonies, the Union des Amies de la jeune fille in Belgium has taken steps to secure their protection and has founded a branch in Africa. At eleven towns in the *Belgian Congo*, young women, when travelling, may obtain information, advice and temporary shelter.

As the International Olympic Games were held in the *Netherlands* last year, the Amies de la jeune fille in that country reinforced their services for the protection of girls during that period. In addition to the measures taken jointly by various societies for the protection of morals and for social service, which formed themselves into the "Christian Social Society for the Olympic Games", the Netherlands Union des Amies de la jeune fille arranged to make known in advance in neighbouring countries the organisations established to cope with the dangers arising out of the large temporary influx of foreigners. It also strengthened its staffs at railway stations, particularly at Amsterdam, where the number of officials was raised from four to six. In addition, the Amies de la jeune fille opened premises in the immediate neighbourhood of the station, where women could obtain lodgings. These proved very useful.

CAMPAIGN AGAINST TRAFFIC IN WOMEN.

We feel bound to make special reference to the usefulness of the Experts' Report in helping forward this campaign. At lectures given in 1928 in twelve countries by delegates from our international centre, various persons holding official positions expressed their satisfaction that our case was based on evidence so complete, definite and reliable as that collected by the experts.

In our campaign against the traffic, we have utilised various channels of propaganda which appear to us particularly suitable, such as lectures (some of which were broadcast), the Press, public notices, literature and films.

Lectures making known the dangers of the traffic in women and the League's work in that sphere were given in the following places:

- Belgium*: Brussels (2), Antwerp, Liège, Ghent, Verviers, Charleroi.
- Czechoslovakia*: Prague, Brno, Bratislava, Moravska, Ostrava.
- Danzig*.
- France*: Paris, Lille, Strasburg.
- Germany*: Dortmund, Heidelberg, Potsdam.
- Italy*: Venice, Trieste.
- Lithuania*: Kovno.
- Memel Territory*: Memel, Heydekrug.
- Netherlands*: Utrecht (2), Hilversum, The Hague, Haarlem.
- Poland*: Warsaw (2), Lodz (2), Poznan (2).
- Roumania*: Cluj.



*Kingdom of the Serbs, Croats and Slovenes: Ljubljana.*  
*Switzerland: 17 places.*

When these lectures were given, we were careful to see that the Press drew the public's attention to the traffic in women and its dangers.

In order to get more directly into touch with young girls, "Warning Notices" have been issued in French (for women workers) and in Polish and Russian (for women emigrants). It is clear, however, that there are far too many young girls whom we do not reach at all, and we therefore recommend our members to make use of illustrated posters, which appeal to a wider public.

Various models have been adopted and placarded in a number of countries.

The Swiss Union des Amies de la jeune fille has produced a film bringing to the notice of young girls the dangers to which they are exposed, and acquainting them with the services they may obtain from an organisation for protective work.

The celebration of the Josephine Butler centenary provided our Association — and doubtless many others as well — with an opportunity of interesting the public of various countries in the campaign against immorality initiated by that noble pioneer, and of showing that the ideas she championed, so far from being out of date, have received striking confirmation from the conclusions of the Experts' Report. We know from the requests for information which our international centre has received from all quarters for the purpose of talks and newspaper articles on the subject that the Josephine Butler centenary has afforded an excellent opportunity of making the League's work known.

Our Federation has, of course, carried on regularly its great volume of ordinary work, of which no mention is made in this report.

(Signed) L. CURCHOD-SECRETAN,  
*President of the*  
*Fédération internationale des*  
*Amies de la jeune fille.*

---

ANNEX 6.

*Official No.: C T. F. E. 415.*

REPORT OF THE INTERNATIONAL WOMEN'S ASSOCIATIONS FOR 1928.

*Submitted to the Committee on April 22nd, 1929.*

*(Translation.)*

The replies given below received from the international associations, which have once again this year given us an account of their own work, show that these associations have at the same time displayed a sympathetic interest in the work of the Advisory Commission and have everywhere co-operated with us in every possible way. Moreover, countries such as India, Japan and Egypt, which have hitherto concerned themselves only remotely and indirectly with our work, have this year sent most interesting reports. These reports show that, with the growth of their culture and education, women are realising more clearly the significance of our campaign and are demanding on behalf of womanhood the protection of children and girls under age, the closing of licensed houses and the suppression of the traffic in women.

In the countries of the Far East the great progress that has been made reveals the influence of the International Council of Women, the Young Women's Christian Association, the International Suffrage Alliance, etc.

Wherever they have been able to do so, our associations have endeavoured to protect children, to afford assistance to fallen women and to secure the suppression of obscene publications and the abolition of licensed houses and their corollary, State regulation. The women's associations, convinced of the importance of organising women police auxiliaries or women police officers where such services do not yet exist, desire the Advisory Commission to urge Governments which do not possess them to establish these services, as this measure is essential if there is to be any serious reform of public morals.

The British Women's Associations ask me to rectify a slight error in the paragraph regarding Great Britain in the report which I submitted to you last year. In that report I stated, on the basis of letters received, that some British associations considered that poverty was not the only cause of prostitution, but that idleness, coquetry, greed and bad company also play a part, since domestic servants, who do not suffer from poverty, furnish a large proportion of prostitutes. The British Women's Associations protest against this statement and affirm that the morals of British domestic servants do not deserve such harsh criticism.

The International Women's Associations also ask their members to see that in countries such as those of northern Europe and America, where State regulation has been abolished, the measures taken to ensure good order in the streets and to protect public health are not, on account of a particular attitude of mind, enforced more against women than against men.

The International Women's Associations once more thank the League of Nations for the interest it is taking in the cause of womanhood, and request me on their behalf to urge the League to carry through to completion its noble work for the improvement of morals.

#### Germany.

In reply to the letter of November 13th, 1928, relating to the very important questions to be studied by the Advisory Commission, Mme. Ruth Wiland writes: We are glad to inform you that, as regards public health and morality, the laws framed to deal with venereal disease, passed on February 18th, 1927, and brought into force on October 1st, 1927, are in full accord with our principles regarding a single code of morals, since they abolish the regulation of prostitution, order the closing of licensed and similar houses and lay down measures for the campaign against venereal disease.

All persons suspected of infection with venereal disease and liable to communicate it may be medically examined by the public health service and may be detained so long as is warranted by their state of health.

These protective measures are taken irrespective of the sex of the person concerned. Moreover, their scope is even wider still, since, if a woman, knowing herself to be infected, acts as wet nurse and transmits her infection to a child, or if a syphilitic child is entrusted to and infects a healthy nurse, the guilty parties are liable to punishment.

As regards the protection of young women music-hall and similar artistes on tour abroad, we consider our existing regulations adequate, but our associations are making arrangements to supervise their application.

It is not sufficient to supervise the engagement of young artistes to perform at cafés-concerts abroad; care should also be taken that they are not drawn into a life of immorality in their own country. They should, for example, be forbidden to enter the auditorium, go among the public or sit at tables already occupied by customers.

We are aware that the managers of touring companies sometimes compel them to do this, the result being in most cases the downfall of the girl. Our Society is endeavouring to organise associations to protect girls against these dangers. If a girl is found to be really talented, we take her up and place her in a dancing academy, where, on completing her course of study, she will be able to obtain an engagement; for if a girl wishes to become a dancer, no one can actually prevent her. All that we desire is that the artiste's career should not be made a cloak for prostitution.

As regards the closing of licensed houses, regulations governing this question are in force in the territory of the Reich. These houses have been abolished and the police have to exercise great vigilance in this matter.

In the Netherlands at the time when licensed houses were closed, clandestine houses of ill-fame made their appearance, and it was in consequence found necessary to decree that men frequenting such houses would be liable to the same penalties as women. Such measures seem to us the best suited to an effective campaign against such places. Mme. A. Mayer thinks a more exact definition is perhaps necessary for the term "licensed house", regarded as an international evil against which measures on an international scale should be directed.

As regards the age of consent, we desire to protest against measures — in our opinion objectionable — which consist in punishing the traffic in minors only. We want the laws to apply to adult women as well.

The Convention regarding obscene publications has been ratified and is in force throughout the Reich.

Lastly, the subject of help for released prisoners has also engaged our attention. The success of rescue work largely depends on the interest displayed in these unfortunate persons during their period of imprisonment, and also on the instruction given them during that time and the extent to which they have come into contact with persons having higher moral standards.

We think that in every prison there should be, in addition to the classes for elementary instruction, social welfare officials, who would secure for women, on release, work sufficiently remunerative to enable them to earn their living by honest means; otherwise, faced with poverty, they will revert to their previous way of living.

#### Argentine.

The National Council of Women of the Argentine Republic has sent us a very interesting report, and, as the result of constant correspondence, has enabled us to take timely action in a number of cases of trafficking.

There are as yet few institutions for rescue work in the Argentine, but efforts are being made to establish them where they are most urgently required, more particularly in large ports.

#### Austria.

Dr. Fischer-Hoffmann says that he has nothing to add this year to the report sent last year.

An endeavour is being made to secure the application in Austria of the decisions taken by the Advisory Commission of the League of Nations, and to establish the principle of a single code of morals. The campaign against the traffic is being actively pursued.

For some time now a woman has held an appointment as assistant medical officer to the police for the purpose of dealing with young prostitutes.

## Belgium.

The Belgian Women's Associations note with regret that since the war the moral standard of the country has fallen very considerably.

There is no censorship in Belgium. All that can be done to suppress immorality, prevent improper performances and check obscene publications is for the communal police to take action if such performances or publications constitute a public nuisance or are likely to disturb good order.

We do not think, however, says Mme. van De Wiele, that the restoration of the censorship would give the results expected. Public opinion is very hostile to it, and we ourselves have more than once explained why we do not think it would be a success.

An active campaign against venereal disease is being carried on in Belgium. It has given admirable results, and the most effective means have undoubtedly been employed to combat this evil. The statistics of the Ligue contre le péril vénérien, which is directed by Dr. Bayet, and of which Her Majesty the Queen has been Honorary President since its foundation, reveal an appreciable decrease of syphilis.

The Amies de la jeune fille, established at Brussels and in the provinces and affiliated to the National Council of Belgian Women, is doing valuable work in watching over girl and women artistes at cafés-concerts and music-halls engaged abroad; similar work is being done by our Emigration and Immigration Committee, which has its headquarters at Antwerp and of which M. Robert Ostenich is President.

An institution for the rescue and rehabilitation of released prisoners of either sex, which was founded thirty-five years ago by M. Jules Lejeune, the distinguished jurist and a former Minister of Justice, still exists and is carrying on most successful work. This institution has proved its great value and is sufficient to meet the needs of a small country like Belgium.

## Denmark.

We have received from Denmark various reports showing that the situation in regard to the traffic in women and the campaign against venereal disease is the same as last year.

The question of the protection of female artistes is receiving careful attention. The Danish Women's Associations desire that the contracts signed by these artistes should stipulate that they will not be required to remain in the establishment at which they are engaged after the performance is over and that they will be given separate rooms having doors with locks; the associations would also like the League of Nations Committee to endeavour to secure that contracts should only contain terms consistent with the employment for which they are concluded.

The Women's Associations are glad to see that the experts' enquiry is to be extended to the Far East.

As they have not yet sufficiently studied the question, they cannot give an opinion on the age-limit fixed by the Convention of 1921.

## Egypt.

The replies received from Egyptian Women's Associations emphasise the progress that has been made and the interest taken in the work of the Advisory Commission.

The results obtained in Egypt, says Mme. Kaliel, are not, however, as successful as we could desire, and we therefore fully support the Minister of the Interior's report on the police services in the capital. This report deplors the inadequacy of existing legislation against drugs and prostitution, the great increase of clubs which are simply houses of ill-fame, the lack of supervision of night-cabarets and other establishments of the same kind, and the growing number of beggars.

The "Providence" Institution, founded in 1925 for the protection of mothers and children, has opened a centre at Shubra for fallen and abandoned women. Within three years, more than fifty women of all nationalities and religions have been received, helped and sheltered at this centre for about a year after confinement. The initial results obtained by this organisation are most encouraging.

As regards young women music-hall and similar artistes touring abroad, many of those who visit Egypt are artistes only in name and come on purpose to engage in prostitution. Others, however, have been deceived by unscrupulous agents and are attracted to Egypt by the hope of earning an honest and profitable livelihood.

What we should like, therefore, is that, before receiving their passports for foreign countries, artistes should be warned of the material and moral dangers they incur unless they take every precaution before entering into engagements.

The Egyptian Women's Associations want licensed houses to be closed and severer penalties to be inflicted on persons living on the prostitution of others.

We must also point out that the Capitulations render it very difficult to apply severe measures to *souteneurs* and foreigners engaged in the traffic.

The Women's Associations have appealed to the Government to issue strict regulations regarding obscene publications entering Egypt, as nearly all these publications come from abroad.

No steps have yet been taken in Egypt to assist women on release from prison, but we are considering the establishment of a refuge for them; this scheme will probably be carried into effect in the course of the present year.

### United States of America.

At the time of submitting our report, we have unfortunately received no reply from the United States.

We will, however, bring the reply to the meeting of the Advisory Commission and communicate it orally.

### France.

The French Women's Associations are profoundly grateful to the League for the support it is giving them, and this year are vieing with each other in their zeal for the protection of young girls, the campaign against the traffic, and the organisation and successful operation of centres for reclaiming and rehabilitating fallen women. In this work they have constantly been aided by societies for the safeguarding of public morals and often, too, by the Government. All these organisations are formed into a federation, working primarily in Paris but also in the various departments, under the title of the "Union Temporaire", and in the past year have carried on a vigorous campaign against the State regulation of prostitution and the white slave traffic. Meetings have been organised in various towns, and municipalities have been approached with a view to the closing of licensed houses.

The Press Section of the Conseil national des Femmes françaises has on various occasions approached the public authorities demanding the ratification of the Geneva resolutions regarding obscene publications, and the Emigration Section is continuing to deal with young immigrants.

We regret that once again this year young girls under age have come to France unaccompanied and have ultimately found their way to the children's court. The competent authorities have been approached with a view to preventing this deplorable state of affairs.

Further, the President of the Conseil national des Femmes françaises was informed that certain employees of shipping companies were secretly helping women and girls to leave France for other countries, such as Egypt and the Argentine, for purposes of trafficking; accordingly, we at once communicated with the Minister of the Interior in order to have a stricter watch kept on vessels leaving French ports, more especially Marseilles.

On receiving our urgent appeal, and after making the enquiries asked for, M. Tardieu, Minister of the Interior, sent us the following letter:

"Madame:

"You have informed the public authorities that prostitutes are secretly embarking at Marseilles for Egypt on the liners of the Messageries Maritimes.

"I have the honour to assure you that this question has received particular attention both from myself and from the competent departments of my Ministry. Systematic enquiries have been made into the various cases notified, which, it should be observed, were isolated. The guilty parties have been brought before the competent courts and have received sentences of imprisonment varying from forty-five days to two years.

"Further, strict instructions have been given in this matter to all police and gendarmerie services in the areas in question. The port police of Marseilles in particular are carrying out a strict watch on all vessels leaving for Egypt. The police commissioners and inspectors responsible for this service, assisted by the ships' officers, carefully search all parts of the vessels; the holds, bunkers and engine-rooms and the various quarters are inspected with the greatest care. All these inspections take about half a day.

"Moreover, the attention of prefects has been particularly drawn to the importance of examining carefully all applications for passports from women leading an immoral life or from persons who move from place to place without sufficient reason.

"All these measures, which are undoubtedly proving successful, will continue to be enforced, and I desire to assure you that the services under my charge will in all circumstances see that they are rigorously applied . . ."

We thus have an explicit promise, and the Women's Associations will see that the public authorities continue to carry out the present measures and that every possible means will be employed to prevent occurrences such as those reported to us.

We have also approached the Paris Prefect of Police once again with a view to the organisation of women auxiliaries for the police force. So far, we have obtained nothing but vague promises.

We are most anxious that this proposal should be put into practice, and we have therefore endeavoured to obtain the support of members of Parliament. M. Justin Godart, former Minister of Health, has been good enough to approach the competent authorities. M. Chiappe has written to M. Godart assuring him that he takes a great interest in the question and that he is constantly bearing in mind the scheme proposed by Mme. Avril de Sainte-Croix for the creation of a service of women police agents and auxiliaries. The Women's Associations are grateful to M. Chiappe for this evidence of his interest in the question, but they would have preferred a rather less sustained interest and prompter action.

The Women's Associations also urge the need for the laws punishing procuring in every form and those relating to *souteneurs* to be reinforced and rendered less difficult of application.

Our Women's Associations have also taken steps on various occasions to promote the campaign against alcoholism and for clean streets and the protection of children.

Thanks to the Conseil national des femmes françaises and the active interest displayed by Mme. Legrand-Faloc, the charming Fête des Catherinettes in Paris this year resumed the character, which it should never have lost, of a fête for needlework hands and dressmaking employees, organised in their workshops by the leading dressmakers and modistes. It was no longer what it had become for some years past, a mere occasion for public disorder and a source of demoralisation for these attractive young women.

There are a large number of institutions engaged in the rescue and protection of women; they are actively carrying on their work and are becoming more and more efficient. These institutions help women at the time of their arrest, visit them in prison, meet them on their release and, if they desire, place them in homes, which afterwards keep in touch with them as long as possible. Many of these women remain for years in close contact with the societies which have thus taken them up.

### Great Britain.

The Women's Associations of Great Britain last year held enthusiastic celebrations in honour of the centenary of Josephine Butler, the great apostle of the abolition of State regulation of vice, who successfully conducted a noble crusade for a single code of morals. Delegates from all countries rendered a tribute of respect and gratitude to the woman who fought, not only for the dignity of womanhood and for the reclamation of prostitutes, but also for the education and emancipation of women.

Since last year, no new measures have been taken to protect women and girl artistes. The societies which deal with this question have continued their work and appear to have obtained excellent results.

We are pleased to see from the experts' enquiry how few cases of traffic in women have occurred in England, and we are glad that this enquiry is being extended to the Far East. The Association for Moral and Social Hygiene has sent a member to India for three years to carry out an enquiry on this subject.

There are a number of benevolent societies which befriend women released from prison, and the Salvation Army is particularly active in this branch of rescue work.

As regards the age of consent, we cannot at present give any definite reply. This is a complex and difficult problem which requires profound study.

None of our laws on these various subjects have been amended this year. Our Committee agrees that accosting should be made a punishable offence; proof of the offence, however, should be based only on the evidence of the person accosted.

During the past year the Municipality of Edinburgh put forward a proposal that any person suspected of infection with venereal disease should be liable to compulsory examination. This proposal was rejected as the result of an intensive campaign organised by the Women's Associations, who do not consider that such a measure would be effective, since, even though applicable to both sexes, it would in most cases affect women only.

### Hungary.

The Hungarian Women's Associations fully approve the programme drawn up by the Advisory Commission, and are also glad that the experts' enquiry is to be extended to the Far East.

The most important event we have to report, says Mme. Rosenberg, is that, since May 1st, 1928, licensed houses have been closed throughout Hungarian territory. The closing of these houses had been arranged by the Government some time previously and was carried out without the least trouble. Unfortunately, owing to the few police regulations which are still in force, this initial reform has not produced all the results that might have been expected of it.

Our associations are carrying on intensified propaganda among women on behalf of the campaign against the white slave traffic and in favour of a single code of morals. This year we had the pleasure of organising at Budapest two very interesting meetings on this subject, which were addressed by M. Reelfs.

The Convention regarding the suppression of obscene publications was ratified by the Chamber of Deputies and the Senate on March 9th.

There is one point to which we should like to draw the Advisory Commission's attention, namely, the inactivity of the Central Authorities in a number of countries. These offices leave letters unanswered, and thereby make progress difficult. We should be glad if the Advisory Commission would urge these national offices to display greater activity.

After studying the various penalties imposed upon persons living on the immoral earnings of women, we have come to the conclusion that the laws in force in Canada are the best, and we should like to see them adopted universally. As Hungarian law stands at present, men who live on the proceeds of prostitution are merely classed as vagrants, and the penalties imposable vary between fifteen days' and six months' imprisonment; for a repetition of the offence the guilty party is sent to a penitentiary, or, if an alien, is simply deported.

The age-limit is abolished by the Hungarian Law 1908/36, § 45, in the following cases: if the woman concerned belongs to the family of the guilty party, is his ward or is in his service; if the guilty party takes or sends her out of the country, or if he is engaged for the purpose of gain in the traffic in women, or if he has already been punished for a similar offence within the previous ten years.

#### India.

The National Council of Indian Women has been very active during the past year. The branches at Madras, Calcutta and Bombay have remained constantly in touch with each other for the purpose of suppressing the traffic.

At Calcutta, an institution has been founded to receive girls under age found in licensed houses. It also takes up cases of girls brought up before the courts, and not only reforms them but afterwards finds posts for them and remains in touch with them until they marry or come of age.

The Women's Associations have pointed out to the Government the need, pending the suppression of the State regulation of prostitution, for women doctors to examine women and girls brought before police courts. At present, male doctors are employed for this purpose.

The National Council of Indian Women is also endeavouring to awaken among women a sense of social duty. Industrial schools have been founded for boys, and schemes are on foot to open similar schools for girls. In conjunction with other associations, the National Council has organised a large number of meetings for the purpose of preparing a bill regarding the ages of consent and marriage.

The Hindu Women's Associations have also taken up the question of abolishing the custom whereby, in temples and in their vicinity, a number of children are selected and set apart as prostitutes for the priests and pilgrims. They have achieved a certain measure of success in the provinces of Madras and Bombay.

Lady Tata adds: At the present time we are endeavouring, in the Government of Bombay, to secure the passage of a law for the abolition of places of ill-fame, and, despite the difficulties we are encountering, we hope to succeed. The Bombay Watch Committee, of which I am Secretary, recently passed a resolution requesting the League of Nations to extend its enquiry to India.

#### Ireland.

The Irish Women's Associations are following the Commission's work with particular interest. They have nothing special to report as regards the past year.

#### Italy.

The Italian Women's Associations have been very active this year in the work of moral regeneration. The National Council of Italian Women, we are told by Countess Spaletti, the President, secured a victory for the principle of a single code of morals at the Congress of the Association to Promote Public Morality. The Council has co-operated with the other societies in promoting social welfare and has enlisted the enthusiastic support of the Press for our aims and principles.

The campaign against pornographic literature has received the support of the various societies in conjunction with the League to Promote Public Morality, and the Council has formed several committees for the purpose of preventing the spread of obscene publications and securing the suppression of immoral films.

The Women's Associations are glad to learn the League's decision to extend the Committee of Experts' enquiry to the Far East, as this step will undoubtedly have the effect of intensifying the campaign against the traffic in women.

A number of institutions for rescue work already exist in Italy, but there are not enough of them, and an endeavour is being made to add to their number.

#### Japan.

The report from the Japanese Women's Associations is most interesting. These associations, in particular the Women's Christian Temperance Union, have been conducting a strenuous campaign against State regulation, writes Mrs. Edward, who for long was Vice-President of the Union.

The campaign to promote the establishment of a single code of morals, begun as far back as 1888 by Mme. Yajima, and actively carried on by Mme. Kubushiro by means of lectures and the distribution of pamphlets, has been intensified still further since the spring of 1926, when a Joint Committee was formed by the Women's Christian Temperance Union and the Men's League to Promote Public Morality. The aim of this Committee is to induce the Imperial Diet to pass a law closing licensed houses and abolishing State regulation of prostitution. Pending a general law for the purpose, the Committee is endeavouring to induce local Governments to take a similar measure.

The first victory was gained at the Prefectorial Assembly of Saïtama, which unanimously passed a resolution abolishing the regulation of prostitution in the Prefecture.

No new licences will be granted there, and the licensed houses will thus disappear as their licences expire.

This victory was gained thanks to the Kakushinkai, an organisation for the suppression of vice, and the Women's Christian Temperance Union. Mme. Ochimi Kubushiro, Secretary-General of the Women's Christian Temperance Union, emphasises the fact that the resolution was passed unanimously, and hopes that other prefectures will follow this example. For the last two years the associations have concentrated their attention on the Prefectures of Nagano and Akita. Efforts are now being made to induce the Prefectorial Council of Fukushima to abolish the regulation of prostitution.

As regards institutions for rescue work, the Women's Christian Temperance Union founded at Okubo in 1894 the Florence Crittenton Rescue Home. This home is believed to be in urgent need of enlargement, and the Women's Christian Temperance Union is trying to obtain the necessary funds.

#### Norway.

Nothing of great importance has occurred during the past year in Norway. The main work has consisted in helping women who are leaving the country either to pursue their studies or in search of work.

The moral education of young people also constitutes a branch of the work.

There are no licensed houses in Norway, and the traffic in women is almost unknown there. Nevertheless, an amendment of the Penal Code has been obtained increasing the penalties for indecent assault, and the laws on this subject are now much severer than they were.

The age of consent has been raised from fifteen to sixteen.

There is a strong desire that effect should be given to paragraphs 7 and 11 of the League of Nations programme (universal abolition of the system of licensed houses, assistance to women leaving prison). It is proposed that in paragraph 11, after "assistance to women leaving prison", the words "assistance to women leaving hospital", should be added.

#### Netherlands.

We are glad, write the Netherlands Women's Associations, to see the progress made in our country as regards both public morals and the suppression of the white slave traffic.

A new committee has just been formed to combat immorality and endeavour to suppress obscene publications.

Though we have nothing special to report this year, there is one interesting fact which we should like to mention. The Ninth Olympic Games Meeting coincided with a big exhibition at Rotterdam, and it seemed possible that disorder might occur. I am glad to say, writes Mme. Van Schaik-Dobbelmann, that, according to the reports we have received, public order and decency, thanks to the careful regulations which were issued, did not suffer in any way.

There has also been a slight decrease in alcoholism and, in general, dancing-halls and cabarets have been better conducted.

We were glad to be able to include in the album which we offered to Her Majesty the Queen-Mother the note which you were good enough to send us regarding the work of the Advisory Commission.

#### Poland.

The Polish Women's Associations have, we know, carried on their work with success this year as in the past, but we regret that we cannot give further details as we have received none ourselves.

#### Portugal.

The National Council of Portuguese Women and the Suffrage Alliance have carried on their campaign against the traffic in women and against State regulation of prostitution.

They are grateful to the League of Nations for the interest it is showing in the moral protection of women.

As the outcome of the efforts of these associations, the Civil Government of Lisbon has agreed, pending the closing of licensed houses, to abolish ground-floor rooms opening on the street and all other external signs indicating the purposes to which buildings are put.

The institutions for the reclamation of released prisoners have been active. A home has been founded for this purpose, but its work has been hampered by lack of adequate funds.

#### Roumania.

Mme. Meissner writes: We have nothing special to report this year. To our great regret the draft law for the suppression of licensed houses was not submitted to the Chamber on account of the change of Government. The Women's Associations hope, however, that it will be taken up by the present Government.

In reply to the complaints regarding the compulsory medical examination of domestic servants before taking up employment, we desire to say that this is simply a health measure entirely unconnected with prostitution and applying throughout Roumanian territory, irrespective of the province or the place of origin.

#### Czechoslovakia.

The work of the Women's Associations has been confined to consolidating the progress already made.

Since the promulgation of the laws and measures against the traffic, it may confidently be affirmed that these odious practices have been abolished in the territory of the Republic.

A large number of societies have been founded for the protection of girls and children and for the granting of material and moral help to women on release from prison, and the Advisory Commission's work is followed with the greatest interest.

The reforms desired at present are: the establishment of homes where women infected with venereal disease can stay until cured, and the formation of a women's police force. It is considered that these two steps necessarily form the starting-point of all progress in this field.

#### Uruguay.

We have unfortunately received no reply from the Women's Associations of Uruguay, but from the periodicals we have received we learn that the Women's Associations there have been very active during the past year, and it will surprise no one to learn that this revival of activity and of propaganda on behalf of the Fifth Committee's proposals is due primarily to Dr. Luisi.

\* \* \*

The above reports, which I have unfortunately had to abridge, but of which I have given the essential facts, are convincing evidence of the activity displayed by the International Women's Associations, which I have the honour to represent here.

Not only have they continued the work on which they have been engaged for years, but they have striven untiringly and devotedly to help forward the work of the Advisory Commission and to carry into effect the recommendations contained in this report.

They have asked me to voice their gratitude to the League of Nations and to express once more their high esteem for Dame Rachel Crowdy and their deep gratitude to her, and to say that we trust she will remain as long as possible in the post which she fills so ably and so worthily.

(Signed) G. AVRIL DE SAINTE-CROIX,

*Delegate of the International Women's Associations :*

International Council of Women.

International Suffrage Alliance.

Young Women's Christian Association.

International League of Women for  
Peace and Freedom.

Association of Hindu Women.

St. Joan's Social and Political Alliance.

Official No. : C.T.F.E. 415 (a).

ANNEX 6a.

SUPPLEMENTARY REPORT OF THE INTERNATIONAL WOMEN'S ASSOCIATIONS  
FOR 1928, PRESENTED BY MME. AVRIL DE SAINTE-CROIX.

*Submitted to the Committee on April 22nd, 1929.*

#### South Africa.

As there is no regulation of prostitution, the question of licensed houses does not arise; the National Council, however, is asking for supervision to be exercised in regard to suspicious advertisements in newspapers.



The laws for the prevention of procuring are very severe; owing to public co-operation in preventing immoral acts, they rarely need to be enforced.

All persons encouraging illegal sexual relations between Europeans and natives are liable to imprisonment. Natives and Europeans between whom illegal sexual relations exist are also liable to imprisonment (laws applicable to both sexes).

Despite the foregoing, we are asking the Government for women police, who are absolutely indispensable.

#### South Australia.

South Australia is very pleased to note that the experts' enquiry was to be extended to the Far East.

The most important event of the year was the celebration of the centenary of Josephine Butler. Meetings and lectures were organised for the purpose of acquainting the public with the views of the Women's Associations in regard to equal moral standards.

These lectures and meetings, as also the visit of Miss Maude Royden, have been of great assistance to the cause which all women's associations have so much at heart.

The report of the International Commission for Equal Moral Standards of the International Council of Women, and a questionnaire from the International Council of Women for the League of Nations Advisory Commission have also been received. Both documents were signed by Mme. Avril de Sainte-Croix. Every effort has been made to do what was asked.

#### Canada.

The enquiry carried out by the League's Traffic in Women and Children Committee has shown that there is very little traffic in Canada.

Ships are watched.

The following resolutions have been proposed to the Dominion Government :

1. The National Council requests the Government to take steps to increase the severity and effectiveness of the laws against traffickers or men living on the earnings of prostitution.
2. The National Council requests the Government to raise the age of consent, which should not in any case be lower than that of marriage.
3. The National Council requests the Government to amend the Penal Code and to place offences against morals and common law offences in the same category.

In nearly all Canadian towns there is now a woman member of the School Board and several have a woman chairman.

Nearly all towns have at least one woman auxiliary police officer. Toronto has eight. In Vancouver, women are endeavouring to get a woman appointed to the police department.

There are several women magistrates.

Efforts are being made to raise the standard of public morals by means of education, the care of abnormal children, the suppression of obscene literature, etc.

#### Cuba.

The Cuban Women's Associations write us as follows :

The tolerance zone was suppressed by Decree No. 964, published in the *Official Gazette* for October 25th, 1913. The present Government has been carrying on a vigorous campaign for the abolition of licensed houses and the rescue of the unfortunate prostitutes. Astonishing results have been obtained.

Very strong measures have been taken with a view to the deportation of foreigners living on the immoral earnings of women. Action against Cubans is taken under Article 457 of the Penal Code; the penalties inflicted vary from 31 to 180 days' imprisonment.

Obscene publications are also prohibited under Article 457 of the Penal Code, the penalties inflicted being the same as in the previous cases. Committees have been appointed for the censorship of films. Commercial firms, such as booksellers, shops selling fancy goods or postcards, tobacconists, etc., or firms issuing pornographic publications, or making use of obscene postcards or photographs for advertising purposes, have been placed under very strict supervision, and legal proceedings have been taken against them.

The Prisoners' Aid Association has made several attempts to introduce a bill. The Club Feminino of Cuba proposes, as soon as Parliament meets again, *i.e.*, on January 15th, 1929, to make a direct appeal to the Presidents of the Chamber and of the Senate, requesting that a law be passed for the protection of discharged female prisoners. At present, the care of these unfortunate women is left to private institutions like our own.

#### Roumania.

The National Council of Roumanian Women has sent the following additional information :

The requirement that domestic servants, both male and female, shall possess a health certificate has no legal force, as the bill has not yet been submitted to Parliament. Public opinion is in favour of the bill.

In order to combat the traffic in women, the National Council and the Society of Christian Women founded the Girls' Friendly Society under the patronage of H. R. H. Princess Helen and with Government support. The results obtained have been very satisfactory.

This Society has an office at the stations, an employment agency and a club where healthy recreation is provided for young girls.

Since 1927, 825 women travellers who were in difficulties have been assisted. From May 1927 to November 1928, the Society provided shelter for 1,346 women.

The National Council was concerned at the reports in the Bucharest newspapers denouncing cases of traffic at Constanza, and instituted an enquiry. Clandestine prostitutes are numerous in that town; those in the licensed houses, who are badly nourished and in an exhausted condition, are decreasing in numbers. The special quarter, moved to the gates of the town, has fewer clients. Syphilis is decreasing.

The National Council has requested the Government:

1. To institute a stricter control of passports, and to supervise announcements in the newspapers advertising situations vacant which so often deceive simple young girls.

2. We are convinced that licensed houses encourage the traffic, through which victims are obtained for them. Houses of rendezvous must be placed under strict supervision. (The Police Commission of the port of Constanza has undertaken to make enquiries into the position and to furnish statistics to the Council in regard to all women who pass through the port and who call themselves artistes, and also in regard to the number of Roumanian women prostitutes in Constantinople.)

3. The reorganisation of the morality police, with the assistance of women police in the ports and on ships, in order that suspicious cases may be watched and denounced, will be of great utility in this connection.

4. The criminal codes for the suppression of the traffic should contain much more severe penalties against procurers.

5. The age of consent should be raised from 14 to 17.

This report was submitted to the Minister of the Interior by a Committee delegated by the National Council and Girls' Friendly Society, consisting of the President and Vice-President, the Secretary-General and President of the Section for the Protection of Morals.

The Committee was very well received by the Minister, who offered it a grant for the assistance of the Girls' Friendly Society. He also promised:

1. To send circulars to school teachers and priests throughout the country requesting them to draw the attention of young girls to the danger of this traffic.

2. To make it widely known that persons discovering an actual case of trafficking will be rewarded if they announce their discovery to the authorities.

The regulation of prostitution is regarded as necessary in Roumania, but the National Council is doing its utmost to make it known that it strongly disapproves of this view.

Two bills to prevent the spread of venereal diseases have been drawn up. Our Council discussed the matter with the authors of one bill and was represented on the Committee in charge of the other. Both bills recommended that licensed houses should be abolished. Unfortunately, neither bill has reached Parliament.

The Council hopes that it will be duly recognised that Roumanian women are not indifferent to the evil which is now engaging attention in all countries and that they will do their utmost to reduce it as soon as possible, for the good of their country and of humanity in general.

Another question dealt with by our Sections was the health of women and children and, when establishing the "Woman's Hostel", it was therefore decided to arrange for free daily medical consultations by three women doctors.

This year's programme includes a series of public lectures on "Social Hygiene" which will be given at the "Woman's Hostel".

## Sweden.

The Women's Associations state that, at the present time, the moral standards for men and women in Sweden are the same. As regards the campaign against venereal diseases, the two sexes are treated alike. Both men and women affected are examined by the health inspectors. In order to make this campaign more effective, numerous lectures have been organised and efforts are being made to introduce courses of sexual hygiene into secondary and other schools; cinematograph films are also being employed.

The Geneva Convention, which is contrary to Swedish laws concerning the freedom of the Press, has not been ratified, but, thanks to the action of several young men's associations and to the newsagents, who have undertaken not to sell obscene publications, the provisions of the Convention are thus being carried out to some extent.

The films censorship is working well.

A bill has been presented requiring official information to be procured for all persons accepting employment abroad. Moreover, the "Vigilant" Society warns young girls by every possible means against the danger of accepting engagements abroad without making enquiries. These enquiries are made by the Society free of charge.

There are several societies for the assistance of discharged female prisoners, but more are needed.

## Poland.

Mme. Holder-Egger, President of the Prevention of the Traffic Section of the N.C.T.P. has informed us of the excellent work done at the stations which is subsidised by the Ministry of Labour. Similar services are now being organised by this admirable association in the ports of Danzig and Gdynia. Mme. Holder-Egger adds that, in view of the services rendered by women police agents, the women's organisations are demanding an increase in their number. This has been granted and a woman magistrate has been appointed to the Children's Court.

Polish legislation provides for the organisation of various institutions for assisting morally neglected children. A bill has been drafted by the women's associations and the Committee for the Prevention of the Traffic. The public in general, and women in particular, are taking an ever-increasing interest each year in the fight against this odious traffic and we hope that the 1930 Congress will prove of great utility.

Official No.: C.T.F.E. 416.

ANNEX 7.

REPORT OF THE "ASSOCIATION CATHOLIQUE INTERNATIONALE DES ŒUVRES DE PROTECTION DE LA JEUNE FILLE" FOR 1928.

*Submitted to the Committee on April 22nd, 1929.*

*(Translation.)*

In compliance with the Secretariat's instructions, we shall condense our report as far as possible.

As we have already pointed out, we are constantly co-operating with the Traffic in Women and Children Committee through the preventive action taken daily in every country by the various institutions belonging to our Association (reception centres, women's restaurants, employment bureaux, missions at stations and ports, etc.), all of which are intended for the moral protection and safeguarding of young girls.

EXTENSION OF THE ASSOCIATION.

Among last year's achievements must be mentioned a journey to Poland and Czechoslovakia taken for purposes of propaganda by the International President and the Assistant Secretary of our Association. This journey was productive of much information and had important practical results. At its principal stages — Warsaw, Cracow, Czestochowa and Prague — addresses were given by the President and ways and means were discussed for increasing the efficiency of the work.

A plenary meeting of the various Polish committees was held at Warsaw, thereby enabling a general survey to be made of all the Association's work, even in the smallest localities.

The National Committee for the Suppression of Traffic in Women was good enough to pay a tribute to the services which have for long been rendered by our Association's station missions. The Committee grants them a large and regular subsidy, thereby enabling their number to be increased and their work to be greatly facilitated. Thus in all stations of any importance there is a permanent and well-organised service enabling girls to be met; and, if they arrive in the evening or at night, they are given quarters at the station itself in well-equipped dormitories containing from three to twelve beds. The women in charge of the mission take care of them; they either help them to continue their journey or, if they have reached the end of it, accompany them to their destination or place them in an institution where they will be looked after and where work will be found for them under conditions offering full security.

In Poland, it may be noted, families are generally large, and there is a great influx of girls from the country to the town.

Some idea of the activity of our station missions may be afforded by the Warsaw statistics, which show that in 1927 alone services were rendered to 14,425 girls in the four stations of the capital.

Another important form of protection afforded in Poland which is particularly needed in these times of social upheaval consists in the "cheap restaurants" which have been opened by the Women's Associations almost everywhere, and especially in large centres. Our Association co-operates in this eminently useful work, which, by enabling cheap and plentiful meals to be supplied, sometimes to whole families, sets up a barrier against immorality, since it often prevents girls from succumbing to the temptation to lead an immoral life as an escape from poverty. One of these restaurants at Cracow alone provided more than 600,000 meals in 1927.

As regards Czechoslovakia, we have succeeded in extending our services, which had been practically limited to Prague alone, to Slovakia, where the need for them is felt.

A propaganda tour was also carried out in Belgium, and the International Centre of our Association took part in the French National Congress for the Protection of Young Girls at Paris in December last. Our French branch secures valuable assistance from various quarters; M. Reverdy, a barrister at the Court of Appeal, gave the Congress a very interesting address on morality and the woman of to-day.

Our Association has several centres at Paris for the reception of young foreign girls, particularly Swiss, Luxemburg and Spanish. The reports of these institutions were presented to the Congress and proved extremely interesting.

Increased activity is reported by our British committee — the Catholic Women's League and the Ladies of Charity. It is in close touch with the Travellers' Aid and the Vigilance Association.

We are negotiating for the formation of committees in Lithuania and the Kingdom of the Serbs, Croats and Slovenes.

Our services are also requested at San Salvador.

The centre at Salonika to which we referred in our last report has developed, and we now have a home there and various services attached thereto.

We would also point out, in connection with the extension of our Association, that it has been singled out for notice by the public authorities in many countries, and its services have been utilised by them.

The propaganda work also includes visits by our national committees to the International Centre at Fribourg for the purpose of conferring regarding the interests of the Association. All these visits help to promote its development.

The International Secretariat is now preparing a new edition of its *International Address Book*, and, following upon the enquiry it is carrying out for this purpose, fresh offers of assistance are being received. Centres have thus been opened at Panama, in China and at Tokio and Kobe.

#### EMIGRATION.

Most of our committees carry on work in connection with emigration. So far, besides the International Committee, six national committees have joined the International Conference of Private Organisations for the Protection of Migrants.

At its last session, "Caritas Catholica" placed the International Centre of our Association in charge of the secretarial work of its "Migratio" Section.

The International Secretariat received a visit from a delegate of the Emigration Section of the National Catholic Welfare Conference of the United States, with which we are in close touch. At his request, we gave him an introduction to our various national committees. Important negotiations took place with our Antwerp Committee, which was appointed correspondent of the National Catholic Welfare Conference for Belgium.

#### CAMPAIGN AGAINST IMMORALITY.

The Netherlands National Committee of our Association was represented on the Vigilance Committee formed on the occasion of the Olympic Games at Amsterdam last year.

Our own committee undertook the important work of publishing warnings in the international Press, setting forth the conditions of service at the canteen, the whole staff of which was male, and dissuading young girls from coming to Amsterdam to take up employment.

This committee also organised a voluntary aid service to increase the station missions at Amsterdam and at frontier stations.

#### THE NEXT INTERNATIONAL CONGRESS OF OUR ASSOCIATION.

To the great regret of our very active Hungarian National Committee, we have been obliged, for special reasons, to postpone until 1930 the congress which was to be held this year at Budapest.

#### THE DIRECT WORK OF OUR ASSOCIATION IN CONNECTION WITH THE RESOLUTIONS PASSED AT THE LAST SESSION OF THE COMMITTEE.

We requested a member of our German National Committee, who was proceeding to Sydney, with calls in China and Japan, to utilise the opportunity afforded him to prepare influential circles there for the proposed supplementary enquiry into the extent of the traffic in women in Asiatic countries.

We also approached a person who has lived for many years in the Indies and whose experience promises to be valuable to us on account of his philanthropic work among the victims of prostitution.

Although work of moral reclamation does not actually come within our Association's sphere of activities, all our committees are brought occasionally into touch with institutions engaged in rescue work, and some of them devote a great deal of attention to fallen girls, visiting hospitals and prisons and looking after women on their discharge. Their interest extends to organisations for rescue work, and they are unanimously of opinion that these organisations must take steps to reform the persons entrusted to their care, use persuasive methods and lead them to acquire good habits if any permanent result is to be achieved.

In conclusion, we will quote the recent testimony of one of our Netherlands correspondents in support of the abolitionist cause. She writes to us:

"As regards prostitution and the traffic in women, we may assert that, although prostitution is still carried on clandestinely, particularly in large towns, it is comparatively rare, and the Olympic Games were found not to have affected it to any great extent. It was even decided to make this last fact publicly known in order to prove that the abolition of licensed houses is the true remedy for prostitution. During the year 1928 not a single sentence was passed in connection with the traffic in women."

(Signed) S. DE MONTENACH,  
*President of the Association catholique internationale  
des Œuvres de protection de la jeune fille.*

---

ANNEX 8.

REPORT OF THE JEWISH ASSOCIATION FOR THE PROTECTION  
OF GIRLS AND WOMEN FOR 1928

*Submitted to the Committee on April 22nd, 1929.*

In accordance with the desire expressed by the Advisory Committee at its last session, and in view of the circular letter from the Secretariat, the report this year is very much abbreviated.

The Association, however, expresses its deep regret that the economies decided upon by the Council of the League should have included the cessation of the publication of a printed record of the proceedings of the Committee, as these records have hitherto been of the greatest value in making known the activities of the Advisory Committee as a branch of the League of Nations. It is sincerely hoped that the report of the Committee will, because of this, be amplified.

In the course of the year, the Association and the Committees affiliated to it in other countries have had under their consideration the resolutions adopted at the seventh session and by the Council and Assembly, and have endeavoured to make them familiar to a wide circle of people in order to create a stronger public opinion as to preventive measures for combating the traffic.

The interest aroused by the publication of the report of the Body of Experts is still maintained, and has stimulated the efforts of affiliated Committees in several directions.

**Germany.**

The Jüdischer Frauenbund (Union of Jewish Women), one of the constituents of the German Committee, followed up the Conference held in London in 1927 by holding a further Conference in Breslau, to which women from East European countries were specially invited. Among other items of interest, the question of the protection of girls and women was discussed from the point of view of technical training, sex education, legal rights, port and station work and deserted wives and children. The meetings were very largely attended. The Central Bureau in London made a contribution towards the expenses of the foreign delegates.

The question mainly occupying the minds of the Committees throughout Europe is the establishment of hostels for girls and of trade schools.

**Roumania.**

The Bucharest Committee has already, after one year's work, decided that it is necessary to enlarge its hostel and is endeavouring to raise the necessary funds.

In Cernauti, the community has organised its Committee and has obtained the co-operation of the police and other authorities.

Generally, in Roumania, the prospects for more active work are much brighter, particularly owing to the sympathy and activity being shown by the authorities.

**France.**

The local Committee in Paris has been strengthened and is being re-organised.

A girl of minor age disappeared from her home in Paris, and was believed to have been trafficked to the Argentine under an assumed name and on a false passport. Cables were sent to our Buenos Aires Committee and after much trouble it was found, with the help of the French Consul and the police, that a girl giving an assumed name and the age of 22, had called at the Police Department and asked to be registered as a prostitute in one of the houses of Rosario. She was refused, as she was found to be suffering from disease, and she disappeared. It has since been ascertained by the Association's officer that she is in Mendoza, near the Chilian frontier, and investigations are proceeding.

A girl was on her way from Constantinople to join her "fiancé", who was to take her from Marseilles to Cuba. It was ascertained by the Paris Committee that he was an undesirable man, consorting with traffickers and *souteneurs*, and the girl was dissuaded from continuing her journey, placed in the care of the Paris Committee and, at its expense, repatriated to her home. Information was lodged with the police concerning the man with a view to a prosecution.

**Poland.**

The Committee has been very active throughout the year. The Warsaw Committee has drawn the attention of the police to several cases of suspected trafficking, and has reported the conviction of one man, who was sentenced to three years' imprisonment. In another case, the prosecution broke down, owing to the unwillingness of the victims to substantiate their original statements.

In Lodz, a Conference was held on the question of ritual marriages, and decisions were arrived at which it was hoped would bring about a decrease in such marriages. Lectures were arranged by the Committee on various subjects concerning the traffic, which were largely attended.

There has been a constant stream of correspondence from all the Polish Committees to the Central Bureau in London affecting cases in South America, the United States, France, Palestine, Australia, Canada, etc.

#### Latvia.

The Riga Committee has extended its work by dealing with the question of hostel accommodation and the training of and provision of employment for girls.

#### Danzig, Hungary and Lithuania.

The Committees in Danzig, Hungary and Lithuania have also been very active.

The scheme of co-operation with the *Hias-Ica-Emigdirekt*, with regard to the protection of girls travelling alone emigrating to other countries, has been completed, and members of the Association's Committees in all countries are now delegated to work with the HJCEM Committees, and have dealt already with a large number of cases. It is particularly desired to repeat the information that, where girls are travelling alone, a cable is sent to the Committee at the port of destination, so that they may be met.

#### Argentine.

The Buenos Aires Committee has been particularly active. The reports received by the Central Bureau show that it is still extremely necessary to keep a strict watch on all incoming steamers.

Up to November 30th, 181 boats were met, carrying 638 girls and young women travelling alone. A large proportion of these were girls of minor age, to whom special attention was given. Enquiries were made in every case, and only those in which the investigations proved satisfactory were allowed to land. The others were handed over to the immigration authorities. Where there is a large number of women travelling alone on any particular boat, our officer, who has the sole permit to do so, proceeds to Montevideo and boards the boat there, proceeding with it to Buenos Aires. This gives him more time to get amongst the passengers and assist girls and women, and give attention to suspected cases.

The Association regrets to learn that, owing to lack of interest and of funds, the Argentine National Committee has come to an end. The question of arousing public interest is therefore unfortunately in abeyance, but it is hoped that an effort will shortly be made to revive that Committee.

Continuous and persistent work is being done by our Buenos Aires branch to bring the traffickers and *souteneurs* to the notice of the police, and the latter have given their wholehearted co-operation in every case that has been brought to their notice, and several arrests have been made during the year and men sent to prison. Particularly do the police render assistance when domiciliary visits have to be paid to houses suspected of being clandestine brothels or which are inhabited by suspected traffickers. In order that they may act as a deterrent, the activities of the police when arrests are made are given much publicity in the Press.

A ruse of the traffickers that has been discovered is that they give the girls they bring or send the addresses of respectable families, in order that they may escape the vigilance of the officers at the boat. This has greatly added to the work of investigation.

The traffickers are still showing great activity in smuggling women over the frontiers of the adjoining countries, and this is being fully enquired into.

A young woman of 22 arrived in Buenos Aires from Poland, and was accompanied by two other women. She said her husband had remained in Warsaw. She was claimed on arrival by another woman resident in Buenos Aires, who said she was a relative. It was found that she was living immorally with a man, and helping to run a clandestine house of prostitution. The girl was not allowed to go with her, and was handed over to a respectable brother, who found employment for her as a milliner. It is evident that from the European end she was intended as a victim of the traffic, for the woman who came to meet her in Buenos Aires devised a plan for getting hold of her for prostitution. She and her friends got an Argentinian to pretend that he was an "investigating officer" attached to the police, who charged the brother with wishing to traffic the girl. To prove his innocence, he gave the address where the girl was working and lodging. The pseudo-official went there and got on friendly terms with the girl, and afterwards proposed that she should

accompany him to a house of ill-fame. He threatened harm to her and her brother if she did not do so. The girl immediately told her brother and our Secretary, and a watch was kept, and when the man, accompanied by the other traffickers, called for the girl, they were arrested and proceeded against.

A Czechoslovak girl of 20 (non-Jewish) arrived in Buenos Aires and, being a minor, was detained. Enquiries proving unsatisfactory, an investigation was made. Whilst this was being done (the result of which showed that she was to enter a brothel immediately), a woman, bearing the acquiescence of the Consul, called at the Immigration Office and took her away. Our officer found that this woman was the mother-in-law of the brothel-keeper. As a result, the girl was detained when calling for her luggage, the house was raided and the people punished. The girl was handed over to the Consulate to be properly looked after.

A girl of 21 was claimed at the boat on arrival from Europe by a man who said that he was her cousin. She was detained for enquiries and finally released to go to an approved address. After a short time, suspicions arose because the girl left and could not be found. The man said he knew nothing of her whereabouts, but, when threatened with arrest, produced her. A thorough investigation elicited the fact that she was hidden in a clandestine brothel kept by her own sister, who had employed the man to act for her. The girl was removed and taken to the Consul, where arrangements were made for her repatriation to Europe to her parents. Fortunately, no harm had yet happened to the girl, who was rescued just in time.

A man of 45 years of age abducted a girl of 15 from her home in Mendoza and brought her to Buenos Aires. Our correspondent in that town telegraphed to our Committee in Buenos Aires, with the result that the man was arrested and the girl restored to her parents.

A girl of 17 was induced to leave her parents' house in Buenos Aires and was traced as an inmate of a brothel in Tres Arroyes, not far from Bahia Blanca. Two police officers were permitted to accompany our officer to make this long journey. The girl could not be found there, and the officers went on to Bahia Blanca, but the search was in vain, the young girl having been smuggled away to some other town. The officers, whilst investigating, came across a number of traffickers and women who were wanted, but, as the provincial laws were very ineffective, no action could be taken. One of the traffickers, who owns a number of houses, was, however, arrested in connection with offences in Buenos Aires and sent to prison.

The Warsaw Committee asked our assistance concerning a young woman who had gone to Buenos Aires to join her husband and from whom they had heard nothing since her departure. Our Buenos Aires reports show that she was met on arrival by our officer, who found that she was only married by a ritual marriage. Steps were taken to get the marriage civilly legalised. Whilst the negotiations were going on, the woman called at our Buenos Aires office and complained that her husband, a postman, wanted her to become a prostitute. Owing to his ill-treatment, she pretended to agree to this, and when all the preparations were made she succeeded in escaping from the house to go to our office. The matter was reported to the police, but, owing to lack of sufficient corroboration, although an arrest was made, the man was liberated. The woman was placed with a respectable family, employment found for her and she is now earning an honest livelihood.

A large number of other cases are contained in the reports, of a preventive nature, of work done to help girls of minor age who have arrived by boat, of several abduction cases, etc., in all of which much success has been obtained.

#### **Brazil.**

The work at Rio de Janeiro, Santos and São Paulo is proceeding on similar lines to that at Buenos Aires, a permanent Committee having now been formed, and the boats being met on their arrival by a woman worker, who now has a bureau to deal with all cases, and is working well.

We received a cable from Riga, warning us of information of a number of traffickers taking girls to Rio de Janeiro. We cabled immediately, but, on arrival of the boat mentioned at that port, it was found that the suspected people were not on board, and must have disembarked at an intermediate port, if the information given was genuine.

#### **Uruguay.**

Reports have been received of numbers of girls travelling alone from Antwerp to Montevideo, ostensibly for the purpose of joining relatives. Strict instructions have been sent by the HJCEM to their Committees, with which our Association works in co-operation, to keep watch on all boats and follow up all such cases, with a view to affording protection and preventing smuggling of such girls over the Argentine frontier.

**Great Britain.**

All these international cases add a great deal to the work of the Central Office in London, which acts as the centre for keeping in touch with the efforts of all the Committees.

During the year, 72 such international cases were dealt with.

In England itself, the Association has dealt with 1,275 cases of various categories during 1928, of which 590 were new cases. Of these cases, 94 concerned missing girls, or cases of girls who had been defiled or had become mothers, or were induced to lead immoral lives; 26 concerned girls and women placed on probation by police magistrates; 24 were cases of women prisoners who were looked after on their discharge; 26 were probation cases, and the remainder were desertion cases, general enquiries, migrants, and girls committed to the various homes of the Association. The Children Committee, which was established last year, has fully proved its usefulness. Of children of school age, 94 cases have been considered, affecting many aspects of child life, but particular attention has been given to cases of children who have been victims of assault or molestation, or who had to be removed from unsatisfactory environment.

The Association is acting in co-operation with the London Public Morality Council on the question of *Obscene Publications*, and has agreed with the following resolution :

“That this Council is of the opinion that legislation should be promoted providing that any person responsible for knowingly selling or circulating books or printed matter or exhibiting cinema films to young persons under 18 shall be punished under summary jurisdiction if such books, matter or films are calculated to corrupt the morals of such young persons. It refers the matter to the Executive Committee for action, and suggests that, if approved, deputations thereon be sent to the Home Office and Board of Education, after securing the co-operation or approval of kindred organisations throughout the country.”

It is hoped in due course to take part in a deputation to the Home Secretary on this matter.

The Association gave evidence, through its Secretary, to the Home Office Committee on *Street Offences*, which was appointed with a view to bringing about a simple unification of the laws on solicitation, a better administration by the police and police courts, and consideration of the employment of women police.

The Secretary of the Association was invited by the Home Secretary to become a member of the Home Office Committee which was to consider the *Social Welfare of Girls* coming to London to seek employment. A report of this Committee will shortly be published.

The Association has also taken part in the work of the British National Committee for the Suppression of the Traffic as one of its constituent members, and co-operated on the questions of repatriation of prostitutes, obscene publications and sex education.

At the invitation of the Vigilance Societies in Glasgow and Edinburgh and the Port and Railway Station Work Society in Liverpool, the Secretary delivered addresses to large audiences, dealing with the work done by the Advisory Committee at its last session.

The work at the ports of Liverpool and Southampton continues to be carried on, though much hampered by lack of funds.

This report has to be sent before the statistics up to the close of the year can be received from abroad, and if any further items of interest are reported, they will be mentioned during the meetings of the Advisory Committee at its next session.

For the Association :

(Signed) S. COHEN,  
General Secretary.

---



ANNEX 9.

REPORT TO THE COUNCIL, ON THE WORK OF THE EIGHTH SESSION  
OF THE COMMITTEE.

Adopted by the Committee on April 26th, 1929.

The Traffic in Women and Children Committee held its eighth session at Geneva from April 19th to 26th, 1929.

The following attended the session :

*Government Delegates :*

His Excellency the Marquis PAULUCCI DI CALBOLI (Chairman)	<i>Italy.</i>
Dr. Fanny DALMAZZO (Assistant Delegate)	
His Excellency Count CARTON DE WIART M. Isidore MAUS (Technical Adviser)	<i>Belgium.</i>
Mr. S. W. HARRIS Miss WALL (Assistant Delegate)	<i>British Empire.</i>
Dr. Estrid HEIN	<i>Denmark.</i>
His Excellency M. REGNAULT M. BOURGOIS (Assistant Delegate) M. LE LUC (Substitute Delegate)	<i>France.</i>
Dr. BÄUMER	<i>Germany.</i>
M. Ito (Vice-Chairman) M. SAITO (Technical Adviser) M. SHIMIZU	<i>Japan.</i>
Senator POSNER	<i>Poland.</i>
Mme. ROMNICIANO	<i>Roumania.</i>
M. Emilio Martinez AMADOR (replacing Don Pedro Sangro y Ros de Olano)	<i>Spain.</i>
Dr. LUISI	<i>Uruguay</i>

*Assessors representing Voluntary Organisations :*

Baroness DE MONTENACH	Association catholique internationale des Œuvres de protection de la jeune fille.
Mme. AVRIL DE SAINTE-CROIX	Associations féminines internationales.
Mme. CURCHOD-SECRETAN	Fédération internationale des Amies de la jeune fille.
Mr. SEMPKINS	International Bureau for the Suppression of Traffic in Women and Children.
Mr. S. COHEN	Jewish Association for the Protection of Girls and Women.
Mlle. LAVIELLE	Union internationale des Ligues féminines catho- liques.

*Liaison Officer :*

Mr. G. A. JOHNSTON                      International Labour Office.

*Secretary :* Dame Rachel CROWDY,                      Chief of the Opium Traffic and Social Questions  
Section.

In his opening speech, the Chairman reminded the Committee of its important mission in protecting women. He asked speakers to be as concise as possible in view of the number of questions to be discussed.

On the motion of the delegate for Uruguay, the Committee paid a unanimous tribute to the memory of M. de Meuron. The members of the Committee who had belonged to the Special Committee of Experts spoke of the high character and personal charm of their late colleague, who had done invaluable work in the course of the enquiry. Other Government delegates and the assessors expressed, on behalf of their countries and associations, their admiration for M. de Meuron and his work.

The Chairman expressed the Committee's regret at the absence of Miss Grace Abbott, delegate of the United States, and of Don Pedro Sangro y Ros de Olano, delegate of Spain, who had been replaced for this meeting by M. Emilio Martinez Amador. He welcomed Mlle. Lavielle, delegate of the Union internationale des Ligues féminines catholiques.

## I. ADOPTION OF THE AGENDA.

The Committee examined its provisional agenda and, in order to be able to deal with the various subjects thoroughly without overburdening the proceedings, it postponed to its next session the consideration of the following questions :

- (1) The Protection of Young Female Artistes touring abroad in Music-halls and similar Places of Amusement.
- (2) Supplementary Information from Governments on the Suppression of the Traffic in Obscene Publications.
- (3) Measures to be taken for the Assistance of Women on leaving Prison.
- (4) Repatriation of Foreign Prostitutes.
- (5) Employment of Women Police.

## 2. REPORT BY THE SECRETARY ON THE POSITION OF THE COMMITTEE'S WORK.

In her report, the Secretary gave an account of the action taken on the various resolutions adopted by the Committee. She observed that, since the annual reports of the Governments had been printed, further replies for 1927 had been received by the Secretariat.

The Danish delegate explained that the reason why the Danish Government had not yet ratified the Convention of 1921 for the Suppression of the Traffic in Women and Children or that of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications was that the Chambers had not yet adopted the new draft Criminal Code, mention of which had been made at the previous session of the Committee.

The delegate of Uruguay observed that the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications was being examined by the Uruguayan Parliament.

The Secretary's report was adopted, with the Committee's thanks.

## 3. SUMMARY OF GOVERNMENTS' ANNUAL REPORTS FOR THE YEAR 1927.

At the British delegate's request, the Committee examined very fully the Governments' reports for 1927, which are of great interest, although their number is still too small. Of the twenty-nine States Members of the League which had not sent in their reports for 1927, the majority of these have failed in the past to carry out the recommendations contained in the Final Act of the Conference of 1921. Some of the States which send regular reports often give vague replies owing to a misinterpretation of the questions asked. Thus, in reply to the first question, certain countries mention only facts connected with the international traffic, whereas facts relating to the national traffic should also be included. Some countries continue to reply to the old questionnaire instead of the new one, which was introduced some years ago. Governments should also mention in their replies the measures taken in regard to the repatriation of prostitutes and the extent to which the co-operation of voluntary organisations has been enlisted. In order to avoid further misunderstanding or omissions, and to increase the number of replies, the Committee requests the Council to send a letter to the Governments containing explanation whenever necessary. The most significant feature in the annual reports from Governments is the reference to actual cases of traffic and the measures taken to deal with these. These cases were of the greatest interest to the Committee, indicating as they do the need for and importance of international co-operation.

In the course of the discussion, the French delegate stated that, even outside licensed houses, foreign women were in fact now forbidden to practise prostitution in France; he also read a Ministerial Circular of July 7th, 1928, requiring the police and gendarmerie to exercise special vigilance in regard to the protection of women, especially those who go abroad, and the discovery of traffickers. The Committee decided to attach this circular to the Minutes.

The British delegate pointed out that, in several of the Government reports, reference was made to the exploitation of young women artistes. These cases were deserving of special attention in view of the enquiry which was being carried out by the Committee into the protection of young women artistes travelling abroad.

The Polish delegate and several of the assessors stated that the results of the employment of women police had been highly satisfactory. Thanks to the idealism and efforts of women police, the campaign against the traffic in various countries will become more effective.

The Roumanian delegate observed that, although her country had not sent in any annual report, that did not mean that nothing had been done to suppress the traffic. Rigorous measures had been taken by the port police, a stricter system of passport supervision had been established and a force of women police was to be organised shortly.

The delegate of Uruguay deplored the fact that her country was not included in the list of countries which had sent annual reports. Although the Uruguayan Government had not replied to the questionnaire, its delegate on the Committee had forwarded to the Secretariat in 1927 recent legislation which lays down severe penalties for procurers, and as an outcome of which licensed houses have been abolished.

The Belgian delegate proposed an alteration in the eighth question for the annual report, which asks for information as to measures taken to protect children from exploitation for immoral purposes, especially where any system of pawning or bartering of children exists. Although in certain cases adoption might also be an indirect means of encouraging traffic in children, it was hardly right to group adoption with pawning and bartering, because adoption, when it is surrounded by the necessary guarantees, is an excellent means of protecting children, by providing the child with an effective substitute for its own family. He proposed, therefore, to amend Question 8 as follows :

“ In addition to any information given in reply to previous questions, please state whether any other measures have been taken to prevent children from exploitation for immoral purposes, especially by the system of pawning or bartering children, or by abuses in connection with adoption. ”

This amendment was unanimously adopted by the Committee and the summary was approved.

#### 4. REPORTS FROM THE VOLUNTARY ORGANISATIONS.

The Committee carefully examined the reports submitted by the voluntary organisations.

The statement of the representative of the International Bureau for the Suppression of Traffic in Women and Children laid special stress on the new work which was being done by the association in India and Egypt. Tribute was also paid to the work undertaken by the Buenos Aires branch under the direction of Mrs. Lighton Robinson.

The representative of the Fédération internationale des Amies de la Jeune Fille gave details of the propaganda work carried out by means of lectures. The universities, in particular, had been led to take an interest in the work.

The representative of the International Women's Associations presented reports from women's organisations in a large number of countries, and mentioned especially the efforts made by the National Council of French Women to prevent clandestine embarkation at Marseilles of prostitutes proceeding to Egypt. Thanks to the efforts of the authorities, there had been no recurrence of this. She drew attention to the fact that the authorities were still apathetic towards the establishment of women police. She paid a tribute to the activity of Dr. Luisi at Montevideo and Buenos Aires. Public opinion in the Argentine had progressed enormously since 1919, and the Press and public opinion were now taking an interest in the campaign against the traffic and against immorality.

The representative of the Association Catholique internationale de la Protection de la jeune fille described to the Committee her journey to Poland, Czechoslovakia and Belgium, and laid special stress on the development of the missions for the protection of girls at the Polish stations, where services were rendered in 1927 to 14,425 young girls.

The representative of the Jewish Association for the Protection of Girls and Women stated that it would be advisable to print the Minutes of the Committee's meetings for the use of voluntary organisations for propaganda purposes. He also thought that the publication of the full replies from Governments regarding various cases of traffic discovered would help to facilitate the work of those organisations. In conclusion, he gave interesting details concerning the development of his Association in South America.

The representative of the Union internationale des Ligues féminines catholiques said that she was glad that her organisation had been allowed to co-operate with the Committee. The Union des Ligues would give an account of its work at the next session, including its rescue work.

The French delegate pointed out that, in his country, the existence or suppression of licensed houses lay with the municipalities; therefore, the best means of getting them closed was by working, on local public opinion, and in this connection the influence of the voluntary organisations might be of use.

In the course of the general discussion, the assessors and members of the Committee pointed out that it would be advisable to publish a summary of the Experts' Enquiry in the form of a popular leaflet. Several members discussed the value of propaganda against the traffic by means of films.

An exchange of views took place between the members of the Committee concerning the desirability of co-operation between the police and the voluntary organisations with a view to preventing the traffic.

The Chairman thanked the assessors on behalf of the Committee for their valuable assistance and for their reports, which had given rise to such an interesting discussion.

#### 5. REPORTS FROM LIAISON OFFICERS.

At the request of the Chairman, the representative of the International Labour Office undertook in future to make an annual report to the Committee on the work of the International Labour Office in so far as it affected the work of the Committee.

## 6. EXPERTS' ENQUIRY.

### (a) *Further Information from Governments.*

Last session it was decided to ask Governments for any further information they were able to give supplementing that given in the reports of the Special Body of Experts. Most of the Governments had no further observations to offer, but an interesting statement from the Greek Government was laid before the Committee describing the difficult conditions created by the large number of refugees in Greece and the measures taken to protect them.

A reply from the Latvian Government was also laid before the Committee.

### (b) *Extension of the Enquiry.*

Last year, the Committee decided to recommend the extension of the enquiry made by the Special Body of Experts if the necessary funds could be obtained. The circumstances have not materially changed since last year and the Committee decided to reaffirm its recommendation.

Some discussion took place as to the field of any new enquiry, and it was agreed that the investigation should be extended to those countries which had not previously been visited, especially in the East. On this point the delegate of Uruguay reiterated the observations which she had presented to the Council regarding the enquiry made by the Special Body of Experts. At the same time, the Committee realised that the circumstances of many Eastern countries were widely different from those of Europe or America, and that the character of the investigation would have to be considered as well as the composition of the Body of Experts in the light of the altered circumstances. The following resolution was agreed to unanimously :

“ The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

“ The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in other countries not previously visited, especially in the East, and expresses the hope that funds may be made available for the purpose, and in that event that the Council will sanction forthwith the extension of the enquiry as proposed.

“ The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

“ The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances, so as to ensure, in particular, that it includes persons who have a wide knowledge and experience of Eastern conditions.”

## 7. ABOLITION OF THE SYSTEM OF LICENSED HOUSES.

When this question was discussed last year, a request was made that the Secretariat should endeavour to obtain from countries which had no system of regulation some account of the methods adopted for dealing with prostitution and its evils. Unfortunately, the Committee failed to make its object sufficiently clear to the Governments concerned and only one or two Governments sent the information desired.

A reply from Great Britain showed the results obtained in that country under four headings : the prevention of disease; the steps taken against the exploitation of women; the reduction of prostitution; and the preservation of public order. As regards the prevention of disease, the memorandum was supplemented by a full statement prepared for the information of the Committee by the British Council of Social Hygiene.

The Danish Government also furnished a short statement of the experience gained in its country. The Danish delegate promised a fuller statement next year.

It was agreed that steps should be taken to obtain similar information from other Governments and to give the results in a separate document and not in the form of a re-edition of the old document on licensed houses, as was done this year.

A particularly valuable discussion then took place to which it is impossible to refer in detail, but reference can be made to the Minutes. It became abundantly clear from the discussion that the whole question is receiving considerable attention in many countries and that public opinion is changing.

The French delegate made the following statement on behalf of his Government :

“ The French authorities are closely following the evolution of public opinion in regard to the abolition of licensed houses.

“ They are able to study this problem with an open mind, the more so as there is no French law to regulate prostitution. The system of regulation in France is simply a municipal police measure enforced by the mayors under various laws; in particular, the Law of April 5th, 1884, which empowers them to take the necessary steps to secure order, security and public health. In pursuance of these texts, they issue decrees when such action appears requisite to combat the evil effects of prostitution.

“ The municipalities can therefore abolish the regulations which they have introduced without any need for altering the law or for referring to the central authorities.

“ Moreover, as a fact, several important towns are at present making experiments in abolition.

“ In these circumstances, the way to secure the triumph of abolitionist views is to work upon public opinion. The municipalities are bound to take public opinion into account in such a matter as this.

“ The municipal—and also the central—authorities are specially interested in the Committee's decision of last year to make a collection of the laws and regulations in force in abolitionist countries. It is, indeed, essential to have complete information on the measures adopted in these countries to preserve order and public health, *i.e.*, to guard against the danger of the prostitution carried on in licensed houses being ‘ driven out ’ either into the streets or into clandestine houses. It is important in such a very delicate question to act only with full knowledge of the circumstances and after taking every necessary precaution.”

The Belgian delegate stated that, in his country, the question of licensed houses was left to the communal authorities and that, consequently, they could only be abolished by winning over the most important towns to this course. They had already been abolished in Antwerp. He emphasised the need for the help and goodwill of the police in securing a change of method. As regards venereal disease, he thought the best results were being obtained by the system of free and secret treatment.

The Japanese delegate stated that, in his country, as a result of propaganda carried out by the voluntary associations, the Japanese Parliament, in March 1929, discussed a Bill for the abolition of licensed houses; this Bill had now been referred to a commission and its fate has not as yet been decided.

The delegate for Uruguay announced that, since October 1927, as a result of the new law against procuration, licensed houses had been closed. Health questions were now being studied in her country from the abolitionist point of view.

The German delegate, after stating that the new German law as well as the text of the executive measures of the State had been sent to the Secretariat, commented on this new law, which introduces medical supervision of the whole population with regard to venereal diseases. This law provides for close co-operation between social welfare organisations and the Health Services. It abolishes the system of regulation and decrees that licensed houses should be closed. In the beginning, various interpretations had been given to the term “ licensed houses ”, the proprietors had tried to run them under another form and the municipalities had not always been severe on their interpretation of the law. But now a judgment of the Supreme Court involving a clear definition had put an end to such misinterpretation.

Several delegates referred to the economic causes of prostitution—such as low wages and unemployment, which, in their opinion, were among the main causes. Some laid special stress on the dangers run by young girls in domestic service in some countries owing to the nature of the accommodation in the attics of apartment houses.

The following resolutions were unanimously adopted :

“ The Committee welcomes the evidence which has been furnished to it by several delegates as to the growing changes in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries.”

“ The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.”

“ The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.”

“ The Committee recommends that the Council should cause a further communication to be sent to Governments and to charitable associations asking them to be good enough to give all the information possible so as to enable the further study of the question by the Committee to continue.”

At the end of the discussion on licensed houses, the Secretary stated that, about a fortnight ago, her attention had been drawn to the fact that a recommendation, passed in 1926 by the

Sub-Committee of the Joint Maritime Commission which dealt with Seamen's Welfare in Ports, was to be submitted to the International Labour Conference (Maritime Session) to be held at Geneva in October 1929. This recommendation referred to the strict medical control of women in the ports.

The Secretary considered that this recommendation might lead to the adoption of a system before definite conclusions could be drawn from the studies relating to regulations which were being carried out by the Governments at the request of the Assembly, and that, moreover, this recommendation was contrary to the opinion expressed by the Special Body of Experts. As the question was urgent, owing to the meeting of the Joint Maritime Commission from April 18th to 20th, the Secretary had got into touch with the International Labour Office and had submitted a memorandum to it setting forth the results so far obtained by the Committee's enquiry and also mentioning the resolutions adopted by various organs of the League. This memorandum had been forwarded by the International Labour Office to the Joint Maritime Commission. The Commission's Sub-Committee on Seamen's Welfare in Ports adopted a report explaining its recommendation concerning strict medical control. The Director of the International Labour Office had forwarded this report to the Secretary, informing her that her memorandum would be submitted, together with the report in question, to the International Labour Conference (Maritime Session).

The Committee, after hearing these explanations, approved the Secretary's action and authorised her to take further steps if necessary.

#### 8. PENALTIES TO BE IMPOSED UPON PERSONS LIVING ON THE IMMORAL EARNINGS OF WOMEN.

The Committee examined the Secretariat's report. It considered that the Secretariat's study was limited to certain points of practical importance. It referred only to certain systems of law and dealt more especially with *souteneurs* and not with procuration in all its aspects.

The Committee considered various matters arising out of the study of the laws relating to *souteneurs* and, in particular, the definition of the offence, and the difficulties in arresting the offender. Attention was drawn to the bad record of many *souteneurs* who had committed offences in different countries, and it was felt that the record should be taken into account when punishment was being prescribed.

The Committee considered that, with one correction regarding the law of Uruguay, and subject to minor alteration, the Secretariat's report should be communicated to the Governments. After several Government delegates had explained the laws of their respective countries, the Committee unanimously adopted the following resolution submitted by the delegates of Belgium, France and Great Britain :

" The Committee, having considered the very complete report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souteneur* to justice.

" The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons; of inflicting penalties suited to the dangerous character of their national and international activities; and of applying special repressive measures in the case of repeated offenders."

#### 9. ELIMINATION OF THE AGE-LIMIT IN THE CONVENTIONS.

The representative of the Jewish Association for the Protection of Girls and Women, who acted as Rapporteur, made certain comments on the memorandum which he had submitted at the Committee's request. He thought that the abolition of the age-limit in conventions would enable offences connected with the traffic to be punished more effectively, as, through false documents or false statements, the victims of the traffic were often stated to have passed the age of 21 laid down in the conventions. It would be premature, however, to propose any modification which would not be in concordance with all systems of law, and the Rapporteur thought that, as a preliminary step, the various Governments should be asked to give an opinion on the point.

In the course of the discussion, the French delegate observed that the competent authorities of his own country favoured the elimination of the age-limit in conventions. The delegates of Germany and Spain mentioned that, in the new Criminal Code proposed or adopted by their respective countries, the age-limit had been abolished.

Realising that there was a tendency to abolish the age-limit, the Committee unanimously adopted the following resolution :

" The Traffic in Women and Children Committee, having considered the views expressed on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee. "

#### 10. ABOLITION OF THE TRAFFIC IN OBSCENE PUBLICATIONS : DATE OF THE NEXT CONFERENCE.

The Committee discussed whether it was desirable to summon a conference to revise the Convention of 1923 for the Suppression of the Traffic in Obscene Publications; it thought that the time had not yet come for such revision. It considered that at the next session it might consider the possibility of obtaining annual reports from the Governments on the repression of the traffic in obscene publications.

The Committee unanimously adopted the following resolution, submitted by the British delegate :

" It appears to the Committee that the provisions of the International Convention of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications are comprehensive, and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

" The Committee wishes to express the hope that all those Governments which were signatories of the Convention but which have not yet presented their ratifications will do so without further delay.

" The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and, with this object in view, the Committee has decided to place the subject on its agenda for its next session. "

#### 11. COMPOSITION OF THE COMMITTEE.

The Council resolution of December 13th, 1928, on the adoption of a new procedure regarding the participation of the assessors in the Committee's work, was examined at a joint meeting of the Traffic in Women and Children Committee and the Child Welfare Committee.

After an exchange of views, it was agreed that a distinction should be drawn between the assessors of the Child Welfare Committee and those of the Traffic in Women and Children Committee, who had been appointed as the outcome of a recommendation of the 1921 Conference.

At the same time, the Traffic in Women and Children Committee considered that it should take account of the discussions of the Child Welfare Committee and unanimously adopted the following resolution :

" The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

" The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

" All assessors appointed in future should be appointed for a period of five years.

" As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

" It is desirable that the Committee should reconsider its Rules of Procedure, including the appointment and re-election of assessors. "

#### 12. COLLECTION OF LAWS AND REGULATIONS PREPARED BY THE AMERICAN SOCIAL HYGIENE ASSOCIATION.

The Committee took note of the plan presented by the Sub-Committee which it had set up to examine the collection of laws and regulations concerning international traffic in women and children, a research begun by the American Social Hygiene Association, and partially completed by the Secretariat. The Committee instructed the Secretariat to classify the laws and regulations which had already been forwarded by the Governments, in accordance with the system proposed by the Sub-Committee. When this classification had been completed, the Secretariat should, in accordance with the resolution of 1927 approved by the Council, submit to each Government that part of the collection which particularly concerned it, in order that the Governments might review and, if necessary, complete the texts. This text should be sent out in English only, the Governments being asked to send the authentic text in French, whenever such text exists, to the Secretariat.

The collection of laws when completed should be issued in both official languages of the League.

#### 13. REQUEST FROM THE INTERNATIONAL CRIMINAL POLICE COMMISSION.

The Committee, in joint session with the Child Welfare Committee, considered the possibilities of co-operation with the International Criminal Police Commission, which had informed the Council of its desire to co-operate with the Advisory Committee for the Protection of Children and Young People.

The Secretary communicated to the Committee a letter from the President of the International Criminal Police Commission, in which this Commission asked to be allowed to take part in the work of certain League Committees that might be connected with the work of the police. The Committee consented to a member of the Criminal Police Commission attending when subjects which the Committee felt would be of special interest to that Commission were under discussion.

#### 14. BUDGET.

The draft submitted by the Secretariat was accepted, with an amendment which reduced the budget by 2,000 Swiss francs.

#### 15. PRINTING OF THE MINUTES OF THE MEETINGS OF THE COMMITTEE.

The Committee, being convinced of the great value of printed Minutes of its meetings, both for the Governments and for the representatives of voluntary organisations, decided to reconsider its resolution of last year and adopted the following resolution :

“ The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members of the Committee have found the printed Minutes of the greatest use both for Government departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

“ It therefore requests the Council to give its sanction for the printing of its Minutes. ”

#### 16. DATE OF THE NEXT SESSION.

Various members and assessors of overseas countries stated that it was difficult for them to take part in the Committee's work on account of the date at which its meetings were generally held. The Secretary suggested that the Committee should consider whether it was possible to change the date of the sessions.

After all the members present had been consulted, eight Government delegates and six assessors declared themselves in favour of maintaining the usual dates of sessions. The next session was accordingly fixed for April 2nd, 1930.

---

### RESOLUTIONS.

I. The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in other countries not previously visited, especially in the East, and expresses the hope that funds may be made available for the purpose, and in that event that the Council will sanction forthwith the extension of the enquiry as proposed.

The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances, so as to ensure, in particular, that it includes persons who have a wide knowledge and experience of Eastern conditions.

II. The Committee welcomes the evidence which has been furnished to it by several delegates as to the growing change in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries.

The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.



The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.

The Committee recommends that the Council should cause a further communication to be sent to Governments and to charitable associations asking them to be good enough to give all the information possible, so as to enable the further study of the question by the Committee to continue.

III. The Committee, having considered the very complete report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souteneur* to justice.

The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons; of inflicting penalties suited to the dangerous character of their national and international activities; and of applying special repressive measures in the case of repeated offenders.

IV. The Traffic in Women and Children Committee, having considered the views expressed on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee.

V. It appears to the Committee that the provisions of the International Convention of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications are comprehensive and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

The Committee wishes to express the hope that all those Governments which were signatories of the Convention but which have not yet presented their ratifications will do so without further delay.

The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and, with this object in view, the Committee has decided to place the subject on its agenda for its next session.

VI. The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

All assessors appointed in future should be appointed for a period of five years.

As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

It is desirable that the Committee should reconsider its Rules of Procedure, including the appointment and re-election of assessors.

VII. The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members of the Committee have found the printed Minutes of the greatest use both for Government departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

It therefore requests the Council to give its sanction for the printing of its Minutes.

(Signed) PAULUCCI DI CALBOLI,

President.

(Signed) Rachel E. CROWDY,

Secretary.

(Signed) ITO,

Vice-President.

[Distributed to the Council  
and the Members of the League.]

19 OCT 1929  
Official No : C. 295. M. 98. 1929. IV

Geneva, August 1st, 1929.

LEAGUE OF NATIONS

ADVISORY COMMISSION FOR THE PROTECTION AND  
WELFARE OF CHILDREN AND YOUNG PEOPLE

**CHILD WELFARE COMMITTEE**

---

MINUTES

OF THE

**FIFTH SESSION**

**Held at Geneva from Friday, April 12th, to Friday, April 19th, 1929**

---

Series of League of Nations Publications
IV. SOCIAL
1929. IV. 7. ✓

## CONTENTS

---

	Page
LIST OF MEMBERS. . . . .	5
FIRST MEETING, April 12th, 1929, at 11 a.m. :	
97. Appointment of the Chairman and Vice-Chairman. . . . .	6
98. Expression of Regret at the Death of Miss Eglantine Jebb. . . . .	6
99. Membership of the Committee for the Session. . . . .	6
100. Adoption of the Agenda of the Session. . . . .	6
101. Examination of the Progress Report by the Secretary. . . . .	6
102. General Report by the Representative of the International Labour Office. . . . .	7
103. Report of the Representative of the Health Organisation of the League. . . . .	8
104. Appointment of a New Member of the Legal Sub-Committee. . . . .	9
SECOND MEETING, April 13th, 1929, at 10 a.m. :	
105. Report of the Representative of the Health Organisation of the League <i>(continuation)</i> . . . . .	10
106. Blind Children. . . . .	10
107. Enquiry into the Problem of the Child whose Environment exposes it to Moral and Social Danger : Report by Mlle Chaptal. . . . .	14
THIRD MEETING, April 13th, 1929, at 3 p.m. :	
108. Illegitimate Children : Examination of the Report prepared by the Secretariat. . . . .	15
109. Expression of Regret at the Death of Senator Ferri. . . . .	19
110. Illegitimate Children : Examination of the Report prepared by the Secretariat <i>(continuation)</i> . . . . .	19
FOURTH MEETING, April 15th, 1929, at 10.15 a.m. :	
111. Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People : Provisional Draft Convention on Assistance to Minors of Foreign Nationality : General Discussion. . . . .	21
112. Detailed Examination of the Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People . . . . .	24
FIFTH MEETING, April 15th, 1929, at 3 p.m. :	
113. Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People <i>(continuation)</i> : Draft Resolution proposed by Count Carton de Wiart. . . . .	27
114. Provisional Draft Convention on Assistance for Minors of Foreign Nationality : General Discussion. . . . .	27
115. International Educational Cinematographic Institute at Rome : Statement by the Director of the Institute. . . . .	29
SIXTH MEETING, April 16th, 1929, at 10.15 a.m. :	
116. Provisional Draft Convention on Assistance for Minors of Foreign Nationality : Detailed Discussion. . . . .	37
SEVENTH MEETING, April 16th, 1929, at 3.30 p.m. :	
117. Welcome to Dr. Paulina Luisi. . . . .	43
118. Detailed Examination of the Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People : <i>(continuation)</i> . . . . .	43
119. Illegitimate Children. . . . .	45
120. International Educational Cinematographic Institute at Rome : Report by the Representative of the Child Welfare Committee on the occasion of the First Session of the Governing Body of the Institute and of the Permanent Executive Committee. . . . .	45

<b>EIGHTH MEETING, April 17th, 1929, at 10.30 a.m. :</b>		<b>Page</b>
121. Preamble to the Provisional Draft Convention on Assistance to Minors of Foreign Nationality. . . . .		48
122. Plan for an Enquiry into the Auxiliary Services of Juvenile Courts. . . . .		48
<b>NINTH MEETING, April 17th, 1929, at 3.30 p.m. :</b>		
123. Plan for an Enquiry into the Auxiliary Services of Juvenile Courts ( <i>continuation</i> ). . . . .		53
124. Reorganisation of the Child Welfare Committee : Resolution adopted by the Council on December 13th, 1928. . . . .		55
<b>TENTH MEETING, April 18th, 1929, at 10.30 a.m. :</b>		
125. Reorganisation of the Child Welfare Committee : Resolution adopted by the Council on December 13th, 1928 ( <i>continuation</i> ). . . . .		61
126. Illegitimate Children ( <i>continuation</i> ). . . . .		64
127. Draft Budget for 1930. . . . .		66
128. Date of the Next Session of the Committee. . . . .		68
<b>ELEVENTH MEETING, April 19th, 1929, at 4 p.m. :</b>		
129. Question of the Printing of the Minutes of the Committee. . . . .		68
130. Examination of the Draft Report to the Council on the Work of the Fifth Session of the Committee. . . . .		69

---

**Joint Meeting of the Traffic in Women and Children Committee  
and the Child Welfare Committee, held on April 19th, 1929.**

1. Reorganisation of the Advisory Commission for the Protection and Welfare of Children and Young People. . . . .	71
2. Request of the International Criminal Police Commission to be represented at Meetings of the Advisory Commission when Questions of Interest to it are under Discussion. . . . .	72
3. Date of the Next Session of the Advisory Commission. . . . .	73
4. Unification of the different National Laws relating to Maintenance Allowances : Letter from the International Institute for the Unification of Private Law. . . . .	73

---

**LIST OF ANNEXES.**

1. Agenda of the Session. . . . .	74
2. Progress Report by the Secretary. . . . .	74
3. Study of the Position of the Illegitimate Child based on the Information communicated by Governments . . . . .	77
4. Report of the Committee on the Work of its Fifth Session. . . . .	187

---

# CHILD WELFARE COMMITTEE

---

## MINUTES OF THE FIFTH SESSION

*Held at Geneva from Friday, April 12th, to Friday, April 19th, 1929.*

---

### LIST OF MEMBERS

#### *Government Delegates :*

His Excellency Marquis PAULUCCI DI CALBOLI ( <i>Chairman</i> ), M. Omero FORMENTINI (Assistant Delegate),	<i>Italy.</i>
His Excellency Count CARTON DE WIART,	<i>Belgium.</i>
Mr. S. W. HARRIS, Miss WALL (Substitute Delegate),	<i>British Empire.</i>
Dr. Estrid HEIN,	<i>Denmark.</i>
His Excellency M. REGNAULT, M. BOURGOIS (Substitute Delegate), Mlle. CHAPTAL (Assistant Delegate), M. MARTIN (Technical Adviser),	<i>France.</i>
Dr. BÄUMER,	<i>Germany.</i>
M. ITO ( <i>Vice-Chairman</i> ), M. SATO (Technical Adviser), M. SHIMIZU,	<i>Japan.</i>
Senator POSNER,	<i>Poland.</i>
Mme. ROMNICIANO,	<i>Roumania.</i>
M. Martinez AMADOR (replacing Don Pedro Sangro y Ros de Olano),	<i>Spain.</i>
Dr. Paulina LUISI,	<i>Uruguay.</i>

#### *Assessors :*

M. ROLLET, International Child Welfare Association.  
Dr. HUMBERT, League of Red Cross Societies.  
Dame Katharine FURSE, International Boy Scouts and Girl Guides Organisation.  
Dr. POLLIGKEIT, Save the Children International Union.  
Miss Eleanor RATHBONE, International Women's Organisations.  
Miss Julia LATHROP, American National Conference of Social Service.  
Mlle. BURNIAUX, International Federation of Trade Unions (Amsterdam).  
Mlle. Fanny DALMAZZO, International Union of Catholic Women's Leagues.

#### *Liaison Officer :*

Mr. JOHNSTON, International Labour Office.

#### *Secretary :*

Dame Rachel CROWDY, Chief of the Opium Traffic and Social Questions Section.

---

## FIRST MEETING.

*Held on Friday, April 12th, 1929, at 11 a.m.*

*Chairman* : M. REGNAULT (France).  
and later  
the Marquis PAULUCCI DI CALBOLI (Italy).

Present : All the members of the Committee or their substitutes, with the exception of Mr. Harris, Miss Wall, Dr. Paulina Luisi, Miss Abbott, Mr. Bascom Johnson, M. Valdés-Mendeville and Miss Whitton.

### 97. Appointment of the Chairman and Vice-Chairman.

The CHAIRMAN said that, in resigning the post which he had had the honour of occupying for two sessions, it was at once a duty and a pleasure to him to recall the spirit which had animated the members of the Committee since its foundation. All his colleagues, whether representing Governments or voluntary associations, had been inspired by the same ideals of social progress and moral welfare, and all had endeavoured to make those ideals prevail over all other considerations. He wished to take this opportunity of rendering a public tribute to the members of the Committee.

It was now his duty, in accordance with the usual practice of the Committee, to invite his successor to take the Chair. He would therefore ask his good friend, the Marquis Paulucci di Calboli, the representative of Italy, whose fine work and courteous qualities were known to all, to accept the post of Chairman of the Committee.

(The Marquis Paulucci di Calboli took the chair).

The CHAIRMAN thanked M. Regnault for his kind words. He could only assure his colleagues that he would endeavour to follow the example of the retiring Chairman.

Montaigne, whom Sainte-Beuve had justly described as the wisest Frenchman who had ever lived, had said that there was nothing so fine in this world as doing good. The first essential was to form men's characters, and the next step was to beautify the life of man by giving him a life-companion who was worthy of him. It was to these aims that the Committee directed its efforts.

The Chairman then asked M. Ito to serve as Vice-Chairman.

### 98. Expression of Regret at the Death of Miss Eglantine Jebb.

The CHAIRMAN said he was speaking on behalf of all the members of the Committee in expressing regret at the death of their colleague, Miss Eglantine Jebb. Miss Jebb had spent herself without reserve in her endeavours to further the Committee's work, and it had been well said of her that she was not so much a woman as a pure flame.

### 99. Membership of the Committee for the Session.

The CHAIRMAN was sure that his colleagues would note with regret the absence of Don Pedro Sangro y Ros de Olano, representative of Spain at the Committee's last session. At the meeting of the International Cinematographic Institute at Rome, Don Pedro had proved himself worthy of the confidence that had been placed in him. The Chairman proposed that the Committee should forward to him a telegram of congratulations and regret.

His colleagues would also regret the absence of Miss Abbott, Mr. Bascom Johnson, M. Sato and Miss Whitton. At the same time, they would extend a hearty welcome to M. Amador; to Dr. Polligkeit, who had been designated successor to Miss Jebb; to Mlle. Dalmazzo, representative of the International League of Catholic Women, and to M. Formentini, Italian Vice-Consul at Geneva, who would act as substitute Italian representative.

M. AMADOR (Spain) thanked the Chairman for his kind words regarding Don Pedro Sangro. M. Amador was among the first to regret Don Pedro's absence, but he believed that he would be present at the next session.

### 100. Adoption of the Agenda of the Session.

The draft agenda submitted to the Committee by its Agenda Sub-Committee was adopted (Annex 1).

### 101. Examination of the Progress Report by the Secretary.

The SECRETARY read her progress report (Annex 2), and added that the Secretariat had received a very interesting report from the Japanese educational authorities on the question of recreation. This report would be distributed and could be discussed by the Committee at its next session.

The CHAIRMAN believed that he might speak for all the members of the Committee in thanking Dame Rachel for her excellent report, which she had drawn up herself and in which her great ability and impartiality were displayed.

Count CARTON DE WIART (Belgium) wished to add a personal word of thanks to Dame Rachel Crowdy for her concise report, which gave so clear a picture of the activities of the Committee.

Count Carton de Wiart recalled that the Council had attached particular importance to the work of the Committee regarding the fixing of the legal age of marriage and of consent. At the request of the Council, the Secretariat had called the attention of Governments to this important question, but it appeared that, hitherto, only two Governments had sent information, namely, those of Estonia and the Grand-Duchy of Luxemburg. The report added that the Secretariat would communicate that information to the Committee if it so desired. For his part, he would like this to be done, although he was aware that the question was not on the agenda of the present session.

The CHAIRMAN was sure that there would be no objection to acceding to the request of the Belgian representative.

The communications received from the Governments of Estonia and of the Grand-Duchy of Luxemburg were then read to the Committee. The Estonian communication stated that the legal age of marriage and of consent had been fixed in Estonia at eighteen completed years for men, and sixteen completed years for women. A new draft Civil Code was in course of preparation, and its authors would take into account the considerations to which the Committee had drawn attention. The report of the Grand-Duchy of Luxemburg stated that in the Duchy the legal age was eighteen completed years for men, and fifteen completed years for women. No further legislation regarding this subject was contemplated, particularly in view of the fact that there was a tendency for marriage to take place at a more advanced age.

The Secretariat had also received a communication, dated July 15th, 1928, from Miss Whitton, stating that in the Indian reserves of the province of Alberta, the legal age of marriage and of consent had been reduced from sixteen to fourteen years.

**102. General Report by the Representative of the International Labour Office. (Document C.P.E. 193).**

Mr. JOHNSTON recalled that his report had already been distributed to the Committee. He would restrict himself therefore to commenting upon certain points referred to in it, and to giving such additional information as he was now in a position to supply.

The aim of the report was to give particulars of the progress made in 1928 in those areas of the field of child protection with which the International Labour Office was particularly concerned. The first point which he wished to raise, was the increasing number of ratifications of International Labour Conventions for child protection. Twenty fresh ratifications had been registered in the course of 1928, with the result that the total number was now one hundred and twelve. It was noteworthy that these Conventions were among those of the International Labour Organisation which had secured the widest ratification, two of them having been ratified by twenty-one States and two others by twenty, whereas the highest number of ratifications of any single Labour Convention was twenty-three.

Hitherto, international regulations governing the minimum age of employment had been restricted to Conventions relating to industry, agriculture and maritime undertakings. There was, however, a growing feeling that the time was near when this legislation should be completed by the application of similar regulations to other forms of employment. The Director of the International Labour Office had accordingly proposed to the Governing Body, at its session in the preceding October, that it should consider the insertion on the agenda of the 1930 Conference, of the question of the extension of these regulations to the sphere of commerce. No immediate decision had been taken, but the Director was instructed to prepare a note on the relevant legislation and practice.

The "non-industrial" occupations which the promoters of the proposed extension had had in mind fell into three classes: (a) work connected with the purchase or sale of goods; (b) employment in hotels, restaurants, public-houses, bars, etc., and (c) work in, or connected with public entertainments. An express proposal had been made that the question of employment of children in cinema studios should be included. At its session in March 1929, however, the Governing Body had decided not to place the question of the employment of children and young persons in non-industrial occupations on the agenda of the 1930 Conference. This decision was not due to any hostile attitude, but to the fact that the agenda was already sufficiently heavy.

An important question which would come before the Conference was that of the protection of children from forced labour. The report to Governments laid stress on the necessity of ensuring that such labour should not be exacted, and also, that it should not be possible for the burden of it to be passed on indirectly.

Mr. Johnston said that he would refer later to the question of blind children and to the subjects that had been studied by the Legal Sub-Committee. Independently of the proposal made to its Governing Body, the International Labour Office had undertaken a preliminary study of the conditions of employment in cinema studios, a large part of which dealt with the special question of the employment of children in these studios. Visits had been made in Austria, Germany, Great Britain, Czechoslovakia and France; they would be extended to other countries and the Office would eventually submit a report to the Committee on the matter.

With regard to the grant of family allowances, some progress had been made in this respect in 1928. He wished to congratulate Count Carton de Wiart on the adoption by the Belgian Chamber of Deputies of the Bill providing for the granting of such allowances, a Bill which Count Carton

had himself introduced. In the French Chamber on January 25th, 1929, M. Landry had introduced a Bill on family allowances, which did not contain any proposals for State subsidy, but which legalised the existing system. In Australia a new fact had emerged, for the report of the Royal Commission on Child Endowment, appointed in 1927, had stated that the majority of the Commission was opposed to the grant of family allowances. Since at present the only source of information on this point was the Press, Mr. Johnston would abstain from giving any details concerning the reasons for this view.

M. MARTIN (France) said that under the law of June 30th, 1928, the age of admission for children employed in commercial establishments was the same as that of children employed in industry. The minimum age of employment was thirteen years, with the reservation that this minimum might be reduced to twelve years, if the child held a primary education certificate and a medical certificate declaring him to be physically fit for a particular form of employment.

With regard to the question of the employment of children in cinema studios, the French Chamber of Deputies had voted a Bill in which it was laid down that the minimum age for this form of employment should be fifteen years, as was the case for theatres. The Senate had not yet ratified the decision of the Chamber of Deputies.

Count CARTON DE WIART (Belgium) thanked the representative of the International Labour Office for his congratulations on the adoption by the Belgian Parliament of a Bill for granting family allowances. This legislation had been in force since October 1928. The granting of allowances was compulsory as regarded the staff of all industrial enterprises which had made contracts with and were suppliers to the public authorities; the allowance was calculated on the basis of 14 Belgian francs per month for the first child, and amounted to 80 francs per month for the fourth child and each subsequent child. The scheme had met at first with a certain amount of opposition, but Count Carton de Wiart, as its promoter, had had the pleasure of seeing it finally adopted unanimously.

In the course of the discussion, the Chamber had had occasion to appreciate the opinions and decisions of the Child Welfare Committee, and Count Carton de Wiart thought that it was only right to inform the Committee of the credit that had been attributed to it. It was felt in Belgium that this system should be generalised so that it was applied indiscriminately and compulsarily to all concerns.

M. ITO (Japan) said that he had been pleased to note that emphasis had been laid, in the report of the International Labour Office, on that aspect of the question of forced labour which related to the employment of children. M. Ito had been a member of the Committee which had prepared the report, and he thought that that Committee had not laid sufficient stress upon this aspect of the problem. To have deprived it of its due prominence would have been highly regrettable.

M. REGNAULT (France) said that the question of family allowances had been under consideration in France for several years. These allowances were compulsory for all contractors to the State, municipalities, communes or public authorities of any kind: moreover, the possibility of extending this regulation to private undertakings had been considered. There were good prospects of the scheme being approved by the Chamber and Senate. M. Regnault believed that any steps taken in this direction would be a real benefit to the family of the working-man, and, therefore, to the child.

In reply to a question by Dr. Bäumer, M. MARTIN (France) said that the draft law for fixing a minimum age for the employment of children in cinema studios provided that the authorities could, as an exceptional measure, authorise the employment of children under fifteen years of age in theatres and cinematographic productions for the representation of specific plays and the preparation of specific scenarios.

The CHAIRMAN said that he had been pleased to notice a reference in the report of the International Labour Office to the growing interest in Italy in the family allowance system. He wished to congratulate Count Carton de Wiart, who had already promoted the establishment of juvenile courts in Belgium, on having instituted the system of family allowances also in that country.

**103. Report of the Representative of the Health Organisation of the League. (document C.P.E. 196).**

M. Velghe, representative of the Health Organisation, being absent, the SECRETARY read his report.

Dr. HUMBERT thought that, in enumerating the causes of infant mortality, greater stress might be laid upon the social factors, for example, underfeeding, overwork and the evil effects of alcohol.

M. Velghe had rightly drawn attention to the importance of pre-natal treatment for the prevention of congenital syphilis. An indispensable condition for the full use of such treatment was the organisation of centres for the detection of the disease. Provided the treatment could be given in the early weeks of pregnancy, the infection and its ill-effects might be considerably reduced, if not altogether eliminated. The League of Red Cross Societies and the International Bureau for the Campaign against the Syphilis Peril had arranged for the convocation of a committee of experts and the results of its discussions would be communicated to the Child Welfare Committee in due course.

In connection with post-vaccinal encephalitis, Dr. Humbert noted the following passage of the report:

“The Smallpox and Vaccination Commission also drew attention to the advisability of practising primary vaccination during early infancy rather than at later ages of childhood.”



This recommendation was, he thought, probably due to the fact that cases of post-vaccinal encephalitis in small children were very rare, the period of greatest susceptibility being from the tenth to eighteenth year.

M. REGNAULT (France) submitted a document drafted by M. Martin on the problem of foundlings in France.

The CHAIRMAN thanked M. Regnault and M. Martin for this interesting communication, which would be distributed to the members of the Committee.

M. POSNER (Poland) thought that an enquiry on the subject of foundlings might well be instituted.

Dr. Gertrud BÄUMER (Germany), with reference to blind children, pointed out that the Health Organisation of the League was conducting an enquiry regarding this question. This enquiry, as well as the work of the Child Welfare Committee, raised a question of principle. The three main aspects of the problem were medical, educational and social. To make a distinction between them and to conduct a series of special enquiries would be, she was convinced, a mistake. For example, the International Labour Office was enquiring into vocational employment of the blind. The Health Organisation was mainly engaged in a study of the medical aspects and, though there was in its questionnaire a good deal of overlapping with labour questions, no adequate enquiry was being made into the educational side. She thought, therefore, that the Child Welfare Committee might well examine whether it would be possible to combine all these enquiries so that this very important problem might be treated as a single whole.

Mlle CHAPTAL (France) with regard to the enquiry of the Health Organisation into the question of still-births, hoped that the information collected on the social aspect of the matter would be placed at the disposal of the Child Welfare Committee. She understood that the questionnaire sent out by the Health Organisation dealt with the substance of the question and not only with the purely medical side, but also with its social causes.

Dr. Estrid HEIN (Denmark) hoped that the Committee would not discuss the question of blindness among children until she had been able to submit her report.

M. ITO (Japan), with reference to the enquiry into the question of still-births, pointed out that the Health Organisation had conducted this enquiry in seven European and South American countries. At a previous session, M. Ito had urged that the scope of the enquiry should be widened to include other countries where social conditions were very different from those prevailing in Europe or South America. In view of the fact that one of the two enquiries, that in Europe, was completed, and the other on the point of completion, had not the time now come to give effect to his proposal?

Mme ROMNICIANO (Roumania) thought it very important to concentrate on the medical side of the enquiry into the causes of still-birth. This was particularly necessary in view of the importance of venereal diseases. It appeared to be difficult to obtain unbiased statistics regarding the diseases. The Committee should, she thought, press for more accurate statistics.

Dr. HUMBERT did not wish to give the impression that Mlle. Chaptal or himself in any way desired to diminish the importance of the medical side of the question. As far as statistics of venereal disease were concerned, however, the difficulty of obtaining them, or even of keeping them accurately, was notorious. The best collection had so far been published in Germany. All that Mlle. Chaptal and he himself desired was that the social causes of this evil should not be neglected, and that the Child Welfare Committee should be in a position to make use of the non-medical information acquired by the Health Organisation.

Mlle. BURNIAUX supported Dr. Humbert and Mlle. Chaptal. A solution could only be found if the results of both the medical and social aspects of the problem were considered.

#### 104. Appointment of a New Member of the Legal Sub-Committee.

On the proposal of M. ROLLET, the new Assessor, Mlle. DALMAZZO, was appointed a member of the Legal Sub-Committee.

---

### SECOND MEETING.

*Held on Saturday, April 13th, 1929, at 10 a.m.*

---

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

*Present* : All the members of the Committee or their substitutes, with the exception of Mr Harris, Dr. Paulina Luisi, Miss Abbott, Mr Bascom Johnson, M. Valdés-Mendeville and Miss Whitton.

105. Report of the Representative of the Health Organisation of the League (continuation).

Dr. HUMBERT, urged that the Committee should take some action on the report of M. Velghe submitted on behalf of the Health Organisation of the League. It was essential for the Child Welfare Committee to remain in touch with the enquiry conducted by that organisation. He would propose, therefore, that mention should be made in the Committee's report of the fact that a considerable amount of material collected by the Health Organisation and connected with the social aspect of its enquiry into the question of still-birth would be of great interest and practical use to the Child Welfare Committee. The Secretariat of that Committee should be empowered to make use of this material, with the object eventually of submitting a report to the Child Welfare Committee, in order to make it possible for that Committee to adopt conclusions.

As regards the proposal of M. Ito, so far as Dr. Humbert was aware, no action had as yet been taken on it. M. Ito had desired to extend to other countries the enquiry into the question of still-births. Dr. Humbert thought that the Child Welfare Committee should ask the Japanese Government whether it was ready to carry out such an enquiry in its own country. There was undoubtedly a large group of countries in which no enquiry of this nature had so far been made. The Japanese Red Cross was doing a great deal of work in this connection, and Dr. Humbert was convinced that an enquiry in Japan would be of great use. That country had nothing to fear, because of its high birth rate. The Committee should therefore ask that the enquiry be extended to other countries, including Japan. He would once more emphasise the fact that it was essential not to lose sight of the social aspects of the problem under investigation by the Health Organisation.

M. POSNER (Poland) associated himself with the common-sense observations of Dr. Humbert, particularly in regard to the necessity of drawing the attention of the Health Organisation to the social aspect of the question. There was nothing in M. Velghe's report to show that this aspect had any interest for the Health Organisation. It was the duty, therefore, of the Child Welfare Committee to deal with it. It appeared difficult, however, to make the Health Organisation realise that besides the biological and medical side of the problem there was also the social side, which was equally important. There did not seem to be any great tendency on the part of the Health Organisation to understand the Child Welfare Committee's point of view in this respect. He feared, therefore, that a certain amount of difficulty would be experienced in persuading the Health Organisation to pay attention to the views of the Child Welfare Committee. He hoped that in this he was wrong, for the Health Organisation was a powerful body with a large budget. This was not the case as regards the Child Welfare Committee.

What M. Posner desired was not so much a liaison between the Health Committee and the Child Welfare Committee or between the secretariats of the two organisations, but a definite arrangement whereby the Health Organisation would not encroach upon the field belonging to the Child Welfare Committee. For example, in reference to blind children, the report by M. Velghe mentioned not only the medical steps being taken, but also the various institutions at work and the methods used in different countries for helping the blind. It was with this aspect of the matter that the Child Welfare Committee should deal.

In conclusion, he urged that negotiations should be opened with the Health Organisation, in order to decide how to divide the problem between the two Committees. That would be the first step. When this was settled, the Committee could decide what further steps it might prove necessary to take.

Dr. Estrid HEIN (Denmark) said that as the question of blind children was more or less in the same position as the other questions referred to by Dr. Humbert, she would submit a proposal concerning the co-operation of the two bodies in general. The proposal was to the following effect :

“ As the Advisory Committee is aware of the danger, in the future, of both Committees dealing with the same questions—though perhaps from different aspects—it expresses the desire that the two bodies be kept informed from the very beginning of those investigations which are to be undertaken by one of them, and it thinks that a small Liaison Sub-Committee could be of assistance to both Committees. ”

The CHAIRMAN said that account would be taken in the Committee's report of the proposal of Dr. Hein and M. Ito.

106. Blind Children.

Dr. Estrid HEIN (Denmark), speaking as Rapporteur, desired to make a short verbal report. It would be remembered that, when the question of blind children had come before the Child Welfare Committee three years previously, Don Pedro Sangro and herself had recommended its insertion in the Committee's agenda, for they had felt that the position of blind children throughout the world would be greatly influenced for good if the best method of educating them were known to all. No other international body had at that date undertaken a general study of the problem of blind children. Dr. Estrid Hein had accordingly hoped that the Child Welfare Committee would be able to do so.

Two years previously the Committee had drawn up a scheme for an enquiry, under four heads :

- Causes and statistics ;
- Help and assistance to blind children ;
- Educational training and ;
- Vocational training.

The French Government had submitted in 1927 a report on the position of blind children in France, and in 1928 Great Britain, Germany, Spain, Roumania, Canada, the United States of America, Japan, and Denmark had submitted replies to the Committee's questionnaire, some of them very full, others more brief. Owing to the difficulty of reaching any general conclusion from the evidence thus collected, Dr. Estrid Hein had been instructed by the Committee to summarise the answers and submit the result at the present session. She had accepted this task and had also got into touch with the International Labour Office in regard to the enquiry being made by that organisation into the professional training of abnormal persons.

Dr. Hein had consulted a Danish oculist who was a member of the Preparatory Committee for the Conference of Ophthalmologists to meet in September 1929, at Amsterdam. That oculist had informed her that the Conference had decided to place on its agenda the causes and statistics of blindness. A Dutch oculist, Dr. Marx, had undertaken to collect the necessary material. A little later, Dr. Hein had been informed by the Danish health authorities that in December 1927, they had received a very detailed questionnaire regarding the measures adopted in the various countries to relieve the blind.

Dr. Hein had communicated with Dame Rachel Crowdy, and discovered that the Health Committee of the League had, at the beginning of December 1927, on the proposal of the British representative, decided to circulate the questionnaire to which the Danish authorities had referred. It covered the same field as the investigation of the Child Welfare Committee, and went further, because it was concerned with blind adults as well. The questionnaire contained some thirty points, and the following extract from it would show that the Health Committee was covering the same ground as the Child Welfare Committee :

5. What provision is made and by whom for :
  - (i) Blind children under school age ?
  - (ii) (a) The education and elementary training (industrial or other) of children of school age ?
    - (b) Between what ages are blind children required to attend school ?
    - (c) Is any maintenance allowance given to such school children ?
  - (iii) The training (and maintenance while under training) of blind persons beyond school age in industrial or professional occupations ?

After examining this questionnaire, Dr. Hein had come to the conclusion that her work would be useless, for the work of the Health Committee and of the Child Welfare Committee would overlap if they both studied the same question. After consulting the Chairman of the Child Welfare Committee, she had decided to postpone her work until she had an opportunity of explaining the situation.

The Child Welfare Committee had now received reports from the International Labour Office and from the Health Committee, mentioning the procedure adopted by the latter in regard to blind persons.

With regard to the general aspect of the matter, Dr. Hein would not refer to the fact that the Child Welfare Committee had been the first body to take up the question ; she could not help saying, however, that the development of the question inside the League clearly showed that some lack of co-operation existed somewhere. What steps could the Child Welfare Committee now take?

It could of course insist, since certain aspects of the problem were of special concern to it, upon continuing its investigation into those aspects, particularly the social aspects. After careful consideration, however, Dr. Hein had come to the conclusion that the various aspects of the problem—the medical, the health, the educational, and social—were so closely interwoven that it would be impracticable to divide up the investigation. She felt compelled to admit that the Health Organisation was, in her opinion, more competent than the Child Welfare Committee on most aspects of the problem. In this she might be wrong, or prejudiced owing to the fact that she was a doctor, but she would propose either to hand over to the Health Committee such material as had been collected by the Child Welfare Committee, or to try and find a form of co-operation between the two bodies. She would also be glad if the International Labour Office would undertake to co-operate. If the Committee, however, decided to hand over its materials, she would propose that the Committee should ask to be informed of the results of the investigation, and to be consulted before any general conclusions were circulated by the Health Committee. It was with that object that she had made the proposal she had already submitted to the Committee.

She would like to emphasise what Dr. Humbert and Dr. Bäumer had said at the previous meeting, that this question was not the only one upon which investigation had been begun by the Child Welfare Committee, and which had subsequently been taken up by the Health Committee. If, in the future, similar occurrences were to be expected, it might be wise for the Committee to seek to obtain a more general agreement between the various organisations of the League upon such matters. She was sorry to note the absence of the representative of the Health Committee. In conclusion, therefore, she would submit the following resolution :

“ The Advisory Committee for the Protection of Children and Young People, having ascertained that the Health Committee of the League is engaged upon an enquiry regarding blind persons, a problem in regard to the social aspects of which, in so far as children and young people are concerned, the Committee has taken a great interest since 1926, asks the Health Committee whether it does not consider some form of co-operation advisable in order to avoid overlapping and to secure the best possible results, satisfying both organisations. ”

The SECRETARY said that, in this case, the lack of co-operation had been extraordinary, and as the Secretariat of the Child Welfare Committee was partly responsible, she desired to submit an explanation. In the first place, the representative of the British Government on the Child Welfare Committee, had apparently been unaware that the representative of his Government on the Health Committee had made a proposal, in regard to blind children, somewhat of the same nature as that being investigated by the Child Welfare Committee. In the second place, the Liaison Officer of the Health Organisation had presumably been ignorant of the action being taken by his Organisation, for he had not said anything on the subject of the enquiry to the Child Welfare Committee. In the third place, both the Secretary and Mlle. Colin had been unaware of the action of the Health Committee. In this case, therefore, there had been a complete lack of co-operation.

Dr. HUMBERT noted the presence of Dr. Pantaleoni, of the Health Section. He hoped that this meant that co-operation between the Health Organisation and the Child Welfare Committee would be secured.

He agreed with Dr. Hein, that there had been complete lack of liaison between the two Committees. What was essential, however, was to establish close liaison between the two Sections of the Secretariat.

The question before the Committee was complex, and in this connection he wished to refer to the efforts made by the League of Red Cross Societies. Those Societies worked exclusively in the field of prophylaxis, and had the greatest difficulty in causing the outside world to understand that the blind were only of interest to the Red Cross Societies in so far as they represented the results of the preventive work which the League of Red Cross Societies was doing. A plan had been drafted for the prevention of blindness on lines similar to that in force in America. A provisional Committee of Ophthalmologists had been established which would meet in May and would submit a scheme to the Amsterdam Conference. The Societies he represented took the view that the question was one to be dealt with by persons other than doctors, whose primary duty it was to organise clinics and diagnose the causes of blindness. Educationalists were also needed, and in this respect Anglo-Saxon countries, with their system of special classes for blind children or children with feeble sight, were in advance of the rest of the world. The co-operation of industrialists and of worker's organisations was also needed, and finally, that of architects and builders to prevent the erection of houses without proper lighting facilities.

A certain amount of money had been collected for this purpose, and the League of Red Cross Societies had obtained the co-operation of the International Near-East Relief Organisation, which was ready to undertake active work on the shores of the Mediterranean by carrying on an educational campaign and by establishing dispensaries.

He had submitted a memorandum to Dr. Hein drafted by the American Organisation and showing the approximate number of blind persons in the world. The memorandum contained certain practical suggestions and would be circulated to the members of the Committee.

Dr. Norman White, of the Health Organisation of the League, had consented to act as a member of the provisional Committee, and his assistance had been of great value. Miss Brown, of the League of Red Cross Societies, had been allowed full access to the information collected by the Health Section and Dr. Humbert was very grateful for this assistance.

Mr. JOHNSTON said that the enquiry of the International Labour Office was very limited in scope in so far as blind children were concerned. It was connected solely with the problem of vocational guidance (*orientation professionnelle*). The one chapter of that enquiry referring to blind children included all kinds of handicapped children, such as deaf-mutes, feeble-minded etc.

He had, from the very beginning, drawn the Child Welfare Committee's attention to this enquiry, though it was clear that the amount of information which the International Labour Office could furnish would be very small. He had done so, however, in order to prevent any overlapping.

M. REGNAULT (France) said that the Committee was now in a position to realise the lack of co-operation between the various Organisations all studying the same question. This was an abuse which must be emphasised in the Committee's report. It was deplorable that different Sections of the same Organisation, which were making the same enquiries, should not keep in touch with one another. The International Labour Office, in particular, had drafted a certain number of Conventions on child welfare which were not known to the Child Welfare Committee. Steps must be taken to secure the reciprocal communication of documents, so that these water-tight compartments would no longer exist and close co-operation would be assured.

Mme. ROMNICIANO (Roumania) much regretted the decision of Dr. Hein, whose competent and devoted work was of the utmost value to the Committee. The question of blind children was of great importance in Roumania, and the private organisations in that country had worked with the Government on this problem. In her view, the Child Welfare Committee should continue to study this evil, in the first place, and carry out social work in order to prevent blindness. It must arouse the interest of the public in this matter. If it did not wish to take action but referred the question to the Health Committee, it might just as well refer to other organisations of the League all the other questions on its agenda, and go right out of action. The Committee must concentrate its efforts on the social side of the question, and Mme. Romniciano therefore expressed the hope that Dr. Hein would consent to continue her work.

Miss RATHBONE, with reference to the lack of co-ordination, was unable to understand why the system of liaison officers should not be reciprocal. A representative of the Health Organisation and of the International Labour Office attended the meetings of the Child Welfare Committee in

order to secure that co-operation. Could not the procedure be also reversed? For example, when the Health Organisation or the International Labour Office considered a question concerning children, and therefore of interest to the Child Welfare Committee, could not a representative of that Committee assist at such meetings? She would propose, therefore, that the Committee should ask the Council to request the International Labour Office and the Health Organisation to invite a representative of the Child Welfare Committee to attend their meetings when they were discussing any problem connected with children. She would emphasise the fact that, as far as children were concerned, it was almost impossible to separate problems connected with health and labour from the general moral and social problem of the child.

Mr. JOHNSTON, with reference to the observations of M. Regnault, said that six labour Conventions relating to children had indeed been adopted by the International Labour Conference, but they had been adopted as far back as 1919, 1920 and 1921—some years before the establishment of the Child Welfare Committee. In so far as any new Convention was concerned, the International Labour Office had always been careful to keep the Child Welfare Committee fully informed. The same was true of any enquiries it made or information it received of interest to the Committee. He could assure the Committee that this work would be continued.

The SECRETARY agreed. The International Labour Office had always kept in the closest possible touch with the Social Section in matters of interest to the Child Welfare Committee.

Dr. Estrid HEIN (Denmark) felt very reluctant to abandon her work. If Mme. Romniciano, however, had seen the questionnaire of the Health Committee, she would not now urge Dr. Hein to continue her work. Dr. Hein was quite unwilling for the moment to do so.

She hoped that Mr. Johnston, the representative of the International Labour Office, did not think that she was of opinion that the International Labour Office had encroached on ground properly reserved to the Child Welfare Committee or had been guilty of any lack of courtesy in this respect. The contrary was her opinion.

After the explanations of Dame Rachel Crowdy, it seemed to her hopeless to seek to achieve any effective co-operation. In view of the fact, however, that the Health Committee prepared a report on the work of its sessions, perhaps such a document might be distributed to the members of the Child Welfare Committee. Dr. Hein was much interested in the proposal made by Miss Rathbone, but she did not feel certain that the desire for liaison was mutual.

Dame Katharine FURSE said that the Boy Scout and Girl Guide organisations did a great deal of work among blind children. They had reached the conclusion that it was essential for their welfare for blind children to associate with healthy and normal children. They should not be treated as medical subjects. In order to secure attention to this aspect of the question, she urged that consideration of the status of blind children should be kept on the Committee's agenda.

Count CARTON DE WIART (Belgium) much regretted the decision of Dr. Hein. The question of blind children had been placed on the agenda of the Committee at the request of the Spanish organisations. The Committee had agreed to examine the problem because it had felt that the conclusions of its study might lead to good results from the point of view of the fate of the blind children, who were still too much neglected in many countries. The Committee could not have done better than entrust the preparation of this work to a person as competent as Dr. Hein, whose conscientiousness was of as high an order as her science.

Count Carton de Wiart understood the motives for the suggestion that the work of the Committee should be suspended until the results of the enquiries begun by the Health Organisation and the International Labour Office had been made known to the Committee. It seemed to him, however, that it was impossible for the Child Welfare Committee to abandon the question, for it included a social aspect which fell more directly within the competence of the Committee, for example, the education of blind children in relation to their protection. Was it necessary, for their good, to place them in special schools and to make this action legally compulsory, with the result that they would often be deprived of family life? The question was a delicate one. More than one Government would like to know the views of the Committee on this question and on others which were connected with it. He would resign himself, therefore, to the suspension of the work, but he could not agree that the Committee should abandon it. The position of blind children was a serious problem which existed in all countries and which had not yet been fully discussed.

Dr. Gertrud BÄUMER (Germany) agreed with Count Carton de Wiart that this question should not be examined in a piecemeal manner. Being complex in character, it was essential that it should be surveyed in its entirety. She did not feel that the presence in the Committee of liaison officers from the Health Organisation and from the International Labour Office was sufficient to ensure such a survey, and she would suggest, therefore, that a mixed Committee of three members, representing the Organisations concerned, should be set up, in order that all aspects of the question might receive the attention due to them.

M. AMADOR (Spain) recalled that this question had been introduced by the Spanish delegation. He agreed that the question should not be abandoned; neither should the discussion relating to it be suspended. He supported Dr. Bäumer's proposal.

Dr. Gertrud BÄUMER (Germany) recalled that the questionnaire had been circulated in 1927 and that complete answers had been received. It would, however, be possible to supplement the information thus obtained.

M. Iro (Japan) said that he would be glad if the duties of the proposed Sub-Committee could be more exactly defined. It was difficult to see what these duties would be, as distinct from those of the Committee itself, particularly in view of Count Carton de Wiart's statement that the Committee's discussion of this question would be only suspended. He would recall, moreover, that the Council had already commented upon the number of Sub-Committees created by the Child Welfare Committee.

Dr. Gertrud BÄUMER (Germany) pointed out that three separate enquiries were being undertaken : by the Labour Office, by the Health Organisation, and by the Child Welfare Committee itself. It would be the duty of the Sub-Committee to detect deficiencies in the information obtained, if possible, to remove these deficiencies, and finally to study the possibility of presenting the results of the enquiries in a single report.

Count CARTON DE WIART (Belgium) said that while he appreciated the substance of the proposal, and the motives on which it was based, he feared that it would be difficult to carry out the suggestion that the problem should be studied by a mixed Committee on which the Child Welfare Committee would be represented with the Health Organisation and the International Labour Office. It would be necessary, in the first place, to ascertain whether the suggestion would meet with the approval of the International Labour Office and of the Health Organisation. If that approval were obtained, the Mixed Committee would then have to be accepted by the Council of the League of Nations. Bearing in mind the comments of the Council to which the Vice-Chairman had already referred, he feared that the Council would be little disposed to multiply the working organisations.

Count Carton de Wiart wondered whether the object of the German representative's proposal could not be attained by a simpler method. The Committee, after thanking Dr. Hein for the report which she had presented, might request her to continue her studies, while making use of the research work done by the International Labour Organisation and by the Health Organisation. The results of that work would be communicated to her through the Secretariat of the Committee as it progressed. Dr. Hein would be able to give the Committee, for its next session, a résumé of and commentary on the work, and the Committee would decide whether its examination of the question should be continued and if so in what way.

Mme. ROMNICIANO (Roumania) agreed that multiplication of Sub-Committees, which was a feature of the present-day spirit of complication, should be remedied. She entirely supported Count Carton de Wiart's proposal.

Miss WALL (British Empire) agreed with Dr. Bäumer that overlapping should be prevented, and that it would be well to ensure full treatment of the question by means of liaison officers. At the same time, she recognised that the apprehensions expressed by the Vice-Chairman were well-founded. The liaison officers were already included in the Committee. She would suggest that a member of the Committee should be delegated to discuss the question with these officers, and to indicate the particular subjects which the Committee would like to see included in the studies of the International Labour Organisation and of the Health Organisation.

Dr. Gertrud BÄUMER (Germany) explained that the aim of her proposal was merely to ensure adequate co-operation between the three organisations. If the Committee believed that Count Carton de Wiart's proposal, which was a simpler one, would attain the same aim, she was quite prepared to withdraw her own proposal in favour of that of the Belgian representative.

Count CARTON DE WIART (Belgium) submitted the following draft resolution :

"The Child Welfare Committee, having taken note of Dr. Hein's report on the question of blind children, begs Dr. Hein to continue to follow the course of the examination of this problem by the other Organisations of the League, and instructs her to open relations with these organisations with this end in view. It begs her to be so good as to submit to the Committee at its next session a fresh report on the question."

*The draft resolution was adopted.*

**107. Enquiry into the Problem of the Child whose Environment exposes it to Moral and Social Danger : Report by Mlle. Chaptal (document C.P.E. 205).**

Mlle. CHAPTAL (France) explained that the Secretariat had sent a letter to the various Governments asking whether they approved the principle of the proposed enquiry. Questionnaires had been sent to Canada, France, Great Britain, Italy and the United States of America. These questionnaires were in two parts : the first, which was intended for members of the Committee, related to questions of legislation, and the other, which related to technical questions, was intended for assessors or social organisations. Generally speaking, the questionnaires had been favourably received, and all the Governments had replied that they would do their utmost to facilitate the enquiry. Up to the present, it had only been possible to begin work in two countries : Great Britain, where Mlle. Chaptal had found Mr. Harris and Miss Wall of great assistance, and France, where she was able to act directly.

In December Mlle. Chaptal had visited London for the purpose of arranging a scheme of work. She had initiated enquiries in several French towns, including Paris, and she proposed to leave on May 15th for the United States, where she would spend five weeks, afterwards proceeding to Canada on July 1st for a visit of four or six weeks. In October she would return to England. The winter months she would spend in Paris, working on the material which she had collected, and in the following spring she would go to Germany.

M. POSNER (Poland) hoped that his country would be included in the scope of the enquiry.

Miss WALL (British Empire) congratulated Mlle. Chaptal on the competent manner in which she had opened the enquiry. She had had an opportunity of reading the questionnaires and she thought that it would have been difficult to make them more comprehensive. She would, however, beg Mlle. Chaptal to delete one sentence in the report—that relating to the refusal of one of the assessors to assist in the enquiry. Miss Wall also wished to ask Mlle. Chaptal whether she had considered the possibility of overlapping between the questionnaire which she had forwarded and the questionnaire which it had been proposed to circulate in connection with Juvenile Courts.

Mlle. CHAPTAL (France) said that she would be very glad to accede to Miss Wall's request that the passage of the report to which she had referred should be deleted. Since the questionnaire had not secured unanimous approval, she had not wished to create a false impression in this respect. She trusted that Miss Wall would do all she could to obtain the assistance of the assessor in question.

There was no danger of overlapping between the two questionnaires, for she had arranged with M. Rollet that he should communicate his programme to her. In the course of her tour she would examine the practical working of Juvenile Courts, but she did not expect to obtain any very considerable results from her own efforts, and in this connection full co-operation would be most valuable.

Mme. ROMNICIANO (Roumania) asked whether the questionnaire had been forwarded to Governments or only to assessors. In the latter case, she thought that satisfactory replies would be received. If, however, the Governments had been requested to open enquiries, she believed that they would be unable to undertake the task, since their administrations were already overloaded with questionnaires, enquiries, etc.

Mlle. CHAPTAL (France) explained that three different communications had been made: a letter to Governments, merely requesting authorisation of the enquiry; a questionnaire to the members of the Committee, and a questionnaire to the assessors.

*The remainder of the discussion was adjourned to the next meeting.*

---

### THIRD MEETING.

*Held on Saturday, April 13th, 1929, at 3 p.m.*

---

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

Present : All the members of the Committee or their substitutes, with the exception of Mr. Harris, Dr. Paulina Luisi, Miss Abbott, Mr. Bascom Johnson, M. Valdés-Mendeville and Miss Whitton.

#### 108. **Illegitimate Children: Examination of the Report prepared by Secretariat.**

Mlle. BURNIAUX thanked the Chairman of the previous session for having postponed the discussion on this question, as she had been unable to attend. She also congratulated the Secretariat on the valuable report it had prepared, which would form the basis of the Committee's discussions. The importance of the Secretariat's study showed how right the women's section of the International Federation of Syndicates had been in raising the question at the present time, and how great was its interest for all countries on the same grounds. Owing to the troubles consequent on the war and the post-war period, the number of illegitimate children had increased and protective legislation for such children was a constantly increasing necessity and called for the attention of an international body such as the Advisory Commission for the Protection of Children and Young People.

Mlle. Burniaux hoped that a comparison of the various laws in force in the different countries would stimulate the Governments to a serious study of the problem. Attention should be drawn in this connection, to the valuable contribution made by Dr. Silbernagel, Honorary Vice-President of the International Association for the Protection of Children. His study of comparative law in respect of the natural child, published under the title of "The Natural Child and his Mother", might be taken as a basis by legislators who were anxious to improve the legal situation of the illegitimate child. The International Institute for the Unification of Private Law at Rome might also make a valuable contribution to this work.

An examination of the replies from the Governments, demonstrated the truth of the conclusion reached by the Child Welfare Committee when the question was first taken up, namely, that in regard to illegitimate children (see page 3 of the report) the legislation of the different countries followed two tendencies, the first being to safeguard the integrity of the family and to grant the illegitimate child no more than the status of *filius nullius*, while assuring him, for humanitarian purposes, the right to maintenance, whereas the second had for its object the conferring upon the illegitimate child of all the advantages of legitimacy, so as to preserve him from the consequences of a state of affairs for which he was in no way responsible. Between these two extremes, there were intermediate tendencies which inclined more or less in one or the other direction.

It was on these grounds that two groups of countries had been established. The first group consisted of those countries which the Committee had perhaps incorrectly classified in its first report under the heading of "Latin countries" and which the Secretariat's report presented as

coming more or less directly under the French system, or the Napoleonic Code—countries in which the illegitimate child had no legal connection with his parents in the absence of acknowledgment on their part. The second group of countries had been classified under the heading "Northern Countries", and were defined more correctly by the Secretariat as coming more or less directly under the Germanic Code. These were the countries in which the situation of the illegitimate child in regard to his mother varied very little or did not vary in any way from that of the legitimate child. It should be noted that some countries could not be classified in either of these two groups and for various reasons had a more or less advanced original legislation on the subject.

It would be impossible to examine here all the replies to the different questions and, moreover, the Committee was not called upon to prepare an international legislative code, but to contribute, by its action, towards ensuring the largest possible measure of protection to the illegitimate child in all countries.

The points to which special attention should be devoted were: (1) the establishment of paternity; (2) the acknowledgment of the natural child; (3) the legal status of the natural child *vis-à-vis* his mother; (4) the right to maintenance and education.

As regarded the first point, good laws governing the action to establish paternity would certainly produce a very appreciable decline in the percentage of illegitimate children. The new Scandinavian laws might be cited as an example on this point. Out of thirty-seven countries which had replied to the questionnaire of the Secretariat (representing 122 different legislations), sixteen countries recognised the legitimacy of action to establish paternity and authorised such action. Under the new Scandinavian laws (Sweden and Norway), such action was made compulsory.

The second point, acknowledgment of the natural child, had not been taken into consideration. The question was, moreover, bound up with the first point. The Committee therefore did not possess any information on the position in the different countries. Mlle. Burniaux warmly supported the proposals that had been made by Dr. Silbernagel, namely, that legislation in all countries should enable the natural father to acknowledge his child. Such acknowledgment should imply at least two things: (1) for the father, an obligation to contribute, according to his means, to the maintenance of the child, (2) for the child, a right of inheritance *vis-à-vis* his father up to a share which might be less than that of the legitimate children, in cases where the existence of the natural child affected adversely the position of the legitimate children. The competent authority should be authorised to place the child, even a recognised child, under the authority of the father or of the mother or of a guardian, according to the child's interests. The acknowledgment of children born as the result of adulterous or incestuous connections should be admitted in cases where the natural father was unmarried or lived in a state of judicial separation from his wife.

As to the legal situation of the child *vis-à-vis* his mother, this should be identical with that of the legitimate child, without it being necessary to have recourse to an act of acknowledgment or legal judgment.

In regard to the right to maintenance, almost all legislations recognised that right. Some required that pecuniary allowances should be made to the mother and that the education of the child should not be neglected. Mlle. Burniaux would emphatically urge that such protection should be generalised and intensified.

Finally, Mlle. Burniaux submitted the following draft resolution for consideration by the Committee:

"The Advisory Commission for the Protection and Welfare of Children and Young People thanks the Governments for replying so fully to the questionnaire sent them concerning the position of the illegitimate child in their respective countries. After examining the replies received, the Committee notes that, in a certain number of countries, legislation is not in accordance with the requirements of the present situation. Considering, in view of the task which it has been called upon to perform, that more effective protection of this class of children is necessary, the Commission draws the special attention of Governments to the importance of examining questions such as the establishment of paternity, the recognition of the natural child, the *legal* position of the child towards its mother, and its right to claim maintenance and education. The Commission likewise urges that all laws for the protection of children should protect the illegitimate child as fully as the legitimate child, while aiming at strengthening rather than weakening the rights of the family".

M. POSNER (Poland) warmly associated himself with the tribute paid to the study made by the Secretariat, which was of great scientific value and did great honour to the Secretariat. In his nine years' experience of the work of the Secretariat, he considered that this document represented the best report that the Secretariat had yet prepared for the Child Welfare Committee. The study was a monumental work and one that should last. M. Posner suggested that examples should be sent to all Parliamentary libraries, both in Europe and outside. The study would be of great value to the Parliamentary Commissions in many countries which were now working on the texts of new laws governing the status of illegitimate children. He would be prepared himself to offer a copy to the library of the Polish Senate.

In her statement, Mlle. Burniaux had considered the report from the point of view of public morality. M. Posner would examine it from the legal point of view. As a jurist, he was bound to consider the actual facts, and when he did so he could not but note with regret the almost insurmountable difficulties to the achievement of the great social task outlined by Mlle. Burniaux in her resolution.

Mlle. Burniaux proposed that the Committee should take up the various questions connected with the status of the illegitimate child and should suggest to the Governments measures for the revision, amendment and improvement of their legislation. The Child Welfare Committee, however,



was not a codification society, and M. Posner quoted examples to show how difficult it was to revise a long-established code of law within a short period of time. It was only necessary to imagine the various interests that would be affected, social interests, confessional interests, and political interests, to see how difficult it would be to force through the different Parliaments any revision of the code of the "droit de famille".

The point that concerned M. Posner was that of the procedure to be followed by the Committee. It was all very well to prepare reports, but the Committee had been appointed, not to carry out academic investigations, but to search for and indicate a definite policy. M. Posner did not think that any great results would be reached on the basis of the method suggested by Dr. Silbernagel, since that method was founded upon the Huber Code, which was the most recent in Europe. The Committee had to report to the Council, and it was essential that its report should be such as to be acceptable to the Council. M. Posner would therefore suggest that the Council should be requested to refer the Committee's report to the International Institute for the Unification of Private Law at Rome, where the jurists would work on proposals to be made to the different countries for incorporation in their civil codes; but it must be remembered that, even then, practical results could only be obtained on condition that these proposals were acceptable to the Governments.

If M. Posner might appear pessimistic concerning the possibility of legislative revision, he nevertheless thought that there were grounds for hoping that the Committee would arrive at a practical compromise so that it might be possible to say that it had done something to improve the position of illegitimate children.

Mme. ROMNICIANO (Roumania) said that, in consenting to work on the Child Welfare Committee, she had had no intention of singing the praises of her country, but to help it to benefit from the studies and work of the Committee. The Roumanian reply to the questionnaire said that the illegitimate child had no claim on his father, but the legislation was undergoing a complete reform at the present time.

M. Posner had said that the revision of the legislative codes would encounter the opposition of the various Parliaments. If that were the attitude taken up by the Committee, Mme. Romniciano thought that it might as well fold its hands and say that it could do nothing. What was essential was that all the members of the Committee should work with conviction and perseverance. The Roumanian representative was convinced that, if all members on returning home actively negotiated with their Governments and stirred up public opinion, the Committee could achieve the desired result, namely, the revision of the legal codes in accordance with the necessities of the present time, since the position in which illegitimate children were placed at present was no longer in accordance with the evolution of modern society. Therefore, in addition to asking the Council to submit to the respective Governments the resolution which the Committee would pass on the subject, the Committee should urge its members and assessors on their return home to inform public opinion, which would see that the Parliaments did what was necessary to improve their laws.

M. REGNAULT (France) wished to remind the Committee that, during the past twenty-five years, French legislation relating to the legal status of the natural child, action to establish paternity, legitimation, etc., had been frequently revised.

In its reply to the questionnaire drawn up by the Committee, the French Government had quoted more than eight laws which, between 1905 and 1924, had developed the provisions of the Napoleonic Code in a sense favourable to the natural child, but without destroying the family. There was still much to be done.

M. ROLLET said that the report of the Secretariat would form the basis of all future developments for the improvement of the status of the illegitimate child.

He agreed with Mlle. Burniaux's conclusions, but would suggest a slight amendment. M. Rollet believed that there was a general tendency in all legislations towards the improvement of the laws governing the illegitimate child. Improvements of that kind had been made in the French laws, notably the law of 1907 granting rights of guardianship to the parent who first acknowledged an illegitimate child, but also vesting the powers of the family council in the courts, so that if the father or mother took no steps the court was entitled to claim guardianship of the child. It was in this connection that M. Rollet would urge Mlle. Burniaux not to overlook the rights or integrity of the family, and with this purpose he would suggest an addition to her resolution, calling attention to the necessity for respecting the integrity of the family.

Under certain legislations, the father had not only certain obligations towards but also certain rights over his illegitimate child. In the interests of the family, M. Rollet would prefer that the father should have no rights unless he married the mother. That would strengthen the integrity of the family and would give food for reflection to a young man who proposed to seduce a girl.

Mlle. BURNIAUX agreed with M. Rollet that a recommendation might be made that marriage should take place whenever possible, and requested him to be good enough to submit an amendment to her resolution to this effect.

Miss RATHBONE said that the admirable report prepared by the Secretariat called attention to the fact that there were two groups of countries, one of which followed the Napoleonic Code and the other the principle that so far as possible, the responsibility for the illegitimate child should be placed on both the parents. So far as she knew, no such difference of opinion existed in the five women's organisations which she represented and which had branches in nearly every civilised country. The women's organisations in all countries, whether the Latin or the Anglo-Saxon countries, were unanimous in condemning the principle that the responsibility should not be brought home to both parents. The International Council of Women and the International Alliance for

Women's Suffrage and Equal Citizenship had studied and reported on this question and they had both come to the conclusion that the illegitimate child should be protected and safeguarded as far as possible and the responsibility brought home to both parents.

The Secretariat's report dealt only with facts, and the facts spoke for themselves. Miss Rathbone did not believe that public opinion in its present state could tolerate any longer, laws which failed to bring home to parents the responsibility for their illegitimate children. The women's organisations were strongly opposed to the principle of shielding the man against the social stigma arising out of illegitimate unions. Certain speakers had referred to the sanctity of the family. How could the sanctity of the family be better brought home to the parents of illegitimate children than by showing them the seriousness of bringing into the world a child which did not enjoy the right to a home?

Miss Rathbone noticed that the classification of countries adopted by the Secretariat in its report showing the legal connection between parents and their illegitimate children corresponded, to a certain extent, to a division of the countries into those in which women were enfranchised and those in which they were not. It followed that the best way of improving the laws in those countries in which children had no legal connection with their parents unless acknowledged by them, would be to enfranchise the women, since in those countries public opinion would refuse to tolerate the present situation.

Count CARTON DE WIART (Belgium) associated himself with the tribute which had already most justifiably been paid to the very remarkable study made by the Secretariat. On reading over again the questionnaire prepared by the Committee, he regretted that no distinction had been made between the position of natural children in the strict sense of the term and the rights of children born of adulterous or incestuous unions. In many countries, in fact, the legal system differed for these two categories of illegitimate children, and this difference must not be forgotten in the situation of illegitimate children under the different civil legislations.

Count Carton de Wiart pointed out that, according to the thirty-seven replies received, there was no state in the world, with the exception of Russia and Siam where the legal status of the natural child was assimilated to that of the child born in marriage. If, therefore, the Committee thought of making at once a proposal for complete assimilation to the Council, and through the Council to the Governments themselves, its initiative would have no result and would uselessly run counter to public opinion. He did not think, moreover, that Mlle. Burniaux contemplated complete assimilation, but merely assimilation from the point of view of the protective laws. There was no question, therefore, of rights of succession or the right to a name. It was important also to establish a clear distinction between the proof of filiation and the rights resulting therefrom. Filiation was a fact which it was sufficient to note. Rights were advantages which it was for the legislator to grant or not to grant.

A study of the problem of the illegitimate child throughout the centuries and in connection with all the various legislations brought out two opposing doctrines: the first was that in which the necessity for preserving the integrity of the family dominated everything else. The second doctrine was that in which this principle was sacrificed to the interests of the child. Fortunately, however, it was possible to find a compromise solution between these two positions, and it was that solution which was to be found in almost all legislations. Such a compromise should be sought for and encouraged, in particular, by uniting the child with its father and mother, thereby facilitating action to ascertain paternity as well as legitimation and reducing to the strict minimum the conditions and formalities of marriage itself.

As had already been done in connection with the problem of the age of marriage and of consent, the Child Welfare Committee could have a useful influence on the opinion of Governments from the point of view of the protection of the illegitimate child, provided that it carefully weighed and prepared its resolutions on a question which could not but be a delicate one.

It was only after it had examined and reached general conclusions on the many questions bearing upon the question of illegitimate children, and had studied the very different formulas adopted by the countries whose legislation was based on the old English customary law, or on the Napoleonic Code or on the Germanic Law, that the Committee could approach the Council of the League of Nations with a request that its recommendations should be submitted to the Governments. Accordingly, he would propose that the question should be referred to the Legal Sub-Committee, which would be completed by the appointment of some additional member for the purpose of this study. Count Carton de Wiart did not agree with M. Posner's proposal that the whole problem should be referred to the International Institute for the Unification of Private Law, for the Committee conceived of the problem as being a real question of the protection of children which required something more than a purely legal examination and the numerous aspects of which might well call for discussion during several sessions.

Miss WALL (British Empire) expressed her thanks to the Secretariat for its very clear and interesting report. The valuable point about the report was its novelty and the fact that it contained the latest legislation on the subject. It showed the extremes of legislation side by side, that of over a hundred years ago and that of the present day. In regard to English law, footnote 3, on page 11, was somewhat misleading. English law made no mention of the legitimation by subsequent marriage of children born of incest, because incestuous marriages were not lawful in England. Further, Miss Wall would request the Secretariat, before issuing the report, to prepare a simple index, showing the different pages on which the reply from each country could be found, as this would make reference easier.

As to the practical outcome of the report, Miss Wall was somewhat at a loss. She sympathised with Mlle. Burniaux's resolution, but felt that these were early days for the Committee to commit

itself, and she would regret it if, as a result of that resolution, the Council were to restrict the Committee in any way, particularly when it had such excellent material on which to work. She therefore supported Count Carton de Wiart's proposal to refer the resolution to the Legal Sub-Committee and suggested that, if that proposal were agreed to, the Committee might draft a general resolution thanking the Secretariat for its report and the Governments for their replies and stating that the Committee proposed to continue its investigations at the forthcoming sessions.

**109. Expression of Regret at the Death of Senator Ferri.**

M. REGNAULT (France), speaking after a brief adjournment of the proceedings, said that his colleagues would be grieved to hear that news had just been received of the death of Senator Ferri. The late Senator had been a great criminologist and had devoted his whole life to the study of delicate penal questions, and his death would be a great loss to those who were engaged in the same pursuit. M. Regnault would suggest that the Committee should associate its regret with that of Italy by forwarding a telegram of condolence to Senator Ferri's relations.

The CHAIRMAN warmly thanked M. Regnault for his reference to this loss. Senator Ferri had not only been a personal friend of his, but had also been his master. He had been a keen supporter of the ideals of the Committee, and the Chairman was sure that his colleagues would approve of M. Regnault's suggestion.

**110. Illegitimate Children : Examination of the Report prepared by the Secretariat (continuation).**

Dr. POLLIGKEIT said that M. Posner had given a good illustration of the difficulties which were encountered in any attempt to unify, on an international basis, the law relating to illegitimate children. M. Posner had also rightly pointed out that the solution would depend upon political as much as upon legal considerations. It would be difficult to find a formula which might be unanimously adopted by all countries, and the Committee should confine itself to laying down guiding principles. Dr. Polligkeit would therefore support the proposal of Count Carton de Wiart that Mlle. Burniaux's draft resolution should be referred for examination to the Legal Sub-Committee. He believed that the discussion that had taken place during the meeting had proved the urgency of the examination of certain other points by the Legal Sub-Committee, such as the execution of maintenance orders. The Committee should also, he thought, examine M. Scialoja's proposal.

Mlle. DALMAZZO wished to ask Mlle. Burniaux whether she would not strengthen the phrase in her resolution "the legal position of the child towards its mother" by the addition of the words "and towards its father". She thought, moreover, that to lay down that no distinction should be made in protective laws between illegitimate and legitimate children was excessive. Leaving aside the question of family law and of the right of maintenance, there were certain cases in which such a distinction might be justifiable.

Dr. Estrid HEIN (Denmark) said that she represented a part of the world (the Scandinavian countries) in which the attitude adopted towards illegitimate children was a favourable one. While she had to admit that the more recent legislation of Norway and Sweden in this respect was better than that of Denmark, she wished to lay stress on one aspect of the Danish law which was of very great practical importance. This was the payment in advance from the public funds of the money due to the illegitimate child from its father. Dr. Hein did not believe that family life in Denmark had suffered as a result of the system obtaining in her country, a system which had been in operation for some time.

While she entirely agreed with Mlle. Burniaux's resolution, she wished to support the proposal of Count Carton de Wiart. She would, however, be very pleased if Mlle. Burniaux were given an opportunity of appearing before the Sub-Committee.

M. AMADOR (Spain) believed that it was the general wish that the proposal should be referred to the Legal Sub-Committee. M. Rollet and Count Carton de Wiart had expressed their doubts with regard to it. He wished to call attention to the following sentence of the resolution: ". . . it notes that in a certain number of countries legislation is not in accordance with the requirements of the present situation". If it were meant by this sentence that the number of illegitimate children had increased, he could not agree with this statement in so far as Spain was concerned.

M. ITO (Japan) said that the Japanese Codification Committee, which had been created some years previously, had drafted a revised Civil Code which contained certain drastic changes, particularly in respect of the position of illegitimate children. It was proposed that illegitimate and legitimate children should in future have absolutely identical legal rights, and it was even suggested that the expression "illegitimate child" should be removed from the Code, there being substituted for it the term "mother's child". If this Code were adopted, the trend of Japanese policy in this respect would therefore be entirely altered.

M. Ito wished to raise a question of procedure. It appeared that all his colleagues were in favour of Count Carton de Wiart's proposal. That proposal had, however, been given only one reading, and if it were to be made really effective it would require several. Since he was not a member of the Legal Sub-Committee, he wished to suggest certain desiderata. The question had several aspects, such as the establishment of paternity, legitimation and official guardianship. It would, he thought, be well if the Committee would study these items *seriatim* and would establish an order of priority. M. Ito thought that if the proposal were referred to the Sub-Committee, Miss Wall's suggestion might be adopted and a resolution might be passed to the effect that the examination of the problem should be continued.

Dame Katharine FURSE wished to put in a plea that the question should not be examined solely from its legal aspect, but from its psychological aspect also. It was known that a large proportion of juvenile offenders were illegitimate children, either perhaps on account of lack of supervision or through a feeling of resentment. She would suggest that the Health Section might make a definite enquiry into the effect of the position of the illegitimate child on his psychology.

Dame Katharine Furse then submitted the following draft resolution :

“That the enquiry into the position of illegitimate children should not be limited to the legal aspect of the question. It should also include the exploration of the psychological effects of illegitimacy upon children. With this in view, the Child Welfare Committee invites the Health Committee to enquire into the psychological and psychiatric aspects of illegitimacy, especially from the point of view of delinquency.”

Dr. Gertrud BÄUMER (Germany) said that she shared the view of those who had described the study presented by the Secretariat as a permanent monument in connection with the legislation governing the position of illegitimate children. It should, however, be remembered that the laws themselves were not permanent. In Germany, for instance, they were at present in course of transformation. She would therefore beg the Secretariat to ensure that this study should be kept up-to-date.

With regard to Mlle. Burniaux's resolution, she thought that certain points might be omitted and others added. For example, since the question of the responsibility of the father was mentioned it was not necessary to refer to the detail of establishing paternity. On the other hand, a reference to protection by the public authorities, as under the Danish system, should be included. Dr. Bäumer supported the proposal that the resolution should be referred to the Legal Sub-Committee. She would, however, be glad if that Sub-Committee were empowered to co-opt certain persons who dealt with protection in its practical aspects.

M. POSNER (Poland) said that, as a student of Japanese law and as the author of a work on that subject, he had been greatly interested in the information given by M. Ito with regard to the proposed revision of that law. He would suggest that the text of the revised Code should be translated, for the general benefit, into French or English. He wished also to recall that he had recently presented a request that such documents should be sent to the libraries of European and extra-European countries. He would be glad if a vote were taken on this point.

Mme. ROMNICIANO (Roumania) wished to ask Mlle. Burniaux whether she would be prepared to delete the passage contemplating the abolition, in the laws on the protection of children, of a distinction between legitimate and illegitimate children. This request appeared to her to be a venturesome leap.

The regulations of most countries allowed of action for the establishment of paternity. In Roumania, the law was modified in practice by the provision that the mother of an illegitimate child could sue the father for damages. By this means, paternity was established indirectly.

Mlle. BURNIAUX supported Count Carton de Wiart's proposal. She thought, however, that some resolution should be adopted which left on one side perhaps the legal aspect of the problem. Such a resolution would be of material assistance to the assessors, since it was always easier to work upon the basis of an official text.

Count CARTON DE WIART (Belgium) wished to reply to Dr. Polligkeit, who had referred to the wish expressed by the International Institute for the Codification of Private Law to reserve the study of the execution of sentences relating to maintenance debts. He thought that this request would be dealt with during the session and might be held over for the present.

He thought it would be best to refer Mlle. Burniaux's proposal to the Legal Sub-Committee, while signifying the Committee's sympathy with that proposal and its wish that the examination of the problem might lead to practical conclusions. The Sub-Committee might be enlarged for this purpose by the addition of certain members, for instance, Mlle. Burniaux herself. Since the conception of this problem under Anglo-Saxon law, was very different from the Latin one, it would be well for the Anglo-Saxon element to be well represented. Mr. Harris was already a member, and he would suggest that Mr. Johnston should also be asked to be present. Mr. Johnston, moreover, was concerned, in the International Labour Office, with the question of social insurance and family allowances, and these matters were directly connected with the problem of the illegitimate child. The Legal Sub-Committee might perhaps meet during the following week.

Count Carton de Wiart then submitted the following draft resolution :

“The Child Welfare Committee, having considered Mlle. Burniaux's proposal relating to illegitimate children, as amended by M. Rollet, refers this proposal for examination to the Legal Sub-Committee, which shall co-opt for this purpose Mlle. Hélène Burniaux and Mr. Johnston.”

Miss WALL (British Empire) wished to ask Mlle. Burniaux whether it would not be preferable to defer the adoption of any resolution with regard to the problem until the next session, instead of passing an incomplete one at the present time.

With regard to Count Carton de Wiart's proposals for the composition of the Sub-Committee, while she was aware of the great assistance that the Committee had always obtained from the International Labour Office, and while she recognised all the qualities on account of which Mlle. Burniaux might be included in the Sub-Committee, she believed that the first necessity was to co-opt a member with actual practical knowledge of protective measures.

Miss Wall then submitted the following draft resolution :

“The Child Welfare Committee has considered the study on the illegitimate child and thanks the Secretariat for its valuable report. The information from Governments has been of the greatest service in pointing out measures which may be taken for the welfare of the illegitimate child. The Committee proposes to continue the study of the report by, in the first instance, referring the report to the Legal Sub-Committee for advice as to the principal subjects to be studied, and their order of priority. It desires to reinforce the Legal Sub-Committee by empowering it to add to its numbers one or two members with special knowledge of practical protective measures.”

M. REGNAULT (France) thought that all his colleagues would be ready to support Count Carton de Wiart's proposal. As Chairman of the Legal Sub-Committee, he would, however, point out that it would be difficult for that Sub-Committee to give a reply in the following week to all the questions raised. These questions were of very wide scope, and if it were desired that the Sub-Committee should do more than make general statements some limitation would have to be made of the points referred to it.

Dr. Gertrud BÄUMER (Germany) said that she wished to add a proposal to that of Count Carton de Wiart, and read the following draft resolution :

“The Committee requests the Secretariat to continue to collect information on changes in legislation concerning illegitimate children and to report thereon from time to time to the members of the Committee.”

The CHAIRMAN pointed out that there were now five proposals before the Committee ; those of Mlle. Burniaux, Count Carton de Wiart, Miss Wall, Dame Katharine Furse and Dr. Bäumer. He would, in the first place, put to the vote Count Carton de Wiart's proposal.

*Count Carton de Wiart's proposal was adopted unanimously.*

Count CARTON DE WIART (Belgium) pointed out that the proposals of Miss Wall and of Dr. Bäumer might be combined in one text.

The CHAIRMAN then put to the vote that section of Miss Wall's proposal which was not already contained in Count Carton de Wiart's proposal :

“The Child Welfare Committee has considered the study on the illegitimate child and thanks the Secretariat for its valuable report. It refers the report to the Legal Sub-Committee for advice as to the principal subjects to be studied, and their order of priority. It desires to reinforce the Legal Sub-Committee by empowering it to add to its numbers one or two members with special knowledge of practical protective measures.”

*Miss Wall's proposal was adopted unanimously.*

Mme. ROMNICIANO (Roumania) thought that Dame Katharine Furse's proposal contained some excellent suggestions and that it should be carefully examined.

Dr. HUMBERT said that he agreed in principle, with Dame Katharine Furse's proposal, but that he would have some criticisms to raise on points of detail. He suggested that this proposal should be held over.

*The Committee agreed to hold over Dame Katharine Furse's proposal.*

---

#### FOURTH MEETING.

*Held on Monday, April 15th, 1929, at 10.15 a.m.*

---

*Chairman : The Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Dr. Paulina Luisi, Miss Abbott, Mr. Bascom Johnson, M. Valdés-Mendeville and Miss Whitton.

M. Baranyai, the representative of Hungary, was also present, and M. Ruppert and M. de Navailles attended in the capacity of experts.

#### III. Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People: Provisional Draft Convention on Assistance to Minors of foreign Nationality: General Discussion.

The CHAIRMAN welcomed the representative of Hungary. The Hungarian Government had desired to send a representative to attend the meetings of the Child Welfare Committee at which the two draft Conventions prepared by the Legal Sub-Committee were to be discussed.

In submitting the two draft Conventions the Chairman wished to express his own view, which was to the effect that it would be better for them to be combined in order to form one single Convention. He would point out that the Convention on Assistance for Foreign Minors contained in Articles 2, 5, 6 and 7, stipulations which were almost similar to those contained in corresponding articles in the draft International Agreement regarding the repatriation of children.

M. REGNAULT (France) explained that the two draft Conventions had been retained because it had always been thought that a distinction should be maintained between the repatriation of children who had been abandoned, or had taken refuge in foreign countries, and the general problem of the assistance to be afforded to foreign minors. This assistance did not cover only their repatriation but their maintenance, their education, hospital treatment and, in fact, a whole series of measures regarding this matter. The Council had instructed the Child Welfare Committee to examine the two questions separately. To combine the two drafts would mean a departure from the instructions of the Council. Such a procedure would doubtless result in delaying the work of the Committee and would give rise to a regrettable obscurity.

Count CARTON DE WIART (Belgium) agreed with M. Regnault. Acting in conformity with a decision of the Council of the League, the Sub-Committee had drawn up two drafts. He thought it would be difficult, if not impossible to combine them for the following reason, in addition to those already given by M. Regnault.

The Draft Convention regarding Assistance for foreign minors was intended to help indigent minors only. The draft International Agreement regarding the return of children to their homes, however, contained no stipulation confining it only to indigent children. Its provisions were intended to apply to all children who had escaped from the custody of their parents or guardians and had gone to foreign countries. Many of those children might not be indigent at all, and there would be no question of giving assistance in the real sense of the word.

He would urge the Committee to pay great attention to the two draft Conventions submitted to it for, in his view, the acceptance of these two drafts would be of real service to children and would remove the scepticism of those who refused to recognise the utility of discussions and work such as those of the Social Section of the League.

M. ITO (Japan) agreed with the views of the Chairman. The draft Conventions should be merged into one for, in the first place, the Convention on repatriation concerned not only indigent but all kinds of children, and the second, assistance only to poor children. This, in reality, meant adopting two different interpretations of the meaning of the word "assistance". Actually, both Conventions had the same object in view, that of assisting minors. There seemed to be no reason, therefore, why two separate international instruments should be drafted dealing with two separate kinds of assistance. In the second place, the stipulations of both Conventions were mostly administrative, and, while legislation might be necessary in a number of countries, in most this would not be the case. Moreover, it should not be forgotten that it was even more difficult to secure the ratification of two international instruments than of one. If, however, the Council had definitely decided that two Conventions should be drafted, then naturally M. Ito would not press his proposal.

Mr. HARRIS (British Empire) agreed with M. Regnault and Count Carton de Wiart. It would be a mistake to combine the draft International Agreement with the draft Convention, for the former dealt with a special problem arising usually in countries with adjacent frontiers. That Agreement might therefore well be bilateral in character. The Convention on repatriation, however, was of far wider scope and dealt with the status of foreign minors. Such a Convention might well be plurilateral.

Dr. Gertrud BÄUMER (Germany) said that, from the point of view of the practice in her own country, she would regret any attempt to combine the two Conventions. They dealt with two quite different groups of children and those groups were accorded different treatment in Germany. Children who had escaped parental control were dealt with by the bureaux of guardianship and children's protection, whereas indigent minors fell under the care of the assistance bureaux. A single Convention covering both classes of children would therefore be difficult to apply. Further, the draft International Agreement regarding repatriation applied to a comparatively small number of children, whereas, the draft Convention for the protection of foreign minors applied to a far larger number. Difficulties in regard to ratification, as far as the latter Convention was concerned would probably be greater. For this, if for no other reason, therefore, it should be kept separate from the Convention regarding repatriation.

M. AMADOR (Spain) agreed with Dr. Bäumer. What, however, would be the exact procedure? What would be the character of the texts now before the Committee? Would they be draft Conventions or would the Committee amend them and then subsequently submit them to the Council in order that they might be submitted to an International Conference? If the latter procedure were adopted, the Conference might be left to decide whether or not the two Conventions should be combined.

M. ITO (Japan) referred to the observations of Mr. Harris, who considered that the Convention in regard to repatriation should take the form of a bilateral treaty, while that regarding assistance for foreign minors should be multilateral. Was this the view of the Legal Sub-Committee? If so, then M. Ito would be grateful for explanations, for it would appear from Article 8 of the draft Convention for the repatriation of children that that Convention was to be open "for accession by all the heads of States or other competent authorities of the Members of the League of Nations and of States not Members of the League." This would seem to show that the Convention had been intended to be multilateral in character. The other Convention, however, contained no such stipulation, and, except for certain words in Articles 10 and 11, did not leave it to be supposed that its authors intended it to be a plurilateral agreement.

Dr. POLLIGKEIT said that, as far as he was aware, the view of the Legal Sub-Committee, of which he was a member, was that it would be quite impossible to combine the two Conventions. The Convention regarding repatriation contained means to facilitate the return of a child to its guardian or parents. It might well be that, in such a case, there would be no question of material assistance whatever. The real difficulty, he thought, arose from the attempt to separate the assistance given to foreign minors from the assistance given to foreign adults. The difficulty was due perhaps to the fact that the term "repatriation" suggested a different meaning when applied to adults or to children. Perhaps it would be better to use some such phrase as "return to their homes."

Count CARTON DE WIART (Belgium), in reply to M. Amador, thought that the texts of the Conventions were entirely provisional. When the Committee had adopted them after amending them, if it considered it advisable to do so, they would be transmitted to the Council, which would decide whether to summon an official Conference or simply to ask for the views of the Governments. This being so, he thought that the reservations of M. Ito and the Chairman might be met, since their objections could always be put forward at a later stage.

The Council had, on more than one occasion, urged the Child Welfare Committee to prepare two separate Conventions, one dealing with repatriation, the other with assistance. It should be noted that the members of the Legal Sub-Committee, who had been called upon more closely to study these questions, were convinced that the two Conventions should be kept separate. Dr. Polligkeit had pointed out quite justly that cases covered by the Convention on repatriation might involve no assistance whatever, and Dr. Bäumer had shown that while the judicial authorities of a country would be required to fulfil the stipulations of the Convention on Repatriation, it would be the Public Relief Authorities who would apply the other Convention.

As far as the Convention on repatriation—or rather, the return of children to their homes—was concerned, the primary factor was speed. It was essential that the children should be returned to their homes as quickly as possible. This was not the case as regards the Convention on assistance for foreign minors, since by the terms of that draft, the State in whose territory a child was found must wait thirty days, and help the child during that period, before the question of repatriation arose.

When it was a question of a child which had been taken away from its home or had fled therefrom, means must be provided for sending it back without delay. It was precisely this object that the first draft Convention was designed to secure; it was intended to avoid, in such cases, all delays and complications and the expense of recourse to the courts or even to diplomatic channels.

In reply to the observations of M. Ito, Count Carton de Wiart stated that the question whether both or either of the Conventions should be bilateral or multilateral remained open. Nevertheless, the Convention on assistance would be improved if it were made multilateral. As regards the Convention on repatriation, the proposed text was based on the provisions of a number of bilateral treaties already in force. It was the system of bilateral treaties which was contemplated by the Sub-Committee as being the more likely, though the possibility of concluding a plurilateral treaty for this limited subject also was by no means excluded.

M. REGNAULT (France) agreed with Count Carton de Wiart that the draft Convention regarding repatriation would only be of interest to a small number of countries, namely, those which, being neighbours, received children who were escaping from the authority of their parents or guardians. On the contrary, the Convention on Assistance for indigent foreign minors seemed to be more general in scope, since it concerned all the nations possessing colonies outside their territories. It was probable that those drafts would be submitted by the Council to all countries and then to the Assembly of the League of Nations, which would decide whether it was desirable to propose an international Conference or to open a Protocol of accession.

M. Renault then read the instructions of the Council and of the Committee concerning the preparatory study of the two preliminary drafts. It was quite clear from those instructions that the Sub-Committee was required to draw up: "(1) a preliminary draft Convention for the Return to their Homes of Minors; (2) a preliminary draft Convention on the Relief of Minors of Foreign Nationality."

Dr. Estrid HEIN (Denmark) said that the idea of the Chairman, as supported by M. Ito, had, in the first instance, attracted her. She had always had the impression that the Convention regarding repatriation of children was not of very great importance, while that concerning assistance was very important indeed and covered a vast field. She had discussed the matter with experts, who had maintained that, in so far as Denmark was concerned, there was no need at all for that country to adhere to the Convention on repatriation as Danish children did not run away, nor did children from other countries run away to Denmark. She would be grateful if she could be given any statistics regarding runaway children.

She was, however, convinced by the arguments of Dr. Bäumer, who had pointed out that it would be much easier to obtain the signatures to the Convention on repatriation if it were kept separate than if it were combined with the other Convention. She was therefore in favour of keeping the two Conventions separate.

M. ROLLET was unable to agree with the Chairman and would ask him to withdraw his proposal. The Chairman would certainly remember that, thirty years previously, when he and M. Rollet had first discussed the question of Italian children who were being exploited by unscrupulous employers of labour—more particularly, in glass factories—they had both deplored the fact that no such Convention as the present draft Agreement for the repatriation of minors was then in existence. As a magistrate in a Juvenile Court, M. Rollet would welcome with the greatest

satisfaction any international instrument whereby it would be possible to send a child back to its home quickly and satisfactorily.

He was convinced that to attach the first Convention to the second might hamper its chances of speedy ratification. He would remind the Committee that in 1912 a Conference had been held in Denmark with the object of drafting a Convention providing for the assistance of foreigners. That Convention, though an admirable document, had so far remained a dead letter, and this might unfortunately occur in the case of the new draft Convention for the assistance of foreign minors. That being so, the two Conventions must be kept separate in order that that concerning repatriation might be afforded every chance of speedy ratification.

Mr. HARRIS (British Empire) agreed with the explanations furnished regarding the attitude of the Legal Sub-Committee. He would emphasise the fact that the drafts before the Committee were mere drafts and nothing more. When they had been considered by the Committee they would be transmitted to the Council. The Council would, in all probability, cause them to be sent to all the Members of the League, who would express their views, many of them for the first time, upon the proposals they contained. For example, he had not yet consulted the British Government on the provisions of either draft Convention. When Governments had made their observations, the question of holding an international Conference could be considered, or it might prove possible for the Assembly to open a Protocol for signature in the manner suggested by M. Regnault.

He would emphasise the fact that the Convention on repatriation was very limited in scope and was based on existing practice. It was possible, therefore, that it might prove acceptable to Governments. The second Convention, however, would give rise to much more argument because of the great difficulty of separating assistance afforded to foreign minors from that afforded to foreign adults. It was clear that Governments must be given full time to comment upon this second Convention.

The CHAIRMAN said that the general discussion was now closed, and suggested that the Committee should read the provisional draft of the International Agreement article by article.

#### 112. Detailed Examination of the Provisional Draft Agreement for the Repatriation or Return to their Homes of Children and Young People.

*Preamble. No observations.*

##### *Article 1.*

Count CARTON DE WIART (Belgium) referred to the suggestion made by Dr. Polligkeit to the effect that the word "repatriation" should be suppressed in the draft Agreement. Dr. Polligkeit thought that the term was ambiguous and that it would be better to refer only to the return of the children to their homes. He would ask the experts of the Legal Sub-Committee for their opinion.

M. DE NAVAILLES, expert consulted by the Legal Sub-Committee, observed that repatriation was a purely administrative measure, effected either by the Government of which the minor was a national, acting through its consuls, or as the result of an agreement between that Government and the Government of the territory to which the minor had fled. The costs of such repatriation were, in either case, borne by the Governments. The return of a minor under the conditions mentioned in Article 1 was not repatriation in the strict sense of the term. A minor might be returned, not to the country of which he was a national, but to his parents or guardians residing in another country. It seemed better therefore, to omit the word "repatriation" and merely to state that the minor would be returned to the person or persons who had a right to his custody.

M. REGNAULT (France) said he was prepared to accept this amendment.

Mlle. DALMAZZO thought that the words "of foreign nationality" in Article 1 should also be amended or suppressed. A Government might, under the article as it stood, refuse to send back a child to its family living abroad on the ground that the child was not of foreign nationality. There were, for example, in the South of France, a number of working class families of Spanish origin. A child might leave the care of his family and take refuge in Spain. In accordance with the provisions of the present text of Article 1 it might be argued by the Spanish Government that the parents had no right to demand the return of the child to France, since it was not of foreign nationality.

Mr. HARRIS (British Empire), on a point of order, enquired whether the Committee was proposing itself to amend the draft Agreement, or whether the proposed amendments would be referred back to the Legal Sub-Committee to be revised in accordance with the observations made during the discussion. He did not think that the present Committee should attempt to act as a Drafting Committee, but should merely decide what alterations of substance were necessary. These alterations should be referred to the Legal Sub-Committee, whose duty it would be to amend the text of the agreement.

The CHAIRMAN said he did not think it would be necessary to vote on the text of the articles, but merely to discuss the amendments proposed and refer them back to the Legal Sub-Committee,

*The Committee agreed that Article 1 should be amended in order to meet the point which had been raised by Mlle. Dalmazzo.*



*Article 2.*

Mlle. DALMAZZO, referring to paragraph 2 of Article 2, asked who would decide whether it was to the interests of a child or young person to be returned to his home. The competent authorities in cases that arose within a country were the judicial authorities, who took a decision after having heard the parties. Under paragraph 2 of Article 2, the competent authority to take the decision would seem to be the Government of the country in which the child was resident. She did not think that the Government of the country in which the child was resident was the best authority to decide in cases where there might be some doubt whether the interests of the child might best be served by his return to the care of his parents and guardians. The best authority to decide this question was, in her opinion, the Government of the country of which the child was a national and where his family was domiciled. She would accordingly propose to suppress paragraph 2 of Article 2.

Count CARTON DE WIART (Belgium) asked that the paragraph should be maintained. The interests of the child should, of course, outweigh every other consideration, and the authorities in the country of residence could not be deprived of the right to judge of those interests.

Mlle. Dalmazzo had quite rightly recognised that it might be prejudicial to the interests of the child that he should be returned to his family in those cases where his environment would be unsuitable. She had added, however, that only the authorities in the country of origin could decide whether the conditions in his own family would be desirable or not. In other cases, however, a child, although it had escaped from its legal guardians or from some institution, might find itself in such circumstances that it would be to its interest to remain with a family and in a foreign country where it had been adopted.

Dr. Estrid HEIN (Denmark) agreed with Count Carton de Wiart. In many cases the interests of the child would best be served by its remaining in the country in which it had settled, and in which it might have started upon its training for a career.

Mlle. DALMAZZO said that, of course, the interests of the child must in every case prevail. She still thought, however, that the Government of the country of origin should, in the last resort, decide whether the child should return home or remain in the country in which it had settled. It would always be possible for the authorities of the country in which the child had settled to present its views, and the authorities of the country of origin would, of course, supply all the available information in regard to the particular case. A request from the country of origin that the child should be returned was in itself an indication that the authorities had made an enquiry and had satisfied themselves that the environment of the child in its home life was satisfactory.

The Government of the country of origin might, moreover, request the return of a child without intending to return it to its family. She felt that, in all cases the Government of the country of origin should have the final word.

Dr. Gertrud BÄUMER (Germany) agreed that the home of the child was usually the best environment, but there might be exceptional cases.

Paragraph 2 of Article 2 might, in her opinion, lead to difficulties. If the authorities of the country in which a child had settled considered its presence to be useful, it might decide to keep it. Conversely, it might decide to send the child from the country for general rather than particular reasons.

She would suggest that the Legal Sub-Committee should be asked carefully to consider the difficulties which might arise under the article. In view of the fact that the Convention had to do with minors under the legal custody of parents or guardians, the final decision should, in her view be left with the Government of the country of origin.

M. DE NAVAILLES said that the present draft Agreement must be regarded as setting up an exceptional procedure, intended to avoid the necessity for recourse to the Courts. Failing such an agreement, the parents or guardians who desired to recover the custody of a child must go before the competent court, which would examine the rights claimed and all the relevant circumstances of the particular case. This judicial procedure, in cases where a minor had crossed a frontier, involved considerable delay and complication; the Convention was designed to make resort to the courts in certain cases unnecessary, by substituting for the normal judicial procedure simple administrative measures. The parents or guardians, instead of applying to the courts, would apply to the administration. No judgment would be required. The administrative authorities of the country in which the child had settled would be asked whether, in their opinion, the request for the return of the child was acceptable.

In his view, it was for the authorities of the country in which the child had settled to decide the question. It might be assumed that the Government of the country of origin would not transmit a request that a child should be returned, without accompanying that request with a statement of the facts and reasons for which the request was preferred. The authorities of the country in which the child was resident would, presumably, question the child and the people with whom it lived. If valid objections to the return of the child to its home were raised, the matter would be discussed with the authorities which had put forward the request, and would be settled according to the circumstances of the case. He did not think it was possible to lay down categorically that the decision should lie with the authorities of the country of origin. Otherwise, there would be no reason for any exchange of views between the authorities of the two countries, and in practice every request that a child should be returned would automatically be accepted.

He felt, on the other hand, that the agreement as at present drafted appeared to ignore the rights of the parents and guardians. This, no doubt, was not intentional. He was certain that,

if the country of residence refused to return a child to its parents or guardians, the latter could always resort to judicial procedure and bring the matter before the courts.

Mme. ROMNICIANO (Roumania) pointed out that there might be cases in which it was not at all desirable for a child to be returned to its parents in the country of origin. She had known the case of a child of Roumanian parents which had been given shelter by a Swiss family. The Roumanian parents had claimed the child, but after making enquiries, Mme. Romniciano had satisfied herself that the best interests of the child would be served by leaving it with the Swiss family, and she had obtained the consent of the police at Bucharest not to facilitate its repatriation.

Dr. POLLIGKEIT thought that in certain cases the right to decide lay with the country in which the child was resident. There might be other cases in which the authorities of the country of origin were in a better position to appreciate the facts and special circumstances of the case.

He would suggest that paragraph 2 of Article 2 should be amended. It might be laid down that any regular request for the return of a child presented by the authorities of the country of origin should be accompanied by a statement of facts and reasons indicating that it was to the interests of the child to return. The authorities of the country of residence should be allowed to formulate their objections. In the last resort, the country of origin should decide the question.

Mr. HARRIS (British Empire) said he was going to suggest an amendment on similar lines. The interests of the child must be the governing consideration, and it should be remembered that children did not run away from home without good reason. He would propose that any application for the return of a child should be accompanied by evidence establishing the fact that its return was really likely to be beneficial.

The CHAIRMAN said that, speaking as representative of Italy, he could not accept paragraph 2 of Article 2. All the problems relating to repatriation must be very carefully considered, both from the point of view of the interests of the children and of the two countries concerned. Paragraph 2 of Article 2, in his opinion, unnecessarily complicated the procedure whereby a child might be returned to the care of its parents or guardians. The decision in such cases was left in the hands of two different authorities, namely, the authorities in the country of origin and in the country of residence of the child. These authorities might hold different views. He did not think that the new procedure was necessary, or that it would tend to simplify existing practice. Under the present system, the courts in most countries executed decisions concerning persons of foreign nationality, decisions which were taken by the courts of the countries to which those persons belonged. Under the present article, serious conflicts of jurisdiction and legislation might arise, and none of these problems were adequately dealt with in the draft Agreement.

M. REGNAULT (France) proposed that, in order to settle the problem which had been raised in regard to the rights of parents and guardians, paragraph 2 should be completed as follows: "without prejudice to the rights of the person or persons entitled to exercise paternal control or legal custody to take action before the courts of the country concerned".

M. POSNER (Poland) suggested that the Legal Sub-Committee should be asked to revise the text of the Agreement in the light of the observations which had been made. He thought the Legal Sub-Committee now fully understood the point of view of the Committee.

M. REGNAULT (France) presumed that the Legal Sub-Committee would be asked to revise only such articles as had been amended and discussed.

Count CARTON DE WIART (Belgium) thought that the whole draft should be referred back to the Legal Sub-Committee. That Sub-Committee would certainly never intend and had never intended to prejudice the rights of parents or guardians to appear before the competent courts. The aim of the Agreement was merely to make it possible for States to reduce the cost and the delay involved by the present procedure.

Mr. HARRIS (British Empire) approved the suggestion that the Agreement should be referred back to the Legal Sub-Committee. He thought, however, that the main Committee should clearly indicate its views on all the questions of principle, more particularly on the question of principle raised in paragraph 2 of Article 2. If the parents or guardians of the child desired its return, there were two sets of authorities involved, those of the country of origin and those of the country of residence. The Committee must itself decide which of these authorities should take the final decision.

*Articles 3 to 6.*

No observations.

*Articles 7 to 13.*

Count CARTON DE WIART (Belgium) said that the remaining articles of the Agreement were merely formal in character.

There were still two questions to be decided. Was it necessary to state clearly that nothing in the present Agreement prejudiced the existing rights of parents and guardians before the competent courts? He thought that this matter should be dealt with in a special article, or should be mentioned in the Preamble.

The second question was that of knowing which authority would decide whether a child should be returned to its parents or guardians. Every member of the Committee agreed that the interests of the child constituted the only criterion. Would it not be possible to lay down that in no case should the authorities of the country of origin request that a child should be returned unless it was satisfied that the return of the child was in its best interests. Concurrently, it might be laid down that the authorities in the country of residence should not accede to such a request unless it was also convinced that the return of the child was, from that point of view, desirable.

M. AMADOR (Spain) suggested that the Legal Sub-Committee might also consider whether it was not desirable to suppress all the formal or protocolary articles. These articles were not likely to be of much use in a bilateral Agreement.

---

FIFTH MEETING.

*Held on Monday, April 15th, 1929, at 3 p.m.*

---

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

Present: All the members of the Committee or their substitutes, with the exception of Dr Paulina Luisi, Miss Abbott, Mr. Bascom Johnson, M. Valdés-Mendeville and Miss Whitton.

M. Kàdàr, representative of Hungary, was also present, and M. Ruppert and M. de Navailles attended in the capacity of experts.

**113. Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People: Draft Resolution proposed by Count Carton de Wiart.**

Count CARTON DE WIART (Belgium) said that, after the discussion that had taken place at the preceding meeting, he had thought it opportune to present a draft resolution summarising the main arguments which had been considered. Count Carton de Wiart then read the text of this resolution, which was as follows :

“The Child Welfare Committee has noted with interest the provisional draft international Agreement regarding the repatriation or return to their homes of children and young people who have escaped or been removed from the authority of their parents or guardians and are abroad.

“It is of opinion that the term ‘repatriation’ should be removed both from the title and text of this provisional draft. It thinks it necessary that the provisional draft should state clearly :

“1. That the interests of the minor must be given first consideration both by the authority making the application for the return home and by the authority to whom it is addressed.

“2. That the contemplated Agreement does not affect the right of persons invested with paternal power or with the right of custody to have recourse to the courts, since the aim of the provisional Agreement is to enable minors to be returned to their homes more rapidly and at less expense than by judicial means, and not to abolish or restrict the right to apply to the courts in accordance with the laws of the respective countries.

“Taking note of the reservations made by the Italian delegate, the Child Welfare Committee refers the provisional Agreement for examination by the Legal Sub-Committee, requesting it to submit an amended text which will take into account the considerations set forth above.”

M. POSNER (Poland), pointed out that no time-limit had been fixed for the presentation of the scheme and suggested that the words “during the present session” should be added.

*The draft resolution, as amended, was adopted unanimously.*

**114. Provisional Draft Convention on Assistance for Minors of Foreign Nationality (document C.P.E. 197) : General Discussion.**

M. REGNAULT, (France) said that the Legal Sub-Committee had closely examined the question in the course of several meetings held in Paris. The Sub-Committee had realised that the scheme might give rise to objections, particularly from the point of view of its administrative application, and had therefore thought it desirable to submit it to experts. It had been able to profit by the valuable assistance of M. Delaquis, M. de Navailles and M. Ruppert, and finally had accepted unanimously the proposal which was now before the Committee.

The SECRETARY read the introduction, commentary and text of the draft Convention.

Mr. HARRIS (British Empire) understood that the main idea underlying the draft Convention was that the sums expended on the maintenance of an alien minor in the country of residence should be reimbursed to that country by the country of origin. This idea constituted a departure from the more generally adopted practice, which was that the relief given should be at the charge of the country of residence, and he wondered how far such a departure was justified. He believed that in its application the Convention would meet with many difficulties. For instance, since the cost of maintenance differed in various countries, it would not be easy to determine a standard. Difficulties would also arise in connection with the exchange. Mr. Harris believed, moreover, that the application of the Convention would be particularly difficult in overseas countries such as the United States, Canada and Japan. He would be glad if some of the experts would state how far, in their opinion, the proposed scheme represented the best current practice.

M. DELAQUIS said that the principle of placing the cost of maintenance at the charge of the country of origin was not by any means a new idea. It had been accepted in the draft Paris Convention of 1912, and introduced in the recent Scandinavian Treaties, in the Franco-Belgian and Franco-Polish Treaties and in the draft German-Swiss Treaty. If it were considered desirable to avoid repatriation as far as possible, this principle constituted some guarantee, since the effect of the reverse principle was that the country of residence always tended to repatriate the minors for whose maintenance it was responsible. It was true that the cost differed in the various countries. In theory, this should have led the promoters of the scheme to go further than they had done, and to contemplate the standardisation of the assistance to be given, but such a step would be impossible in practice, since it would result in an obligation for certain States to provide a greater degree of assistance to minors who were aliens than to their own nationals. With regard to the time-limit, this might be made dependent on geographical considerations.

Mme. ROMNICIANO (Roumania) thought the Convention a masterpiece from the humanitarian, social and moral points of view, and also in respect of its legal drafting. She feared, however, that its application would give rise to numerous difficulties which would complicate the emigration question—a question which had a very important bearing on the economic situation at the present time—and she feared that, however fine the Convention might be, certain Governments would find it extremely difficult to accept it.

Mme. Romniciano wished to draw attention to the following sentences in the concluding paragraph of the commentary upon Article 5 :

“Paragraph 3 refers to the special case of a minor who is in moral danger. The Sub-Committee had in mind more especially the case of girls who, having lost their employment, and being without resources, might otherwise drift into prostitution. In this case, repatriation may be affected without previous notification.”

She believed that repatriation under these conditions would not only be extremely dangerous but almost cruel, since it would expose the girls to worse dangers than those from which they had been removed.

Dr. POLLIGKEIT said that, as the initiator of this scheme, he had read with satisfaction that it had been adopted, in principle, by the Sub-Committee and also by the experts who had, however, raised one essential reservation—the question whether it would be possible to limit an international Convention on assistance to alien minors without extending it to adults also. The Legal Sub-Committee had examined this question and had suggested that it would be preferable to limit the scope of the Convention to minors who were living outside their family in a foreign country, particularly in cases where the parents had either disappeared or were unknown. Such a Convention would not, of course, be a far-reaching one. The main question to be considered was, however, the immediate purpose which it was intended to serve.

Dr. Polligkeit had examined twenty-five international treaties of assistance and relief, and had been in a position to realise how widely the principles most commonly followed in granting assistance differed from those at the basis of the draft Convention. It was not, therefore, to be expected that the Convention would secure a large number of ratifications. Its real value would lie in the stimulus it would give to Governments towards supplementing the deficiencies in their existing legislation. At present, the child was generally regarded as having the same status as a man, no recognition being given to his special rights. It should, however, be the duty of the State to guarantee the child's education, and the Convention, whether ratified or not, might serve as a basis for discussion on this point.

M. REGNAULT (France) said that the Sub-Committee had found in Dr. Polligkeit, who had also assisted in the drafting of the Paris Convention of 1912, one of its best collaborators. The Sub-Committee entrusted with the study of the question of assistance to children had not been able to limit that assistance to maintenance and medical care ; it had had to deal also with the education of the child and assure its moral upbringing. On these matters, there were very few precedents to which reference could be made ; nevertheless, as regards France, the question was not a new one. France had already concluded reciprocal Conventions on this subject with Poland, Belgium, Italy and Luxemburg, and other Conventions were in course of preparation.

M. Regnault agreed with Dr. Polligkeit that the draft before the Committee was a particularly interesting demonstration of humanitarian ideas, since it was based on the interest of the child, a consideration which should take precedence over all others.

M. KADAR (Hungary) said that the first question to be considered was whether there was any justification for discussing this scheme, when the Committee had already placed upon its agenda and accepted a preliminary draft Convention for the repatriation of minors. A reply had already been furnished by Count Carton de Wiart, a great authority on child welfare, who had stated that bilateral Conventions appeared *prima facie* to offer great advantages for the settlement of this question, particularly in view of the fact that there were already a certain number of these Conventions in force. Moreover, one of the leading principles in the report of M. Georges Rondel to the First General Conference on Child Welfare had been that, in view of the difficulty of obtaining uniform regulations in the various countries, the best course was, without relinquishing the endeavour to obtain legislative equalisation, to bring about reciprocal conditions of assistance by merely assimilating the foreigner to the national in each country in respect of his right to public assistance.

M. Kadar thought that a report should be made on this question, not only in its theoretical aspect, but from the point of view of the thousands of children on whose behalf an agreement should be concluded without delay. At the end of the preceding year, there had been 72,000 abandoned

children in Hungary. This enormous figure was due to a great extent to the special Hungarian system of child protection, and on the other hand to the general distress created by the depressed economic position of the country. Under laws passed in 1901, all abandoned children were entitled to be brought up at the expense of the Public Treasury, and a Decree issued in 1925 by the Minister of Social Assistance in Hungary had laid down that any child under fifteen years of age, without means, and without relations who might be expected to undertake his education, should be declared an abandoned child from the material point of view. Moreover, an abandoned child who, either on account of neglected education or of the harmful influence of his environment, was subject to depravation should be declared an abandoned child from the moral point of view.

In the Agreement under discussion, the ideas of repatriation and of the return of minors to their homes had been regarded as one. Several speakers had protested against this identification, for in most cases abandoned children had no suitable home, and the problem of their repatriation, unlike that of children who had escaped from the custody of their guardians, was a very serious one. Finally, the resolution of the Legal Sub-Committee left the details of repatriation to special agreements.

Further, most of the abandoned children had no legal country of origin, for under the terms of Article 61 of the Treaty of Trianon, nationality could only be acquired by those who had had the "indigénat". This expression referred to a *mixtum compositum*, which was based upon the place of birth of the parents, the place of residence, and, finally, on the payment of direct communal taxes. Consequently, the majority of the abandoned children (approximately 30,000 or 40,000) had no "indigénat".

The conclusion of such an agreement would, however, be not only in the interest of Hungary and of Hungarian children, but also in the interest of other Succession States, such as Czechoslovakia. Hungary had proposed the conclusion of the agreement to those States which were her neighbours as well as to Italy and Poland.

In view of the fact that the settlement of the question in Central Europe was in the interest of international child protection, M. Kàdàr ventured to submit the following resolution :

"1. The Committee thinks that assistance to and repatriation of minors of foreign nationality should be settled by bilateral agreements or conventions completing the preliminary draft international agreement.

"2. The draft Agreement submitted by the Hungarian Government meets the requirements of child welfare from the international point of view and is suitable for the development of the question on the agenda."

M. RUPPERT wished to present certain observations of principle. There was no doubt that the present period was one in which humanitarian thought and activities had made great progress. This fact might be recognised not only in the life of each nation, but also in its relations with other nations. It was sufficient to recall one fact which was very familiar to the Committee ; the establishment of the International Relief Union, which had been due to the noble humanitarian spirit of Senator Ciruolo. The Committee might, however, notice in its own sphere of work the beginning of a change of ideas on a matter of principle. The international law on relief which governed the right of foreigners to this relief had hitherto been dominated by a tendency more or less to neglect the personal interest of the individual.

In treaties of assistance the main question was the strict application of the principle of nationality. The principle, which now seemed rather a hard one, that indigence should always be identical with restriction of liberty of residence had everywhere held good. It was true that this principle had been shaken, from time to time, by optional Conventions resulting from humanitarian conceptions evolved in the different States. Both in inter-State treaties and in the administrative systems themselves there existed regulations whereby indigents were allowed to continue to reside in the State in which they were domiciled, on condition that the country of origin should manifest its good-will by meeting the cost of maintenance. As far as he was aware, however, no regulation existed whereby it was the duty of the State in which the indigent was resident to abstain, for humanitarian reasons, from expelling him.

The scheme presented by the Legal Sub-Committee was an important step forward. Under the terms of the proposed Convention, the expulsion of an indigent minor could neither be required nor carried out if his material and moral interests, which had been carefully defined in the draft, were thereby threatened. It was therefore the duty of the State to take the humanitarian aspects of the case into account, irrespective of financial or other considerations. This duty, it was true, amounted, in a certain sense, to a renunciation by the State of its sovereign rights in respect of the alien minor resident in its territory. This reaction was, however, really a progressive movement, for, in a period when humanitarian aims were steadily gaining strength, individual distress could not possibly be placed at the mercy of excessive claims of sovereignty on the part of the State. If the Legal Sub-Committee's work were to succeed in inducing every State to abstain, on account of humanitarian considerations, from expelling indigent alien minors, the lengthy studies that had been undertaken in that sphere of international law would not have been fruitless.

The CHAIRMAN closed the general discussion and said that the Committee would consider the individual clauses of the draft on the following morning.

#### 115. International Educational Cinematographic Institute at Rome : Statement by the Director of the Institute.

M. de Feo, Director of the International Educational Cinematographic Institute at Rome, came to the table of the Committee.

M. DE FEO read the following statement :

"I trust that the members of the Committee will pardon me if, in setting forth the views of the Institute of which I have the honour to be Director, I say a few words as to the lines on which we are examining and studying the great problem of the social character of the cinematograph.

"The cinematograph as a means of propaganda, culture and education has very special effects upon, and is of particular importance to, the mind and intellect of the child.

"The mental and physical life of the child are dominated solely by instinct. The stimuli which determine its acts are external, motor and sensory, and take the place of the will. A child, even a normal child, is almost entirely devoid of the critical sense derived from knowledge, reasoning and reflection.

"Consequently, any external action which is impressed upon the mind and intellect will make a deeper and more lasting mark upon a child or young person, since, in an adult, habit and the material and mental needs imposed by the struggle for existence, prevent the destructive effects of external action from being felt to the full.

"On the mind of an adult, to whom life in all its manifestations of joy and suffering has become a familiar thing, an impression normally flows past like the waters of a river. It can only produce marked reflex phenomena upon particular elements, shaped in some special fashion under the action of a psychological and pathological subjectivity. The phenomenon is precisely inverted in young persons. What is the exception for the adult is the rule for the child or adolescent ; indeed it is only in a few privileged beings that we find in childhood a reasoning faculty superior to the normal, a capacity for reflection and a critical sense of things experienced, such as can prevent any external action or impression from producing marked reflexes.

"Maurice Maeterlinck, the Belgian poet of nature and beauty, rightly defined the cinema as life enlarged and projected across a limitless space, like the accumulation of all individual examples and the sum-total of the experience of thirty persons and thirty years of concentrated life, at a given moment, in a single instant."

"Except in the very few countries where strict regulations on the matter exist, the crowds which throng cinema-halls contain an astonishingly large proportion of children. The numerous studies which have been made and all the statistics which have been compiled in America, although they differ substantially among themselves, agree in confirming this fact.

"In Australia, an enquiry carried out by forty teachers (report by Dr. Humbert, delegate of the Red Cross Societies) reveals the fact that 54 per cent (fifty-four per cent) of the children visit the cinema at least once a week, and 46 per cent (forty-six per cent) occasionally.

"In North America, as I have said, some 25 per cent (twenty-five per cent) of habitual cinema-goers consist of children under twelve years of age. What is still more remarkable, and indeed most significant, is the difference between the figures for towns and those for rural centres. In certain country districts, 37 per cent (thirty-seven per cent) of habitual cinema-goers consist of children under twelve years, whereas in the towns this proportion falls to 5 or 7 per cent.

"The proportion varies according to the particular day of the week. On Saturdays and holidays in general, the proportion of minors may amount to as much as 90 per cent (ninety per cent) of the total audience in suburban cinemas. Further, when we remember that, according to the latest statistics, the number of persons attending cinemas every week is 100 millions in the United States alone, we realise still more clearly the exceptional magnitude of this problem.

"The chief attraction of the film lies in the fact that it appeals to the child by an animated reproduction responding readily to the child's individual mechanism, avid as it is of all movement and ignorant of the processes of abstract logic. As Dr. Lampe recently observed, children think by the association of ideas—mainly visual ideas. Moving pictures are unrivalled in the eloquence of their appeal, they favour intellectual sloth, while at the same time they can depict that most fascinating element of modern life—speed. They are simply a rapid succession of acts, which can, moreover, be rendered still more rapid by accelerating the movement of the apparatus. As Maurice Rouvroy very rightly observes, they thus create the twofold illusion of a dream and of rapid action.

"The cinema acts upon the child's mind as a force or element in different ways, and it is, I think, the duty of our Institution to study the whole of this subject under your direction.

"1. As statistics show, the proportion of children among cinema audiences is relatively much higher in the case of minors than in that of adults. According to a demographic report, upon absolute populations and age-categories, it was proved on the basis of enquiries made in cinema halls themselves that the greatest proportion of the spectators consists of persons up to eighteen years of age, with a still more marked preponderance of children up to twelve.

"As I have stated, this preponderance of minors is still more marked in small towns and in country districts than in large towns. The logical explanation of this fact lies in the different way of life among adults and in the greater desire of the manual or intellectual worker, after a tiring day, to seek some form of leisure which will not require the cerebral fatigue, even though relatively small, entailed by a cinematograph entertainment.

"The proportion of children in audiences is a most important factor, in view of the very special psychology of minors. A cinematograph picture cannot give rise to marked reflex phenomena ; the impression it can make on a mind comparable to soft wax is necessarily slight and transitory. It is the repetition of such a picture, the increasingly frequent and rapid sequence of impressions, which help to form a sensitive state of mind, deeper and vaster if the mentality upon which the sensation is engraved bears no previous mark. The dangerous effect upon a minor is therefore

more serious if the cinematograph picture is such as to produce particular states of mind which will remain and will recur in the life of the person experiencing them.

“The cinema is to-day a typical means of depicting social life. It helps in a most marked manner to define life itself and to reveal environment ; and in this it is much more effective than the other educational processes—the spoken word, the book, the newspaper—can ever be.

“It seems evident indeed that means of imparting ideas, of engraving them upon a receptive mind, are effective in proportion to the extent to which those means themselves are capable of expansion.

“The psychological mechanism which blends the real with the imaginary can be explained from the assimilation which takes place and the complexity of association, relatively elementary though it may be, that exist during cinematographic performances.

“Besides the number of children among cinema audiences, there is another phenomenon which may be observed and which may open up a fresh and very complex field of investigation, namely, the different influence which the cinematograph exercises on the male and the female mind.

“In the case of minors, the problem is more serious. The latent criminal slumbering in the soul of every child may awaken at any moment. At about the age of fourteen or fifteen, as M. Destrée says, a child is a potential delinquent, urged by his instincts to rebel against law and order. At the age of sixteen, a young girl is seething with sensual passion. Violence, theft, misdemeanour or the proclivity to misdemeanour which calls for cunning, find a ready field in the minor. Crimes of passion, or a tendency to such crimes as well as to sensual delinquencies, find a congenial soil in the soul of the young girl.

“2. *Degree of culture.*—A certain degree of intellectual attainment, of understanding of the written or spoken word, is required before books, words, newspapers can be understood. No unlettered person can conceive the reality of life, except in a very embryonic manner, within the narrow limits of his mental capacity. In this respect children stand on much the same plane as the illiterate, or at any rate the all-but-illiterate. The cinematograph surmounts this difficulty at a bound. Even if the captions cannot be read or correctly understood, the plot can be clearly and intelligibly followed ; indeed it is even clearer, more intelligible and more dangerous if the corrective sometimes supplied by the captions is wholly absent.

“3. *Fatigue.*—The element of cerebral and sensory fatigue is of fundamental importance for the examination of the problem as a whole. In the case of books, newspapers, and of oral teaching itself, brain fatigue has absolute and clearly defined bases, which are the more clearly defined and accentuated (as regards the degree of fatigue) through the very fact that the book, the newspaper and the spoken word themselves contain elements which influence cerebral or mental activity.

“Fatigue breeds boredom. The book is thrown aside. The newspaper is neglected or only the principal headlines are read. The spoken word is soon forgotten.

“The cinema, on the other hand, gives a sensation of pleasure. The very phenomenon of light, colour and visual representation, purely psycho-sensorial as it is, wards off any feeling of fatigue and enables a different, an elementary state of mind to be formed (distraction), which is a functional element of variety and therefore of pleasure.

“Hence the ever-growing power of this fresh conquest of our century as an instrument of propaganda—an instrument so potent, even among the comparatively uncultured (in India, the cinematograph is now regarded by men of science and teachers as the chief means of imparting instruction) through the impression of pleasure that it produces, that the film is, perhaps inevitably, destined in the near future to be the legitimate heir of all the other creative and suggestive forms of art, culture and science.

“We must remember that in the Indian jungle, where the Buddhist tradition, handed down from the mystic solar conception of the lives of the Brahmins, confined culture entirely or almost entirely to a sacerdotal caste ; in the far deserts of the Sahara, where life is sunshine, solitude, spiritual calm and a perpetual struggle with the varied conditions brought about by the constant need to strive in self-defence ; on the snow-clad heights that tower into the sky, where the din of cities is distant as a dream ; in all these varied climes and places the cinema represents to-day, and will represent still more effectively tomorrow, a penetrative, a diffusive, an educational force, since it is agreed that within certain limits the cinema may have an educational value !

“This will suffice to show the danger that may arise if the nations receive a false and erroneous conception of the cultural and educational value of the film.

“The degree of fatigue disappears through the psycho-sensorial formation of the state of mind brought about by the picture. It will remain and will become a definite reality on one condition only, and that unfortunately a condition which is normally present, namely, if the film is long. Mental or cerebral fatigue can be overcome in a short film by means of a factor which is essentially of a fortuitous nature—the material impossibility of fatigue on account of the very shortness of the performance. In long films this phenomenon does occur, but not as the immediate outcome of other cultural forms of life and thought ; it comes later, mingled with the feeling of pleasure which combats fatigue, and in the psychological field overcomes it, reduces it to such small proportions as to make it seem derived from some other state of mind, from some other set of circumstances—to make it seem, in fact, in the mind of the spectator as if it were only indirectly connected with the original causative phenomenon : the sight. Nevertheless, fatigue does exist as a subsequent phenomenon, and is a source of harm to the mind and health of the child.

"The invaluable report published on March 19th, 1928, by the Child Welfare Committee shows the results of the frequency of the visits to the cinema made by children and young people, who have to learn to live and to observe with their minds and not with their nerves or their bodies.

"As the report says, we should not blame the cinema for all the ill-health that befalls the children who attend it. Thus there are other causes than the cinema which explain why so many children nowadays have to wear spectacles; Dr. Hein, the Danish delegate, mentions in this connection excess of schoolwork. Nevertheless, it is undeniable that the rapidity of the impressions necessarily produced on the retina at a cinematograph performance leads to visual tension and an influx of blood into the organ itself, complicated by a difficulty of adaptation, a kind of blinding, if the spectator is not placed sufficiently far from the screen. This fatigue is still more accentuated in the case of worn films, and eventually impairs the eyesight itself.

"4. The cinema is pre-eminently a representative element, a reproduction of the phenomenon of life; and therein lies its greatest danger.

"Life as represented in the cinema is almost entirely standardised. Psychological conceptions which are of a special and subjective nature become universal, thanks to its agency. A great and powerful actor and a great and powerful film plot can alone be regarded as the creative elements of a subjective life which differs almost entirely from the objective life shown on the screen. It is a life objective rather than universal, formed as it were on a single impression, having an industrial and commercial basis, and therefore unilateral in its nature.

"The logical consequence of this standardised conception of life is that life itself is travestied in an atmosphere of hustle and artificiality. Real life is becoming alien to, and a competitor of, life as shown on the film.

"The adult, using his (potential) powers of reflection and criticism, may be able to distinguish the false from the true, that which faithfully depicts life, wearying yet varied, as it is really lived, from the fictitious, bustling, dazzling life shown on the screen. But the child cannot draw any such distinction. He can learn from the film one thing only, that life is such as it is represented, and not the still unknown and incomprehensible thing that is happening all around him.

"And so is born the coming conflict between a state of mind based on a series of sensations and the sharp and painful contact with reality.

"So is born, too, perhaps, the need to bring into life as it is—life full of suffering and pleasure—the impression of the sham life that has been learned from the screen, in order to form a kind of mental cloak. This can to a certain extent be remedied by education, but the process will be much more difficult than if the stamp of education itself could have been impressed upon a mind like virgin wax. In other cases, children and young people will be left to their own devices, and the false and artificial conception of life which they have formed will remain with them always.

"If it were possible to-day to carry out an enquiry in schools, and particularly elementary schools, the conclusions that would be reached would be most impressive.

"If a thousand children were asked who was their pet hero, they would be much more likely to say and much more eager to talk of Charlie Chaplin, Rudolph Valentino or some well-known actress than of a Lincoln, a Napoleon, a Mazzini or a Shakespeare. In other words, they could tell us more of the fascinating but sham heroes, the false prophets of the screen than of real creatures of thought and action.

"Children to-day are far more eager and enthusiastic to collect photographs of heroes of the screen than those of the heroes of the human race, of life and of thought. The picture of some pensive philosopher of Greek or Roman civilisation may to-day raise a smile on the lips of the child, while the face of some popular film actor, having perhaps no other asset but a photogenic countenance and with no idea or understanding of the lofty life of the mind, sways the emotions of the children of our generation.

"5. Further, the cinema gives a false or erroneous representation of life, not only through pictures but also through captions.

"As a part of what is seen on the screen, captions have great value by way of commentary, persuasion and correction.

"We cannot and we must not, of course, contemplate the creation of an immoral film, or even of a film which is suggestive of mental states psychologically dangerous to the child mind. There is, in any case, no doubt that the captions may be an element of strength or of weakness in the film—of strength, when the words act as a corrective of the exciting or dangerous picture; of weakness when the statements and allusions on the screen serve to enhance and reinforce the anti-social effect of the picture shown.

"It is beyond doubt that, even regarded as an element of strength, the caption has only a limited value from the point of view of correction and restriction.

"The danger is yet more serious, however, when the captions form nothing but a commentary of dubious or pernicious character.

"As a powerful factor in film propaganda, we must also mention and study the efforts made to attract the public to the performance by intensive advertisement. The immense posters, photographs, etc., exposed to public view are of such a nature as to call attention to the peculiar features of the film. Police enquiries have shown that the advertisement department often does not confine itself to the uncut parts of films approved by the censorship, but endeavours to show pictures or captions which the censors have cut out.

"This destroys the whole moral purpose of the censorship. It arouses in the spectator—



especially in the child, avid of emotion—an unsatisfied desire to see those passages which are not given in the performance, but which can be guessed at from the cuts made (often awkwardly) by the censors and from the advertisements.

“6. The censorship of films for the young goes so far—or should do so in theory—as to examine the value of the film in itself, and not merely of the captions.

“It has been ascertained that in very few countries is a definite distinction made, as regards production, between films intended exclusively for the young and films of a theatrical character ; there are merely age-limits for admission to certain cinema performances. As a general rule the censorship, as exercised to-day, suffers from three essential defects.

“Boards of censors are generally composed of persons who are unquestionably exemplary citizens, excellent mothers, Government officials worthy of the highest respect, but who are not psychologists, educationists or pediatricists—not persons who follow a definite and specific calling which makes them responsible for the care of the child mind and who strive gradually, carefully and with infinite tenderness to lift the veil of Isis which separates the eyes of the young from the spectacle of life.

“Further, the censorship boards may, and often do, state, that some particular performance is not suitable for children under fourteen or sixteen. It may easily be asked where the psychological life of the child begins and where it ends. The first question can readily be answered, but with the second it is otherwise.

“Puberty is one of the essential factors in intellectual development ; but it is not the only element—not even unquestionably the principal element—in the life of the mind. A person of fourteen or sixteen is still mentally a child. The danger is all the greater for the generations born during and since the war, because they have inherited a stock of nervous energy that did not exist before, and therefore they stand in particular need of care, help and love.

“Either the censorship must work on uniform lines for minors and adults, that is to say, it must be based on incontestable foundations of truth and spiritual health, or else there must be a definite distinction between the two classes. In that case, the limits between them must be accurately drawn, even as regards the practical danger which had frequently been revealed, and which consists in encouraging, from simple motives of financial profit, the clandestine or illegal admission of children to performances admittedly unsuitable for them.

“Another defect of the normal method of censorship is the problem of the close-up. This is suggestion pushed to extreme. We see enlargements giving powerful effects of horror, in which bestial faces appear with tragic, terror-stricken eyes, convulsed features, and often expressions of repulsive brutality and sensuality.

“The close-up is essentially a piece of suggestive advertisement which serves as propaganda for the film and increases its effect upon the eyes and upon the senses. The episode may be forgotten or passed over, but the particular impressive feature is engraved upon the matter of the brain, and takes root in the hidden depths of the mind.

“7. The most serious defect of the cinema, so far as children are concerned, is its confusion—unintentional, of course, but inevitable owing to dramatic exigencies—between the conceptions of morality and non-morality.

“The cinema confuses and carries away the spectator. The beautiful, the sacred, the pure, fall into oblivion or become a laughing-stock. The principles of authority and subordination fade into the background or are held up to ridicule on the film. Woman is represented only superficially, not in her magnificent and divine mission as mother and teacher. As a general rule, she is nothing more than a smiling and fascinating siren, ready to break all the ten commandments with the utmost casualness and then ending up on the screen with a triumphant victory or apotheosis. Patriotism finds expression only in films of a specialised character, which are the rarest and probably not the best. The home where we were born, where we lived and suffered, the centre and starting-point of life and of future generations, is a palace of dazzling lights, where philandering goes hand in hand with tragedy, and the mire of life darkens the sun. But the little remote cottage where our mother lived in purity and tranquillity, where we said our first prayers, where we first learned to weep and came to the knowledge and suffering of life, is forgotten by the film !

“8. Another aspect of the problem is that of darkness. As long ago as 1925, the Italian delegate to the Child Welfare Committee, the Marquis Paulucci di Calboli, expressed his alarm at performances given in darkness, with promiscuous contact between the sexes, accompanied by suggestive and exciting music, all of which, aided by the practical impossibility of supervision, is calculated to create an atmosphere appealing to the child's lowest instincts and most ignoble passions.

“In the Martin report, of March 19th, 1928, the Child Welfare Committee proposed the adoption of special systems to obviate these disadvantages, and in this connection it recommended a book by Sir James Marchant, “The Cinema and Education”, for use in connection with school cinemas, and in particular for children's performances given in a diffused light.

“Further, in the surrounding darkness of the cinema all the activity of the senses is necessarily concentrated in the sense of sight. The normal child can be amused equally well in darkness by other aspects of life and thought ; the abnormal child feels the full fascination of the picture (Rouvroy).

\* \* \*

“My only object has been to make a few suggestions, but the members of the Committee themselves can furnish me with further indications, showing how our Institute, with all its confidence, enthusiasm and, I might say, religious sense of duty, should attack the problem.

"I have always felt that an institute whose object is to direct the international educational cinema movement cannot afford to ignore everything that is anti-educational, dangerous and pernicious. That is our essential reason for taking action.

"What now is our programme, for which we ask for the constant and energetic co-operation of the Child Welfare Committee ?

"First of all, to collect everything that has been written on the subject all over the world—books, pamphlets, articles, reports, accounts of enquiries, statistics, etc. To examine this material analytically, critically and in a spirit of international co-operation. There are countless social problems connected with the cinema ; many of them affect children and young people, and many concern all spectators in general. Some of these problems are, the cinema as a source of social strength or weakness ; the nature of a cinema as related to the social life of to-day ; the influence of the cinema on the spiritual and mental state of children and young people ; precocious criminality and morbid exaltation ; the development of abnormal nervous and psychic powers ; the development of sensual tendencies ; the influences of the cinema on the mentality of country-folk and uneducated persons in general ; the influence of the cinema on the formation of a civic, political, religious and national consciousness ; the influence of the cinema on the formation of manners, habits, standards of living extravagance, luxury, character, etc.

"Lest I try your patience, I will not continue the list.

"Our Institute desires, then, with your guidance and co-operation, to attack all these problems systematically ; to draw up detailed questionnaires with the help of qualified experts ; to carry out enquiries throughout the world, even in the remotest countries ; to make a world investigation into the exact views held by all the principal students, psychologists, philosophers, teachers, criminologists, sociologists, etc.

"All the replies to the questionnaires, all the material facts that can be collected, all the statistics that can be compiled, all the experiments that can be encouraged in specific areas where the assistance of specialists can be obtained—it is the desire of our Institute to submit all this material, at any rate so far as it concerns the problems of childhood and adolescence, to you or to a special committee of experts appointed by the Institute in concert with your Committee. We hope thus to secure, after dealing thoroughly, exhaustively and on technical lines with all these problems, an effective system of co-operation with the great cinema industry in researches designed to bring about a constant improvement in the type of film produced.

"Meanwhile, we rely upon the Committee and certain experts who are already assisting us to help in drafting the questionnaires and in deciding the lines on which they are to be framed.

"The Institute is entirely disinterested and sincerely enthusiastic. It has but a single thought : to prepare a large mass of material for your Committee ; to collect all possible information ; to co-operate to the utmost of its power in arriving at a practical result.

"The problem is grave and urgent. On every side organisations are being formed for study, enquiry and research. I do not hesitate to say that general co-ordination on definite lines is indispensable. That is what we wish to bring about. Since we are anxious to dispel the erroneous impression that international bodies are generally slow to move, we have attacked the problem deliberately and with energy, and we can assure the members of the Committee that our energy will but increase, so that in the brief space of a few months we shall already have a very considerable quantity of material to lay before you for study and comparison."

Count CARTON DE WIART (Belgium) was sure that all members had much appreciated M. de Feo's very interesting statement, which dealt with the substance of the cinematograph problem and outlined the work which the Governing Body of the Institute proposed to take up in connection with the relation between the cinema and child welfare. From the report submitted by its representative on the occasion of the first meeting of the Governing Body, the Committee had already noted the general direction of the work which the Institute proposed to do. The Committee would agree that that direction had been very happily chosen.

M. de Feo had justly observed that children possessed no critical sense, and that as their imaginations received all kinds of impressions, real life and fiction became confused and the shadows that appeared on the screen reacted upon the sensibility of the child and remained in its subconscious mind. The programme proposed by the Director of the Institute had, in Count Carton de Wiart's opinion, been admirably worked out, and he thought that the study of the problem should develop on the lines suggested by him.

On reading works dealing with the relations between the cinema and child welfare, Count Carton de Wiart had often been struck by the small amount of attention given to the necessity of supplying children with amusement and recreation by means of the cinema. The only aspect from which the cinema, as it affected children had been studied, appeared to be the purely academic and educational aspect. It seemed to have been forgotten that the cinema was for the child as for the adult, a place for recreation and entertainment. It must, moreover, be remembered that if children suspected that a film contained a lesson, they would be distrustful of it, whereas they were keen on seeing films which were intended solely to amuse.

Count Carton de Wiart was specially struck by the small number and mediocre quality of the films specially intended for the entertainment of children, when it was remembered that there were books and pictures which were so suitable for young people. Would it not be possible to obtain something of the same kind in the cinema ? All that had been done for the special entertainment of children in the cinema was the representation of serial stories, a little less spicy than those served

up to adults, or of so-called comic films which were often stupid. He would suggest that the Institute should pay particular attention to the production, exchange and dissemination of scenarios and films which should be specially prepared to satisfy the needs of the child mind for amusement and diversion.

Count Carton de Wiart had handed in a note on this question (document C.P.E. 210) and, while submitting the following draft recommendation, he would refer to the considerations that he had developed therein :

"The Child Welfare Committee requests its representative on the International Educational Cinematographic Institute to direct the attention of the latter to a study of the means whereby it may be possible to promote and encourage the production, exchange and representation of recreational films intended specially for children, and of a character to amuse them while contributing towards their intellectual and moral progress."

M. POSNER (Poland) associated himself with Count Carton de Wiart's welcome to the Director of the Cinematographic Institute and hoped that M. de Feo's visits to the Committee would become a regular institution, so that the Committee might have the benefit of his experience at each session. At the same time, the Committee must not forget that it was thanks to the initiative of its Chairman, the Marquis Paulucci di Calboli, that the question of the Educational Cinema had been first placed on its programme five years previously. It was a subject that would permanently require the attention of the Child Welfare Committee. It was a more prominent question than that of the school, since the school had become a habit and, if he might say so, a matter of police discipline, since if children did not go to school their parents were visited by the police and perhaps fined. Nobody, on the other hand, was forced to go into a cinema, and it was largely for that reason that children enjoyed going there and would do everything they could to attend performances of films from which it would be better that they kept away.

The cinema was a great power, but it was a power not only for good, but one that might also cause much evil. In this connection, it might be said that the opportunities presented by the cinema had been lost for a whole generation, since, instead of using the film as a means of education, the children of the past generation had been shown particularly revolting pictures of the most brutal forms of life, or other representations which were entirely untrue to life. The people of M. Posner's own generation had been accustomed to say that the cinema was stupid and was only fit for children and the uneducated, and it was because they had stayed away from it that they had failed to realise its power for evil as well as for good.

The International Institute at Rome, and the investigations which it was proposing to carry out, were a matter of concern not only to Europe but also to all countries in the world, and therefore M. Posner would ask the Director if it would be possible to prepare a bulletin, not so much to carry on any propaganda, as for scientific purposes, and to enlighten those interested in the question with a view to enabling them to show the new generation of children that the film was a different thing from life. It must be remembered that the cinema in these days had a far greater influence than music or pictures or theatres or lectures, and it was for that reason that M. Posner warmly congratulated M. de Feo on the policy adopted by the Institute, which would most certainly ensure a great moral, scientific and æsthetic advance. The cinema should combine beauty and truth, two things that it was hard to discover in any cinema. The sympathies of the Committee for the success of the Institute's work were secured to M. de Feo in advance.

Dr. Estrid HEIN (Denmark) expressed her gratification at the presence of M. de Feo, since she understood from his statement that the Institute intended to begin work by studying the impression made by moving pictures on the minds of children, and the psychology of children in relation to the films. Very little attention had been devoted to that question hitherto. Lately, however, the United States had taken up the matter. It was quite natural that this movement should come from that country, since it had both merits and sins in this direction. Dr. Hein hoped that the Institute would keep in touch with what was being done in America. At the same time, there appeared to be grounds for fear lest the Institute should develop into a purely masculine body. Mothers had formed some idea of the effects of films on the minds of children, and Dr. Hein would urgently press the necessity for representation of the mother's point of view in the work of the Institute.

Dr. HUMBERT said that the Institute met a real need. He hoped that it would be possible to group the voluntary organisations which had been formed for producing non-commercial films but which were unable to carry on their work owing to lack of funds. He sympathised with Count Carton de Wiart's proposal, but doubted whether the production of special films for the entertainment of children would be possible without a subsidy, since the number of performances of such films would be very strictly limited. It must be remembered that it would be difficult to find organisations which would be willing to finance the production of such films, since anyone concerned in the production of films would require to see not only the scenario but also a few concrete specimens of the finished film, since the scenario by itself might be misleading. If the voluntary organisations could be grouped together, there was every reason to hope that they would be able to co-operate fruitfully with the Institute in this work.

M. AMADOR (Spain) associated himself with the tribute paid to the Director of the Cinematographic Institute and with the very wise observations made by other speakers. At the same time, although he himself did not visit the cinema, he had observed from the posters and photographs that some improvement had taken place in recent years and that the more flagrant forms of criminal films had disappeared. He supported Count Carton de Wiart's proposal and promised to transmit it to M. Sangro, who would almost certainly consent to act upon it, since in private conversation he had often expressed similar ideas.

Mr. HARRIS (British Empire) thanked M. de Feo for coming to Geneva to give the Committee an account of the Institute's work. It was important that the Committee should be kept in close touch with the Institute and for this reason Mr. Harris hoped that the Director of the Institute would be able to attend future sessions.

Count Carton de Wiart's proposal raised an important question. All members must have been appalled by the films that had been shown hitherto and that were still shown to children. It must be remembered that one reason for the present state of affairs was the fact that the cinema was a family entertainment, and that therefore children were constantly shown films intended for adults. When the cinema first started, it would be recollected, the trade had attempted to provide special performances for children, but these had been found unprofitable and the practice had been abandoned. An attempt had recently been made again in London with a financial subsidy and the results had been fairly successful, but no permanent results could be obtained unless a financial subsidy were assured. Mr. Harris therefore hoped that the Institute would take up the question with the trade and that the trade would give any proposals made by the Institute favourable consideration, since to promote special performances for children seemed to be the only way of overcoming this difficult problem.

M. MARTIN (France) associated himself with the tribute paid to M. de Feo's very competent, well-written and carefully considered statement. He had no doubt that the Institute would succeed in establishing the educational cinema for which the Committee had always pressed. Thanks to the work of the Institute and to that now being done in America, M. Martin felt certain that Count Carton de Wiart's proposal for recreational and educational films would materialise and that, in this way, great progress would have been made in the amusements offered to children.

M. de Feo had said that the proportion of children attending the cinema was about 37 per cent of the general public. That was a very high figure and attention must be directed not only to the moral safety of the children, but also to their physical safety. In this connection, in 1926, the Child Welfare Committee had made, among others, the following recommendation :

"4. That each State should prescribe the necessary measures of hygiene and security in connection with the ventilation, the cubic capacity, the exits and emergency exits of cinema theatres, and should take steps as soon as possible to prohibit the exhibition of inflammable films."

The Committee had confirmed that recommendation in 1928, following on the discussion of the general report on the cinema question. The members had been much moved by the occurrence of fires in cinemas in France and Canada, causing in each case the deaths of about 120 children. Those fires were due to the inflammability of celluloid films. Everyone was aware that celluloid films were very inflammable and that, notwithstanding improvements made in the equipment of the projectors' cabins, in particular the installation of water screens, the heat developed by the arc-lamp sufficed to set celluloid films on fire. For a number of years, cellulose acetate had been substituted for celluloid, especially in the preparation of educational and scientific films. The results had been satisfactory so far as safety was concerned. In a certain number of countries, the public authorities had required the substitution of non-inflammable films for celluloid films. Non-inflammable films, however, were unfortunately rather more expensive and less durable than celluloid films, so that the latter were still allowed; hence, the danger of fire subsisted and disasters continued to occur. M. Martin then enumerated eleven disasters which had occurred owing to the inflammation of films, since the Committee's session in March 1928, and added that if he had subscribed to a press-cuttings agency he would probably have been told of other disasters.

In the previous year, M. Martin had proved to the members of the Committee by absolutely conclusive demonstrations that there were in existence two kinds of non-inflammable films, that one of them, called Ozaphane, was even practically incombustible, that its cost price was lower than that of the celluloid films and that two countries, Germany and France, were already producing it. Other countries could therefore imitate those countries and, if they did so, there was nothing to prevent the public authorities from following the example set in France, where inflammable films would be entirely prohibited from January 1st, 1932, and from requiring that, within as short a time as possible, the recommendation which the Committee had already made in regard to the prohibition of inflammable films should be carried into effect. In renewing that recommendation, the Committee would give further proof of the deep humanitarian sentiments with which it was imbued.

Mr. JOHNSTON congratulated M. de Feo upon his admirable statement. He was grateful to M. de Feo for coming to Geneva, because personal contact between the Child Welfare Committee and the International Cinematographic Institute was essential. Arrangements had already been made between the Institute and the International Labour Office in regard to labour films and the exchange of documentation. These arrangements promised success. Mr. Johnston was sure, on the basis of the experience of the International Labour Office, that, if the Committee adopted Count Carton de Wiart's and M. de Feo's suggestions, the collaboration between the Committee and the Institute would secure fruitful results.

The CHAIRMAN reminded the Committee that in the previous year it had voted an amendment to Article 5 of the Statute of the Institute, asking for three representatives of the Child Welfare Committee on the Governing Body. That request, however, had not been accepted. In the present year, the Committee was proposing to ask for the appointment of a second delegate on the Governing Body and, as that recommendation had the support of the Director of the Institute, it had every prospect of success. It would accordingly be necessary for the Committee to choose a member. It could not, unfortunately, choose Dr. Bäumer, because there were already two Germans on the Governing Body. He would therefore suggest the name of Count Carton de Wiart.

COUNT CARTON DE WIART (Belgium) reminded the Committee that it had unanimously recommended that women should be represented on the Governing Body of the Institute. If, however, Dr. Bäumer's nationality precluded the possibility of her nomination, he would be prepared to accept the Chairman's proposal. He thanked the Committee for the confidence it had shown in him.

M. DE FEO reminded the Committee that it had also to consider the question of the appointment of the Committee of Experts to act as liaison between the Child Welfare Committee and the Cinematographic Institute. He suggested that the women's view might be represented on the Committee of Experts.

*The Committee decided to renew its recommendation of 1926 in regard to the prohibition of inflammable films and adopted unanimously Count Carton de Wiart's motion in regard to the production of recreational films for children.*

---

## SIXTH MEETING.

*Held on Tuesday, April 16th, 1929, at 10.15 a.m.*

---

*Chairman : The Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Dr. Paulina Luisi, Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville and Miss Whitton.

M. Kàdàr, representative of Hungary, was also present, and M. DELAQUIS, M. RUPPERT and M. DE NAVAILLES attended in the capacity of experts.

### 116. Provisional Draft Convention on Assistance for Minors of Foreign Nationality : Detailed Discussion.

Mr. HARRIS (British Empire) desired the Committee to decide upon its procedure. Did it intend to discuss the draft Convention article by article, or to decide first the question of principle regarding the action to be taken when the Convention had been adopted? He suggested that the draft, when adopted, should be sent to the Council with the request that it be circulated to Governments. It would be impossible for the Committee to take any final decision with regard to the Convention until after the views of the Governments were known. The text therefore now to be circulated was in the nature of a preliminary draft, which would subsequently return to the Committee for final revision.

M. REGNAULT (France) was prepared to accept this procedure. He pointed out, however, that the Legal Sub-Committee had spent much time and care in preparing the Convention, which was worthy, therefore, of careful examination.

#### *Article I.*

M. AMADOR (Spain) said that the article contained a number of definitions of assistance. While they were in no sense limited in scope, he doubted whether it would be wise to make any mention of the precise nature of the assistance to be rendered to minors. At any rate, reference to "burial" should be avoided.

COUNT CARTON DE WIART (Belgium), in reply to Mr. Harris, hoped that the Council would either send the draft adopted by the Committee to Governments, or else would consider the possibility of summoning a Conference to consider it. It was essential, from the point of view of the Committee, however, to submit as perfect a text as possible. He therefore agreed with M. Regnault that the Convention must be carefully examined.

He agreed with M. Amador in thinking that the word "burial" in the enumeration of possible forms of assistance was somewhat macabre : he would suggest "funeral" as a substitute. It was important for the family of the dead foreign minor to know that he had been accorded a funeral equal to that given to an indigent national.

He considered that the second paragraph of Article I was somewhat laconic. The expression "minority" meant presumably the age of minority, and no reference was made to the definition of indigence. This should, he thought, be added. He would therefore propose that paragraph 2 should read : "The age of minority and the state of indigence, for the purposes of the present Convention, shall be defined by the laws of the country of residence".

M. ITO (Japan) agreed that the text prepared by the Legal Sub-Committee deserved careful examination, not only in so far as the principles contained in it were concerned, but also in regard to the form.

While he agreed with M. Amador that the word "burial" should be changed, it was important not to omit it altogether, for the matter was one of practical importance, especially in Catholic countries, and countries with a State religion. Very often great difficulty was experienced, by the families of foreigners who had died, in securing their burial according to the rites of their own faith.

As regards the second paragraph of Article I, he agreed to the amendment proposed by Count Carton de Wiart.

Dr. Gertrud BÄUMER (Germany) thought it essential to discuss the principle on which the Convention was based, in order that members should be in a position properly to advise their Governments. With reference to the list of the various kinds of assistance which could be afforded, she enquired whether the heading "education" included compulsory education in reformatories.

There was, however, another and a more important point. If the Convention conferred the same rights of assistance upon a foreign as upon a national minor, the former should also enjoy the same amount of protection as was accorded to the latter. Something should therefore be inserted in the article extending the protection of the laws of the country of residence to the foreign minor. It was not enough to provide money for the upkeep of the foreign minor ; it was also necessary to control the expenditure of the money. All the protective laws, therefore, such as those controlling foster-parents, health measures, etc., should be extended to cover the foreign minor.

M. DE NAVAILLES, while agreeing with Dr. Bäumer, did not think any amendment was necessary. The basis of the Convention was that the status of the foreign minor should be assimilated to that of the national minor. Once that principle was secured, the foreign minor would benefit automatically from all the legislation in the country of residence, including the protective measures applied to children.

In reply to a question from Dr. Bäumer, M. de Navailles explained that the term "assistance" should be understood in its widest sense, and should be held to cover not only economic, but every other form of assistance. This was clear, moreover, from the enumeration of the types of assistance which was included in the Convention.

Mr. HARRIS (British Empire) agreed with Dr. Bäumer that some mention of protection should be inserted in the article. As far as assistance, however, was concerned, there was no necessity to define it. The list included in Article I was not comprehensive and it was almost impossible for any such list ever to be so.

Dr. POLLIGKEIT said that the idea of mentioning protection in the Convention had originally been expressed in 1926 by M. Rollet. The real difficulty was that a definition of assistance common to legislation of all States did not exist. The term used in Germany was "Fürsorge". In some countries assistance was confined merely to poor relief. The aim was, however, to afford every kind of assistance to foreign minors. To insert the idea of protection would necessitate a change in the title.

M. REGNAULT (France) agreed with the first part of the proposal of Mr. Harris. The word "protection" should be inserted in Article I. He did not, however, think it possible to suppress the enumeration of the various kinds of assistance which could be afforded.

The CHAIRMAN supported the entire proposal of Mr. Harris.

M. DE NAVAILLES had no objection to adding the word "protection" after "assistance". As legislation varied considerably from one country to another, it had seemed desirable to indicate what "assistance" should normally include so that unification might gradually be achieved. It was for this reason that the Sub-Committee had enumerated the essential elements of assistance.

He was quite ready to meet the point raised by M. Amador and to change the word "burial" for the word "funeral". He agreed with M. Ito in thinking that some reference to funerals must be made. In the case of indigent minors, the family very often could not pay funeral expenses ; if it could do so, there was no reason why it should not be asked to reimburse them later.

Mme. ROMNICIANO (Roumania) said that measures for assistance and measures for protection were controlled by different authorities in Roumania. She agreed that the list of types of assistance should be maintained in the article, and also a reference to funerals.

Mr. HARRIS (British Empire) thought that a reference to burial immediately following a reference to hospital treatment was somewhat unfortunate. He would make the following proposal for the first paragraph of Article I :

"Each of the contracting States undertakes to grant to every indigent minor who is a national of any other contracting State the same assistance and protection as it grants to its own indigent minors. This assistance and protection shall be understood to include maintenance, education, medical treatment, and all other measures for the welfare of young persons."

Dr. HUMBERT thought it essential that protective measures be clearly defined. The organisations which he represented were much interested in such measures, in so far as emigrants were concerned. At present it was often very difficult for those organisations to ascertain exactly what protective measures they could claim on behalf of emigrants.

As far as burial was concerned, he thought that the reference to it should certainly be maintained. It was always a consolation to a family to know that their child had received a decent burial.

M. REGNAULT (France) urged the maintenance of the list of types of assistance. To omit it would give rise to continuous disputes between contracting States. It would be difficult, moreover, for him to agree to the proposal of Mr. Harris.

M. VARLEY pointed out that the change of title proposed for the Convention would give rise to some confusion between the Convention on assistance now before the Committee and the Conventions on the protection of workers examined by the International Labour Conferences.

The proposals regarding Article 1 were submitted in order, the Committee voting on each proposal.

*Title of the Convention.*

The Committee decided that the title of the Convention should be: "Preliminary Draft Convention on Assistance for Foreign Minors".

*Proposal of Mr. Harris.*

M. HARRIS (British Empire) withdrew his proposal.

The Committee accordingly adopted the first paragraph of Article 1, adding the word "protection" at the head of the list of types of assistance, and changing the word "burial" to "funeral arrangements".

*Proposal of Count Carton de Wiart regarding Paragraph 2.*

M. DE NAVAILLES thought that any change in the wording would be dangerous. He pointed out, for example, that a woman ceased to be a minor on her marriage even though she had not attained the legal age.

The Committee decided to maintain paragraph 2 unchanged.

The representatives of Japan and Spain voted for the amendment proposed by Count Carton de Wiart.

Article 1 was finally adopted in the following form:

"1. Each of the contracting States undertakes to grant to every indigent minor who is a national of any other contracting State the same assistance as it grants to its own indigent minors. This assistance shall refer chiefly to protection, maintenance, education, apprenticeship, medical attendance and health provisions, hospital treatment and funeral arrangements and shall be given to the same extent as to nationals.

"2. Minority, for the purposes of the present Convention, shall be defined by the laws of the country of residence<sup>1</sup>."

M. POSNER (Poland), on a point of order, drew the Committee's attention to the manner in which it was examining the draft Convention. That draft had been very carefully and conscientiously prepared by the Legal Sub-Committee. That being so, it was unnecessary for the Child Welfare Committee to resolve itself into a Drafting Committee and seek to make amendments in the text proposed. In his view, therefore, the Committee should, while reading each article in order to examine the principle contained in it, disregard drafting amendments. The Committee was not a legal seminary and members should not forget that, before the Convention was finally adopted, it would have been examined and re-examined by every Government interested and, in all probability, by an international conference.

M. ITO (Japan) would pay a tribute to the work of the experts. If, however, the Committee were to transmit the text without change to the Council, it could only do so provided that it disclaimed responsibility and made it clear that the draft Convention was the work of a Sub-Committee of Experts only.

M. REGNAULT (France) thought that such a procedure would have a very bad effect. He strongly urged the Committee to take full responsibility for the Convention. In order to do so, it was not necessary to waste time on purely formal amendments. Provided that the ideas meeting with the approval of the Committee were clearly expressed, that was all that was essential.

The CHAIRMAN said that the discussion should be confined to points of principle only.

*Article 2.*

Mlle. CHAPTAL (France) pointed out that the word *indigent* was no longer used in French legislation owing to its depreciatory meaning. The expression now in force was *personnes possédant des ressources insuffisantes* (persons possessing insufficient means). The adoption of such a phrase had enabled assistance to be granted in France, not only to the very poor, but also to the middle classes in need of it. She proposed that the same phrase be used in the Convention.

Article 2 was adopted in the following form:

"An indigent minor who possesses the nationality both of his country of residence and of another country, or whose nationality is uncertain, shall for the purposes of assistance be considered as a national of his country of residence."

Articles 3 and 4 were adopted without change.

---

<sup>1</sup> Unless the contracting States agree on some other principle.

*Article 5.*

Dr. Estrid HEIN (Denmark) said that, as she had not received the draft Convention before leaving her country, she had not had the opportunity of discussing it with experts, a practice to which she usually had recourse in matters regarding which she had no personal experience.

She was, however, unable to accept the final paragraph of Article 5. As worded, it seemed that the country of residence was considered as being able to deal with all other conditions except that of moral danger. The procedure suggested amounted to what was in effect expulsion and was therefore somewhat cruel.

It should be remembered that the Committee dealing with the expulsion of prostitutes intended to make provision for these persons to be properly cared for by private associations.

She proposed the deletion of the last paragraph.

M. DELAQUIS pointed out that the paragraph to which Dr. Hein had objected was designed to cover cases of moral danger. In such cases it was essential to act quickly. The normal course was through diplomatic channels, which took a very long time. If, however, provision was made for immediate repatriation, it would not be necessary to go through these channels and the minor would be saved before the danger materialised.

Mr. HARRIS (British Empire) urged that the final paragraph should be deleted. It might well have the opposite effect and increase the chances of moral danger. By the terms of the Convention, contracting States were bound to afford protection to minors and this protection must be extended to cover not only physical, but also moral dangers.

Dr. Gertrud BÄUMER (Germany) said that this paragraph raised the general question of the contact to be established between the authorities of various countries dealing with such cases and the form which that contact should take. The German authorities were always anxious to get into direct touch with the corresponding authorities in other countries. If means for establishing proper contact were provided, then it would be possible to delete the paragraph. Instead of stipulating that the minor could be repatriated without previous notice, could not the authorities be notified, in order that they could take the necessary steps to provide for his or her welfare on arrival?

Dr. POLLIGKEIT said that this paragraph was all that remained of the proposal which he had made to insert a special article to cover the case of young persons who had obtained employment abroad with the consent of their parents and who had subsequently lost it, thereby running the risk of being exposed to moral danger. For such persons repatriation was the best possible form of assistance. The experts had not adopted his proposal but had inserted the principle it contained in Article 5.

Count CARTON DE WIART (Belgium) thought that despite the apparent harshness of the paragraph it should be maintained. It was part of the sovereign right of countries to expel undesirable foreigners if they so desired, but in the case of a minor in moral danger the matter was urgent and it was impossible to wait for thirty days before repatriating him. To do so would be against his own interests. Further, the force of the paragraph was greatly reduced by the stipulation in Article 7 that "the first considerations of the competent authorities . . . shall, as a general rule, be humanitarian considerations . . . Repatriation shall be neither requested nor carried out if it should be detrimental to the material or moral interests of the minor". It was impossible in such a case to proceed through the ordinary diplomatic channel.

Mme. ROMNICIANO (Roumania) pointed out that the primary duty of the Committee was to secure protection for minors, not only from the physical point of view, but also from the moral standpoint. The moral aspect, however, had been somewhat neglected in the Convention, with the exception of this paragraph of Article 5. The provision, however, as at present drafted, was a rather cruel one. It was useless to repatriate a minor unless the repatriating State could first be assured that he or she would obtain the necessary assistance immediately on entering his or her own country. Instead, therefore, of stipulating that a minor could be repatriated without previous notice, it would be a good thing to notify the charitable organisations of the minor's country of origin.

M. REGNAULT (France) said that the whole object of the paragraph was to protect minors who were in moral danger. When repatriation was necessary in such cases, it immediately became a matter of urgency. A minor was then sent to a Customs station where special facilities existed for his or her reception. To require the Government of the country repatriating the minor to send an official notification in advance to a neighbouring country would mean that the officers in charge of the special station would—if the notification had not been sent to them—have to refer to the central authorities and would be unable, as a result, to receive the minor until the notification had been received. Some delay, therefore, would result. It was for this reason that it was provided in the Convention that a State could immediately repatriate—without previous notification—any minor in moral danger; the relevant papers would be sent on later through the usual channels. By this means the object in view would be attained, since the minor would be immediately removed from dangerous surroundings and returned to his country.



Mme. ROMNICIANO (Roumania) thanked the representative of France for his explanation. The text, however, as it stood at present, was too vaguely worded.

M. DE NAVAILLES proposed the following draft for the paragraph in question :

“If the minor is in moral danger, he may be repatriated immediately, under conditions to be settled between the interested States in accordance with Article 12 of this Convention.”

Count CARTON DE WIART (Belgium) supported this amendment.

Mr. HARRIS (British Empire) was not convinced by the arguments put forward. The matter of repatriating minors in moral danger was one of common administration. No difficulty was experienced, for example, in regard to the repatriation of lunatics. The same was true of the case of minors.

Dr. Estrid HEIN (Denmark) agreed with Mr. Harris.

Dr. Gertrud BÄUMER (Germany) proposed that the term “moral danger” should be strengthened by some such phrase as “imminent moral danger”.

M. DELAQUIS would once more urge the Committee to remember that the cause of moral danger lay in the environment of the minor. It was impossible to treat a minor as if he were a lunatic, for he could not be kept in confinement. The best method of protecting and assisting a minor in such circumstances was to remove him from the evil environment, in other words, to repatriate him. He was willing to accept the amendment proposed by Dr. Bäumer.

Mme. ROMNICIANO (Roumania) thought that this provision was contrary to the stipulations of Article 1. The moment a minor was found to be in moral danger, instead of offering him assistance, a country could repatriate him.

M. DELAQUIS replied that the provision criticised by Mme. Romnicioano was not obligatory but optional, since a country in such cases could repatriate a minor or not, as it thought best. As Count Carton de Wiart had already pointed out, the force of the paragraph was much reduced by the stipulations of Article 7 because, in all circumstances, the contracting States would undertake to do nothing that would be detrimental to the material or moral interests of the minor.

Mr. HARRIS (British Empire) pointed out that the final paragraph of Article 5, as at present worded, was unintelligible. No minor could be repatriated without previous notice, for the authorities of the country repatriating him had first to discover what was his country of origin.

M. REGNAULT (France) agreed with M. Delaquis in thinking that the main consideration must be to remove the minor from his evil environment. For this reason, means of repatriating him urgently must be provided.

Mlle. BURNIAUX was prepared to support the original text of the paragraph.

On a vote being taken, the proposal of M. de Navailles, with the addition of the word “imminent” inserted before the words “moral danger”, was adopted by six votes to three.

Dr. Estrid HEIN (Denmark) explained that she voted against this amendment because she was not convinced that it covered all possible cases.

On the proposal of M. AMADOR (Spain), the Committee decided to insert the footnote to Article 5 in the article itself.

#### Article 6.

Article 6 was adopted, the last paragraph being changed to read as follows :

“In accordance with the principles laid down in Article 7, the above-mentioned measures cannot be taken if they are detrimental to the interests of the minor”.

Article 7 was adopted without change.

#### Article 8.

Article 8 was adopted, the last sentence being changed to read as follows :

“The same shall apply to the cost of the funeral, should he die on the journey.”

#### Article 9.

Mlle. DE BACOURT said that, as the representative of organisations dealing with emigrants, she was much interested in the conditions under which minors were repatriated. These were at present very unsatisfactory as, in many cases, no arrangements were made with transit countries. Only the country of destination was notified when a minor was repatriated. She would therefore suggest the following amendment :

“The journey cannot take place, however, until the country of residence has taken the necessary steps to ensure that the country to which the minor is to be repatriated has also taken the necessary measures to ensure the protection of the minor across its territory to the destination.”

M. DE NAVAILLES agreed with the principle contained in the proposal of Mlle. de Bacourt. Difficulties in connection with transit countries undoubtedly existed. He would propose, however, the following text :

“The State of residence shall be obliged to take measures for the protection of the repatriated minor as far as the frontier of his country of destination. It shall, by agreements in accordance with Article II, arrange with the countries of transit and of destination with a view to the avoidance of difficulties during the journey”.

*This amendment was adopted.*

*Article 9 as amended was adopted.*

*Article 10 was adopted without change.*

#### *Article II.*

M. ITO (Japan) proposed the addition of the word “contracting” in the phrase “residence of the nationals of any other contracting State”.

M. AMADOR (Spain) pointed out that general safety, health or public morality could not be endangered by the minor. There seemed therefore to be no reason for Article II.

M. DE NAVAILLES replied that this article had been inserted in order to counteract, to a certain extent, the impression created by Article 7, which might be construed as encroaching on the sovereignty of a State and on its right to expel an undesirable national.

On the proposal of Mlle. DALMAZZO, Article II *was deleted* and inserted as a footnote to Article 7.

*Article 12 (new Article II) was adopted without change.*

*Article 13 (new Article 12) was adopted without change.*

#### *Introduction.*

M. REGNAULT (France) proposed that the introductory note be attached to the Convention but not the explanations regarding the articles which had been drafted solely for the use of the members of the Committee.

M. VARLEZ agreed.

He could not understand the distinction made, in the explanation regarding Article II, between international conventions and conventions on labour questions.

*The proposal of M. Regnault was adopted.*

#### *Procedure to be followed in regard to the Convention.*

Mr. HARRIS (British Empire) felt obliged to reserve the views of his Government regarding the Convention. He thought that the proposals it contained would prove unacceptable to many countries. That being so, however, he would be quite ready to agree that the Council should be asked to send the Convention to Governments for their observations. In that way the problem of the assistance to be given to foreign minors might eventually be solved, although the solution might not be exactly the one contained in the present Convention.

M. REGNAULT (France) said that the Council would certainly communicate the Convention to all Governments. He hoped that it would issue the necessary instructions to this effect at its next session. He suggested that the Council should also be asked to place the Convention on the agenda of the next session of the Assembly.

Mme. ROMNICIANO (Roumania) agreed with Mr. Harris. A number of countries would find it difficult to accept the principles contained in the Convention.

M. POSNER (Poland) urged that such observations were a mistake from the psychological point of view. The Committee should avoid creating the impression that some of its members thought that the principles contained in the Convention drafted by the Committee were erroneous or not acceptable. The task of the adversaries of the Committee's work should not be made easier.

COUNT CARTON DE WIART (Belgium) said that it was the duty of the Committee to submit both draft Conventions to the Council. The Council would then take the necessary action. At any rate, the matter would be discussed in the Assembly because reference to the Conventions would be made in the general report on the work of the Council and the Secretariat for the year 1929.

The SECRETARY proposed that the Conventions should be submitted in the usual way to the Council and that the Committee should request, in its report, that they should be circulated to Governments without delay. The Committee might also suggest that Governments be asked to send in their replies by a definite date, for example, December 31st, 1929. The replies of Governments could then be considered by the Committee at its next session. She agreed with Count Carton de Wiart in thinking that the Conventions could be discussed by the Assembly in connection with the discussion on the general report on the work of the Council and the Secretariat.

*The proposal of the Secretary was adopted.*

SEVENTH MEETING.

*Held on Tuesday, April 16th, 1929, at 3.30 p.m.*

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville and Miss Whitton.

M. DE NAVAILLES, M. DELAQUIS and M. RUPPERT attended in the capacity of experts.

**117. Welcome to Dr. Paulina Luisi.**

The CHAIRMAN welcomed Dr. Paulina Luisi and expressed his pleasure at seeing her once more among her colleagues.

Dr. Paulina LUISI (Uruguay) thanked the Chairman for his kind words. She had been unable to attend the last session on account of illness, but she wished to congratulate the Committee on the excellent results that had been achieved in her absence.

**118. Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People : Detailed Discussion.**

M. de Navailles, M. Ruppert and M. Delaquis came to the table of the Commission.

M. REGNAULT (France) explained that the Legal Sub-Committee had met that morning and, together with the experts, had reviewed the draft Agreement in order to bring it into line with the considerations set forth in the resolution submitted by Count Carton de Wiart and adopted by the Committee.

The Committee then proceeded to examine the draft Agreement, article by article.

*Article 1.*

Mr. HARRIS (British Empire) thought that the omission of the words "of foreign nationality" in the original phrase "children and young people of foreign nationality" was open to objection. This omission would bring within the scope of the Agreement, cases which would not rightly be included in it, such as the case of children whose parents were living abroad.

M. AMADOR (Spain) said that his proposal had not been given full effect. He had suggested that the words "of foreign nationality" should be deleted, in view of the fact that, if a child whose family resided in a foreign country absconded to his native country, the latter country might refuse to return the child to his parents on the ground that he was not of foreign nationality. M. Amador suggested that the concluding part of the sentence should read as follows : "against the will of the persons or institutions legally invested with paternal power over them or entitled to their custody, and resident in a foreign country".

Dr. Paulina LUISI (Uruguay) said that her Government would prefer that, instead of leaving the age of the children indefinite in the text, it should be stated that the Convention should apply to children "who had not reached an age to be settled by agreement with the country [making the request".

M. ITO (Japan) proposed that, as Mr. Harris had suggested, the original text should be retained, and that explanations of the point raised by M. Amador should be inserted in the Protocol.

Count CARTON DE WIART (Belgium) supported the proposal that the original text should be retained, particularly in view of the fact that the provision which M. Amador required would be covered by the terms of Article 2.

M. DE NAVAILLES suggested that the revised text should be adopted, amended as follows :

"The Contracting Parties undertake to facilitate the return to their homes of children and young people of foreign nationality", etc.

Dr. Paulina LUISI and M. AMADOR withdrew their proposals.

*Article 1, as amended by M. de Navailles, was adopted.*

*Article 2.*

Mr. HARRIS (British Empire) said that he did not see the value of the last sentence of this article. He thought that it would be preferable that the country of residence should, as was provided in the original text, decide whether the child should be repatriated or not. In the case of Great Britain, if the competent authority in a foreign country were to decline to comply with the request for a child to be returned home, there was no Court in Great Britain to which application could be made for the issue of an order for such a return, and the matter would have to be settled by means of diplomacy.

M. DE NAVAILLES thought that the British representative was under a misapprehension. According to the intention of this article, those applying for a child to be returned to his home would resort, in the first instance, to administrative action. If the competent authority in the

country of residence were to refuse to entertain the application, the applicants would then make use of their right to present an appeal to a competent court. In so doing, however, they would merely be exercising a right which existed quite independently of the terms of the agreement and it could not be said, therefore, that the Court would in any way supplant the Government.

Mr. HARRIS (British Empire) pointed out that in all probability the Court could only direct the applicant to apply to the Government.

Count CARTON DE WIART (Belgium) said that this was a point of private law. The persons cited to appear before the Court would be those having custody of the child, and the Government would not be called upon to appear in this capacity.

Mr. HARRIS (British Empire) emphasised the fact that diplomatic procedure might prove to be the last resort, and that that procedure might be fruitless. He believed that the object of the proposal was to establish an international jurisdiction which was not feasible.

Mlle. DALMAZZO pointed out that, as was stated in the Preamble, the general principle on which the agreement was based was the desirability of facilitating the return of children and young people to their homes. This principle implied that, as a general rule, it was right that the child should be so returned. The case which the British representative had in mind was only an exception, and such an exception should not be allowed to prevail over the rule itself.

M. ROLLET wished to describe the French practice. If the administrative authorities refused to comply with an application for the return home of a child, it was open to the applicants to bring a suit in the French Courts, which would adjudicate on the point. Reciprocal arrangements existed with Belgium, whereby it was possible for the Belgian Attorney-General to apply to a French Court for the return of children to their homes. M. Rollet believed that, in general, the judicial authorities offered a better guarantee than the administrative ones.

Mr. HARRIS (British Empire) asked M. Rollet whether the French Government was obliged to act upon the finding of the Court.

M. ROLLET said that this, of course, was the essential point. Some administrative authorities were quite ready to execute a decision of a Court, while others made some resistance. When a judicial pronouncement had been made, however, it was to be expected that, as a rule, it would be complied with.

Count CARTON DE WIART (Belgium) said that the problem was, of course, a very intricate one. The main object of the draft Agreement was to facilitate, as far as possible, the return of children to their homes, and in order to avoid the obligation to have resort to judicial authorities, and the consequent delays and expense, an attempt had been made to devise a more expeditious method of Governmental procedure in accordance with certain bilateral Conventions already in force. If an application through these channels did not succeed, the applicant would retain in any case his rights under common law. A particular case in view had been that of the unwarranted control over a child of a particular person or persons, as a result, for instance, of the grant of a divorce. Since Article 3 provided for the preservation of the right of appeal to a judicial Court, and since the sentence to which the British representative had referred was self-evident, he would suggest that this sentence should be deleted.

M. ROLLET supported this proposal.

Mr. HARRIS (British Empire) said that he maintained his position. In the event of disagreement between the administrative authorities, the ultimate decision would always rest with the Government of the country of residence. The deletion of the sentence that had been mentioned would, of course, leave the question unsolved, but since the cases under consideration would be rare ones, he would not press this point if the last sentence were deleted.

*The Committee agreed to delete the final sentence of Article 2.*

*Article 2 as amended was adopted.*

*Article 3 was adopted without change.*

*Article 4 was adopted with a formal amendment.*

*Article 5 was adopted without change.*

#### *Articles 6 and 7.*

Dr. Paulina LUISI (Uruguay) drew attention to the necessity of providing for the moral protection of children during their journey home. A large proportion of the repatriated children would have to undertake long journeys; for instance, from South America to Spain, Italy, Poland and Russia, all of which were countries with a large emigration. Perhaps the ship's captain might be the most suitable supervisor.

Mlle. DALMAZZO supported Dr. Luisi's proposal, but thought it should be made possible for the supervision to be entrusted to some other person than the ship's captain. In the case of vessels with Italian emigrants on board, the Emigration Commissioner would be the most suitable person.

M. ITO (Japan) pointed out that no definite regulations could be imposed on the countries concerned as to the nature of the facilities to be provided for the transport of the children. Nor would it be possible to enact uniform regulations whereby ships' captains would be responsible for

the protection of children on board their vessels. It would be necessary to frame a separate international Convention in order to settle these points, and he would suggest, therefore, that the present text should be retained.

Dr. Paulina LUISI (Uruguay) thought that it was urgent to arrive at a solution, in some form, of the question which she had raised. She would point out, moreover, that this question was one which concerned the European rather than the South American countries, in view of the fact that the latter were mainly countries of immigration. To allow children to undertake a sea voyage of between twenty and twenty-five days without providing for their moral protection would be quite unjustifiable.

Mme. ROMNICIANO (Roumania) thought that the adoption of the agreement would certainly lead to a development of the emigration laws which would serve to supplement the provisions of the agreement.

M. DE NAVAILLES recalled that the Rome Conference on Emigration and Immigration held in 1924, had recommended that the moral protection of women and children during sea journeys should be entrusted to women specially appointed for this purpose. M. de Navailles thought, nevertheless, that a general addendum might be inserted in the agreement, drawing attention to the Committee's views on this point.

M. ROLLET thought that it would be preferable to introduce a provision in Article 7, rather than in Article 6, to cover the point raised by Dr. Luisi. Article 6 referred to transit in general, and not only to sea voyages.

M. VARLEZ pointed out that the Committee already had weapons at hand which it could use in order to obtain the protective measures that it desired. In addition to the general recommendation of the Rome Conference, the majority of the delegates to the International Labour Conference of 1923 had passed a general recommendation that a woman superintendent should be appointed to all vessels carrying at least fifteen women or young girls, who were not accompanied by a responsible person included amongst the emigrants.

Dr. Paulina LUISI (Uruguay) objected that this recommendation, which did not seem to have been given practical effect, only represented a partial application.

Mr. HARRIS (British Empire) proposed that Article 7 should be amended as follows :

"The Contracting Parties shall take all reasonable measures for the care of children and young people during their journey home by land or sea, and shall avail themselves, when desirable, of the assistance of child welfare organisations.

*Article 6, and Article 7 as amended, were adopted.*

Mlle. DALMAZZO assumed that the Council would be requested to refer the draft Agreement to the Governments for their observations.

The CHAIRMAN agreed and thanked the experts for their valuable assistance.

M. DE NAVAILLES said that the experts were very appreciative of what the Chairman had said. He thought however, that they had not done a great deal, as they had only reproduced, in a slightly more precise form, the text prepared by the Legal Sub-Committee.

#### **119. Illegitimate Children.**

The SECRETARY read the following text of the resolution submitted by Count Carton de Wiart, incorporating Miss Wall's motion and the amendment presented by Dr. Bäumer :

"The Child Welfare Committee has examined with interest the report on the position of the illegitimate child (Annex 3) ; it thanks the Secretariat for having prepared this important document, and requests it to continue to collect information as to progress in legislation, in connection with illegitimate children, and to communicate such information to the members of the Committee in due course.

"The Committee requests the Legal Sub-Committee to examine the report and decide what questions should be studied and in what order.

"Taking into consideration Mlle. Burniaux's proposal, as amended by M. Rollet, the Committee refers this proposal to the Legal Sub-Committee, to which Mlle. Burniaux will be attached for the purpose of its examination. The Sub-Committee may for the same purpose co-opt one or two members having special experience of legislative and administrative measures and of institutions and movements concerned with illegitimate children."

*The draft resolution was adopted.*

#### **120. International Educational Cinematographic Institute at Rome : Report by the Representative of the Child Welfare Committee on the Occasion of the First Session of the Governing Body of the Institute and of the Permanent Executive Committee (document C.P.E. 198).**

Mr. HARRIS (British Empire) observed that the Committee would be at a disadvantage in discussing Don Pedro Sangro's report in his absence, and enquired whether M. Amador could furnish any further details.

M. AMADOR (Spain) said that he had handed to the Secretariat a supplementary report by Don Pedro Sangro (document C. P. E. 212), which would be distributed shortly. He had no information to add to that contained in the two reports.

M. ITO (Japan) suggested that, in the absence of Don Pedro Sangro, the Committee could hardly usefully begin a discussion on his report, especially as it referred only to the questions of the Statute and Rules of the Institute and contained no subject requiring urgent discussion. The Committee had, on the previous day, examined at some length the problem of the cinema in relation to children, in consultation with the Director of the Institute and had expressed its views regarding the work of the Institute. He would therefore propose that the Committee should tender its thanks to Don Pedro Sangro and should postpone the discussion of his report until he could be present at the next session.

Mr. HARRIS (British Empire) agreed, but desired to ask whether the Secretariat considered that there was any question regarding which it would like to have the views of the Committee.

Mlle. COLIN (member of the Secretariat) thought that it would be useful if the Committee could take a decision upon the method of organising the collaboration between the Child Welfare Committee and the Institute which had been proposed by the Director of the Institute on the previous day. That question could hardly be postponed until the following year, since the Governing Body of the Institute would be holding its next session in October or November. Did the Committee propose to accept whatever suggestions the Institute might make? Would it not be preferable to indicate the lines which it thought suitable for such collaboration?

M. REGNAULT (France) reminded the Committee that it had appointed Don Pedro Sangro and Count Carton de Wiart as its representatives on the Governing Body of the Institute. He felt that it would be difficult to give any instructions to those representatives, in whom the Committee might have complete confidence. The Committee had had the benefit of the very interesting but elaborate report submitted by M. de Feo on the previous day. M. Regnault would require a little time for the study of that report before he would feel in a position to give any directions to the Committee's representatives on the Governing Body.

M. POSNER (Poland) agreed with M. Regnault that the Committee could have full confidence in its representatives on the Governing Body. There was, however, the question of collaboration with the Institute. M. de Feo had outlined a very full and scientifically prepared programme within the limits of which the co-operation of the Committee with the Institute would find its proper place. M. Posner understood that the Governing Body of the Institute would meet in October and would then discuss a more definite programme covering a period of, say, one year. After that meeting the Committee's representatives would send the League a report showing the work which the Governing Body had decided should be carried out in 1929/1930 by the Institute and by those co-operating with it. That programme of work would contain a plan for the Child Welfare Committee. M. Posner did not see, therefore, how the Committee, which had no concrete proposals before it, could go further at the present moment. The Committee could only note that certain opportunities of co-operation were offered to it and have confidence in its representatives on the Governing Body.

COUNT CARTON DE WIART (Belgium) asked whether the Committee wished its representatives to insist before the Governing Body on M. Martin's proposal in regard to the prohibition of inflammable films.

Mr. HARRIS (British Empire) called attention to the paragraph in Section 2 of document C.P.E. 212 reading:

"With reference to Child Welfare, the Director referred to a programme outlined by him in agreement with the Advisory Commission of the League of Nations."

He asked whether the reference made in that paragraph was to an arrangement with the Secretariat or to some other arrangement.

Mlle. COLIN (member of the Secretariat) replied that obviously no arrangement could have been made with the Child Welfare Committee as it had not met since the creation of the Rome Institute.

The Secretariat had been advised that the Institute was proposing to make enquiries regarding the psychological effects of the cinema on children. It had been consulted regarding the choice of the experts on psychology which the Institute proposed to ask for their assistance, but it had not yet been informed of the programme of work adopted by the Experts.

In private conversation with the Director of the Institute, she had understood that the results of the enquiries to be made by the Institute would, when they were available, be submitted to the Child Welfare Committee for discussion. It might therefore be advisable for the Committee to pass a resolution expressing its satisfaction that it was able to co-operate closely with the Cinematographic Institute as regards all questions relating to child welfare, particularly from the moral and mental standpoints.

M. AMADOR (Spain) referred to the paragraph in Section 2 of document C. P. E. 212:

"He further mentioned the work already begun by the psycho-pedagogical experts, appointed in agreement with the Social Section of the League. He added that he believed that at the April session of the Child Welfare Committee a plan of co-operation with the Rome Institute would almost certainly be voted."

M. Amador reminded the Committee that, at a previous meeting, it had passed a resolution submitted by Count Carton de Wiart, and dealing with the production of recreational films for children. M. Amador had communicated that resolution by letter to Don Pedro Sangro. He would be glad to know whether the Committee had any other instructions for Don Pedro Sangro on the point.

Miss RATHBONE reminded the Committee that at the previous year's session it had expressed a strong wish that women should be represented on the Governing Body of the Institute. On the previous day the Committee had been told that, for a particular reason, that was not possible for the moment. She would therefore express the hope that the representatives of the Committee would bear this recommendation in mind and would see that on the various committees of the Institute and on the staff, places were reserved for women who had a special knowledge of child psychology and child welfare problems. The vast majority of school-teachers, nurses and mothers were keenly interested in the question of the effects of the cinema on the mind of the child. There should be some machinery in the Institute to provide for the representation of the views and experience of women.

M. ROLLET, in reply to Mlle. Colin, pointed out that the programme referred to in the paragraph in question had been sent not to the Child Welfare Committee but to the special Committee of the Institute of Intellectual Co-operation in Paris. M. Rollet had attended the meeting of the special Committee, at which the Director of the Cinematographic Institute had submitted his programme and at which the Committee had requested M. Rollet to examine the effects of the cinema on child psychology. The special Committee had later received a questionnaire to which it would reply very shortly.

M. POSNER (Poland) thought that the Child Welfare Committee should be consulted in regard to the programme of the Cinematographic Institute.

M. ROLLET agreed.

Mlle. COLIN explained that the programme submitted to the special Committee in Paris, which was not a Committee of the League of Nations, was merely a general programme. It did not refer specially to the protection of children and adolescents.

Mlle. BURNIAUX agreed with M. Regnault and M. Posner that the question of the co-operation between the Child Welfare Committee and the Cinematographic Institute should be left to the representatives of the Child Welfare Committee on the Governing Body. The Child Welfare Committee had discussed the question for many years and passed resolutions. She was certain that its delegates would succeed in upholding at Rome the wishes it had expressed.

Dr. Gertrud BÄUMER (Germany) thought that it might be well to suggest that, in considering the question of the psychological effects of the cinema on the child mind, the Institute should not forget that the effects of the cinema differed according to the social class to which the child belonged. The Child Welfare Committee might perhaps offer its co-operation more especially in regard to that question, since the Institute contained no experts who could speak authoritatively on that aspect of the problem.

Dame Katharine FURSE expressed her gratitude to Count Carton de Wiart for his recommendation that the Institute should be requested to bear in mind the recreational aspect of educational films. She would suggest that with a view to obtaining the best possible opinion on the subject, an attempt should be made to form a committee of young men and women to help in the selection of such films. The conferences of leaders of girl guides frequently discussed the question of the cinema, and valuable advice was often given by the younger leaders. The report referred to the consultation of experts. Dame Katharine Furse would urge that not only experts should be consulted but also young men and women who were acquainted with the recreational needs of children.

Mr. HARRIS (British Empire) thought that the Child Welfare Committee had been very fortunate in its representative on the Governing Body of the Cinematographic Institute. His report was so admirable that in its report to the Council the Committee should refer to it and say that it was following the Institute's work with interest, especially in regard to those aspects which bore on the work of the Committee.

Don Pedro Sangro would no doubt willingly listen to any suggestions made by the members of the Child Welfare Committee, but it did not follow that there was any necessity for the Committee to put anything on paper. Don Pedro Sangro would certainly not fail to bear in mind the suggestions made by the members of the Committee when the question came up at Rome. Mr. Harris would therefore propose that a resolution in that sense should be included in the Committee's report to the Council.

M. POSNER (Poland) emphasised the great value of Dame Katharine Furse's suggestion, which should be supported by the whole Committee, and must not be allowed to lapse into oblivion. The Committee might suggest to the Institute that it should organise committees of young men and women on the lines suggested by Dame Katharine Furse and use them as experts.

M. Posner would be glad to have before him the *Bulletin* published by the Institute. He thought that the *Bulletin* offered the best method of ensuring serious and scientific co-operation between the Child Welfare Committee and the Institute.

He had listened with certain misgivings to the programme outlined by the Director of the Institute on the previous day. That programme appeared to be of immense scope and would cover a period of at least twenty years. If anything practical was to be done in the near future, it would

be essential to limit the field of enquiry, and that point should be emphasised by the Child Welfare Committee and brought to the attention of the experts.

Count CARTON DE WIART (Belgium) understood that the Committee directed its representatives on the Governing Body of the Institute to insist before the Governing Body on M. Martin's resolution with regard to the use of non-inflammable films.

Dr. HUMBERT understood that the Committee had agreed to give such instructions to its representatives on the Governing Body ; at the same time, it requested that they should lay stress before the Governing Body on all resolutions on the subject of the cinema passed by the Committee to date.

M. MARTIN (France), in reply to Count Carton de Wiart, pointed out that, on the previous day, the Committee had for the third time renewed its recommendation that within the shortest possible time the Governments should be invited to introduce regulations requiring the use of non-inflammable films, without, however, fixing any definite time-limit. It would be disastrous if precautions were not taken to prevent the occurrence in the film library of the Rome Institute of a catastrophe such as that which had occurred recently in the Swiss scientific and educational film library at Berne. The manufacturers of non-inflammable films could now produce as many positives as were desired.

---

### EIGHTH MEETING.

*Held on Wednesday, April 17th, 1929, at 10.30 a.m.*

---

*Chairman : The Marquis PAULUCCI DI CALBOLI (Italy).*

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville, and Miss Whitton.

M. Simon van der Aa, Secretary-General of the International Prison Commission, also attended.

#### **121. Preamble to the Provisional Draft Convention on Assistance to Minors of Foreign Nationality.**

On the proposal of M. Regnault, *the Committee decided* to refer the Preamble to this Convention, which it had adopted at its meeting on the previous day, to the Legal Sub-Committee for further consideration and redrafting.

#### **122. Plan for an Enquiry into the Auxiliary Services of Juvenile Courts.**

M. ROLLET, Rapporteur of the Sub-Committee which had been instructed to prepare a questionnaire, submitted the report (document C. P. E. 194). He recalled that the Committee in its examination of the question of juvenile courts had desired to obtain all possible information in regard to the auxiliary services which co-operated with the magistrates. It had therefore established a Sub-Committee, composed of Dr. Bäumer, Miss Lathrop and himself, to draw up a questionnaire. The Sub-Committee had adopted a draft prepared by Dr. Bäumer which covered the following seven points :

1. Existence of auxiliary services.
2. Work of these services.
3. Organisation of these services.
4. Part played by women in these services.
5. Part played by medical men in these services.
6. Results obtained.
7. Improvements suggested.

When drafting the questionnaire, the Sub-Committee had had the opportunity of consulting several magistrates from more than one country, including Belgium, France and Poland. On January 10th, 1929, the final text of the questionnaire had been drawn up in consultation with three representatives of the International Prison Commission.

An additional question had been proposed by Miss Lathrop but had, on the suggestion of the International Prison Commission, been treated as a separate problem apart from the questionnaire.

That part of question 3 which dealt with the manner in which the expenses of auxiliary services were met might give rise to discussion, but the Sub-Committee had thought it necessary to introduce such a question.

In conclusion, M. Rollet would point out that the International Prison Commission had urged that the enquiry should be continued and extended to cover not only the auxiliary services, but also those institutions which applied the decisions of juvenile courts. M. Rollet and the members of the Sub-Committee were strongly in favour of such a suggestion.

Miss LATHROP desired to explain why she had objected to the inclusion of a question concerning the costs of the auxiliary services. A questionnaire which covered so wide a field as the one



submitted, required to be compressed if adequate answers were to be obtained. It would not be possible for many countries to reply adequately to a question concerning the operation of their juvenile courts.

In so far as her supplementary question was concerned, which asked that countries should name one or more juvenile courts in which the assistance of the auxiliary services was considered to be of particular value to children, Miss Lathrop explained that her object was to promote scientific social research into the whole problem of juvenile courts. To deal with the matter satisfactorily, it was essential to study courts which were conducted on sound lines, wherever they were to be found.

The object of her question was to discover examples of good courts in the various countries so that the Committee might subsequently be in a position to state the minimum standard it expected from such courts. It was essential, in her view, that the Committee should go beyond the primary stage and should enquire in detail into the operation of juvenile courts.

M. SIMON VAN DER AA referred to the question of the manner in which the expenses of the auxiliary services could be met. This question had been proposed by his Commission, not with the object of being indiscreet, but in order to encourage and support private institutions, which in many countries experienced great difficulties in obtaining the necessary financial assistance to enable them to carry on their work. If such organisations received higher subsidies from the Governments, they would be able to do more than they had done up to the present. A question of this kind would, he thought, therefore give rise to useful suggestions and would earn the gratitude of private organisations.

Mr. HARRIS (British Empire) said that the question of juvenile courts was one which should be of particular interest to the Committee. There had already been a valuable enquiry by the International Prison Commission. Juvenile courts were very important, for they affected the whole question of crime. Such courts, properly organised, had an immense influence on the progress of crime in a country. It had been proved more than once that most criminals begin their career of crime at an early age. If they were properly dealt with by a juvenile court at the beginning, their development as criminals would be arrested.

He had been much interested by the observations of Miss Lathrop and would support her proposal to extend the enquiry at a later stage. While approving the proposal of the three Rapporteurs, he would emphasise the fact that the questionnaire should be regarded only as the first stage. Governments would be readier to reply to such questions if they felt assured that in return for their work they would receive full information about the practice of other countries. For this purpose, the Committee should not merely confine itself to submitting a report based on the answers to the questionnaire. It was not sufficient to obtain information only from the replies of Governments. Supplementary enquiries must also be carried on. He would therefore strongly support the suggestions of Miss Lathrop.

As to the manner in which such further enquiries should be financed, perhaps the Secretary could give information. Should difficulties arise, it might be possible to appoint a member of the Committee, such as Dr. Bäumer or M. Rollet, to carry out such an enquiry, to visit a number of countries and to study the working of their juvenile courts. They would perform this task only after the replies to the questionnaire had been received.

Mr. Harris also agreed with the view of the International Prison Commission that the institutional side of the auxiliary services should be studied. It was difficult to decide where the auxiliary services ended and the institutional action began. Any additional enquiry should therefore comprise the whole system.

He had no objection to the inclusion in the questionnaire of the question regarding the manner in which the expenses of auxiliary services were met.

Dr. Gertrud BÄUMER (Germany) said that, in its present form, the questionnaire followed that originally circulated by the International Prison Commission. The Sub-Committee had had an opportunity of compiling this new questionnaire with the help of a number of experts from various countries.

She had no objection to the inclusion of a question concerning the expenses of the auxiliary services, though the Committee must not expect to obtain more than general answers to such a question, which would show how much the auxiliary services depended on the Government, and how much on private assistance.

She agreed with Miss Lathrop and Mr. Harris that an additional enquiry into specially chosen courts should certainly be made, but only after the answers to the questionnaire had been received. She would like, however, to extend the enquiry to cover not only courts which worked well but also to less satisfactory courts, because a study of the latter would show more clearly the difficulties connected with the problem. What the Committee would eventually achieve, she hoped, would be a minimum standard of efficiency which should be attained in juvenile courts. When, therefore, the answers to the questionnaire had been received, the Committee should decide what special courts would be studied.

M. ROLLET fully agreed with the proposal of Miss Lathrop as supported by Mr. Harris. It was essential to study the whole question of juvenile courts in detail. The problem had for the moment been limited only to auxiliary services, but that would not prevent the study of other aspects at a later stage.

The questionnaire should, in his view, be sent to all countries, whether they possessed juvenile courts or not.

He agreed with Dr. Bäumer in thinking that any additional enquiry into special courts could only be decided upon when the replies to the questionnaire had been received.

Dr. HUMBERT thought that it would be best to leave the technical aspects of the question to the International Prison Commission. The Committee could confine itself to discussing any divergencies of view which might appear between the Rapporteurs.

He had no objection to the inclusion of a question regarding the expenses of the auxiliary services, but desired it to be extended. From the point of view of the organisation to which he belonged the psychiatric examination of children was of great importance. This should be carried out in all cases, and not only when a child was found to be obviously mentally deficient. The Committee should therefore seek to ascertain not only the proportion of the expenses of the auxiliary services borne by the Government or by private individuals; it should also ask for examples of the way in which auxiliary services were established and organised. For example, in certain countries the psychiatric examination of children was carried out in conjunction with a university clinic.

Miss LATHROP said she deferred to the experts on the subject of the questionnaire. But she could not believe that valuable statistical material as to cost, for example, could be obtained by means of this form of enquiry. Standardisation of juvenile courts was not complete, and probably never would be. The work for the child might be done in different ways with good results, always supposing that the judge possessed good sense and an understanding heart. She was not aware of any definition of auxiliary services. They might be construed to include every element that intervened on the child's behalf up to the judge on the bench. They might include detention homes and other public or private services and institutions to which the judge might confide a child without giving up his power to change the disposition of the child in its own interest. Further, institutions to which the actual guardianship of the child was given by the court were, doubtless, to be reckoned, broadly speaking, as auxiliary services. The questionnaire was broad in scope and should remain so for its present purpose. In her opinion, it must lead to a detailed field study of selected courts.

COUNT CARTON DE WIART (Belgium) thought that it was extremely desirable that the attention of the States should be drawn to the importance of the auxiliary services and their possible development. Miss Lathrop was proposing that a special enquiry should be held in places where the auxiliary services appeared to be working with the most conspicuous success. The organisation of such an enquiry, however, would involve discrimination between various countries and districts. It would be necessary, first, to decide in which countries and in which districts the auxiliary services might be taken as models. He did not question the desirability of such an enquiry, but he did not think that the moment had yet come to organise it. A special enquiry into the working of the auxiliary services might be held after the present enquiry had been completed. For the moment, the best course seemed to be to distribute the questionnaire and ascertain what information could be obtained.

He would conclude by asking the Committee to examine the articles of the questionnaire in detail. He desired certain explanations in regard to some of them.

Miss LATHROP said that she had not intended to suggest that an enquiry into the auxiliary services should be immediately undertaken, and agreed with the procedure suggested by Count Carton de Wiart.

M. POSNER (Poland) said that he agreed with the observations which Miss Lathrop had made concerning the use of questionnaires. He felt that in the organisation of the development of juvenile courts, the personal element was more important than in any other field of social activity. In no province was it possible to observe greater differences in the value and working of institutions created for a similar purpose. There was no doubt in his mind as to the institutions which might be regarded as models for the rest of the world. There was the court which worked under the direction of M. Rollet in Europe, and the court which worked under Mr. Lindsay in the United States. The organisation and working of these courts might with advantage be studied.

The qualities necessary in an administrator of a juvenile court were more paternal than judicial, and if the paternal element were lacking, the person concerned could not be regarded as a good judge. He felt that a special enquiry into the organisation of juvenile courts as illustrated by the best existing models would be of great value. There was a definite case in which an expert of known competence had organised a juvenile court with its auxiliary services and it was of the utmost importance that the world at large should know how the institution worked, and the results which had been obtained.

The replies given by Governments to a questionnaire could not, in the nature of things, be so satisfactory. Questionnaires were usually handed by the Government to the competent official who in most cases contented himself with perfunctory answers so as to complete the work as quickly as possible.

Mr. HARRIS (British Empire) said that it was impossible to decide now the form which later enquiries would take. The first step was to send out the questionnaire. He thought, however, it

should be made clear by the Committee in its report that the distribution of the questionnaire was a preliminary step and that a special enquiry by qualified experts would be conducted at a later stage.

He felt it was also important to define exactly what was meant by auxiliary services.

Dr. POLLIGKEIT thought there were two different problems involved. The questionnaire was intended to obtain information in regard to the value of the auxiliary services.

He would ask whether it was the intention of the Committee that the questionnaire should be sent only to Governments, or whether it would be sent also to private organisations. The Governments would give information as to the administrative position, but the Committee particularly desired to appreciate the value of the auxiliary services and on this question the Governments would hesitate to give an opinion. He would suggest that, in order to obtain the views of the private organisations, another questionnaire might be drafted and distributed to them.

Dame Katharine FURSE asked whether it was intended that the police should be included among the auxiliary services. It seemed necessary to consider carefully the question of the police in relation to the juvenile courts. The courts were largely dependent on the assistance and goodwill of the police.

Miss RATHBONE said that she was not, on principle, in favour of questionnaires, and for that reason she was all the more disposed to welcome the suggestion of Miss Lathrop for a special enquiry. She did not think it was necessary to delay that enquiry. The Committee knew in what countries the juvenile courts were most successful and where their investigation would be most profitable. In her opinion, the enquiry should be undertaken at once.

Dr. Gertrud BÄUMER (Germany) enquired as to the exact meaning of the term "auxiliary services." She understood that the expression was designed to cover such services as were annexed to the courts themselves. This definition would not include the reformatory schools. She felt that it was specially necessary to define the expression. What was meant in Question II (c) by the reference there made to the duties of the auxiliary services after the court had taken its decision? Was this a reference to the execution of the judgment or did it refer merely to such services as might be responsible for conveying the child to an institution?

She did not think it was necessary to enquire into the part played by the police; such enquiries would be mainly negative in their results. It was the object of the auxiliary services to become, as far as possible, a substitute for the police. The part played by the police would clearly be inferred from the answers given in regard to the activities of the social services.

She would point out, in reply to M. Posner, that the enquiry would not be dealing with the courts but with the auxiliary services. It might happen that a bad organisation of such services might be saved by the competence and devotion of the staff, or conversely that a good organisation might be prejudiced by the inadequacy of its members. The administrative aspect should therefore be studied by means of the questionnaire and the personal aspect by means of a special enquiry.

Mlle. DALMAZZO suggested that the scope of the questionnaire might be defined either in a note or in a resolution of the Committee. The note or resolution would state that the Committee, approving the questionnaire concerning the auxiliary services, felt it desirable that it should be sent to all Governments, and further considered that the enquiry should be subsequently extended by means of a questionnaire intended to obtain information in regard to the institutions which executed the judgments of the courts.

M. ITO (Japan) drew attention to the fact that the speakers were tending to introduce into the general discussion observations on special points. He felt it would be better first to exhaust the general discussion and, for the moment, to confine the debate to general questions.

Mr. HARRIS (British Empire) again repeated that it was essential, in sending out the present questionnaire, to define exactly what was meant by "auxiliary services". There were in England probation officers who made enquiries preliminary to the trial, and also assisted the court in respect of its decision as to treatment. These officers might be regarded as part of the auxiliary services in the performance of certain of their duties, but not in the execution of their other functions. He would be inclined to say that auxiliary services included all those which assisted the authorities before or during the hearing of a case in the court, but not those concerned with the treatment of the offender after the decision of the court had been reached.

M. ROLLET suggested that the definition of auxiliary services might best be considered under Article I.

M. SIMON VAN DER AA emphasised that the questionnaire under consideration, though approved by the Committee of delegates of the International Prison Commission, was mainly the work of Miss Lathrop, Dr. Bäumer and M. Rollet. That Committee had made only a very few changes in the draft which had been submitted to it. The questionnaire was, in his view, a most admirable piece of work. It was precise and logical. He would strongly urge the Committee to make as few changes as possible, and to keep the enquiry within the limits which had been laid down. It was true, as had been pointed out, that Governments did not usually like to receive questionnaires. That fact, however, was largely because questionnaires were not always competently drafted. A Government which received a questionnaire which had obviously been drafted by experts, and

which requested definite information was usually prepared to make a satisfactory response. He felt that the present questionnaire would certainly create an excellent impression. He would suggest that the Committee should send out the present questionnaire and await the replies. It might then decide to make supplementary enquiries. The present enquiry, however, should be confined to the auxiliary services proper and not extended to institutions which belonged to another sphere and for which a very different set of questions would have to be drafted.

The CHAIRMAN declared the general discussion to be closed.

*Title of Questionnaire.*

The SECRETARY read the title of the questionnaire :

“Questionnaire to be addressed to various Governments preliminary to a proposed study of the different auxiliary services of juvenile courts.”

Dame Katharine FURSE asked whether it was intended that the questionnaire should be sent to private organisations as well as to Governments.

Mr. HARRIS (British Empire) did not think that it should be sent to all the private organisations. It might, however, be sent to the assessors on the Committee, who were responsible for ascertaining the views of the organisations.

Dr. Gertrud BÄUMER (Germany) agreed. The present questionnaire could not appropriately be sent to private organisations. It included many questions which the organisations would have to refer to the Governments. Quite a different set of questions should be drafted for the private organisations.

M. SIMON VAN DER AA said it was true that the private organisations would find it necessary to resort to the Governments in order to obtain much of the information requested. He felt, however, that it was desirable to obtain other information from the private organisations if it were possible to do so. He would suggest that the phrase “to be addressed to various Governments” should be deleted from the title. The question to whom the questionnaire should be addressed would then be left open. It would perhaps be found desirable to send the questionnaire to the Governments in the first place, and to address to certain private organisations, after the replies from the Governments had been received, an abridged version of the questionnaire.

The SECRETARY said that the Committee would have to recommend in its report that the questionnaire should be addressed to the various Governments. Otherwise, the Council would have no ground for taking action.

Dr. POLLIGKEIT did not think it was sufficient to ask the Governments only for information. In some cases the private organisations were the moving spirits in the reform of the administration. A special questionnaire might well be addressed to the private organisations, including, among other things, Questions VI and VII and the supplementary question.

Mr. HARRIS (British Empire) pointed out that it would involve a tremendous amount of work for the Secretariat to deal with answers from all private organisations. He would again suggest that the assessors should be asked to obtain such information as might be necessary from the private organisations. He was doubtful whether it was even necessary to send the questionnaire to all Governments indiscriminately, or only to those Governments which were represented on the Committee.

Dr. HUMBERT agreed with Dr. Bäumer and Dr. Polligkeit. He was certainly rather alarmed at the idea of sending the questionnaire to the private organisations. The private organisations were ready to help, but it would be necessary to send them a special questionnaire. He did not like Mr. Harris' suggestion. Personally, as one of the representatives of the private organisations, he was not prepared to make himself responsible for their views and opinions.

M. SIMON VAN DER AA said he did not think it was practicable to limit the distribution of the questionnaire to certain Governments.

Miss LATHROP agreed. The enquiry was of general and world-wide interest, and should not be limited to a small group of countries. The questionnaire should, however, in her opinion, be sent only to the Governments. Some of the questions, notably questions VI and VII were likely to be embarrassing to the auxiliary services.

She would point out, on the question of definition, that in certain countries services might be used and regarded as auxiliary services which, in other countries, were not used and regarded in the same way. In some countries reformatories might be the only auxiliary services available. The object of the enquiry was to obtain a picture of the existing position in regard to equipment and organisation, though there was, of course, no desire to ignore the personal aspects of the question which had been emphasised by M. Posner.

Dame Katharine FURSE said, in view of the discussion, she wished to withdraw her suggestion that the questionnaire should be sent to the private organisations.

Mr. HARRIS (British Empire) proposed that, in view of what had been said, the questionnaire should be sent only to the Governments. He still thought, however, that the assessors on the

Committee were the most appropriate persons to collect the views of the private organisations. If the questions contained in the present document were not regarded as suitable, he would suggest that the assessors might meet and draft a questionnaire which would be more appropriate.

M. REGNAULT (France) proposed that the drafting of such a questionnaire should be left to the experts, who had produced the document under discussion. That document had been deservedly praised by M. Simon van der Aa, and the Committee might have every confidence in its authors.

*The Committee decided that the questionnaire should be sent to all the Governments.*

---

## NINTH MEETING.

*Held on Wednesday, April 17th, 1929, at 3.30 p.m.*

---

*Chairman : M. ITO (Vice-Chairman) (Japan).*

Present : All the members of the Committee or their substitutes, with the exception of the Marquis Paulucci di Calboli, Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville and Miss Whitton.

### **123. Plan for an Enquiry into the Auxiliary Services of Juvenile Courts (continuation).**

M. SIMON Van der Aa, Secretary-General of the International Prison Commission, came to the table of the Committee.

The CHAIRMAN recalled that, at the preceding meeting, the Committee had decided upon the title for the questionnaire to be addressed to Governments. It might now examine the questionnaire, question by question.

In connection with Question I, he would recall that Mr. Harris had made a proposal with reference to the term "auxiliary services". He would ask M. Rollet to speak on this point.

M. ROLLET said that he agreed with Mr. Harris' proposal. Miss Lathrop had declared herself opposed to any exact definition of the term "auxiliary services", but it should be remembered that, if the purport of the questions was not clear, uniform replies would not be received. He would suggest that the services in question might be better defined as "services which assist the court in preparing its decision." This expression would cover such institutions as women's homes and police women.

Mr. HARRIS (British Empire) did not think that the phrase suggested by M. Rollet was sufficiently comprehensive. In Great Britain the preliminary steps were taken by police officers, and these officers sometimes dealt with delinquent children without bringing them into court at all.

COUNT CARTON DE WIART (Belgium) agreed with Mr. Harris that M. Rollet's definition should be extended, and believed that M. Rollet himself would concur in this. He would suggest the phrase "services which assist the Juvenile courts in their work."

M. POSNER (Poland) said that he was in favour of the decision of the experts not to make any definition.

COUNT CARTON DE WIART (Belgium) said that he would be prepared to support M. Posner's proposal as an alternative to his own. In any case, it should be understood that the term "auxiliary services" excluded, on the one hand, reformatories, schools, and charitable and other homes, and, on the other hand, included services engaged in visiting such institutions, with a view to the possibility of requesting the court to modify its first decision in the interest of the child.

Mr. HARRIS (British Empire) proposed that, in order to expedite the Committee's proceedings, the final decision with regard to suggested amendments should be left to the Rapporteurs. For his part, he would be prepared to accept their verdict without further question.

Dr. Gertrud BÄUMER (Germany) said that she believed that the meaning of the term "auxiliary services" would be fully realised and that no definition would therefore be necessary. If, however, a definition were made, that definition should specify those institutions or individuals which it was intended to exclude.

Mme. ROMNICIANO (Roumania) said that the meaning of the term would doubtless be well understood in countries with modern institutions. In the case of her own country, however, she feared that misapprehensions might arise with regard to it. She insisted that a very clear specification should be made.

The CHAIRMAN put to the vote the proposal that the text of Question I should be amended.

*Three members voted in favour of amendment.*

The CHAIRMAN then put to the vote the proposal that the original text of Question I should be retained.

*This proposal was adopted, seven members voting in favour.*

The CHAIRMAN laid before the Committee a proposal submitted by M. Regnault that the Committee should adopt the remainder of the questionnaire *in toto* and without discussion.

Mr. HARRIS (British Empire) thought that this procedure would be too abrupt. The members of the Committee should be given an opportunity of suggesting amendments for the consideration of the Rapporteurs.

M. FORMENTINI (Italy) supported M. Regnault's proposal. Since Government departments differed to a great extent in structure and tradition, he believed it would be difficult to find a text which would be entirely acceptable to all. The present text was the result of the conscientious work of the Legal Sub-Committee.

M. REGNAULT (France) thanked the Italian representative for his support. He did not think that his proposal was in any way subversive, for so great an authority as M. Simon van der Aa had given it as his opinion that the questionnaire was very adequately worked out.

Mlle. BURNIAUX said that she also was in favour of M. Regnault's proposal. The present text was a very harmonious one, and amendments might disturb that harmony.

Dr. Paulina LUISI (Uruguay) said that she supported Mr. Harris's proposal, which would, she believed, give full satisfaction both to the Rapporteurs and to M. Regnault. The submission of suggested amendments—which would, she assumed, be transmitted in writing—would not imply any reflection upon the work of the drafters of the questionnaire.

M. REGNAULT (France) said that he accepted the amendment proposed by Mr. Harris.

M. SIMON VAN DER AA drew attention to the necessity of submitting all suggested amendments in the form of a draft text.

The CHAIRMAN asked whether the Committee agreed to the proposal that the draft questionnaire should be adopted, subject to possible amendments to be proposed by the members, and referred to the Rapporteurs.

*This proposal was adopted.*

Mlle. DALMAZZO recalled the proposal she had made at the preceding meeting that the scope of the questionnaire should be defined in a resolution to be adopted by the Committee, in which it would be stated that the Committee felt it desirable that the questionnaire should be sent to all Governments, and further considered that the enquiry should be subsequently extended by means of another questionnaire designed to obtain information in regard to the institutions which executed the judgments of the courts.

The CHAIRMAN recalled, with regard to the first part of this proposal, that it had already been decided, in principle, that the questionnaire should be sent to all States whether Members of the League or not.

Mlle. DALMAZZO submitted the following draft resolution :

"1. The Advisory Commission, etc., approves the questionnaire concerning the auxiliary services in juvenile courts, and recommends that it should be sent to all States, including those not Members of the League of Nations.

"2. The Commission considers that the enquiry should be extended by the preparation of a questionnaire to be sent subsequently for examination by the institutions appointed to carry out the decisions pronounced by juvenile courts."

*The first paragraph of this resolution was adopted.*

The CHAIRMAN said that it appeared to him that consideration at the present session of the proposal contained in the second part of Mlle. Dalmazzo's proposal would be premature.

M. SIMON VAN DER AA wished to say a word in this connection. The question of an enquiry into public or private institutions in which children were placed in virtue of a decision of the court was an extremely important one for the International Prison Commission. Some years previously that Commission had started such an enquiry and it might wish to re-open it. Should the Child Welfare Committee request the Commission to collaborate with it in its task, the Commission would be very pleased to do so ; if, however, this request were not made, the Commission might still wish to take up the enquiry on its own.

The CHAIRMAN was sure that all his colleagues would agree that the Committee, in the event of its undertaking such an enquiry, would desire to work in close co-operation with the International Prison Commission. He would propose that Count Carton de Wiart should be requested to draw attention to this point in the Committee's report.

Count CARTON DE WIART (Belgium) understood that the enquiry was limited, for the time being, to the question of auxiliary services, and that the question of the desirability of further study would be left in suspense. He agreed, however, with the suggestion for such study contained in the second part of Mlle. Dalmazzo's proposal, and was glad to note that M. Simon van der Aa had

expressed, on behalf of the International Prison Commission, the hope that there would be collaboration with that body.

M. ROLLET drew attention to the concluding paragraphs of the report on the enquiry into the auxiliary services, which anticipated collaboration between the International Prison Commission and the Child Welfare Committee in an enquiry such as that proposed by Mlle. Dalmazzo.

M. SIMON VAN DER AA pointed out that these paragraphs did not refer to any desire on behalf of the plenary Committee itself for collaboration between the two bodies.

The CHAIRMAN assured M. Simon van der Aa that express reference would be made in the Committee's report to the Council, of the Committee's desire for mutual and cordial collaboration, in the contemplated enquiry, between the Child Welfare Committee and the International Prison Commission.

He thanked M. Simon van der Aa for his kind assistance and said that he trusted the Committee would continue to enjoy his cordial co-operation for many years to come.

M. SIMON VAN DER AA thanked the Chairman and the members of the Committee for the welcome which they had extended to him, and for the expression of their desire to collaborate with the International Prison Commission.

(M. Simon van der Aa withdrew.)

**124. Reorganisation of the Child Welfare Committee : Resolution adopted by the Council on December 13th, 1928.**

The CHAIRMAN reminded the Committee that the question of its composition had been brought up in consequence of the Council's resolution of December 13th, 1928, drawing the attention of the Advisory Commission to the fact "that the steadily increasing number of delegates and assessors might be detrimental to the work done, and asking the Commission to devise some scheme by which assessors should only be called upon to attend its meetings when subjects which were of special interest to the organisations they represented were under discussion".

There were two points to be remembered in discussing the Council's resolution. The first was that the question of the assessors related not only to the composition of the Child Welfare Committee but also to that of the Traffic in Women and Children Committee, so that, in discussing the question, the members of the Child Welfare Committee should remember to confine their observations solely to the aspects affecting their own Committee.

Secondly, there were three categories of members in the Child Welfare Committee : the Government representatives, the assessors and the liaison members. It might well be that the views of these three categories of members did not coincide. He would therefore be glad to have the Committee's views on the question whether the two parts of the Council's resolution should be discussed separately or together.

Dr. Estrid HEIN (Denmark) thought that it would be difficult to discuss the resolution otherwise than as a whole, since the question of the number of the assessors was closely bound up with that of the composition of the Committee. She wished to submit certain general remarks upon the organisation of the Committee's work.

M. AMADOR (Spain) suggested that the resolution should be discussed rather at a plenary session of the Advisory Commission, since it affected the Traffic in Women and Children Committee no less than the Child Welfare Committee.

Mr. HARRIS (British Empire) said that, having read the interesting and valuable memorandum prepared by the assessors (document C. T. F. E. 408 (c)), he had drafted a memorandum of his own, dealing not only with the question of the assessors but also with that of the official representatives (document C. T. F. E. 408 (d)). He agreed with Dr. Hein that the subject should be discussed as a whole, but would at the same time urge the necessity of maintaining the discussion on a purely objective plane, without any reference to personalities, the only object being to devise the best means of securing efficiency in the Committee's work.

Dr. HUMBERT agreed that the question should be discussed as a whole. As a practical proposal, he would suggest that, as the assessors agreed in principle with the majority of the points made in Mr. Harris' memorandum, it would be best to take that memorandum as a basis of discussion. When the Committee came to examine the paragraphs dealing with the question of the assessors, it should take into account the suggestions made in the memorandum submitted by M. Rollet and himself on behalf of the assessors.

The CHAIRMAN noted that the Committee agreed to take the question as a whole. If the members had no objection, Mr. Harris' memorandum could be taken as a basis of discussion. He would, however, beg the members of the Committee to remember that the question referred to the Committee by the Council was that of the assessors ; he had no objection to discussing the whole problem of the composition of the Committee and the organisation of its work, but on condition that the Committee came to a decision with regard to the assessors.

Dr. Estrid HEIN (Denmark) said that it was only with great reluctance and after mature consideration, that she ventured to submit certain remarks which were intended to be taken as a constructive criticism and not as a criticism of any person. She wished to pay particular attention to questions of procedure, in which matter she felt herself partly responsible.

When the Committee first took up its work, no member of the Committee was in a position to say exactly how international work such as that entrusted to it should be carried out. The members of the Committee would remember how at the outset the Committee had drawn up a long list of desiderata and, instead of concentrating on a few important subjects, had attempted to deal—as it was still attempting, although it had made some improvement—with far too many subjects simultaneously.

As the years went on, the Committee had taken up a number of questions, some of which it had been forced to drop without securing results. An instance of this method of procedure was the adoption of the resolution on recreation. The Committee had asked some of the assessors to prepare papers on that vast subject, and some of them had done an enormous amount of work. The Committee, however, had never held any real discussion on the assessors' memoranda and had failed to point out those aspects to which it wished special attention to be devoted. Surely it was the duty of the Committee to endeavour to obtain final and concrete results?

Another instance was that of a subject for which Dr. Hein was very largely responsible because she had a special knowledge of it, namely, the blind child. The questionnaire which she had prepared on that subject had been drafted hastily and superficially, and it was only as a result of increased experience that Dr. Hein had come to the conclusion that the Committee should have proceeded in an entirely different manner. It should have appointed a small Sub-Committee to consider the question of holding an enquiry into the subject, and it should have appointed a member of the Secretariat to study everything that had appeared in print on the matter and to prepare a short report, indicating the most important points, such as the best method of procuring reliable statistics, the question of compulsory school attendance or otherwise, etc.—subjects which, even now, were not clear to Dr. Hein, since she was a specialist solely in the treatment of eye diseases and not in the social treatment of blind children.

There were other questions which had been dealt with in the same manner; that, for instance, of non-inflammable films. M. Martin had shown the Committee that such films were indeed non-inflammable, but he had not indicated the cost of production or the durability of such films in comparison with other kinds of films. It was for that reason that Dr. Hein had been unable to vote for M. Martin's recommendation. There was, again, the subject of daylight films; only one member of the Committee had ever seen that kind of film, but the Committee as a whole had passed a resolution on the matter.

Having for some years felt doubts concerning the Committee's methods of procedure, Dr. Hein had attempted to ascertain the methods adopted by other international scientific bodies. The method generally employed appeared to be that if a member proposed the investigation of a question the other members decided whether or not the Committee should undertake a preliminary enquiry. If they decided affirmatively, they had a preliminary report prepared for them by a member of the staff—the report being largely based on printed articles, books, etc.—and the Committee again discussed whether the investigation should be continued. If it decided in favour of continuation, it obtained the services of the very best experts (three, four or five), drawn from all parts of the world, to work on the question in co-operation with one or two members of the Committee itself. After careful enquiry, this new small Sub-Committee expressed its opinion on the subject and that opinion, if accepted, was forwarded to the plenary Committee for approval.

Dr. Hein considered that that method of procedure would enjoy far greater authority than the methods hitherto followed by the Child Welfare Committee. She had been informed that other international committees had nearly abandoned the practice of sending out questionnaires, as they had found that very little valuable information was obtained from them.

If, therefore, the Committee now had to create the organisation from the very beginning it might perhaps have the same Government delegates.

With regard to the assessors, Dr. Hein would prefer their number to be rather small; they should represent the really international organisations dealing with child welfare. She would further propose that there should be on the Secretariat some specialists in child welfare, trained to undertake scientific investigations. Finally, in regard to each individual question, the very best possible expert advice should be obtained. That procedure would, of course, cost more money than was available at the moment, but it would in the long run secure a credit balance in the general budget of the world.

In conclusion, in view of the great importance of the question of reconstruction for the Committee's work, Dr. Hein would urge the formation of a small Sub-Committee to examine the whole problem.

Mr. HARRIS (British Empire) agreed with every word that Dr. Hein had said. Her suggestion for the appointment of a Sub-Committee to consider the whole question was a valuable one. That, however, might have to be discussed a little later. Dr. Hein had gone somewhat further than the subject actually under discussion, that of the composition of the Committee.

Mr. Harris then submitted his memorandum (document C. T. F. E. 408 (d)) and emphasised the point that in preparing it he had carefully avoided any personal reference to any Government delegation, Government representative, assessor or other member of the Committee.

M. REGNAULT (France) agreed that it was essential for the Committee to discuss the question objectively, and that criticism of Governments or persons should be rigorously excluded. At the same time, he observed that, in his memorandum, Mr. Harris referred to a point which the Committee did not seem to be called upon to discuss. The observations made by the Council referred to



the number and attributes of the assessors and not of the Government delegates. Moreover, on this latter point, the precedents offered by other Committees of the League of Nations showed that the official delegates were often very numerous and accompanied by experts who were entitled to speak if the head of the delegation asked the permission of the Committee.

M. Regnault wished to maintain the right of each Government to send as many assistant delegates as it thought fit to take part in the technical examination of the questions before the Child Welfare Committee, questions which were of great importance from the social and humanitarian points of view. Mr. Harris's memorandum appeared to indicate that the presence of the assistant delegates hampered or delayed the work of the Committee. It must, however, be remembered that, no matter how many assistant delegates there might be, each delegation represented only one vote, and only one opinion was expressed, namely that of the delegation. It could not therefore be maintained that the fact that the assistant delegates sometimes spoke in the place of the head of the delegation caused delay in the Committee's discussions. In these circumstances, M. Regnault thought that the Committee was not called upon to discuss the question of the assistant or substitute delegates, but should deal only with the question of the assessors.

The CHAIRMAN drew M. Regnault's attention to the passage in M. Villegas's report reading : "The Council should draw the attention of the Advisory Commission . . . to the fact that the steadily increasing number of *delegates* and assessors may be detrimental to the work done . . .".

Dr. HUMBERT pointed out that in the memorandum prepared by himself and M. Rollet on behalf of the assessors, the question of the number of assessors was examined (document C.T.F.E. 408 (c)). There was no need to consider the number of assessors in comparison with that of the Government delegates. The only point with which the assessors were concerned was that of their own number.

Mr. Harris had enumerated certain objections to any increase in that number. The suggestion made by M. Villegas in his report to the Council, that assessors should only be summoned to give their views on particular subjects, was not in concordance with the desire previously expressed by the Council that the voluntary associations should keep in touch not only with one aspect of the Committee's work, but with all the problems which it took up. The assessors were sent to Geneva in order that they might be in a position to co-operate with the Governments in every possible manner. They were, moreover, able to supplement the work of the Governments.

Furthermore, through the assessors, who acted as the spokesmen of the general public before the Committee, it was possible for the public to express its views in a methodical and orderly manner. In this way, the assessors were in a position to render great service to the Committee. A further objection to the proposal was that it was obviously impossible to expect delegates from the United States or Canada to come to Geneva to attend the discussion of a point which might take only a couple of hours.

It was with these considerations in mind that the assessors had submitted three practical suggestions. Dr. Humbert was glad to note that the proposals made in Mr. Harris's memorandum concurred almost exactly with those made in the assessors' memorandum. The latter's suggestions were, first, to fix a maximum number of assessors, which should be twelve ; second, that the appointments of assessors should be renewable periodically ; and, third, that the Council should be requested to forward to the Chairman of the Advisory Commission, for an opinion, requests from voluntary associations for the appointment of new assessors. It would be very valuable for the Council to have the opinion of the Committee as to the qualifications of such new assessors, it being understood, of course, that the final decision rested with the Council.

Dr. Hein had referred to the desirability of reorganising the Committee's methods of work. If the Council appeared to be of opinion that it was the number of members which hampered its work, the Committee should perhaps, at the same time, examine the question of its procedure with a view to ascertaining whether there were any other causes of delay. The Committee should take up that question as soon as possible, even if it meant losing a day or two at the next session. In this connection, Dr. Humbert would point out that the Committee had never yet laid down any precise line of action in consulting other organs of the League, such as, for instance, the Health Organisation. Dr. Humbert considered that no question should be referred by the Child Welfare Committee to another Committee which would be competent to consider solely those aspects which concerned it ; each question dealt with by the Child Welfare Committee was intimately bound up with certain other questions which came solely within the province of the Child Welfare Committee. A subject, for instance, which might appear to the Health Organisation to have a purely medical aspect would have all sorts of other aspects, sociological and penalogical, for the Child Welfare Committee. Dr. Humbert therefore agreed with Dr. Hein that when the Committee as a whole found difficulty in dealing with a subject, it should appoint a number of experts to discuss it with one or two members of the Committee itself and to report.

Mr. HARRIS (British Empire) pointed out that his recommendations did not entirely coincide with those made by the assessors. Mr. Harris was opposed to fixing a maximum number of assessors, since he thought that if a maximum number were fixed, the maximum would be reached almost at once. Nor did he propose to reduce the number of assessors immediately, because he did not like parting with friends, and he did not wish to lose the valuable assistance which the present assessors had given the Committee hitherto. Mr. Harris had therefore confined himself to suggesting that when a vacancy occurred among the assessors, the question of his replacement should be investigated on its merits.

Mme. ROMNICIANO (Roumania) reminded the Committee that the persistent efforts and the assistance of the voluntary organisations had resulted in the creation in Roumania of the National

Ministry of Health and Public Welfare. She felt that the League of Nations needed the help of voluntary organisations which were collaborating in the application of the Conventions signed by the Governments. She thought it impossible to contemplate the day on which the voluntary associations would be deprived of the right of sending assessors to take part in the Committee's work, which was no less important than the political work of the League of Nations.

She understood the difficulty in increasing the number of assessors, but she wondered whether it was really the number of assessors which caused the delay in the Committee's work, or whether that delay could not be imputed to all the members of the Committee, who were too apt to speak on all questions, often without the necessary competence and without saying anything new which might throw light upon those questions. In regard to any proposal for reducing the numbers of the assessors, she would point out that there were voluntary associations which could sometimes send even better qualified representatives than certain Governments. She would be very sorry to see the Committee deprived of the valuable experience and knowledge of the assessors in the examination of various aspects of the questions submitted to the Committee.

M. POSNER (Poland) said that the questions raised in the memoranda submitted by Dr. Humbert, Mr. Harris and Dr. Hein opened up a vast perspective. In view of the short time available, he could only touch on certain points. He could not, however, keep silent, because he considered the problem a very serious one. Even supposing that there were too many assessors, it was not clear how the Council had come to that conclusion, especially as no member of the Council had ever attended the Committee's proceedings. Further, when criticising the number of assessors, the Council had at the same time appointed an additional assessor.

Again, it must be remembered that it was the Council which appointed the assessors. The Committee had not even been asked to give an opinion on the utility or suitability of new appointments. From time to time, M. Posner was told that a new assessor had been appointed representing an international voluntary association. He was making no personal criticism, but was merely recording a fact. The Committee was now asked to give an opinion on that fact, although it had never been consulted on the appointments. Next year, the Committee might be told that there were too many Government delegates. That, however, was a question not for the Committee but for the Governments. It must not, moreover, be forgotten that the expenses of the Committee were defrayed, not by the League, but in part by the Governments on account of their own representatives and in part by the voluntary organisations, who paid the expenses of the assessors.

Count CARTON DE WIART (Belgium) thought that the discussion would be more fruitful if the delegates would confine their observations to the proposals that had actually been submitted to the Committee. The Council had restricted itself to forwarding an observation that it was desirable that the number of assessors should not be increased, and it was in that connection that certain members had taken up the problem whether the Committee was working in a way to secure the most fruitful results.

Count Carton de Wiart considered that the constitution of the Child Welfare Committee was a happy one, since it consisted of Government delegates and of the representatives of voluntary international associations. There was nothing to change in the constitution of the Committee. He agreed, however, with Mr. Harris that it would be useful to define the co-operation between the Governments and the voluntary associations in regard to the three points which Mr. Harris had proposed, namely: (a) that the Council should be asked not to appoint further assessors without giving the Committee an opportunity of considering the question; (b) that in the case of a vacancy among the assessors the Committee should be allowed to consider the qualifications of the person suggested to fill the vacancy; and (c) that the assessors should in future be appointed for five years. Those proposals appeared to Count Carton de Wiart to be very reasonable.

In regard to the permanent liaison officers, Count Carton de Wiart supported Mr. Harris' suggestions as well as his conclusions with regard to experts. The Committee had obtained much valuable assistance from the experts, and it would certainly have to have recourse to them in the future. There was this further advantage in having recourse to experts. It was not possible for all countries to be represented on the Committee, and it might therefore be suggested that in appointing experts it would be desirable, where possible, to select them from countries not represented on the Committee. This would be a useful method of securing the interest of the public opinion of the world in the work of the Committee.

As regarded the question of the number of Government delegates, Count Carton de Wiart agreed with M. Regnault. Each Government was entitled, at its own discretion, to decide how many assistant delegates it thought necessary to send to the Committee for the preparation of a subject which was to be examined by the Committee.

Dr. Gertrud BÄUMER (Germany) felt that the Committee's difficulties were largely due to the complexity of its work. The more conscientiously the Committee discussed each question before it, the more clearly it saw the relation existing between the different topics submitted. The Committee therefore should not be intimidated by any criticism, even that of the Council.

Dr. Bäumer regretted that the problem had been raised in the Council purely as a question of the number of assessors. The Council appeared to have taken up a rather bureaucratic point of view. Government departments were always apt to regard voluntary organisations as a nuisance or as a hindrance to their work. The members of the Committee must endeavour to free themselves from any such attitude to the Committee's work, which should be an example to the whole world of co-operation between the public authorities and private organisations.

It was not Dr. Bäumer's impression that the representatives of the voluntary organisations had delayed the Committee's work. If she regretted anything, it was the fact that they had not had sufficient opportunities of making known their views. The voluntary associations represented the reality of international organisation which the Governments were still endeavouring to achieve. What the Committee needed, above all, was the international point of view, and it was that that they obtained from the assessors rather than from the Government delegates. Further, if the assessors did not come to the Committee's meetings, the Governments would tend to increase the number of experts accompanying delegates. Dr. Bäumer could not therefore support the Council's proposal that the assessors should be summoned only for special questions.

Dr. Humbert had been quite right when he said that, in the Committee's work, there were no special questions but only special aspects of one question. The Committee had need of experts to consider the special aspects, but it also required representatives of the international organisations in order that it might obtain their advice on its work as a whole.

The reorganisation of the Committee should bear more specially on its programme and its methods of work, and Dr. Bäumer agreed that more work should be referred to Sub-Committees and that it was unnecessary to discuss all questions at plenary meetings. While, therefore, she agreed with the proposals of Mr. Harris and Dr. Humbert, she would urge that the only real necessity was a revision of the Committee's programme and method of work.

Miss RATHBONE agreed with so much that had been said by other speakers, especially Dr. Humbert and Mr. Harris, that she only wished to make one suggestion. Even those who had defended the assessors had suggested that it would be desirable to seek an early opportunity of cutting down their numbers and that, if that were done, preference should be given, in the words of Dr. Humbert's memorandum, "to the international organisations officially or universally recognised as the natural and permanent spokesmen of large groups of children or institutions acting on their behalf". Miss Rathbone felt that that suggestion reflected a point of view which, if followed too closely, would turn the Child Welfare Committee into one with too pathological an outlook.

The Government departments concerned in the matter dealt primarily with the penalogical aspect of the matter, while the international philanthropic associations were concerned chiefly with the child in distress and were sometimes apt to forget that the vast majority of children lived normal lives in normal homes. There were many big questions of a very general nature which affected the child in normal circumstances and which called for more scientific research—questions of education, child psychology, recreation and feeding. Those were questions which could be usefully considered by the Child Welfare Committee, and for this purpose it would be well that the Committee should be in touch with the representatives of the big non-philanthropic associations, representing the views of the more general public, such as teachers, mothers, etc..

Miss Rathbone thought that it would be a mistake for the Committee, in its report to the Council, to give the appearance of accepting the Council's view that the number of assessors was too large and that it would agree to reduce it at the first opportunity, especially as it did not seem to be the opinion of the members that the Committee's work had suffered from the number of the assessors.

In conclusion, in regard to Mr. Harris's proposal as to the election of assessors to fill vacancies, Miss Rathbone pointed out that that proposal might entail a delay of two years in the appointment of a new assessor and that, on that account, an assessor might hesitate before resigning.

M. FORMENTINI (Italy) supported Mr. Harris's proposals. It was only necessary to look at the work now done by the Committee to see how happy were the results of co-operation between Government delegates and the representatives of voluntary associations. With regard to any subsequent increase in the number of assessors, M. Formentini agreed that great caution would be required in future, but that no maximum number should be fixed.

He wished to draw particular attention to the question of experts. He thought that the role of the experts in the Committee's work, although valuable, was too extensive. It was unnecessary to ask the opinion of the experts on all new proposals, for instance, the preparation of new conventions. It must be remembered that the preparation of an international convention implied the creation of new legislation. M. Formentini felt that the Committee was too apt to endeavour to modify existing practice by passing new international legislation instead of making proposals for the better application of existing laws.

Dr. Paulina LUISI (Uruguay) agreed with Mr. Harris's proposals in regard to the assessors. She further agreed with M. Regnault in his remarks upon the right of Government delegates to be accompanied by experts, provided that the delegation as a whole represented only one vote and was a self-contained unit.

She reminded the Committee that at the outset the number of assessors had been quite small. That number had been increased later and, when the Committee had first been asked to increase it, it had had difficulty in accepting a representative from the Pan-American Association, on the ground that the work done by that Association in America was identical with that done by the representatives of certain European associations already represented on the Committee. The Pan-American Association, however, was subsidised and supported by the States and was accordingly in a somewhat different position from the European voluntary associations. It was because the Committee had failed to understand that position that the delegate from the Pan-American Association had never come to Geneva.

Some members of the Committee had said that even with five assessors there were too many, and those who were in favour of increasing the number had had great difficulty in securing the Committee's consent to the addition of two assessors, one from America and one from Canada. Dr. Luisi had not agreed with those members who considered that the number of the assessors was a hindrance to the Committee's work. Now, however, the position was reversed. The Committee had been told by the Council that there were too many assessors, and, although it had not appointed the assessors, the Committee was asked whether their number should not be limited.

Dr. Luisi agreed with Dr. Hein and Dr. Humbert that the Committee should refer no question to other bodies without having given due consideration to the other aspects of the question as they affected the Committee's work. Health questions, for instance, were bound up with educational questions, and the latter belonged solely to the province of the Child Welfare Committee which should consider all those aspects of each question which were related to each other. At the same time, Dr. Luisi felt that the Committee tended to take up too many different questions at each session. It should, if possible, limit at the beginning of each session the number of questions to be considered. For each question, again, the Committee would probably need the assistance of assessors or of experts, and in deciding what experts should be invited it should consider not so much their number as their qualifications and experience. If Mr. Harris's proposals were adopted, she would accordingly propose an amendment in paragraph (b) to the effect that the Committee should consider the qualifications not of the person suggested but of the international association interested. The Committee was not competent to consider the qualifications of a person, but only those of an association.

Dr. HUMBERT observed that the only difference between the proposals submitted by the assessors and those submitted by Mr. Harris concerned the question whether a maximum should be fixed for the number of assessors. He would invite the Committee's attention to this point, because in making their suggestion the assessors considered that they were holding out to the Council the hope that the existing number would not be exceeded. It must be remembered, too, that the Council had already refused the application of certain Governments to be represented on the Committee on the ground that the number of Government delegates was already too large.

With regard to Mr. Harris's proposal that the Committee should be consulted upon the qualifications of persons suggested to fill a vacancy among the assessors, Dr. Humbert wished to point out that the assessors were appointed, not because of their personal qualifications, but because of those of the association they represented. Again, the appointment by name of a particular person would almost certainly entail expenditure for the Committee, whereas at present the expenses of the assessors were borne by the voluntary associations.

In reply to Miss Rathbone's observations, Dr. Humbert pointed out that he had presented his memorandum on behalf of all the assessors. He believed that his definition gave Miss Rathbone all the guarantees she required. For instance, the international association to which Dame Katharine Furse belonged came within that definition, and she represented the interests of the normal child. The representative of the International Red Cross, again, represented certain work which the Red Cross was attempting to do for children in all countries, besides acting as the spokeswoman of some 12,000 children who were members of the Red Cross. Again, it should be remembered that the present number of assessors was eleven, and if the maximum were fixed at twelve, that should suffice to allay Miss Rathbone's apprehensions.

In conclusion, Dr. Humbert would ask that the vote on his memorandum and on that of Mr. Harris should be taken simultaneously.

Mr. HARRIS (British Empire) suggested that he and Dr. Humbert might perhaps meet and arrive at an agreed proposal, with a view to saving further discussion.

COUNT CARTON DE WIART (Belgium) approved Mr. Harris's suggestion. He inferred from the discussion that the majority of the members of the Committee did not accept the idea of fixing a maximum number of assessors, which indeed was dangerous. It might well happen that the Committee would find it essential to have the assistance of other assessors. In any case, it would be only reasonable that the Committee should ask to be given an opportunity of stating its opinion with regard to the appointment of new assessors.

M. REGNAULT (France) observed that in his memorandum Mr. Harris had stated that there was no necessity to continue the appointment of the permanent liaison officer with the Committee on Intellectual Co-operation. M. Regnault thought this view mistaken, since the Committee on Intellectual Co-operation would most certainly have a number of subjects to study regarding children, in addition to that of the cinema. The liaison officer on that Committee should therefore be maintained.

In regard to the selection of experts, M. Regnault did not agree with the suggestion made by one speaker that they should be chosen from organisations doing special work. It was frequently necessary to have recourse to specialists on questions of principle or general questions, as, for instance, in legal matters in connection with the Convention on the Repatriation of Minors.

Miss LATHROP observed that there was one aspect which was of special importance to her, namely, the question of the personnel of the Secretariat. It might be said that that question was not within the province of the Committee, but it could not be doubted that the Committee's work would be greatly facilitated if it had a technical Secretariat. Furthermore, such a Secretariat would change the whole aspect of the relations between the Government delegates and the assessors. She hoped that Dr. Humbert and Mr. Harris would find it possible to consider her suggestion in any joint memorandum they submitted.

The CHAIRMAN declared the general discussion closed. The discussion had ranged over a number of questions, and it seemed to be the general opinion of the Committee that it should limit itself for the time being to examining the Council's decision out of which the debate had arisen, that was to say, to the question of the number of assessors. That being so, he would request Dr. Humbert and Mr. Harris to prepare a joint memorandum, so that it could be adopted by the Committee unanimously on the following morning.

---

### TENTH MEETING.

*Held on Thursday, April 18th, 1929, at 10.30 a.m.*

---

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville and Miss Whitton.

**125. Reorganisation of the Child Welfare Committee : Resolution adopted by the Council on December 13th, 1928 (continuation).**

M. REGNAULT (France) referred to the proposal made at the previous meeting in regard to the reorganisation of the Committee. This was a very important matter, giving rise to questions of principle. The proposal had been to the effect that all members of the Committee and also the assessors should have the right to speak on all items on the agenda. M. Renault considered that the assessors should be at liberty to discuss everything upon the agenda except administrative questions and the budget. The assessors represented either private organisations or other bodies such as the International Labour Office and the Committee on Intellectual Co-operation. None of the associations or organisations paid anything towards the expenses of the League of Nations. Since, therefore, the administrative or budgetary questions were outside the competence of the organs which the assessors represented, the latter should not, he thought, be authorised to take part in those discussions.

As far as the staff of the Secretariat was concerned, its organisation did not, he thought, concern the assessors, or even the Committee. All that the Committee could ask was that the Secretariat should do the work entrusted to it. The Committee should recognise that the general reports and special monographs on certain questions had been perfectly prepared. During the past year, therefore, the Secretariat had carried out, both zealously and methodically, a very heavy task, and it deserved nothing but praise and gratitude. The Secretariat had thus shown that it was capable of doing satisfactorily the preparatory work for a considerable number of questions.

For these reasons, he urged that the proposal made at the preceding meeting should not be adopted, a proposal which was not justified for any special reason.

Mr. HARRIS (British Empire) agreed with the views of M. Renault concerning the functions of the assessors.

As far as the Secretariat was concerned, the only point which mattered was that the Committee should not place upon the Secretariat work which it could not perform with the present staff at its disposal. As regards any proposed programme of work, therefore, the Committee must consult the Secretariat, in order to make sure in advance that the necessary means existed for carrying it out.

Miss LATHROP desired to make a personal explanation in regard to her observations at the preceding meeting. In the hurry at the close of the meeting, the interpreter and herself had seemed most unfortunately to have conveyed to some members of the Committee the impression that she was criticising the Secretariat. Nothing had been further from her desires. She believed that, in justice to the Secretariat and to the work of the Committee, its equipment should be made adequate for the task. Dame Rachel and her staff had, in the opinion of Miss Lathrop, succeeded in the task of making bricks without straw. She had merely wished to state her belief that admirable work had been done by an extraordinary effort, and that the whole organisation of the Committee and its Secretariat would be strengthened by additions to the latter, especially on the research side.

Mr. JOHNSTON fully agreed with the observations of M. Renault. As representative of the International Labour Office, he had always carefully abstained from taking part in any discussions concerning administrative or budget questions, as he had held the view that these matters did not concern a liaison officer.

M. REGNAULT (France) would pay a tribute to all the liaison officers, who brought very well-prepared work to the Committee for its consideration.

Mme. ROMNICIANO (Roumania) referred to the question of a new assessor to take the place of Miss Rathbone, who was resigning. How could the Committee consider the qualifications of the person who would replace her and at the same time secure the presence of the new assessor at the next session ?

Miss RATHBONE pointed out that she had not in actual fact resigned, but that she intended to ask the organisations which she represented to change their representative at the next session.

She had prepared a resolution in regard to the reorganisation of the Committee which might possibly run counter to the views of M. Regnault. It was to the following effect :

“The Child Welfare Committee expresses the opinion that the staff at the disposal of the Chief of Section is too small to carry out all the documentation and enquiries and to prepare the reports necessary if the Committee is to cover effectively the field of child welfare in its various aspects.

“In the opinion of the Committee, the staff should be augmented by at least two or three additional persons experienced in research. These might be appointed for a term of years, or the personnel might be varied to suit the needs of the work undertaken by the Committee from time to time, experts being chosen who have the special qualifications needed for each particular enquiry.”

She considered that the functions of the assessors were to suggest what work should be undertaken by the Committee itself. Only those members representing Governments had the right to vote, and it was for the assessors to make suggestions to those members and not to the Council.

Without in any way criticising the Secretariat, which had done wonderful work considering the means at its disposal, the Committee would, she thought, more and more come to realise the very wide field offered by child welfare to research work. International action by Governments was necessarily limited in scope, but the whole subject of child welfare offered an immense field for scientific research and, that being so, it seemed to her inevitable that the staff of the Committee would have to be reinforced from time to time by experts either in education, law, or social problems, etc. In making her suggestion for an increase of staff, therefore, she was not in any way criticising the Secretariat, but was, on the contrary, desirous of helping it.

Dr. Paulina LUISI (Uruguay), in reply to Mme. Romniano, pointed out that it had been agreed by every member at the last meeting that, in appointing a new assessor, the association or associations which he or she would represent must be chosen, and not the particular personality. Once the association or associations were designated, it would be left to them to choose their own representative. The question put by Mme. Romniano did not therefore arise.

Mr. HARRIS (British Empire) thought that the Committee must discuss its own reorganisation and the staff it required simultaneously.

The SECRETARY explained that the budget of the Secretariat was not submitted to the Child Welfare Committee, for the staff of the Social Section covered all social work, including the work of the Committee on Traffic in Opium, on Traffic in Women and Children, on Obscene Publications, etc. She therefore agreed with the views of Mr. Harris.

The CHAIRMAN called upon the Committee to discuss the proposed text drawn up by Mr. Harris and Dr. Humbert, as arranged at the last meeting.

Mr. HARRIS (British Empire) said that it was necessary to make a few verbal corrections in the text which had been distributed. The proposal as amended would read as follows :

“(a) The Child Welfare Committee respectfully suggests to the Council that it should be good enough to consult the Committee before any steps are taken in future to add to the members of the Committee.

“(b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. Apart from the organisations selected, the special qualifications of the persons to be nominated should be taken into consideration.

“(c) All assessors appointed in future should be appointed for a period of five years.

“(d) As regards existing assessors, the question should be considered in three years' time (namely, 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

“(e) It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors.”

COUNT CARTON DE WIART (Belgium) said that he was prepared to accept the proposed text. He would suggest, however, that a phrase should be inserted in paragraph (a) to indicate that the Committee in presenting the proposal was only meeting the views expressed by the Council. The Council had itself desired not to increase the number of assessors. The Committee agreed with the Council and was presenting certain suggestions which in no way ran counter to the wishes of the Council. Paragraph (a) might begin : “The Committee, taking into consideration the views of the Council”, etc.

M. REGNAULT (France) enquired as to the meaning of the expression “members of the Committee” in paragraph (a). Did this refer to the Government delegates or to the assessors ?

Mr. HARRIS (British Empire) said that the term was intended to include both delegates and assessors. The number of delegates had been increased from nine to twelve and it was desirable that the Committee should not be indefinitely enlarged.

He would suggest that the Committee in its report should refer explicitly to the suggestion of the Council to the effect that assessors should only be invited to sit on the Committee when special questions of interest to their organisations were being discussed. The Committee was as anxious as the Council to avoid adding to the number of the assessors sitting on the Committee, and the present proposal was being put forward in order to meet the views of the Council.

Dame Katharine FURSE suggested that in paragraph (b) the words "as a rule" should be inserted in the sentence referring to the selection of the assessors as representing international organisations. It might, in exceptional cases, be desirable to appoint as assessor a person who did not represent an international organisation, but who had special qualifications which might be useful to the Committee.

M. POSNER (Poland) pointed out that the assessors were not appointed as individuals, but as representatives of their organisations. The amendment proposed by Dame Katharine Furse appeared to introduce a new principle.

Dame Katharine FURSE pointed out that one at least of the assessors did not represent an organisation, but had been appointed for special qualifications.

Mr. HARRIS (British Empire) said that, if the Committee desired to make an amendment in the sense suggested by Dame Katharine Furse, he would propose that the words "except in special cases" should be inserted in paragraph (b).

He still thought it would be wise to refer to a limitation not only of the number of assessors but also of the number of delegates sitting on the Committee.

COUNT CARTON DE WIART (Belgium) said he was prepared to accept the amendment moved by Dame Katharine Furse. The Council might think it desirable to appoint an assessor who did not represent an international organisation.

M. REGNAULT (France) thought that paragraph (a) of the amendment should refer only to the assessors and not to the delegates on the Committee.

The SECRETARY enquired whether the rules of procedure referred to in paragraph (e) would be revised by the Legal Sub-Committee or by the full Committee.

Mr. HARRIS (British Empire) suggested that the Secretariat should prepare a revised draft of the rules of procedure for consideration at the next session of the Committee.

*The Committee agreed to this proposal.*

Dr. Estrid HEIN (Denmark) enquired as to the exact meaning of the last sentence of paragraph (b). How would it be possible for the Committee to take into consideration the special qualifications of the persons to be nominated in view of the fact that the person appointed was selected by his organisation?

Mr. HARRIS (British Empire) said that this sentence was the result of a modification of the original idea on which it was based. It had first been suggested that the Committee should itself consider the qualifications of the person to be nominated. Such a provision might, however, mean delay in the appointment, and it had therefore been decided that a reference to the consideration of the qualifications of the nominee should be made in its present form. The text as it stood left it open to the Secretariat to draw the attention of the organisations to the importance of considering the special qualifications of their nominees and, if necessary, to have an informal exchange of views with the organisations concerning a particular appointment.

Dr. Paulina LUISI (Uruguay) said that it was necessary to be quite clear on the point which had been raised. Did the text as it stood mean that the Committee reserved to itself the right to enquire into the qualifications of persons appointed by the organisations?

Mr. HARRIS (British Empire) said that such was not the intention of the present proposal. It had originally been suggested that every nomination by an organisation should be confirmed by the Committee. Finally, however, it had been decided that the responsibility for the appointment would rest primarily with the organisations. A formula had been adopted, however, which would enable the Secretariat or the Committee itself to represent that the person nominated should have the necessary qualifications.

Dr. Paulina LUISI (Uruguay) asked what would happen if a Government were to send to the Committee a delegate who obviously lacked the necessary qualifications. Could the Council or the Committee refuse to accept such an appointment? The answer was obviously in the negative, and the same principle should apply to the appointment of the assessors. Certain associations had been selected to send representatives to the Committee, and it was within the competence of the associations to appoint such representatives as appeared to be most appropriate. The present text was, in her view, dangerous if it had the effect of giving the Committee any right to interfere with the domestic arrangements of the associations. The Committee might attach conditions to the choice of the representatives of the associations, but certainly could not challenge an appointment once it had been made.

Dr. HUMBERT said that the original text had given considerably wider powers both to the Council and to the Committee in regard to the choice of representatives. The present text merely left the door open for any informal communications which might be necessary between the

Secretariat and the associations concerned. Such discretion was, in his opinion, desirable in the interests both of the associations and of the Committee. An association might propose to send to the Committee an expert in medical questions, whereas an expert in some other branch of infant welfare might be more usefully appointed. The associations themselves would, moreover, be glad of advice in regard to such appointments, and a certain amount of previous discussion and agreement should be possible as to the appropriate qualifications in a particular case. He had accepted the present text as the representative of the assessors, and he would ask Dr. Luisi not in this instance to be more royalist than the King.

M. ITO (Japan) suggested that the sentence should be suppressed.

Mr. HARRIS (British Empire) said that he could not assent to its suppression. He thought the reference to special qualifications was useful both for the associations and for the Committee. The associations might be glad of such an indication in dealing with their own members and candidates. In order to meet the point raised by Dr. Luisi, however, he would suggest that the sentence should read :

“The organisations selected should have special regard to the qualifications of the person to be nominated.”

Dr. Paulina LUISI (Uruguay) said she would accept any formula which made it clear that the organisations were responsible for the appointments.

*The text was approved, subject to the amendments adopted during the discussion.*

*The amended paragraphs were as follows :*

“(a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

“(b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.”

#### 126. **Illegitimate Children** (continuation).

The CHAIRMAN said that the Committee would now consider the resolutions drafted by the Legal Sub-Committee on the question of illegitimate children.

The first resolution was as follows :

“The Child Welfare Committee thanks the Governments for their ready replies to the questionnaire on the position of the illegitimate child and hopes that they will continue to notify any changes in their laws.

“The Committee notes from an examination of the replies received that more effective protection should be ensured to illegitimate children and also urges that, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to family rights.”

Mlle. BURNIAUX suggested that a sentence should be added in the second paragraph to the effect that the Committee decided to keep the question on its agenda. The paragraph would, in that case, read as follows :

“The Committee notes from an examination of the replies received that more effective protection should be ensured to illegitimate children, and decides with this end in view to keep the question on its agenda. It also urges . . . .”

M. REGNAULT (France), speaking as Chairman of the Legal Sub-Committee said that the draft resolution under consideration was very general in its terms. Many controversial points had been omitted from the resolution, in order to avoid long discussions. He had no objection to the adoption of the present text, or to the amendment proposed by Mlle. Burniaux.

Dame Katharine FURSE reminded the Committee that she had herself submitted a resolution dealing with illegitimate children in the following terms :

“That the enquiry into the position of illegitimate children should not be limited to the legal aspect of the question. It should also include the exploration of the psychological effects of illegitimacy upon children.

“With this in view, the Child Welfare Committee invites the Health Committee to enquire into the psychological and psychiatric aspects of illegitimacy, especially from the point of view of delinquency.”

M. REGNAULT (France) said that the question raised in the resolution proposed by Dame Katharine Furse was too complicated and extensive for immediate consideration. He proposed that any action in the matter should be postponed to another session of the Committee. A careful statistical study of the whole question would be necessary, for which the Committee was for the moment unprepared.

Dame Katharine FURSE represented that, in strengthening the position of illegitimate children, too much emphasis was usually laid upon the legal and financial aspects of the question, and too much insistence was perhaps also laid upon the rights of the family. The illegitimate child, owing



to the conditions under which it was born, was apt to suffer in psychological ways, partly, perhaps, owing to the attitude of the people surrounding it, or possibly owing to pre-natal causes. She felt that the whole subject should be carefully studied. The essential point was to consider to what extent children suffered psychologically and sociologically from their illegitimacy, and she would be grateful if the question were kept on the agenda for further discussion.

Dr. POLLIGKEIT agreed that the position of the illegitimate child was not merely a legal problem ; it was an admitted fact that there was a high percentage of abnormal children among those illegitimately born. It would be difficult, however, to study the problem on an international basis. He would suggest that the question should first be examined by means of a study upon national lines confined to a particular group of countries.

Dr. Paulina LUISI (Uruguay) suggested that Dr. Polligkeit should himself be invited to make a preliminary enquiry in his own country, and thus prepare the ground for the future consideration of the question.

Count CARTON DE WIART (Belgium) also agreed as to the importance of the aspect of the question to which Dame Katharine Furse had drawn attention. The problem would certainly have to be examined at a later stage.

For the moment, however, the Committee was considering the resolution submitted by the Legal Sub-Committee. He was prepared to accept the addition suggested by Mlle. Burniaux in the second paragraph of the resolution.

He would suggest that the last sentence in the French text should read : "Sous réserve du respect des droits de la famille".

*The resolution was adopted, with the amendments suggested by Mlle. Furniaux and Count Carton de Wiart.*

The CHAIRMAN said the Committee would now take the second resolution submitted by the Legal Sub-Committee concerning illegitimate children.

The resolution was as follows :

"The Legal Sub-Committee thinks it useful, for the study of the documentation collected by the Secretariat, to prepare a table of the measures most favourable to the illegitimate child contained in the laws of the different countries, in respect of the following questions :

- "(1) Means of establishing the paternity and maternity of the illegitimate child ;
- "(2) Right to maintenance and education ;
- "(3) Right to name—rights of inheritance and succession, if any ;
- "(4) Persons or institutions invested with paternal power or the right to guardianship ;
- "(5) Legitimation by subsequent marriage or other forms of legitimation ;
- "(6) Special measures to ensure the assistance and protection of the illegitimate child and its mother.

"This table would facilitate an all-round view of the general or partial reforms which can be effected through the laws."

Count CARTON DE WIART (Belgium) said he did not think that the opening paragraph of the resolution was very clear. The Committee wished to ask the Secretariat to study the information which had already been collected by means of the questionnaire, and to arrange that information in a tabular form. He would suggest that the first paragraph should be replaced by a formula to the effect that the Secretariat should, with a view to facilitating a study of the information collected, establish a table of the general or special reforms which should be undertaken, with a view to improving the position of the illegitimate child, and particularly in connection with the following points. The schedule would then follow, as in the text of the resolution.

Paragraph 4, however, would read : "determination of the persons or institutions", etc.

The concluding paragraph would be to the effect that the result of the work of the Secretariat would be submitted to the Committee for further consideration.

Dr. Gertrud BÄUMER (Germany) thought that the solution proposed would be difficult to put into effect, because the most favourable measures mentioned in the resolution were part of a whole system, and when examining such a system it was very difficult to decide which were the most favourable measures. She would support, therefore, the amendment by Count Carton de Wiart, provided that the word "reform" were changed for some other more suitable expression. "Reform" was a vague word, difficult of definition. What might appear to be a reform in one country was the reverse in another.

Would it not be better to stipulate that the Legal Sub-Committee should prepare a special table of the measures as discovered by an examination of the legislation of various countries under the headings suggested ?

Dr. POLLIGKEIT agreed with Dr. Bäumer. It was impossible for the Secretariat to take the responsibility of choosing the most favourable measures. The whole question of the illegitimate child was very complicated. It raised political, religious and social issues. All the Secretariat could do was to place before the Committee a table showing the existing situation from the point of view of the legislation of all countries.

He also agreed with Dr. Bäumer that the word "reform" was ambiguous, and should therefore be changed.

In addition to collecting the information regarding legislation, would it not be possible also

to collect information regarding the official Government Bills in course of preparation or about to be submitted to Parliaments ?

Further, the assessors should be asked to report upon the current of opinion prevalent in their own countries.

M. REGNAULT (France) said that there was no question of classifying nations according to their legislation on the illegitimate child. He proposed that the table should show, under the six heads mentioned, the measures applied by each Administration in each country. As regards the best system, it would be left to the reader to judge. His only desire was that the necessary information should be collected.

He was prepared to adopt the amendment proposed by Count Carton de Wiart, and suggested that the word "reform" should be changed to the word "measures" in order to meet the point raised by Dr. Bäumer.

Dr. Estrid HEIN (Denmark) pointed out that the documentation already collected by the Secretariat would not enable it to answer several of the questions in the table, notably Questions 2 and 6. Many of the procedures followed were not described in the answers received. Further enquiry would therefore be necessary.

Miss WALL (British Empire) agreed with Dr. Bäumer and Dr. Hein. She felt that the draft to be prepared by the Legal Sub-Committee would be merely in the nature of what the French described as a "directive". It would bring out the main points which would have to be studied in connection with the illegitimate child.

She would urge, however, that Question 6 (Special Measures to ensure the Assistance and Protection of the Illegitimate Child and its Mother) was worthy of very close study ; first, because it was of immediate practical advantage to those working in the interests of the illegitimate child to know what those measures were, and, secondly, because it was those measures which had been somewhat lost sight of in the Secretariat's report compiled on the basis of the answers received. A special study of item 6 would therefore be of great value for social workers.

The CHAIRMAN put to the vote the proposal as amended by Count Carton de Wiart and other members in the following form :

"The Legal Sub-Committee thinks it useful for the study of the documentation already collected that the Secretariat should prepare a table of the principal general or special measures which should be considered with a view to improving the lot of illegitimate children, in respect of the following questions :

- "(1)....."
- "(2)....."
- "(3)....."
- "(4) Determination of the persons or institutions invested with paternal power or the right to guardianship.
- "(5) ....."
- "(6) ....."

*The proposal was unanimously adopted.*

*It was also decided that item 6 should be the first to be examined by the Legal Sub-Committee.*

#### 127. Draft Budget for 1930.

The SECRETARY, in submitting the draft budget for 1930, enumerated the various items and showed that a saving of frs. 2,000 had been effected as compared with the expenditure in 1928.

*The draft budget was adopted in the following form :*

	1930	Estimates 1929	1928	Expenditure 1928
Sessions of the Committees (including Traffic in Women and Children).....	2,500	2,000	2,500	2,341
Sessions of Sub-Committees .....	9,000	8,000	14,000	8,193
Work of Experts .....	8,000	10,000	16,000	1,670
Printing and documentation.....	12,000	13,000	13,000	10,543
Cables, telegrams and miscellaneous .....	500	1,000	2,000	259

Mr. HARRIS (British Empire), in connection with the budget, wished to raise a matter connected with the proposal of Dr. Hein made at a previous meeting and that of Miss Rathbone regarding an increase of staff. He had already pointed out that he was in agreement with Dr. Hein in thinking that the Committee should take steps to decide whether it was proceeding in the right direction in the present conduct of its work, or whether it should have more frequent recourse to experts than was at present the case.

In regard to this important matter, he would suggest that the Committee should appoint a Sub-Committee of three members, instructed to discuss with the Secretary whether any other methods of work, especially in the direction of further research, could be adopted in preference to the present system. In order that it might do efficient work, he would urge that the Sub-Committee be not too large. He would propose, therefore, that Dr. Hein (Denmark), Count Carton de Wiart (Belgium) and Dr. Bäumer (Germany) should meet in Paris with the Secretary to discuss any proposal designed to improve the work of the Committee. It would be very desirable for members to send their suggestions on this head to the Secretariat for circulation to the Sub-Committee.

Dr. Estrid HEIN (Denmark) supported the proposal of Mr. Harris, for it coincided with her own. The only amendment which she would suggest would be that Mr. Harris should serve upon the Sub-Committee instead of herself, in view of the fact that she would be unable to find time to attend such a meeting.

Mr. HARRIS (British Empire) said that he was most anxious that Dr. Hein, whose scientific qualifications eminently suited her for the work, should consent to serve on the Sub-Committee. As far as he was concerned, he was quite ready to submit to the Secretariat any suggestions in regard to the future work of the Committee.

Miss RATHBONE agreed with the proposal of Mr. Harris and withdrew her own. The suggestions made, however, should not be merely confined to a possible increase in the staff of the Committee, but should include its whole future programme. Thus the question of staff and the question of the Committee's future work would be dealt with as component parts of a single programme. The Committee must look ahead and lay down a far-reaching programme which might perhaps take ten years to fulfil.

M. REGNAULT (France) was opposed to the proposal of Mr. Harris. Such a Sub-Committee would be a kind of "directory" and would substitute itself for the full Committee, which, in fact, would renounce its powers. Why should the present procedure, which had given complete satisfaction and which had been approved by the Council, be changed? Such a proposal was, he was convinced, quite outside the scope of the Committee, and he doubted whether it was even in accordance with its very constitution. Moreover, at the moment when the session was drawing to a close, it was almost impossible to discuss it properly. He would urge that the proposal, if it were not withdrawn, should not be examined at the present session.

Count CARTON DE WIART (Belgium) and M. ITO (Japan) urged that no decision in regard to the proposal of Mr. Harris should be taken at the present session.

Dr. Estrid HEIN (Denmark) said that it had never been contemplated that the proposed Sub-Committee should have any powers of action. Any decisions that it took would be submitted to the full Committee at its next session, and the full Committee would be absolutely free to accept or reject them. The proposal had been made by a number of members simply because they were convinced that the Committee's work was not placed on so scientific a basis as it should be. For that reason, those members had desired an exchange of ideas with a view to arriving at something better and more practicable. It would be for the full Committee at its next session to decide whether or not any proposals made could be adopted.

Mr. HARRIS (British Empire) would emphasise the fact that there was nothing revolutionary in the proposal. The final decision as to the Committee's future programme or staff would be taken by the Committee itself and by the Council only. His suggestion had been designed solely to help the Committee to revise its machinery and to make its programme more scientific. In the light of these explanations, Mr. Harris hoped that M. Regnault would be able to agree to the proposal.

M. REGNAULT (France) regretted his inability to do so. He was convinced that the proposal, which, in his view, nothing could justify, would change the manner in which the Committee worked. He repeated that its present methods had received the approval of the Council which, during the discussion that had taken place on September 13th, 1928, had expressed its satisfaction with the work done. The Child Welfare Committee had been invited to continue its work on the bases indicated in the report of last year.

Dr. Estrid HEIN (Denmark) agreed with Mr. Harris. The proposal was in no sense revolutionary. What was desired was that the procedure of the Committee should be more scientific, and that greater use should be made of experts.

Mr. HARRIS (British Empire) said that if it would make the acceptance of the proposal easier, he would be delighted if M. Regnault or M. Bourgois would consent to serve on the Sub-Committee.

M. REGNAULT (France) replied that this would not meet his point; he was opposed in principle—and apart from any question of personalities—to the adoption of any such proposal. The Committee would be going beyond its powers in establishing such a Sub-Committee and giving it such instructions.

M. ITO (Japan) thought that Mr. Harris's proposal could be put in writing and submitted to the Committee at its next session.

Mr. HARRIS (British Empire) thought it would be a great pity to waste a whole year. It would always be possible for the full Committee to reject any proposals made by the Sub-Committee. When he made the proposal, he understood it would be discussed in the afternoon, and he was not aware that the proceedings were to terminate that morning. If, therefore, no further time could be allowed, and if certain members of the Committee objected to the proposal, he was prepared to withdraw it for the present.

#### 128. Date of the Next Session of the Committee.

On the proposal of the SECRETARY, the Committee decided to discuss the date of its next session at the joint meeting to be held with the Committee on Traffic in Women and Children.

---

ELEVENTH MEETING.

*Held on Friday, April 19th, 1929, at 4 p.m.*

*Chairman* : The Marquis PAULUCCI DI CALBOLI (Italy).

Present : All the members of the Committee or their substitutes, with the exception of Miss Abbott, Mr. Bascom Johnson, M. Valdès-Mendeville and Miss Whitton.

129. Question of the Printing of the Minutes of the Committee.

Mr. HARRIS (British Empire) thought that before considering the draft report, the Committee should be informed whether its Minutes were to be printed or no. If they were not to be printed, it would be necessary to make certain changes in the draft report in order to bring out certain points of view which had been expressed during the discussions.

M. REGNAULT (France) suggested that the Committee's Minutes should, after correction by the Members, be distributed in roneo to the members of the Council, who would thus have an opportunity of ascertaining the views expressed on any particular subject. As it was impossible for the Secretariat to prepare a sufficiently full report to give an account of the different observations that had been made in the course of the discussions, it was also quite impossible to dispense with the distribution of the Minutes to the Members of the Council, so that they might be able to find therein more complete information.

The SECRETARY observed that the circulation of the Minutes in roneoed form to all members of the League would be nearly as expensive as printing the Minutes. Owing to the delay in receiving the members' corrections, it would only be possible to circulate to the members of the Council the provisional Minutes.

M. REGNAULT (France) thought it impossible to send the provisional Minutes to the Council. As the Council did not meet until June, he would have thought that it should be possible for all members to send in their corrections in good time. If that, however, was not practicable, he would propose that the Minutes should be printed.

COUNT CARTON DE WIART (Belgium) supported M. Regnault's proposal that the Minutes should be printed. At the same time the Committee might fix a time limit, say one month, within which corrections should be received. After that date the Minutes should be regarded as final.

M. AMADOR (Spain) supported M. Regnault's proposal that the Minutes should be printed.

M. REGNAULT (France) pointed out that there was nothing excessive in the Committee's request that its Minutes should be printed. A large number of preparatory documents submitted to the Committee were issued in print. While they were of value to the Committee, they were of less interest to the members of the Council than the final record of the discussions which had taken place on the basis of the preparatory documents. If a choice had to be made, it would be better to print the Minutes rather than the preparatory documents.

Mr. HARRIS (British Empire) reminded the Committee that, in the previous year, it had taken a decision that, if the printing of the Minutes were to be abandoned, the report should be more extensive. He understood that certain Committees had been authorised by the Council to print their Minutes, and he did not see why an exception should be made in the case of the Child Welfare Committee. There were certain points in the report which were difficult to understand without the Minutes.

Dr. Estrid HEIN (Denmark), while agreeing that the draft report for the current year was too short, asked why it was proposed that the Committee should change its decision from one year to another.

M. REGNAULT (France) said that it was his experience that it was impossible to interest a Government Department in a report, however full, unless reference could be made to the actual discussions.

M. ITO (Japan) suggested that the Committee might say to the Council that in accordance with the wishes of the Assembly it had decided, in the previous year, not to print the Minutes, but to issue instead a lengthy report, and add that it had found it difficult to prepare a sufficiently developed report to give a true account of its proceedings. That being so, the Committee thought it better to seek authorisation to print its Minutes as heretofore.

The CHAIRMAN noted that the Committee agreed that the report should be drafted in as short a form as was convenient, and that this being so the Council should be requested to authorise the printing of the Minutes. Further, it would be left to the Chairman, in consultation with the Secretariat, to decide whether a paragraph to this effect should be introduced into the report or whether the Chairman should write a letter to the President of the Council requesting him to submit the matter to that body.

The SECRETARY pointed out that in any case the Minutes could not be printed until the Council had taken a decision at its next session, which would be held in June. When the present report was sent to the Council, it could not be accompanied by the Minutes.

130. **Examination of the Draft Report to the Council on the Work of the Fifth Session of the Committee.**

The Committee considered the draft Report to the Council section by section.

*Introduction and Section 1.—Adoption of the Agenda.*

*The introduction and Section 1 were adopted without observations.*

*Section 2.—Reports.*

*Section 2 was adopted with certain textual modifications proposed by Mr. Harris, Dr. Humbert and Mr. Johnston.*

*Section 3.—Blind Children.*

*Section 3 was adopted with textual amendments proposed by M. Regnault, Dr. Hein and Mr. Johnston.*

*Section 4.—Preliminary Enquiry concerning Children in Moral and Social Danger.*

*Section 4 was adopted with certain textual amendments suggested by Mr. Harris, and an addition proposed by M. Regnault.*

*Section 5.—Illegitimate Children.*

*Section 5 was adopted with certain modifications and additions proposed by Mlle. Dalmazzo, Mr. Harris, Dr. Bäumer and M. Regnault, and with the omission of the text of the proposal made by the representatives of the Amsterdam International Federation of Trades Unions and of the International Child Welfare Association, and of the last sub-paragraph.*

*Section 6.—Provisional Draft Agreement regarding the Repatriation or Return to their Homes of Children and Young People.*

*This Section was adopted with certain textual amendments proposed by Mr. Harris, M. Regnault and Mlle. Dalmazzo.*

*Section 7.—Provisional Draft Convention on the Assistance to Minors of Foreign Nationality.*

Mr. HARRIS (British Empire) proposed certain amendments with a view to obviating the impression that all members of the Committee had assented to the preliminary draft Convention. He reminded the Committee that as representative of the British Empire he had agreed only to the communication of the draft to the Governments with a view to obtaining their observations. He believed that many Governments would be in the same position as his own. He had been obliged to make a reservation on two points: first, the refunding of expenses, and second, that there was no necessity to make any distinction between the assistance afforded to minors in moral danger and that provided for other minors.

After a long discussion in which the members of the Legal Sub-Committee took part, the following new text proposed by Count Carton de Wiart, Dr. Polligkeit and M. Regnault was adopted:

“The Legal Sub-Committee met in Paris in December, 1928, in order to prepare a provisional draft Convention on the assistance to minors of foreign nationality. It continued and completed this work during the present session with the assistance of M. Delaquis, M. de Navailles and M. Ruppert, who had been appointed as experts.

“The Child Welfare Committee has thought it desirable and possible to find a solution for the particularly serious problem of assistance for indigent foreign minors, pending the settlement of the whole question of assistance and protection for indigent foreigners.

“The Committee thought it essential that provision should be made for assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. Any other solution would leave serious difficulties untouched.

“The preliminary draft is based upon several bilateral Conventions which are already in force. Its fundamental principles are:

“1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated;

“2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance;

“3. Repatriation is not to be generally regarded as the best method of affording assistance.

“The Committee thought it superfluous to embody in the preliminary draft a clause reserving the rights of paternal power or custody, since those rights and the exercise thereof continue to be subject to the general rules governing the matter.

“The preliminary draft, moreover, in no way restricts the right of each of the contracting States to prohibit the settlement or temporary residence of nationals of any other contracting State for reasons of security, health or public morality.

“Countries which conclude bilateral or multilateral conventions on the proposed model may, without infringing the fundamental principles it embodies, change the periods specified therein and the clauses dealing with the repayment of costs of assistance.

“The preliminary draft does not go into details as regards the formalities for carrying out the Convention. These will be settled by the contracting countries, either by the insertion of supplementary clauses in the Convention, or by special agreements or even by direct arrangements between the administrations concerned.

“The Committee discussed the preliminary draft which contains a few provisions that had led to certain differences of opinion. The preliminary draft was adopted. The Committee recommended that it should be communicated by the Council of the League of Nations to all Governments with a request that they should forward their observations to the Secretariat by December 31st, 1929, at latest.”

*Section 8.—Cinematograph.*

*This Section was adopted* with additions proposed by M. Regnault and Count Carton de Wiart.

*Section 9.—Reorganisation of the Committee.*

After a long discussion on the passage referring to the debate which had occurred on the subject of a possible enlargement of the Social Section of the Secretariat, *the Committee decided* to omit the reference to the question made in Section 9, and to insert the following passage under the heading “Budget”:

“The Committee discussed the possibility of enlarging the expert staff of the Social Section to facilitate certain branches of research; it was decided to adjourn the discussion of this question until the following session.”

*The Section was adopted* with the foregoing omission, and with amendments and additions proposed by Dr. Humbert, M. Regnault and Miss Rathbone.

*Section 10.—Juvenile Courts.*

*This Section was adopted* with certain amendments and additions proposed by Mr. Harris and Mlle. Dalmazzo.

*Section 11.—Budget.*

*This Section was adopted* with the addition of a new paragraph (for text, see section 9 above) concerning the discussion on the possible enlargement of the Secretariat.

*The report as a whole was adopted* (Annex 4).

---

**ADVISORY COMMISSION FOR THE PROTECTION AND  
WELFARE OF CHILDREN AND YOUNG PEOPLE.**

**Joint Meeting of the Traffic in Women and Children Committee and  
the Child Welfare Committee.**

*Held on Friday, April 19th, 1929, at 11.40 a.m.*

*Chairman : Marquis PAULUCCI DI CALBOLI (Italy).*

**1. Re-organisation of the Advisory Commission for the Protection and Welfare of  
Children and Young People.**

The SECRETARY explained to the assessors of the Traffic in Women and Children Committee that the Child Welfare Committee had discussed this question and had accepted the following proposal which had been submitted by Mr. Harris and Dr. Humbert :

“ (a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

“ (b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

“ (c) All assessors appointed in future should be appointed for a period of five years.

“ (d) As regards existing assessors the question should be considered in three years' time (namely in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

“ (e) It is desirable that the Committee should re-consider its rules of procedure, including the appointment and re-election of assessors.”

Mr. COHEN said that he had been present at a part of the Child Welfare Committee's discussion on this subject, and that it had seemed to him that M. Villegas's proposal at the Council meeting of December 13th, 1928, did not apply to the Traffic in Women and Children Committee. That proposal had referred to “ the steadily increasing number of delegates and assessors ” on the Advisory Commission for the Protection and Welfare of Children and Young People. In the case of the Traffic in Women and Children Committee, there had been no such gradual increase, the assessors that had been appointed having been those recommended at the 1921 Conference, with one exception. These assessors had all been appointed because of their expert knowledge of the subject as a whole, and not in their capacity as experts on one particular aspect of their subject. They had similar aims and Mr. Cohen saw no objection, therefore, to agreeing to the proposal of Mr. Harris and Dr. Humbert.

Count CARTON DE WIART (Belgium) pointed out that, if the text of this proposal were to be adopted for insertion in the report of the Traffic in Women and Children Committee, it would be necessary to replace the words in paragraph (b) “ international organisations which are recognised as acting on behalf of large groups of children and young persons ” by the words “ important international organisations ”.

Mr. HARRIS (British Empire) agreed that an amendment of the present text would be necessary. He proposed, however, that this amendment should read “ international organisations concerned with the problems arising out of the traffic in women and children ”.

M. REGNAULT (France) thought that an amendment might be made in a more general form, such as “ international organisations with a large membership ”.

Mr. HARRIS (British Empire) thought that the particular organisations in view should be specified in order to avoid a great number of unacceptable applications.

Dr. Paulina LUISI (Uruguay) suggested that both Committees might adopt the following wording : “ important international organisations qualified to decide on questions which come within the purview of the two Committees ”.

The SECRETARY pointed out that it was not in any way necessary for both Committees to adopt the same text unless they desired to do so, since each branch of the Commission's work had its own Rapporteur on the Council.

Mme. AVRIL DE SAINTE-CROIX believed that the text suggested by M. Regnault "international organisations with a large membership", would be suitable for both Committees. A safeguard against possible misconceptions was provided by the final sentence of the second paragraph of the proposal of Mr. Harris and Dr. Humbert: "The special qualifications of the person to be nominated should be taken into consideration by the organisation."

The SECRETARY suggested that the most consistent course would be to retain the original wording adopted by the Council, as drafted in 1922.

Mr. HARRIS (British Empire) rose to a point of order. It appeared to him that the question had been definitely settled in so far as the Child Welfare Committee was concerned. He would suggest, therefore, that the Traffic in Women and Children Committee should leave the wording of the passage under discussion to be settled when the report was drafted.

*This proposal was adopted.*

It was decided to appoint a Drafting Committee to draw up the text of the resolution relating to the Traffic in Women and Children Committee.

After a short exchange of views, the Commission decided on the proposal of M. Ito (Japan) that the Sub-Committee should be composed of Mr. HARRIS, Mr. COHEN and M. REGNAULT.

**2. Request of the International Criminal Police Commission to be represented at Meetings of the Advisory Commission when Questions of Interest to it were under Discussion.**

The SECRETARY explained that the Commission had been asked by the International Criminal Police Commission to allow one of its members to attend its meetings when questions of interest to the Commission were under discussion. A similar request by the International Criminal Police Commission had been made to the Advisory Committee on the Traffic in Opium and other Dangerous Drugs.

Mr. HARRIS (British Empire) thought it unwise that, at a time when the Commission was trying to find means to reduce the number of its assessors, it should be asked to consider appointing an additional member. He proposed that the consideration of this question should be postponed to the next session, especially as the Council had not yet considered the proposals of the Commission as to its composition.

The SECRETARY pointed out that the request from the International Criminal Police Commission had been referred to the Advisory Commission by the Council. The reply of the Advisory Committee on Traffic in Opium had not yet been forwarded to the Council for it had been thought best to wait until both Committees had expressed their views. The reply of the Committee on Traffic in Opium was to the following effect:

"The Secretary-General communicated to the Committee a letter from the President of the International Criminal Police Commission in which this Commission asks to be allowed to take part in the work of certain Committees of the League of Nations that might concern the various fields of activity of the police. The Committee considered this letter and noted that its constitution did not permit it to invite a representative of that Commission to sit as an active member on the Advisory Committee. It would be glad, however, if a member of the Criminal Police Commission could attend when subjects which the Committee feels would be of special interest to it are under discussion."

Mr. HARRIS (British Empire) hoped that the adoption of such a form of words would not mean that a representative of the Police Commission would sit continuously on the Committees. What was the exact meaning of the reply given by the Advisory Committee on Traffic in Opium? It would seem at first sight that there was more to be said for the proposal that a representative of the International Criminal Police Commission should sit on the Opium Committee and perhaps on the Traffic in Women and Children Committee, than on the Child Welfare Committee.

The SECRETARY re-read the reply of the Opium Committee which had been most carefully drafted. As could be seen, it was quite clear that it merely provided means whereby that Committee could invite the International Criminal Police Commission to send a representative to attend those meetings of the Opium Committee in which it discussed questions of interest to the International Criminal Police Commission.

M. BOURGOIS (France) pointed out that Sir Malcolm Delevingne, the British representative on the Opium Committee, had himself drafted the terms of the Committee's reply.

Mr. COHEN thought that the Commission could certainly adopt the same form of words as that used by the Opium Committee. It was only necessary to consult this International Criminal Police Commission in exceptional cases in its capacity as criminal experts. There were already attached to the Committee experts in Police matters.



M. POSNER (Poland) thought that no useful purpose could be served if a representative of the International Criminal Police Commission attended the meetings of the Committees, which already included a sufficient number of experts in criminal matters. The question was very delicate and in his view it was quite useless to call in the International Criminal Police Commission.

COUNT CARTON DE WIART (Belgium) thought that this objection would only be valid if that Commission were to be permanently represented, or if it were allowed to choose those meetings of the Advisory Commission at which it might desire a representative to attend. By the wording of the reply of the Opium Committee, which it was proposed should be adopted by the present Commission, it was clear that a representative of the International Criminal Police Commission would only attend as the result of a direct invitation to do so. It would be a pity to exclude all possibility of consulting such an organisation. He therefore supported the proposal of Mr. Cohen that the form of words used by the Opium Committee should be chosen.

M. MAUS (Belgium) agreed with Count Carton de Wiart. The International Criminal Police Commission should be placed on the same footing as other international organisations chosen from time to time by the Commission to be asked to give advice.

M. POSNER (Poland) would maintain his opposition to the proposal. To allow the police to intervene in the working of the Commission would be fatal. He had great experience of police methods. At all costs the Commission must maintain its high moral authority. It would be quite unable to do this if it worked with the criminal police. The police had been doing work in connection with the traffic in women and children for many years and it was precisely with the object of destroying all the harm that that work had done that the Commission had been formed.

The ladies on the Commission would, he felt sure, agree with him in his view that the action of the police in regard to traffic in women and children was more often than not disastrous. As regards the proposal to consult this Police Commission as criminal experts, the Commission, if it wanted information of that kind, could always obtain it without having recourse to the police. He begged his colleagues to regard this matter most seriously for, in his view, it was a question of life or death. He spoke as a defender of those principles upon which the whole work of the Commission was based and which excluded all interference by the police.

Dr. Estrid HEIN (Denmark) agreed with Count Carton de Wiart that there might be questions, or aspects of a particular question, upon which the criminal police were experts and they should therefore be consulted. She referred more particularly to legislation regarding *souteneurs*, where the greatest difficulties lay not in the legislation itself but in its enforcement. There might be aspects of this matter in regard to which the Commission would desire to hear the opinion of women police.

Her own view was that it was unwise for the Commission to put the whole criminal police of the world against it by stigmatising them as criminals, who should not even be heard.

Mr. HARRIS (British Empire) said that the explanations furnished by the Secretary fully satisfied him. As a representative of the International Criminal Police Commission would only attend at the special invitation of the Advisory Commission he had no further objection to make. This being so he would propose that in reply to the Police Commission the present Commission should thank it for its offer of assistance and say that it would call upon it if necessary.

The SECRETARY, on behalf of Mme. Romniciano, who was not present, explained that in the view of the Roumanian representative all difficulties had been met by the manner in which the reply of the Opium Committee had been drafted. That reply completely satisfied her. She would regret any proposal aiming at the complete rejection of the idea that criminal police should be consulted.

M. ITO (Japan) supported the proposal that the Commission should adopt the formula used by the Opium Committee.

*That formula was adopted.*

### **3. Date of the Next Session of the Advisory Commission.**

After an exchange of views, *the Commission decided to postpone a final decision on the date of its sessions.*

### **4. Unification of the Different National Laws relating to Maintenance Allowances : Letter from the International Institute for the Unification of Private Law.**

On the proposal of M. ITO, *the Commission decided to refer to the Legal Sub-Committee, for examination and report, the letter from the President of the International Institute for the Unification of Private Law concerning the unification of the different national laws relating to maintenance allowances.*

---

ANNEX 1.

C.P.E.185 (4).

AGENDA OF THE SESSION ADOPTED ON APRIL 12th, 1929.

- I. Reports :
- (a) Of the Secretary, on the Progress of the Work (document C.P.E.195) ;
  - (b) Of the Representative of the International Labour Office (document C.P.E.193) ;
  - (c) Of the Representative of the Health Organisation of the League of Nations (document C.P.E.196).
- II. Blind Children :
- Communication from the Rapporteur (document C.P.E.186).
- III. Children in Moral and Social Danger ;
- Report by Mlle. Chaptal on the state of the Enquiry (document C.P.E.205).
- IV. Illegitimate Children :
- Examination of the Report prepared by the Secretariat (document C.P.E.141 (1)).
- V. Report of the Legal Sub-Committee :
- (a) Draft Convention for the Repatriation of Minors who have escaped from the Custody of their Parents or Guardians (document C.P.E.190) ;
  - (b) Proposals relating to a Preliminary Draft Convention on Assistance to Minors of Foreign Nationality (document C.P.E.197).
- VI. Cinematograph :
- (a) International Educational Cinematographic Institute (document C.P.E.198) ;
  - (b) Programme of Work for the Child Welfare Committee.
- VII. Reorganisation of the Committee (Council Resolution of December 13th, 1928) (document C.P.E.189, 189 A, 189 B).
- VIII. Juvenile Courts :
- Examination of the Report (document C.P.E.194).
- IX. Draft Budget (document C.P.E.194).

---

*NOTE : The Date of the Next Session will be considered by the Full Commission.*

---

ANNEX 2.

C.P.E.195.

PROGRESS REPORT BY THE SECRETARY.

CONSIDERATION BY THE COUNCIL OF THE REPORT OF THE CHILD  
WELFARE COMMITTEE ON ITS FOURTH SESSION.

The Report on the work of the fourth session was submitted to the Council at its fiftieth session on June 4th, 1928.

After considering the Committee's recommendations and decisions the Council approved the following resolution submitted by the Rapporteur :

"The Council, having examined the report on the fourth session of the Child Welfare Committee, approves it, subject to further consideration of the Committee's suggestions, regarding the Statutes of the International Educational Cinematographic Institute. The Council may think it better not to give a decision until the International Committee on Intellectual Co-operation and the International Labour Office, to which the draft statutes have also been communicated, have made their observations.

"The Council requests the Secretary-General to forward the Child Welfare Committee's Report to the various Governments, call special attention to the resolutions on the legal age of marriage, and on the cinematograph, respectively."

At its fifty-first session, the Council examined on August 28th, the draft Statutes of the International Educational Cinematographic Institute and the suggestions submitted thereon by the International Labour Office and the Child Welfare Committee.

The Child Welfare Committee had asked for a modification of Article 3 of the draft Statutes. This Article lays down that the Institute will work under the direction of the Council of the League of Nations which will take due note of the opinions expressed by the International Committee on Intellectual Co-operation.

In view of the fact that the Child Welfare Committee has for several years been studying certain problems which the Institute will be called upon to solve, it was thought that it might be desirable to indicate in this article, the Committee's participation by adding the words "and of the Child Welfare Committee".

The Council did not agree to this proposal.

The Child Welfare Committee had also expressed a desire that Article 5 should be amended. This Article lays down that one member of the Committee shall sit on the Governing Body of the Institute. The Committee asked that the number of its delegates might be increased from one to three and that women might be included as members of the Governing Body.

The Council decided that it could not accede to the first request though it added that it was willing to comply with the second. Don Pedro Sangro y Ros de Olano, appointed by the Committee at its Fourth Session, represented the Committee at the first session of the Governing Body of the Rome Institute.

The Committee will be glad to hear that its delegate was also appointed to sit on the Permanent Committee of the Institute, consisting of six members selected from the Governing Body.

The third modification of the draft statute proposed by the Child Welfare Committee was concerned with Article 10. This article defines the powers of the Governing Body, and the Committee asked that the text should include a reference to the Child Welfare Committee.

The Council accepted this proposal.

#### *Legal Age of Marriage.*

In conformity with the Council's recommendation, the Secretary-General, in forwarding to all the Governments the report on the fourth session of the Child Welfare Committee, drew their attention to the resolution concerning the legal age of marriage. Up to the present, only two Governments have communicated the result of their enquiry in conformity with this resolution: the Estonian Government and the Government of the Grand Duchy of Luxembourg. As the age of marriage is not included on Agenda A of the present session, no memorandum has been prepared on this subject. The Secretariat will communicate the information received if the Committee so desires.

#### *Cinematography.*

In circulating to all Governments the report on the work of the fourth session, the Secretary-General also drew attention to the resolutions concerning cinematography. The International Educational Cinematographic Institute was inaugurated on November 5th last, and the Governing Body held its first session immediately after the inauguration. The report prepared by Don Pedro Sangro y Ros de Olano, delegate of the Child Welfare Committee, has been distributed to the members and assessors of the Committee (document C.P.E.198).

The Committee will be asked at its present session to define its future relations with the Rome Institute.

#### *Recreation.*

The Rapporteurs have not sent any fresh documents to the Secretariat during the year.

#### *Juvenile Courts.*

The draft questionnaire to be communicated to the various Governments in connection with the enquiry regarding auxiliary services in Juvenile Courts has been prepared by Dr. Gertrud Bäumer, Miss Lathrop and M. Rollet, who were appointed Rapporteurs by the Committee at its fourth session. The draft has been circulated in document C.P.E.194.

#### *Legal Sub-Committee.*

The Legal Sub-Committee met in Paris from July 5th to 9th, when it drew up a preliminary draft international agreement on the repatriation and return to their homes of children and young persons. It invited M. Polligkeit to prepare a preliminary draft convention on the relief of foreign minors.

The Legal Sub-Committee again met in Paris from December 17th to 22nd, to discuss the preliminary draft which M. Polligkeit had drawn up. It also proceeded to a second reading of the preliminary draft which it had drawn up in July concerning the repatriation or the return to their homes of children and young persons. The latter was communicated to the members and assessors of the Committee on January 9th, 1929 (document C.P.E.190).

The preliminary draft concerning the relief of foreign minors has not yet been forwarded to the Committee; the Chairman, His Excellency M. Regnault has thought it advisable to submit it to three jurists with practical experience in the matter of international relief, who have been invited to give their opinion on the practical value of the preliminary draft. This consultation, fixed first of all for March 11th, has, at the request of one of the three jurists, had to be postponed until April 9th, 1929.

*Illegitimate Children.*

The report submitted by the Secretariat to the fourth session of the Child Welfare Committee (document C.P.E.141) has been communicated to the Governments who replied to Questionnaire C.L.79.1927. These Governments were invited to submit any observations they might have to make in connection with this document and to notify any changes which had occurred in their laws. The Secretariat has amplified this report as far as possible by the additional information it has been able to collect concerning the laws of the various countries. It has also applied to certain charitable organisations for information.

Taking into account all the additional comments and details received, the Secretariat has prepared a new report on the legislation in force in thirty-seven countries. This document is numbered C.P.E.141. (1).

*Blind Children.*

Dr. Hein, the Danish delegate, Rapporteur for this question, has explained, in a letter communicated to the members and assessors of the Committee on November 28th, 1928, (document C.P.E.186), the reasons for which she has thought it advisable to suspend her work.

*Protection of Life and Health in Early Infancy.*

The information on the work of the Health Organisation of the League of Nations in connection with infant hygiene will be found in the report submitted by M. Velghe, liaison officer (document C.P.E.196).

*Utilisation of Funds.*

In conformity with the decisions reached by the Child Welfare Committee at its fourth session, the Chairman of the Committee, in agreement with the Secretary, has appointed Mlle. Chaptal to conduct the preliminary enquiry on children who, owing to their surroundings, are exposed to moral or social dangers. Mlle. Chaptal's appointment was approved by the Council at its fifty-first session on August 31st, 1928.

Mlle. Chaptal will report to the Committee on the progress of her work.

*Alcoholism.*

Last year, the Secretariat did not receive from the two Rapporteurs, Dr. Humbert and Senator Stanislas Posner, any additional documents on alcoholism.

*Family Allowances.*

No information from official sources has reached the Secretariat concerning family allowances.

*Feeble-Minded Children.*

On June 26th, 1928, a letter was sent to M. H. Rollet, the assessor representing the International Child Welfare Association, to inform him that a report, submitted by the Child Welfare Committee on the work of its fourth session, had been approved by the Council in June 1928 and to confirm the request sent to the International Association by the Committee to get into touch with Dr. Simon in order to obtain, for the purpose of future enquiries, a scientific definition and classification of feeble-minded children. A reminder was sent on February 12th, 1929. On February 27th, 1929, M. Rollet informed the Social Section that Dr. Simon was in Brazil and would not be able to furnish the information which had been requested. On April 8th, M. Rollet forwarded a definition which had been furnished by Dr. Georges Paul-Boncour, director of the Institut Médico-Pédagogique, of Vitry (see document C.P.E.207).

**PURCHASE OF BOOKS FOR THE CHILD WELFARE SECTION OF THE LEAGUE OF NATIONS LIBRARY.**

The purchase of books has continued, these being paid for out of the 1,500 dollars given in 1925 to the Social Section by the Friends of the League of Nations in the United States. The number of works on Child Welfare at present in the Library is about 500.

•••

In conclusion, I would once again request the members and assessors of the Committee to make every effort to ensure that the Governments and organisations they represent shall reply to the circular letters sent out in conformity with the resolutions adopted by the Committee and approved by the Council as soon as they can, and in any case not later than the limit established in the Committee's Rules of Procedure (Article 6), namely *two months* before the opening of the session.

The Secretariat's work is greatly complicated by the late reception of information required for the preparation of documents. In many cases the quality of the work suffers from the hasty manner with which these reports have to be prepared. This delay forces the Secretariat either to produce incomplete documents or else to publish the information received at so late a date that it cannot be communicated to the members and assessors in time to allow the latter to study it properly.

ANNEX 3.

C.P.E. 141 (1).

STUDY OF THE POSITION OF THE ILLEGITIMATE CHILD  
BASED ON THE INFORMATION COMMUNICATED  
BY GOVERNMENTS

---

*Contents.*

	Page
INTRODUCTION . . . . .	77
GENERAL STUDY OF THE QUESTION . . . . .	79
RIGHTS AND OBLIGATIONS OF THE MOTHER AND FATHER TOWARDS THE ILLEGITIMATE CHILD . . . . .	80
Analysis and Classification of Legislation :	
(a) Group of Countries in which Illegitimate Children have no Legal Connection with Their Parents unless acknowledged by Them . . . . .	81
(b) Group of Countries in which the Position of the Illegitimate Child as regards the Mother differs very little, if at all, from that of the Legitimate Child. . . . .	82
(c) Other Countries not coming under the Two Previous Groups. . . . .	84
CONDITIONS GOVERNING THE LEGITIMATION OF ILLEGITIMATE CHILDREN . . . . .	86
OFFICIAL GUARDIANSHIP OF ILLEGITIMATE CHILDREN . . . . .	88
OTHER MEANS PROVIDED EITHER BY THE LAW OR BY INSTITUTIONS FOR ENSURING THE MORAL AND MATERIAL PROTECTION OF ILLEGITIMATE CHILDREN . . . . .	90
<i>Appendix I.</i> — TABLES A, B AND C. . . . .	92
<i>Appendix II.</i> — REPLIES OF GOVERNMENTS TO THE QUESTIONNAIRE (C.L. 79. 1927. IV.) . . . . .	116
<i>Appendix III.</i> — EXTRACTS FROM THE SWISS CIVIL CODE ON ILLEGITIMATE CHILDREN . . . . .	181

---

INTRODUCTION.

In its report on its third session, held at Geneva from May 2nd to 7th, 1927, the Child Welfare Committee gives the following summary of its work on the question of illegitimate children :

“ The Committee has examined the concise report submitted to it by the Women’s Committee of the International Federation of Trade Unions of Amsterdam concerning ‘ the rehabilitation of unmarried mothers and the protection of illegitimate children ’. It recognises the gravity and extreme complexity of the problems explained in the note in question. Without expressing any opinion on the laws dealing with this subject in different countries, or on the various philosophical and social theories which are sustained, the Committee considers that it would be useful to collect, with a view to later discussion, particulars of the special arrangements in force in different countries for the protection of illegitimate children. The Committee expressed the hope that other information bearing on this subject might be sent to the Secretariat by members and assessors specially interested in the illegitimate child and by voluntary organisations.”

The Committee adopted the following resolution :

“ The Child Welfare Committee, having decided to make a study of the position of the illegitimate child, requests the Council to instruct the Secretary-General to send the questionnaire it has prepared to all States :

“ 1. What are the rights and obligations of the mother and of the father towards the illegitimate child ?

“ 2. Is action to establish the paternity of the child allowed (affiliation proceedings) ? If so, how is this action undertaken ?

“ 3. What conditions govern the legitimisation of illegitimate children ?

“ 4. What rights do illegitimate children possess to claim maintenance from their parents ?

“ 5. What are the rights of inheritance or succession of illegitimate children ?

“ 6. Is there a system of official guardianship for illegitimate children ? If so, how is this guardianship organised ?

“ 7. Are there any other means, and, if so, of what nature, provided either by the laws or by institutions, for ensuring the moral and material protection of illegitimate children ? ”

The Council approved this resolution of the Child Welfare Committee at its meeting on June 16th, 1927, and, on the Rapporteur's proposal, instructed the Secretariat to communicate the questionnaire concerning illegitimate children to the various Governments, in order that they may, if they think fit, furnish the required information.

In accordance with this decision, the questionnaire was sent out on July 6th, 1927, to all States.

A provisional report was then prepared by the Secretariat containing the twenty-four replies received up to February 1st, 1928, while eight other replies received shortly before the Committee's meeting were published as an annex.

After examining this report, the Child Welfare Committee reached the following decision :

“ The Committee decides to maintain this question on its agenda and asks the Council to communicate the Secretariat's report (document C.P.E. 141 and Annex) to the Governments which have replied to questionnaire C.L. 79. 1927. IV. These Governments should be invited to communicate their observations on this document and any changes which may have occurred in their respective legislation since their replies were communicated.

“ The Secretariat will supplement this report by any information it may be able to obtain concerning the laws of various countries; it will get into touch with charitable organisations and submit a new report to the Committee before the 1929 session.”

This resolution having been adopted by the Council at its meeting of June 4th, 1928, the report (document C.P.E. 141 and Annex) was submitted for examination to all the Governments which had replied to the questionnaire, while other Governments were only sent a reminder.

Up to March 1st, 1929, replies to the questionnaire had been received from the following thirty-seven countries :

Albania	Japan
Australia	Latvia
Austria	Luxemburg
Belgium	Monaco
Bulgaria	Netherlands
Canada	Norway
Denmark	Poland
Danzig	Portugal
Ecuador	Roumania
Estonia	Salvador
Finland	Siam
France	South Africa
Germany	Spain
Great Britain	Sweden
Greece	Switzerland
Hungary	Union of Soviet Socialist
India	Republics
Irish Free State	United States of America
Italy	Venezuela

Of the Governments which received the provisional report (document C.P.E. 141 and Annex), the following have stated that they have no observation to make :

Belgium	Luxemburg
Denmark	Monaco
Germany	Netherlands
Irish Free State	Norway
Latvia	

The Governments enumerated below have sent supplementary information or amendments to their respective laws :

Canada	Portugal
Finland	Sweden
Great Britain	Switzerland
Hungary	United States of America
India	

The British Government have also suggested possible changes in the form of the report on illegitimate children.

On examining the documents received, it will be seen that some replies to the questionnaire are arranged on widely varying lines. Some countries merely refer to articles of their Codes, some quote those articles *in extenso*, and others give a brief summary of the position of illegitimate children.

Apart from this variety in the form of the replies, there might also be thought at first sight to be a certain confusion among the individual replies. Questions 1, 2, 4 and 5 are very closely akin; each supplements the other and this leads inevitably to a certain amount of repetition in the replies. Attention is drawn to this difficulty in a general observation at the beginning of the South African reply; and most countries combine Questions 1 and 4, since the former concerns the rights and obligations of the mother and father towards the illegitimate child, and the latter the right of the child to claim maintenance.

It has therefore seemed wise, for the sake of clearness as well as accuracy, to give after each question, as far as possible, the complete replies of the various countries in alphabetical order and, for practical reasons, to combine Questions 1 and 4 (see Appendix II).

It has also been necessary to append extracts from the Swiss Civil Code in order to avoid repetition of the text under each heading of the questionnaire and at the same time to ensure that each reply shall be intelligible.

For the purpose of collecting full and useful information, it would have been desirable to quote extracts, dealing with the subject under consideration, from the Civil Codes or Laws of other countries as well. As, however, it has not been possible to obtain the full texts of all the relevant laws and as incomplete quotations might have been misleading, it has been decided only to quote those laws that are absolutely indispensable and to leave the reader to consult the original texts for himself where necessary.

Owing to the variety of the replies to the questionnaire and to the lack of a complete collection of laws, it has not been possible to make a comparative study of a final character. The present document only gives a general idea of the main principles of legislation on the subject of illegitimate children. This preparatory work is intended to clear the way for any further work which may be undertaken.

#### GENERAL STUDY OF THE QUESTION.

In the matter of illegitimate children, legislation in every country seems to hesitate between two tendencies inclining towards one or the other according to the principles by which it is guided.

On the one hand, there is a tendency to uphold the principle of the inviolability of the family and to give the illegitimate child the position of *filius nullius* while providing for its maintenance on humanitarian grounds. On the other hand, there is a tendency to grant the illegitimate child all the advantages of legitimacy in order to save it from the consequences of a situation for which it is in no way responsible. Between these two extremes there are intermediate solutions leaning towards the one principle or the other.

Apart, however, from this central problem, illegitimacy raises a number of other kindred questions which in themselves are of great importance, such as the question of the respective responsibility of the father and mother as regards the illegitimate child — a subject on which legislations vary very widely.

This is not the place to discuss the questions of principle, which have only been mentioned with the object of clearing the ground. Here the aim is to indicate the actual situation in a number of countries on the basis of information received.

In order to define the legal status of the illegitimate child, account must be taken of a large number of factors, of which only the following need be quoted as examples: family law, guardianship, the child's patronymic name, claims to maintenance, actions to establish paternity and maternity, acknowledgment, legitimation, and rights of inheritance. This complicated situation makes it quite impossible to compare the laws of the different countries without a previous process of simplification—without, in fact, reducing the data to a common denominator. How can unity be obtained out of this complexity? In this particular case, it was thought simplest to centralise all these different questions in one single problem, that of establishing the position of the illegitimate child in every country in regard to the authors of its being, and to take this situation as the basis of comparison. Once this principle was adopted, it became more or less necessary to classify the different legislations, and the thirty-seven countries which have replied to the questionnaire do in fact resolve themselves into two main legislative groups.

First, there are the countries in which the illegitimate child has no legal connection with its parents through the mere fact of birth and cannot establish any legal claims upon its father and mother except through voluntary acknowledgment on their part or through the establish-

ment of parenthood by judicial process. From the legislative point of view, the countries in this group are for the most part more or less directly attached to the French system or the "Code Napoléon".

The second group embraces countries in which, as regards the mother (and frequently also as regards the relatives on the mother's side), the position of the illegitimate child differs very little, if at all, from that of the legitimate child. These countries work on the principle set down as a maxim in the South African reply: "Eene moeder maakt geen bastaard" (No child is a bastard to its mother). As regards the father, the child is no relation to him unless he voluntarily acknowledges his paternity or unless it is established by judicial process. It should further be mentioned that in several countries not even the acknowledgment of paternity can establish a relationship at law. The legislation of the countries in this group is more or less directly related to the system of the Germanic Codes.

Some countries, however, belong to neither of the two main groups. For various reasons, they defy classification on these lines, nor do they form a group in themselves.

Among these countries, mention should first be made of those which have no uniform legislation, but a number of laws of varying origin and tendencies, as is the case in particular with the federal States, where each province or each State has its own civil legislation. This is the position in Australia, Canada and the United States of America. India, for other reasons, has a mixed system. In India the law applicable to the various communities varies according to the differences of personal law resting, not on statute, but on religious and customary law as interpreted by the Courts. The position would appear to be more or less the same in Albania. The Albanian Government's reply merely establishes the absence of any statutory provisions in regard to the illegitimate child, in conformity with the ancient Ottoman civil code (Mejelle) still in force in the country. But it should be noted that in Albania questions relating to family law are settled according to the respective religion. Moslems are subject to a common law founded on the Koran: Roman Catholics are governed by the *Corpus juris canonici*: the Byzantine canon law (collected by Harmenopulas) is applied as regards members of the orthodox church (Greek)<sup>1</sup>. Poland and Roumania, too, have a mixed legal system. Poland is now engaged in unifying her civil code, four old codes being still in force in the country. In Roumania, the position of the illegitimate child is determined by four different legislations, corresponding to the old Kingdom of Roumania, Transylvania, Bessarabia and Bukovina.

Again, the Irish Free State, Siam and the Union of Soviet Socialist Republics cannot be placed in the two main legislative groups quoted above. Here the legislation applies to the whole country,<sup>2</sup> and these countries therefore escape the classification proposed for other reasons than the countries mentioned above.

The Irish Free State's reply shows that the illegitimate child, although entrusted to the care of its mother, who is responsible for its maintenance, does not occupy towards the mother a position resembling that of a legitimate child. On the contrary, it bears the consequences of its condition as *filius nullius*, does not even partially inherit from its mother on intestacy, and cannot be legitimated. Thus the Irish Free State, which in any case has nothing in common with the legislative group in which the system of voluntary or judicial acknowledgment is in force, is also excluded from the second group, in which the position of the illegitimate child towards its mother is practically identical with that of the legitimate child.

It is impossible to include Siam in any of these legislative divisions, for in that country the marriage of the parents is not essential to ensure the legitimacy of the children.

Nor can the Union of Soviet Socialist Republics be placed among the two legislative groups, since here too legitimacy does not require the marriage of the parents. The only distinction made is between marriage *de facto*, or the free union, and temporary liaisons.

## RIGHTS AND OBLIGATIONS OF THE MOTHER AND FATHER TOWARDS THE ILLEGITIMATE CHILD.

The rights and obligations of the mother and father towards the illegitimate child are essentially dependent on the child's legal status, its position with regard to its parents, the possibility of actions to establish paternity (and in certain cases maternity), and finally the laws of inheritance which, in many countries, reflect more clearly than anything else the general attitude of the legislator towards the illegitimate child. As all these questions, including that of maintenance, are intimately connected, it has been thought preferable to consider under one heading the various legislative provisions that refer to Questions 1, 2, 4 and 5.

For purposes of comparison and simplification, and in accordance with the method explained above, countries will be examined in groups according to the following classification. In the first place, the two groups corresponding to the two separate legal conceptions of the relationship of the illegitimate child to its parents will be considered consecutively. After this, the laws of other countries which, for various reasons, cannot be included in either of the above groups, will be examined. Furthermore, in order to facilitate a general survey of the question, all the laws will be summarised in the form of tables.

<sup>1</sup> Rechtsvergleichendes Handwörterbuch für das Zivil- und Handelsrecht des In- und Auslandes, Berlin 1927.

<sup>2</sup> The Union of the Soviet Socialist Republics is indeed federal in form and has several bodies of law, but in the case of illegitimate children it has been able to give a uniform reply for all the Republics.



(a) GROUP OF COUNTRIES IN WHICH ILLEGITIMATE CHILDREN HAVE NO LEGAL CONNECTION WITH THEIR PARENTS UNLESS ACKNOWLEDGED BY THEM.<sup>1</sup>

This group comprises the following countries: Belgium, Bulgaria, Ecuador, France, Italy, Japan, Luxemburg, Monaco, the Netherlands, Portugal, Spain, Venezuela. According to the laws of these countries, the illegitimate child is not legally connected with its parents, by the mere fact of its birth. Only after voluntary acknowledgment—or in some cases judicial acknowledgment—are bonds created in civil law between the child and the mother or father who has acknowledged it. Acknowledgment in itself would deserve separate study from the point of view both of its conditions and of its effects; but, as it does not come strictly within the scope of the questionnaire, it will suffice to state briefly that not all illegitimate children can be acknowledged. In most countries, children born of adultery or incest cannot be acknowledged. In some cases, the child, even when acknowledged, is in a position appreciably different from that of the legitimate child. In Venezuela, however, acknowledgment or establishment of maternity gives the illegitimate child a status, as regards its mother, similar to that of the legitimate child. This is not the case if the child has been acknowledged by the father, either voluntarily or judicially.

*Action to Establish Maternity or Paternity.*

Since the child is not legally connected with either of its parents, action to establish maternity is as necessary as that to establish paternity, although it is, in the nature of things, less frequent.

As none of the questions touched upon action to establish maternity, the matter is only incidentally referred to in the replies, except in the case of Italy and, up to a point, Spain, which countries give it greater importance. In the following countries, action to establish maternity is authorised: Belgium, Ecuador, France, Italy, Japan, Monaco, the Netherlands, Portugal, Spain and Venezuela.

It should be observed, generally, that, in this group of countries, action to establish paternity, although authorised, is subject to difficult conditions, but as neither the questionnaire nor the replies (except that of Monaco) deal with the consequences of the judgment establishing paternity, there is no occasion to analyse them here. In order, however, to throw some light on the motives by which legislators appear to have been inspired in restricting the facilities for taking affiliation proceedings, it will be well to mention that the judicial declaration of paternity has, in most of the countries under consideration, the same effects as acknowledgment. It is therefore of great importance, since it affects family rights and rights of inheritance.

In Bulgaria, affiliation proceedings have not hitherto been possible, but a bill authorising them is now being framed. The Japanese reply admits action to establish paternity but does not mention any conditions. Three countries, Italy, the Netherlands and Venezuela, allow affiliation proceedings in exceptional cases only. In these countries such proceedings can only follow the commission of a criminal offence, and this offence must have been committed within the legal period of conception. In Ecuador, contrary to the general rule, affiliation proceedings are limited merely to a claim for maintenance.

The following list is an attempt to synthesise the conditions governing action to establish paternity in the countries under consideration.

Action to establish paternity is allowed in the following countries in cases of:

- (1) Rape or abduction, when the offence covers the period of conception (various conditions are also referred to, such as: abduction, with or without consent, or by violence, guile, or threats, the age of the victim, etc.): Belgium, France, Italy, Monaco, the Netherlands, Portugal, Spain, Venezuela.
- (2) Illegal detention or imprisonment of a woman during the period of conception: Belgium, Monaco.
- (3) Seduction by means of guile, abuse of authority, promise of marriage, or betrothal, if there be a "commencement de preuve" in writing: France, Luxemburg, Monaco, Portugal.  
(Monaco does not mention "betrothal", but gives as an alternative for a "commencement de preuve" in writing "previous conviction" for the same offence.  
Portugal only mentions seduction with abuse of authority, or confidence, or with a promise of marriage).
- (4) Notorious cohabitation: France, Luxemburg, Portugal.
- (5) Or when the child has been commonly treated by the father as his offspring, "*Possession d'Etat d'enfant naturel*" (some laws are more liberal on this point than others): Belgium, France<sup>2</sup>, Luxemburg<sup>2</sup>, Monaco, Portugal.
- (6) A document in writing by the father proving his paternity beyond all reasonable doubt: France, Luxemburg, Monaco, Portugal, Spain.

<sup>1</sup> See Table A, page 92.

<sup>2</sup> France and Luxemburg only provide for the case in which the putative father has provided, or helped to provide, for the maintenance or upbringing of the child as if he were the child's father.

\* *Rights to Maintenance.*

As has already been mentioned at the outset, the replies from Governments show wide variations. This is particularly the case in the reply concerning the right of the child to maintenance; the following conclusions are therefore submitted with all reserve.

By maintenance, legislation generally understands the right of the child to be fed, brought up and trained for its future career. Other legislations specify that maintenance and education must be appropriate to the social and economic position of the parents. In most cases, no mention is made in the replies of the age at which the child ceases to be entitled to maintenance.

In Belgium, since the enactment of the Law of November 6th, 1908, a child born of adultery or incest (and therefore not acknowledgeable) has no right to maintenance in the lifetime of its parents. In Bulgaria, the Netherlands East Indies and Portugal, an unacknowledged child can also lay no claim to maintenance. Apart from these cases, illegitimate and unacknowledged children, including those born of adultery or incest, have the right to maintenance in all the countries under consideration. Belgium, Italy, the Netherlands and Venezuela give in detail the conditions to which the claim for maintenance is subject. In these four countries, these conditions are easier than the conditions which govern affiliation proceedings. The other countries have been content to indicate the existence of a duty to maintain an unacknowledged child. In France, the right of unacknowledged children to maintenance results from the right of succession. The same rule applies to Monaco. Japan seems to impose upon the mother alone the duty of maintaining a child which has not been acknowledged by the father voluntarily or judicially.

In all the countries belonging to the group considered, an acknowledged child has the right to claim maintenance from the parent who has acknowledged it. Belgium, France, Monaco and the Netherlands, however, quote an exception in cases where the child has been acknowledged during the marriage of its father or mother with a third person. In this case, the claim of the illegitimate child to maintenance may not be prejudicial to the interests of its parent's consort or of the children born of that marriage. To judge from the reply of Monaco, this exception is capable of different interpretations, and does not in all cases exclude the claim of an illegitimate child who has been acknowledged.

Several countries add that the right of acknowledged illegitimate children to maintenance entails a corresponding duty towards the parents.

*Rights of Inheritance.*

As a general rule, the unacknowledged child has no right to inherit in any of the countries which have been considered, but it may claim maintenance out of its parents' estate. This right also applies to children born of adultery or incest. Such is the case in Belgium, France, Ecuador, Italy, Monaco, the Netherlands, Spain and Venezuela. The replies of Luxemburg and Portugal do not make this point clear.

The acknowledged child inherits from the parent who has acknowledged it.

Where there are legitimate children, the illegitimate child is entitled to half the share of a legitimate child in the following countries: Bulgaria, France, Italy, Monaco and Spain.<sup>1</sup>

In the same circumstances, in Belgium, Luxemburg and the Netherlands the illegitimate child has the right to a third of the share of a legitimate child.

In Venezuela, if there be no legitimate child, the illegitimate child inherits a third of the hereditaments if there are ascendants or a spouse; he is entitled to half if there be no such claimants, and inherits from the mother as if he were legitimate.

Portugal merely states without going into details that the illegitimate child inherits from its father and mother, partly or wholly. The reply mentions that the acknowledged child also inherits from its grandparents, which is not always the case.

In Belgium, France, Italy, Luxemburg, Monaco and the Netherlands, the illegitimate child inherits all the property if the father and mother have left no relatives, or have not left certain relatives, who are entitled to inherit.

Several countries state that the acknowledged child can receive nothing by *donatio inter vivos* or by will beyond what is granted to it by right of inheritance.

Nearly all the countries considered lay down that, in the event of the illegitimate child's predeceasing its parents, its descendants may claim the same rights.

In Japan, in the case of succession to the rights and obligations of the head of a family, the unacknowledged child comes after legitimate and acknowledged children. In the case of succession to property of members of the family, the child inherits in conformity with the system of undivided succession according to its degree of relationship, and quite apart from the question of family, sex, age or legitimacy.

(b) GROUP OF COUNTRIES IN WHICH, IN RESPECT OF THE MOTHER, THE SITUATION OF THE ILLEGITIMATE CHILD DIFFERS ONLY SLIGHTLY, IF AT ALL, FROM THAT OF THE LEGITIMATE CHILD.<sup>2</sup>

The following countries belong to this group: Austria, Danzig, Denmark, Estonia, Finland, Germany, Great Britain<sup>3</sup>, Greece, Hungary, Latvia, Norway, Salvador, South Africa, Sweden, Switzerland.

<sup>1</sup> Provided this portion belongs to that third part of the estate which the deceased was entitled to dispose of at his discretion.

<sup>2</sup> See Table B, page 102.

<sup>3</sup> Great Britain only just comes within this group, since — without reverting to the whole doctrinal question of "*filius nullius*" — the situation of the illegitimate child as regards its mother is still appreciably different from that of the legitimate child, particularly in matters of inheritance. Nevertheless, the Guardianship of Infants Act 1925 and the Legitimacy Act 1926 prove that English law is evolving in this direction.

Under the laws of these countries, the situation of the illegitimate child in respect of its mother differs only slightly from, or is even assimilated to, that of the legitimate child. The law operates in two ways. It is sometimes specified that the illegitimate child has the same rights and duties in respect of its mother as if it had been born in lawful wedlock, and *vice versa*. Sometimes, even if this point is not clearly stated, the law of inheritance allows the illegitimate child to inherit from its mother, not only *ab intestato* like a legitimate child, but also in many cases from its mother's relatives.

There is no recognised relationship between the child and its father, and in the following countries no such relationship can be established except by legitimation: Austria, Danzig, Denmark, Estonia, Germany, Great Britain, Latvia, South Africa. In Finland, Greece, Hungary, Norway, Salvador, Sweden and Switzerland, however, the child may be acknowledged voluntarily by its father—in some of these countries acknowledgment may also take place judicially—this event in certain cases affecting its civil status.

#### *Action to establish Paternity.*

In the following countries—Austria, Danzig, Denmark, Finland, Germany, Great Britain, Hungary and South Africa—actions for the establishment of paternity are allowed, but the main result of the judgment is to oblige the father to provide for the child's maintenance.

This is also the case in Estonia and Latvia, since the "Baltic Code" lays down that the putative father must provide for the child's maintenance.

Action for the establishment of paternity is compulsory in Norway and Sweden. In Norway, the law endeavours as far as possible to establish paternity in the biological sense of the term, and in addition the establishment of paternity endows the child with full civil status. One of the most characteristic points of Norwegian and Finnish laws is the manner in which they treat the "exceptio plurium concumbentium". Whereas in most countries this exception is a factor of elimination in affiliation proceedings, in Norway it is just the reverse—all persons who have had intercourse with the mother during the period of conception are bound to contribute to the child's maintenance.

In Sweden, a father whose name has been entered in the Register of Civil Status following on affiliation proceedings or on voluntary acknowledgment may, with the permission of the person who has custody of the child, bestow his surname on the child.

In Switzerland, affiliation proceedings are instituted with a view to obliging the father to make financial contribution, or also to obtaining from the Court a declaration of paternity that endows the child with civil status. Proceedings for the latter purpose can only be instituted if the father has promised to marry the mother or if the intercourse was criminal or an abuse of authority. The situation is the same in Greece.

In Salvador, paternity may be established at law in the following cases: (a) if the heirs declare in due legal form that the father has openly put forward the child as his son, (b) if the father has maintained and educated the child as his son at his expense, (c) if rape or abduction occurred during the period of conception. Paternity thus established affects the provision of maintenance and rights of inheritance.

#### *Rights to Maintenance (also Pecuniary Allowances to the Mother).*

As in this group of countries the mother generally has the custody of the child, she is actively responsible for the child's maintenance, whereas the father contributes an allowance.

In Austria, Danzig, Estonia, Germany, Hungary, Latvia, South Africa and Switzerland, the main obligation falls upon the father. In Finland, Norway and Sweden, both parents are equally responsible. The other countries give no special indications on this point.

In Austria, Estonia and Latvia, it is held that maintenance must be provided until the child can earn its own living. Salvador does not indicate any time-limit.

The age at which the obligation to provide maintenance ceases is fixed at 18 years in Denmark, South Africa and Switzerland, at 17 years in Finland, at 16 years in Danzig, Germany, Great Britain and—in most cases—Hungary, and between the 16th and 18th year in Sweden. In Greece, the age is 18 years for boys and 21 years for girls. These age-limits are, however, subject to exceptions. For instance, all obligations in connection with maintenance usually cease on the marriage of the child, while in several countries the obligation may be prolonged when the child is unable to earn its own living.

In almost all countries, the provision of maintenance includes the upbringing of the child in accordance with the social status of its mother or parents or even of that parent whose financial position is the better of the two. Austria also mentions the training of the child to some occupation. In Great Britain, the execution of maintenance obligations may be facilitated through the intermediary of the Collecting Officer of the Court, to whom payments may be made and who may undertake proceedings for the recovery of arrears.

In the following countries—Germany, Great Britain, Hungary, Norway, South Africa, Sweden, Switzerland—in addition to maintenance of the child, the father may be obliged to pay the mother's lying-in expenses and her maintenance for some time before and after confinement. In Austria, the father is obliged to pay these sums only when the mother stands in need thereof.

*Rights of Inheritance.*

Ordinarily, in all the countries belonging to this group, the illegitimate child inherits from its mother, and in many cases from its maternal relatives, in the same way as a legitimate child, and *vice versa*. In Austria, however, the child only succeeds, in this instance, to that part of the inheritable estate which is not subject to any restrictions. In Great Britain, the child may only inherit if the mother dies intestate and leaves no surviving legitimate issue at the time of her death.

Generally speaking, the illegitimate child has no right to inherit out of its father's estate. If, however, it is acknowledged by the father, voluntarily or by decree of the courts, Finland, Norway and Greece accord it rights of inheritance on an equal footing with legitimate children. Switzerland accords to the illegitimate child half of the estate that would have come to a legitimate child. Salvador grants it the same share as a legitimate child provided there be no legitimate issue. Finland and Sweden grant the illegitimate child the same rights of succession as if it had been legitimate, when it is declared to be "the child of engaged persons". Denmark grants the same privilege to any illegitimate child whose father manifested his intention, even before the child's birth, of marrying the mother, if subsequently the marriage could not be celebrated owing to some impediment for which the father was not responsible, such as death, illness, imprisonment or another similar cause. In Sweden, according to the Law of June 8th, 1928—which came into force on January 1st, 1929—the father may now, by a simple declaration in due form, stipulate that the child shall inherit from him and he from the child.

Finally, in certain countries, maintenance has to be provided out of the deceased parent's estate.

(c) OTHER COUNTRIES NOT COMING UNDER THE TWO PREVIOUS GROUPS.<sup>1</sup>

As pointed out in the general study of the question, some countries belong to neither of the two main groups. In the first place, there are a number of federal States such as Australia, Canada and the United States of America, in each of which there exist several different bodies of law derived from different sources.

In Australia, the law of the illegitimate child is based on old English common law with certain modifications, *e.g.*, in South Australia, where the illegitimate child possesses almost the same rights in respect of its mother as a legitimate child. The same is the case in the United States; all the component States, save two, originally based their legislation on English common law. However, by recognising the relationship of the illegitimate child to the mother and the possibility of establishing paternity by judicial procedure or voluntary acknowledgment, the laws of all these States have become more or less analogous to the laws of those countries which, as regards the mother, place the illegitimate child on the same footing as the legitimate child. On the other hand, the codes of Louisiana and Porto Rico are both based on the French system or the Napoleonic Code.

In six of the eight English-speaking provinces of Canada, the legislation is somewhat analogous to that of Norway, though it retains some of the original features of English legislation. In two other provinces—New Brunswick and Nova Scotia—the legislation is based upon English law and practice. In the province of Quebec, at the time of the cession to Britain, French civil law was in force and has not been changed.

In India, the law applied to Anglo-Indians, Europeans and Christians is derived from English common law. In the case of the other communities, the system varies in accordance with religion and custom as interpreted by the Courts. In Albania, the situation is very similar, as has already been pointed out.

We have already referred to the legislation of the Irish Free State, and there is no need to return to the question here.

In Poland and in Roumania, a mixed legal system is in force. In these two countries, the Austrian civil code and the former collection of Russian laws are still operative in certain parts of the territory.

In Poland, the German civil code is also applied in certain districts, while in the former Congress Kingdom the law is that of the Polish civil code of 1825 (French system). These legislative differences have been attenuated by a Law of August 2nd, 1926, which lays down that the Courts need not always follow the law of the illegitimate child's mother, but may follow that of the child's father if it is more favourable to the child.

In Roumania, in addition to the two bodies of law already mentioned, that of the old Kingdom of Roumania places the illegitimate child on the same footing, in respect of its mother, as the legitimate child. In Transylvania, the position of the child as regards its mother is practically the same; in this territory, Hungarian common law is in force.

It is perhaps hardly necessary to analyse the laws of Siam or of the Union of Soviet Socialist Republics since, strictly speaking, in these two countries no problem of illegitimacy exists. In Siam, provided the mother and father are Siamese beyond all doubt, their union and the children born of such union are lawful. In the Union of Soviet Socialist Republics, no distinction is any longer drawn between an official or registered marriage and *de facto* marriage or free co-habitation. According to the Soviet reply, however, temporary unions are not regarded in the same light. Nevertheless, no strict legal distinction seems to be drawn between the children born of any of these forms of union. It should further be noted that,

<sup>1</sup> See Table C, page 109.

while the Union of Soviet Socialist Republics is federal in form, it has given a single reply for all the component republics of the Union, since the question of illegitimacy has been dealt with in the same manner throughout the whole Union. In only one case—the Ukraine—is the legislation slightly different, a point to which we will draw attention in due course.

*Action to establish Paternity.*

In Australia, action to establish paternity is allowed in all the States; its main object is to oblige the putative father to provide maintenance for his child. In Canada, affiliation proceedings are authorised in all the Provinces. An affiliation order must precede or run concurrently with an order for maintenance. In Quebec, action may be taken to establish maternity as well as paternity. Whichever parent has recognised the child, either voluntarily or judicially, is bound to provide maintenance for the child. In five Canadian provinces, a peculiarity of the law which is also met with in Norway is encountered: in cases of doubtful paternity, joint liabilities are imposed on those men absolutely proved to be possible fathers of the child.

In the United States, action to establish paternity is allowed in all the States except Texas, Virginia and the territory of Alaska. In Louisiana and Porto Rico, action to establish paternity is not allowed save in exceptional circumstances. In some States, the action is a civil one, whereas in others it is criminal; in certain States, the action may be either civil or criminal. Its main object is to oblige the putative father to provide maintenance.

In India and the Irish Free State, no proceedings can be taken for the direct purpose of establishing paternity. Paternity is, however, determined indirectly by an action for maintenance, which is subject to certain conditions.

In Poland and Roumania, the codes of the former Congress Kingdom and of the old Kingdom of Roumania prohibit actions to establish paternity except in cases of abduction which cover the period of conception. In those territories of these two countries in which the former collection of Russian laws is in force, the laws themselves do not refer to any action to establish paternity, but criminal proceedings may be instituted against a person who has seduced a woman by formal promises of marriage. Such proceedings may result in an order of the Court obliging the father to provide maintenance.

In Siam, an action at law can be undertaken to establish paternity with a view to the allocation of part of the hereditaments to the child.

In the Union of Soviet Socialist Republics, the persons interested are entitled to give evidence of maternity or paternity in Court. Paternity may be declared as an administrative measure when the person concerned has failed, within fifteen days after receiving notification from the Civil Status Office, to institute proceedings against the mother for making a false declaration. Paternity may also be established by the Court, and the Court may declare that paternity has been adequately proved, if the witnesses attest that the defendant was making love to the mother during the period of conception and that the woman was of good repute. The "exceptio plurium concumbentium" is not allowed, but only one man, declared to be the father, is obliged to provide maintenance. Under the laws of the Ukraine, also, only one man is designated as the father of the child, but if several persons have cohabited with the mother, they may all be obliged to contribute to the child's maintenance.

*Right to Maintenance (also Pecuniary Allowances to the Mother).*

It would seem that, in all the States of Australia, the mother is bound to provide maintenance, since the child is almost always entrusted to her custody, though the father is obliged to bear this burden if his paternity is established. In Tasmania, Victoria and West Australia, maintenance need not be provided after the child has attained 16 years of age.

In six provinces of Canada, either the father or the mother, or both, may be obliged to provide maintenance for the child until it attains 16 years of age. In New Brunswick they are bound to do so until the child attains 14 years of age or for such time as the child is unable to maintain itself, whereas in Nova Scotia the time-limit is determined by the Court. In Quebec, the child is maintained by whichever of its parents has acknowledged it either voluntarily or judicially. In all the Canadian provinces, the father may be obliged to defray the cost of confinement.

In the United States, the father may be obliged to provide maintenance in all States except Texas, Virginia, Louisiana, in the territory of Alaska, and in Porto Rico. In several States, the father is obliged to provide maintenance until the child is 21 years of age; in one State the obligation is only for three years. In many States, the father is bound to repay to the mother the expenses of confinement. In many States also, it is laid down that the mother shall contribute to the maintenance of the child; in the absence of any legislative provision to this effect, the mother may be required by the Court to provide for the maintenance of her illegitimate child.

In India, the father and mother are punished if they abandon a child under 12 years of age. Moreover, the criminal courts may order the father of a child who is unable to maintain himself, to make it an allowance.

In the Irish Free State, the duty of maintenance falls mainly on the mother. But the Boards of Guardians, or rather the other bodies which have now superseded them, can recover from the putative father the cost of public relief.

In Poland, in the former Congress Kingdom, the father of an illegitimate child, even if this child has not been acknowledged, is bound to provide for its maintenance until it attains full age, on a scale compatible with his own financial status and the mother's social position: the mother is also bound to contribute to the expenses as far as she can.

In Roumania, in the old Kingdom the mother is bound to provide maintenance for an illegitimate child in the same way as for a legitimate child. The father is under no obligation, but in this respect practice attenuates the severity of the law by allowing the mother to bring an action for damages against the father.

In the territories of Poland and Roumania in which the former Russian law is in force, the father is bound to provide maintenance for the child until it attains its majority and the mother is bound to contribute to such maintenance.

In Siam, as the law knows no illegitimacy, all children are entitled to the same measure of maintenance.

In the Union of Soviet Socialist Republics, every parent, without distinction, is bound to provide for the needs of its child. This obligation is incurred by both father and mother, the sum being determined according to the status and wages of each. The father is bound to provide maintenance for the mother, if she needs it, during pregnancy and the first six months after confinement.

### *Rights of Inheritance.*

In Australia, the illegitimate child has no rights of inheritance, except in South Australia where it inherits from its mother, like a legitimate child, but does not inherit from the father.

In three provinces of Canada, Quebec, Ontario, Prince Edward Island, an illegitimate child does not inherit. In the six other provinces, the child inherits from the mother and *vice versa*. In five provinces an affiliation order covering maintenance binds the estate of the putative father though certain reservations are made to safeguard the rights of the widow and the legitimate children of the deceased.

In the United States, the illegitimate child inherits from its mother in forty-eight States and in many of these States it inherits from its mother as if it were a legitimate child. Few States allow the child to inherit from its maternal grandparents. The child inherits from the father in nineteen States usually if it has been acknowledged by him or if paternity has been proved according to State law.

Anglo-Indian and Irish rights of inheritance and succession are similar in the case of the illegitimate child: *i.e.*, the illegitimate child does not inherit. Anglo-Indian law, however, states that there is no objection to the child inheriting as legatee. Moreover, in India, Buddhists, Hindoos and Mohammedans all have different laws of inheritance.

In Poland, an unacknowledged illegitimate child cannot inherit. An acknowledged child inherits from that parent which acknowledges it. If there are also legitimate children, the illegitimate child is entitled to one-third of a legitimate child's portion, and inherits the whole estate if the father and the mother have not left any relatives of a degree entitling them to inherit.

In Roumania, the illegitimate child inherits from its mother as if it were a legitimate child; but cannot inherit from its mother's descendants. It cannot inherit from its father.

In the territories of Poland and Roumania in which the former collection of Russian laws is in force, the illegitimate child inherits, with certain restrictions, from the mother, but not from the father, unless the latter has acknowledged it by notarial act.

In Siam, as every child is legitimate, all enjoy the same rights of inheritance.

In the Union of Soviet Socialist Republics, every child inherits from its parents whether they are married or not. According to Soviet law, the following are entitled to inherit: descendants, the surviving spouse, and persons who have been entirely supported by the deceased person for at least twelve months previously. All receive equal shares. Collateral relatives do not inherit.

### CONDITIONS GOVERNING THE LEGITIMATION OF ILLEGITIMATE CHILDREN.

Albania, India and the Irish Free State declare that they have no means of legitimating illegitimate children. Obviously this is also the case in Siam, where illegitimacy in the ordinary sense of the term is unknown. The illegitimate child cannot be legitimated by the subsequent marriage of its parents in the U.S.S.R., since it was already legitimate before marriage; but the birth certificate of the child may be altered and the father's name entered in the register. This formality may, however, be accomplished either before or after marriage. The situation in several States of the United States of America in which "common-law marriages" exist is in many respects the same as in the two preceding cases. According to this custom, when an unmarried couple have cohabited together for a certain time, such cohabitation is regarded as a valid marriage, and the children born of such union are declared legitimate.

In all the other countries under consideration, legitimation *per subsequens matrimonium* is allowed. In Norway, however, when paternity has been established with all the consequences provided by the law, no other form of legitimation is required, although legitimation by subsequent marriage is admitted.

Belgium, France, Luxemburg, Monaco, the Netherlands and Venezuela provide that, in order to be legitimated by subsequent marriage, the child must have been legally acknowledged by its father and mother before or at the time of marriage. Apart from this consideration, Monaco and the Netherlands also allow the legitimation of a child after the marriage. In New

South Wales (Australia), the child can only be legitimated by subsequent marriage if the father submits to the registrar a statutory declaration by himself stating that he is the father of the child. The situation is the same in Western Australia. In the United States, several States require acknowledgment by the father at the time of the subsequent marriage. The following countries, in their replies, point out that children born of adultery or incest may not be legitimated by subsequent marriage<sup>1</sup>: Australia<sup>2</sup>, Belgium, Bulgaria, Estonia, Great Britain<sup>3</sup>, Hungary, Italy, Monaco, the Netherlands, Poland<sup>4</sup>, Portugal, Salvador, South Africa, Spain, Venezuela.

It should be noted that Portugal only excludes children born of incest from the possibility of legitimation. This is also the case in Monaco, though Monegasque law also defines the cases in which children born of adultery may be legitimated. In France, the law of April 25th also defines the cases in which a child born of adultery may be legitimated.

Apart from subsequent marriage, legitimation may take place in other ways in Austria, Bulgaria, Danzig, Denmark, Germany, Greece, Hungary, the Netherlands, Poland, South Africa, Switzerland and Venezuela, and in the following States of the United States of America—Alabama, Delaware, Georgia, Louisiana, Michigan, North Carolina, and Tennessee.

In South Africa, a child may be legitimated by Act of Parliament; at the present time, however, this procedure only applies to regular unions which are invalid by reason of some formal defect. In Austria and Germany, children born of invalid unions are nevertheless held to have been legitimated if at least one of the parents can prove that he or she was *bona fide* unaware of the impediment to the marriage, or if this impediment is subsequently removed. In Germany, moreover, an illegitimate child may, on the petition of its father, be declared legitimate by a decree of the State authorities. The effects of this declaration of legitimacy also apply to the child's issue, but not to the father's relatives. The father's wife does not become related to the child in any way, nor does the consort of the child become related to its father. The situation is the same in Danzig, where, if the parents do not marry, legitimation may be effected by a decision of the Senate under the conditions stated above.

In Austria, children may be legitimated by the President of the Confederation on the petition of their parents. Such legitimation, however, produces more limited effects than those produced by subsequent marriage.

In Bulgaria, a child may also be legitimated by a decision of the Courts, in Spain by Royal licence, in Italy by Royal decree, and in Venezuela by a judicial declaration of the Supreme Court of Justice of the State or of the federal district. In all these cases, the requisite conditions are the following<sup>5</sup>:

- (1) The petition must be made by one or both parents;
- (2) There must be no legitimate or legitimated children of the petitioner, or descendants of these children;
- (3) Legitimation by subsequent marriage must be impossible;
- (4) The application must have the consent of the consort if the parent applying for legitimation is married.

In Denmark, the child may be legitimated by the fact that the father acknowledges it in Court. This declaration of legitimation does not require either the consent of the child, or of the mother or of any other person. The child may also be legitimated by Royal licence.

In Greece, in addition to legitimation by subsequent marriage, the child may be legitimated by decree of the Ministry of Justice on the petition of the father, accompanied by a statement made before a notary. The consent of the child, and of the child's mother, if it is a minor, is necessary.

In Hungary, legitimation by Royal favour (a prerogative at present exercised by the Regent) may be accorded if legitimation by subsequent marriage is impossible. The effects of such legitimation are more limited than those of legitimation by subsequent marriage.

In Poland, children born of an invalid marriage still possess the rights of legitimate children even if the mother and father concluded their marriage *mala fide*. In addition, the child may be legitimated, not only by subsequent marriage, but also by a special Decree, which however is more limited in its effects.

In the Netherlands, legitimation may be effected by Royal Letters of Legitimation if the parents have failed to acknowledge their illegitimate children before or at the time of their marriage or, again, if it has been impossible to legitimate legally acknowledged children by marriage, owing to the death of the father or the mother. This method of legitimation is more limited in its effects than legitimation by subsequent marriage.

In Switzerland, legitimation by the authority of the Courts is provided for, when the father and mother were duly betrothed but the marriage was never celebrated owing to the death of one of the parties, or the loss by one party of the requisite capacity to contract marriage.

<sup>1</sup> It is quite possible, of course, that the laws of other countries exclude children born of adultery or incest from legitimation, the replies of these countries having simply omitted to state the fact.

<sup>2</sup> Except in Western Australia and Tasmania, all the States state that legitimation may take place only if there is no legal obstacle to the marriage of the parties at the time of the child's birth.

<sup>3</sup> English law only mentions children born of adultery.

<sup>4</sup> If the case of adultery or incest does not, under canon law, constitute an absolute obstacle to the celebration of marriage, legitimation *per subsequens matrimonium* may take place.

<sup>5</sup> In Venezuela, it is also laid down that the child must itself consent to legitimation.

In addition to legitimation by subsequent marriage, in the United States several States provide other facilities. For instance, in Alabama, legitimation may be obtained by an action in the Probate Court; in Georgia, North Carolina and Tennessee, by an action in Court on the petition of the father, in Delaware and Louisiana by acknowledgment made before, or registered by, a notary. In Michigan, the father may acknowledge the child in accordance with the procedure followed for the registration of deeds. In several States, the father may publicly acknowledge or adopt the child and thus legitimate it.

Mention must also be made of a very special method of legitimation introduced by Arizona and North Dakota. In these States, a declaration may be made to the effect that "all the children are the legitimate children of their parents".

In many countries, after the child's decease, the right of formulating a petition for legitimation passes to its issue.

In several countries, the effects of legitimation are retroactive<sup>1</sup>. The nine provincial legislations of Canada, for instance, lay down that such legitimation shall be retroactive.

#### OFFICIAL GUARDIANSHIP OF ILLEGITIMATE CHILDREN.

Albania, Bulgaria, Denmark, Estonia, Hungary, India, the Irish Free State and Salvador say that they have no system of official guardianship for illegitimate children.

In India, however, under the Law of 1890 on Guardians and Trustees, a guardian may be appointed for an illegitimate child until its majority. It should also be noted that, in Hungary, the Budapest Guardianship Office has created, under the name of professional guardianship, a system under which the Guardianship Office appoints a guardian for an illegitimate child which has lost its mother or in cases where the interests of the child and the mother clash. In Salvador, if the child loses its mother—for it is she who normally exercises the paternal power—guardians and trustees may be appointed either under will or by operation of law as in the case of legitimate children.

In Australia, there exists no special system of official guardianship for illegitimate children. Existing arrangements apply to legitimate and illegitimate children alike. In Western Australia, neglected or abandoned children may become wards of the Child Welfare Department. Moreover, the home or place of residence of any child born out of wedlock may be visited and inspected by an officer of the Department. In South Australia, the dwelling of any illegitimate child under the age of 7 years is open to entry and inspection by any officer of the Children's Welfare and Public Relief Board. In New South Wales, the Child Welfare Act contains provisions for the admission of children to State control and contains power to board out and apprentice such children. In Tasmania, children under 17 years of age may be placed under the guardianship of the State by reason of their being neglected or convicted children or having been received into a public institution. In Queensland, an illegitimate child whose mother is dead or is unable to maintain it becomes a State child and, as such, subject to the management and control of the Director of the State Children Department up to 18 years of age. In *Victoria*, all neglected children may be committed to the care of the Children's Welfare Department. In this case the Secretary of the Department becomes the guardian of the child to the exclusion of the father and the mother and every other guardian.

In all the eight English-speaking provinces of Canada, provision exists through the Children's Protection Act for guardianship exercised either by the provinces or through specified social agencies for all children in need of protection and care. There are three types of guardianship, which must not be confused: (a) In all the provinces of Canada there is provision for the exercise of guardianship over the estates and persons of minors; (b) In provinces where the Juvenile Delinquents Act of Canada is in force, the Juvenile Court may exercise guardianship or wardship of delinquents who are committed to its care; (c) In all the provinces except Quebec there is a special officer who is entrusted with all responsibilities under the Children's Protection Act for the protection of any child in need thereof and consequently of any child born out of wedlock. Judicial proceedings are necessary under clauses (a), (b), (c).

In the United States, only in Minnesota is there a specific provision of law intended to ensure State protection of the interests of all children born out of wedlock. In several States, the Court has continuing jurisdiction and may change its original orders. In Rhode Island, the Director of Public Aid of any town and the State Public Welfare Commission have authority to take from the father such sums as may be necessary for the support of the child up to the age of 16; they may also oblige the father to make payments to the mother.

In Poland, the guardianship of an illegitimate child is exercised by that parent who has voluntarily acknowledged it or by the mother if both its authors have acknowledged it. When the child has neither father nor mother living or has not been acknowledged by either, a guardian is appointed by the Council of Guardianship. The latter consists of six well-known persons from charitable institutions and domiciled in the locality in which the guardianship is established. In those parts of Polish territory in which the former collection of Russian laws

<sup>1</sup> Since many countries have furnished no information on this subject, it would perhaps be unwise to give any list of countries, which would necessarily not be complete.



is in force, when it has been decided that an illegitimate child shall be placed under guardianship, the father may petition to be appointed the child's guardian with a right of priority over other persons.

In Roumania, in the old Kingdom, and in Bessarabia, the legal guardian of the illegitimate child is its mother. This guardianship is organised in the same manner as that of legitimate children, *i.e.*, with the aid of a family council and subject to the official supervision of the Courts.

In the Union of Soviet Socialist Republics, official guardianship for illegitimate children is not compulsory. By law, a child's guardians are its parents and illegitimate children are no exception to this rule, although naturally it is the mother in most cases who assumes this duty. At the mother's request, and also in exceptional cases, the official guardianship authorities undertake the defence of the child's interests whether it be legitimate or not, since the causes which have led to the institution of official guardianship for illegitimate children in certain countries may also arise in the U.S.S.R.

In examining the question of guardianship in other countries, it seems preferable to revert to the system of dividing these countries into two groups, as heretofore.

In the group of countries in which the child has no legal connection with its authors through the mere fact of its birth, a distinction must be drawn between acknowledged and unacknowledged children. Moreover, in these same countries, the family council is generally the competent authority to determine questions concerning the guardianship of legitimate children. It is therefore interesting to see how it is replaced in the case of illegitimate children.

As regards acknowledged children, Belgium, France, Italy, the Netherlands, Portugal and Venezuela, provide that such children shall be under the legal guardianship of whichever of their parents has acknowledged them. The Luxemburg Code leaves some doubt on this point; but in most cases the idea of legal guardianship seems to have been rejected and to have been replaced by conferred guardianship or guardianship exercised by the family council.

As regards unacknowledged children, in Belgium, the Law of March 10th, 1925, governs the guardianship of foundlings, neglected children, orphans and paupers (legitimate or illegitimate). In Spain, the directors of foundlings' homes exercise guardianship. These officials, as guardians, are represented at law by the Legal Representative of the Public Interest (*el Fiscal*). In France, the family council is replaced in the case of illegitimate children by the Court of First Instance of the place of the legal domicile of the parent entrusted with the guardianship of the child. In Italy, the guardianship of children whose parents are unknown is exercised by a board of guardians consisting of a magistrate (*pretore*), two communal councillors and two other persons appointed by the magistrate. If the child is in a home, the board of directors acts as a board of guardians. In Japan, as in Spain, guardianship is exercised by the directors of institutions, orphanages, etc. In Monaco the Court of First Instance appoints the guardian of an illegitimate child. In the Netherlands, this appointment is made by a magistrate. In Portugal, if the child has no parents, it is placed under the legal guardianship of the "tutorias" (children's courts) as a ward of the State. This same system applies to minors in moral danger, paupers, exposed and neglected children, legitimate as well as illegitimate. The laws governing the "tutorias" are given in detail in the Portuguese reply.

In Venezuela, the magistrate of a Court of First Instance, after consulting the guardianship board, appoints a guardian for any minor whose father and mother are unknown. When a person, having given shelter to a child that has been abandoned, desires to become its official guardian, permission is given after fulfilment of the conditions laid down in the Civil Code.

In countries in which, as regards the mother, the position of the illegitimate child differs very little, if at all, from that of the legitimate child, the family council either does not exist or, where it exists, usually plays a very minor part in guardianship questions, which are more often in the hands of the administrative or judicial authorities. In Finland, South Africa and Sweden and, up to a certain point, in Great Britain, the mother is considered as the natural guardian of the illegitimate child. In Austria, guardianship may be entrusted to the mother or even in certain cases to the father. In Norway the parent to whose keeping the child is entrusted is its guardian. In Switzerland, the authority responsible for guardianship appoints a guardian, unless it thinks fit to place the child under the paternal power of the mother or father.

The replies of Latvia and South Africa and also, to some extent, that of Norway, lay stress on the fact that the system of guardianship applies equally to legitimate and illegitimate children. South Africa, in particular, considers that a differentiation in this respect would be very unfair to illegitimate children. In that country, the protection of all minors is entrusted to the Higher Courts. In addition, very young children who are not in the care of their parents are treated as "subject to protection", and the magistrate is invested with full powers concerning them.

In Germany, since the coming into force of the Law of April 1st, 1924, a system of legal administrative guardianship has been introduced for all illegitimate children. This guardianship is exercised by officials of the Child Welfare Office until the child is 21 years of age, unless a single guardian is appointed. The latter course is usually taken if the child's interests so require. Under the same law, a trustee may be appointed to advise the mother, even before the birth of the child.

Austria possesses two forms of *ex officio* guardianship: first, there is the guardianship exercised by an institution, whose board of directors possesses the rights and duties of a guardian (asylums, homes, etc.); secondly, there is the general guardianship exercised by an administrative body or some association. Such guardianship may be either guardianship exercised by a collective body or guardianship conferred by operation of law. The latter form

of guardianship comes into force automatically whenever the requisite conditions are present : for instance, as soon as the birth of an illegitimate child is notified to the body concerned.

In Finland, there is a superintendent of illegitimate children in each municipality and rural commune. This superintendent is trustee for any illegitimate child in his district so long as the latter is entitled to be maintained by its parents. The superintendent is appointed guardian in cases in which the mother is not considered fit to take care of her child.

In Great Britain there is no system of official guardianship of a child solely because it is illegitimate. The mother may appoint a guardian to act after her death, whose consent is required to the marriage of the illegitimate child while it is under twenty-one.

Where the court has made an affiliation order, it may, if the mother dies or is of unsound mind or goes to prison, and if the child is not in receipt of Poor Law relief, appoint a person, with that person's consent, to have the custody of the child.

In Norway, according to the terms of what is known as " public guardianship ", the competent authority appoints a guardian of the child. The rules in force regarding public guardianship apply without distinction to legitimate and illegitimate children.

In Sweden, for each illegitimate child there is appointed a trustee (*bärnavärdsman*) who is responsible for the welfare of the child and the safeguarding of its interests. This trustee's duties continue until the child has reached the age of 18, and resemble those of an official guardian.

In Switzerland, the authority responsible for guardianship appoints a trustee responsible for protecting the interests of an illegitimate child. This guardian is later replaced by a trustee, if necessary.

#### OTHER MEANS PROVIDED EITHER BY THE LAW OR BY INSTITUTIONS FOR ENSURING THE MORAL AND MATERIAL PROTECTION OF ILLEGITIMATE CHILDREN.

The question has been interpreted in a variety of ways which makes classification somewhat difficult.

Albania, Bulgaria, Finland, the Irish Free State, Latvia and Monaco state that there exist no other means provided either by the law or by institutions for ensuring the moral and material protection of illegitimate children. In Switzerland, the great majority of the cantons have no special provisions on this subject.

Germany states that the principal official organisation for the protection of illegitimate children is that which undertakes the supervision of foster-children : that is to say, the supervision of all children under fourteen who are under the care of strangers. The majority of children benefiting by this protection are illegitimate.

In Western Australia, the Child Welfare Act contains various provisions for the moral and material welfare of ex-nuptial children. In South Australia, affiliation orders with respect to the maintenance of illegitimate children are payable through the Children's Welfare and Public Relief Board. Most illegitimate children are therefore, if not actually under the guardianship of the department, in some way connected with its records, and many are known to the department until they attain the age of 18 years. In New South Wales, the Child Welfare Act empowers the Governor of the State to establish (a) shelters for the reception and temporary detention and maintenance of children ; (b) industrial schools ; (c) homes for children whose cases call for segregation or special treatment. In Tasmania, voluntary child welfare organisations superintend the moral and material protection of children, whether legitimate or illegitimate. In Queensland, the Director of the State Children Department has the care of abandoned or neglected children. The State of Victoria has a whole series of laws on the protection of children which, except in cases of inheritance, make no distinction between the position of legitimate and illegitimate children.

In all the provinces of Canada, general hospitalisation services exist in all the larger cities and in many small towns. Special accommodation and maternity wards are reserved for the care of unmarried mothers. There are also numerous children's homes where babies born out of wedlock are received and cared for pending their boarding-out or adoption. If the children cannot be boarded out, they are later transferred to other types of institutions. In the eight English-speaking provinces, children's aid societies are organised which may, if necessary, provide maintenance and undertake the guardianship of any child born out of wedlock who is in need thereof. In the legislation of several provinces, the provincial authorities are specifically excluded from any responsibility for initiating action on behalf of a child born out of wedlock where the child has been legally adopted under the adoption legislation of the province. While the adoption laws of all nine provinces refer to the adoption procedure to be followed in reference to any child, in most of them specific clauses are inserted providing for the safeguarding of the adoption of the children born out of wedlock.

In Denmark, children which are not dependent on public relief are placed under supervision until they have completed their seventh year. Supervision may be maintained until they are 14 ; normally it is exercised by the municipal council, which may delegate special supervisors for the purpose or entrust the work of supervision to a child welfare association recognised by the public authorities.

In Danzig, the moral and material protection of all children is entrusted to the organisation set up under the Law concerning Child Welfare. Illegitimate children may, under this law, be entrusted either to institutions or to private persons.

In the United States, there are various provisions designed to safeguard the interests of the illegitimate child. In several States, the terminology of laws and public records has been changed so that the child is referred to as " born out of wedlock " rather than as a bastard

or illegitimate child. Efforts have been made to reduce infant mortality among illegitimate children. The policy of keeping mother and child together at least during the nursing period has been advocated for some time. In many instances, maternity and boarding-homes for children are frequently under State supervision. Mothers' Aid Laws in certain States specifically authorise aid to unmarried mothers. The Workmen's Compensation Acts in twelve States and Hawaii include illegitimate children.

In Finland, the Law on Public Relief lays down that every child entrusted to the public relief commission shall receive a careful upbringing and education. It must also be taught an appropriate trade or, when special circumstances exist, receive some other form of instruction up to the age of 16.

France refers to certain laws, the object of which is to assimilate acknowledged illegitimate children to legitimate children in the case of provident funds for sailors and disabled seamen, assistance for large families and civil and military pensions. Acknowledged illegitimate children may, like legitimate children, be "adopted by the nation".

In Great Britain, no distinction is made between the legitimate and the illegitimate child as regards measures for securing child welfare. Under the Maternity and Child Welfare Act, the local authorities may arrange for medical care, food and relief for mothers. The Children Act also protects all children without distinction from cruelty or ill-treatment. In addition, various philanthropic organisations concern themselves with the welfare of children, both legitimate and illegitimate, and with rescue work among unmarried mothers.

India refers to the work of private charitable organisations. Estonia, Japan, Luxemburg, the Netherlands, Portugal, Salvador, Spain and Venezuela mention the existence of various philanthropic and charitable institutions.

Austria and Belgium enumerate in their replies all the provisions and institutes relating to the protection of youth, since illegitimate children benefit therefrom as much as, and often more than, others.

Italy refers to the Law of December 10th, 1925, which established the "Opera nazionale per la Protezione e l'Assistenza della Maternità e dell'Infanzia". This organisation provides for the assistance and protection of materially or morally neglected minors up to the age of 18. The organisation co-ordinates and supplements the work of the various institutions already in existence. It establishes new organisations where these are required.

Norway under her Law of April 10th, 1915, provides public relief for mothers and infants whose father it has been impossible to discover, or who are destitute. The law enables a poor woman when pregnant to claim financial assistance from the commune in which she lives, for six months previous to, and six months after, confinement, if she is so destitute as to be forced to entrust her child to strangers unless she can obtain assistance. These arrangements apply to unmarried as well as to married women.

The Netherlands draw attention to the circular letter of the Ministry of Justice requesting Boards of Guardians to urge the fathers and mothers of illegitimate children to acknowledge their offspring.

In Roumania, protection is given equally to illegitimate and to legitimate children. For instance, no distinction is drawn in the labour colonies organised by the Department of Public Relief, in the various public or private charitable institutions, institutions for war orphans, etc.

In Sweden, under the Law of June 6th, 1924, the Communal Committee for the Protection of Children is bound to take steps to protect children under 16 who are ill-treated or neglected in their homes, who are exposed to demoralising influences, or children under 18 whose depraved habits are deemed to require exceptional measures for their correction.

In Switzerland, only the Cantons of Basle, Berne and Zurich have special measures for the protection of illegitimate children.

In the Union of Soviet Socialist Republics, establishments for the protection of mothers and children assist indigent mothers and the mothers of illegitimate children, providing them with free milk, linen and other articles of use for the child. Mothers may be received into homes one month before childbirth and are maintained there free of charge for another month or two thereafter. There are also homes for abandoned infants in which the children are maintained and brought up until the age of 3. In the matter of social insurance, no distinction is drawn between legitimate and illegitimate children. To each infant, if one of its parents is insured, is granted a layette bonus (in Moscow, it is 15 dollars) and a monthly pension of 4 dollars during the first nine months. Social insurance is compulsory in the U. S. S. R., and the sums expended on layette bonuses in 1926 amounted to twelve million dollars.

## Appendix I. — Tables A, B and C.

### Table A.

GROUP OF COUNTRIES IN WHICH ILLEGITIMATE CHILDREN HAVE NO LEGAL CONNECTION WITH THEIR PARENTS UNLESS ACKNOWLEDGED BY THEM.

Country and classification of children.	Position of the child with respect to its father and mother.	Action to establish maternity.	Action to establish paternity.	Rights to maintenance.	Rights of inheritance or succession.
<p><b>BELGIUM</b> <i>Unacknowledged children.</i></p>	<p>No legal connection with parents.</p>	<p>Allowed.</p>	<p>Only allowed :</p> <p>(1) If the natural child possesses status as such ;</p> <p>(2) If, during the legal period of conception, there has been abduction by violence, guile or threats, detention, arbitrary sequestration or rape. (Law of 6. IV. 28, Civil Code, Article 340 (a).)</p>	<p>The child may claim from any man who cohabited with its mother during the legal period of conception an annual allowance for its maintenance and education up to the age of 18. Proof of such cohabitation can, according to law, only be admitted if it results from one of the following four circumstances of which the law takes cognisance, viz., acknowledgment in writing, notorious cohabitation, indecent assault without violence, or seduction and fraudulent acts. (Civil Code, Article 340 (b).)</p>	<p>An unacknowledged natural child cannot inherit, but may claim maintenance out of its parents' estate.</p>
<p><i>Children born of adultery or incest.</i></p>	<p>No legal connection with parents, and cannot be acknowledged.</p>	<p>Prohibited.</p>	<p>Prohibited.</p>	<p>May not claim maintenance during the lifetime of the parents. (Civil Code, Article 342 (a).)</p>	<p>Same as above.</p>
<p><i>Acknowledged children.</i></p>	<p>The child is subject to the paternal authority of whichever parent acknowledges it, or of both parents equally if acknowledged by both.</p>	<p></p>	<p></p>	<p>The child is in all cases entitled to maintenance and education at its father's expense. Nevertheless "if, during marriage, the husband or wife acknowledges a natural child born before marriage by another than his or her present consort, such acknowledgment cannot prejudicially affect either the latter or the children born of the marriage."</p>	<p>The child inherits from whichever of its parents has acknowledged it, or from both if both have acknowledged it; this right of inheritance is mutual.</p> <p>If the child is a co-heir with legitimate children, it is entitled to a third of the share of a legitimate child in the inheritance; to a half, if the parents leave no descendants; to three-quarters, if the parents leave neither descendants nor ascendants nor brothers nor sisters; and it is entitled to the whole estate if its parents leave no surviving kindred entitled to inherit. Its descendants may claim the same rights. A natural child may not claim anything by donation <i>inter vivos</i> or by will, beyond what is granted to it by inheritance or succession. (Civil Code, Articles 756 and 766.)</p>

<p><b>BULGARIA</b></p> <p><i>Unacknowledged children.</i></p> <p><i>Acknowledged children.</i></p>	<p>No legal connection with parents.</p> <p>Civil ties are established with whichever parent acknowledges the child.</p>		<p>Affiliation proceedings are prohibited.<sup>1</sup></p>	<p>Both parents are obliged to provide for the child's maintenance and education and must have it taught a trade or profession.</p>	<p>The child has no right of inheritance or succession.</p> <p>The child inherits from whichever parent acknowledges it. If it claims an inheritance jointly with legitimate children, it is entitled to one-half of the share which would be due to a legitimate child.</p>
<p><b>ECUADOR<sup>2</sup></b></p> <p><i>Unacknowledged children.</i></p>	<p>No legal connection with parents.</p>	<p>Allowed (except where the mother is married).</p>	<p>Only allowed for the purpose of claiming maintenance or in order to obtain money allowances for the mother.</p> <p>The respondent's pecuniary obligations are limited to the strictly necessary means of subsistence for the child.</p> <p>In the case of abduction or when the victim has been in her abductor's power throughout the period of conception, the money payments in respect of maintenance must as far as possible be appropriate to the mother's social position. (Civil Code, Articles 278-284.)</p>	<p>The child is entitled to claim the strictly necessary means of subsistence from its mother and father until it has completed its 21st year, and thereafter only if it is impossible for it to support itself.</p> <p>If the application for maintenance be made against the father during the first year after birth, the allowance shall cover the whole year and shall include the expenses of confinement, estimated if necessary by the magistrate. (Civil Code, Articles 287 and 288.)</p>	<p>The child has no rights of succession and may only claim maintenance out of its parents' estate provided it has been acknowledged as an illegitimate child in the will. This provision has no retroactive effect. (Civil Code, Article 1159.)</p>
<p><b>FRANCE</b></p> <p><i>Unacknowledged children.</i></p> <p><i>Children born of adultery or incest.</i></p>	<p>No legal connection with parents.</p> <p>As above, and cannot be acknowledged (except in certain cases).</p>	<p>Is allowed (Article 341).</p>	<p>Paternity out of wedlock may be declared by a Court :</p> <p>(1) In the case of abduction or rape during the legal period of conception ;</p> <p>(2) In the case of seduction effected by deceit, abuse of authority, promise of marriage or engagement, and if there are the elements of proof in writing ;</p>	<p>The child's right to maintenance appears to exist (according to the laws of succession).</p> <p>Same as above.</p>	<p>The child cannot inherit.</p> <p>The child cannot inherit but can claim maintenance.</p>

<sup>1</sup> A draft law materially extending the rights of illegitimate children is in course of preparation in Bulgaria. This draft *inter alia* allows affiliation proceedings and imposes upon the father a judicial obligation to pay the cost of the child's maintenance ; claims for maintenance may also be retrospective.

<sup>2</sup> Ecuador's reply is confined to information regarding the illegitimate (unacknowledged) child. As regards the child born of unlawful intercourse (of adultery, incest, sacrilege), it merely states that such a child cannot be acknowledged. No details are given as to the legal situation of the natural (acknowledged) child.

GROUP OF COUNTRIES IN WHICH ILLEGITIMATE CHILDREN HAVE NO LEGAL CONNECTION  
WITH THEIR PARENTS UNLESS ACKNOWLEDGED BY THEM (cont.)

Country and classification of children.	Position of the child with respect to its father and mother.	Action to establish maternity.	Action to establish paternity.	Rights to maintenance.	Rights of inheritance or succession.
<p><b>FRANCE (cont.)</b></p> <p><i>Acknowledged children.</i></p>	<p>Civil ties are established with whichever parent has acknowledged the child. It is subject to the paternal authority of whichever parent first acknowledged it, preference being given to the father in case of simultaneous acknowledgment.</p>		<p>(3) If there is a written and unequivocal avowal of paternity.            (4) In the case of notorious cohabitation;            (5) If the alleged father has contributed towards the maintenance and education of the child. (Civil Code, Article 340.)</p> <p>Action to establish maternity or paternity will never be allowed in cases where acknowledgment is not authorised.</p>	<p>In accordance with Article 762 of the Civil Code, the child has the right to be maintained by its parents, and this obligation is mutual. Nevertheless, the acknowledgment by the husband or wife, during the marriage, of a natural child born before the marriage, of a person other than the present wife or husband, cannot prejudicially affect either the latter or the children of the marriage.</p> <p>This acknowledgment shall take effect, however, after the dissolution of the marriage if there are no children of the marriage living (Article 337 of the Civil Code).</p>	<p>The child inherits from its parents if it has been legally acknowledged. It does not inherit from its grandparents. If the child is a co-heir with legitimate children, it is entitled to half the share due to a legitimate child. It inherits the whole estate when its parents leave no descendants, ascendants, brothers or sisters, or legitimate descendants of such.</p> <p>Donations <i>inter vivos</i> are limited. The child's descendants may claim the same rights. (Civil Code, Articles, 756 to 761, 913 and 915.)</p>
<p><b>ITALY:</b></p> <p><i>Unacknowledged children.</i></p> <p><i>Children born of adultery or incest.</i></p>	<p>No legal connection with parents.</p> <p>No legal connection with parents and the child cannot be acknowledged.</p>	<p>Generally allowed. (Civil Code, Article 190.)</p>	<p>Is only allowed as an exception, e.g., in the case of abduction or rape, committed at a time coincident with the period of conception. (Civil Code, Article 189.)</p>	<p>The child may always claim maintenance if :</p> <p>(a) Paternity or maternity is indirectly established as the result of a civil or criminal judgment;            (b) If the child was born of a marriage which is annulled;            (c) If the paternity or maternity is established in virtue of an explicit written declaration by the parents. (Civil Code, Article 193.)</p> <p>Even if acknowledgment is not allowed, the child is still entitled to maintenance in the cases cited under "Unacknowledged children". (Civil Code, Article 180.)</p>	<p>The child does not inherit from its parents if it has not been acknowledged, but may claim maintenance out of the parents' estate.</p> <p>The child cannot inherit but may claim maintenance out of the estate.</p>

<p><i>Acknowledged children.</i></p>	<p>The child is placed under the legal guardianship of whichever of its parents has acknowledged it, preference being given to the father.</p>			<p>The child is entitled to receive maintenance, education and vocational training from whichever of its parents has acknowledged it, or from both. The obligation to provide maintenance is mutual as between the child and its parents. (Civil Code, Article 186.)</p>	<p>The child inherits from whichever parent has acknowledged it. The parents inherit from the child jointly with the surviving spouse, if any. If the child is a co-heir with legitimate children or their descendants, it is entitled to half the share due to a legitimate child. It also inherits jointly, but to a limited extent, with the ascendants or spouses of its father and mother. It inherits the whole estate when its father or mother leaves no legitimate descendants or ascendants or living consort. It does not inherit from the spouses of its father or mother, nor can they inherit from it. It cannot receive, under the terms of a will, more than it would receive by law if no will had been made. (Civil Code, Articles 743 to 752.)</p>
<p><b>JAPAN</b> <i>Unacknowledged children.</i></p>	<p>No legal connection with the parents.</p>	<p>(See under "Action to establish paternity".)</p>	<p>The child is entitled to bring an action for acknowledgment against its father or mother if they do not acknowledge it of their own free will.</p>	<p>The child is entitled to claim maintenance allowance from its mother, and . . . . .</p>	<p>(Unacknowledged) (and acknowledged). If the succession is to all the rights and obligations belonging to the head of the family, an illegitimate child comes after legitimate or acknowledged children among the heirs <i>ab intestato</i>. In the case of inheritance by designation or election, no discrimination is made between legitimate children and acknowledged or unacknowledged illegitimate children. As regards succession to property, in conformity with the system of undivided succession, children having the same degree of kinship, disregarding questions of family, sex, age or legitimacy, have equal rights of succession.</p>
<p><i>Acknowledged children.</i></p>	<p>The child has the same rights and obligations as a legitimate child in respect of whichever parent has acknowledged it.<sup>2</sup></p>			<p>. . . . .when it is acknowledged by the father, it has the same claim upon him as upon its mother.</p>	

<sup>1</sup> Under Italian law, parents are not obliged to acknowledge their illegitimate child, who may be registered as a child of unknown parents.

<sup>2</sup> According to Article 827 of the Japanese Civil Code, acknowledgment of the child by the father has wider effects as regards civil status than acknowledgment by the mother. It very rarely happens that the mother refuses to acknowledge the child

GROUP OF COUNTRIES IN WHICH ILLEGITIMATE CHILDREN HAVE NO LEGAL CONNECTION  
WITH THEIR PARENTS UNLESS ACKNOWLEDGED BY THEM (cont.)

Country and classification of children.	Position of the child with respect to its father and mother.	Action to establish maternity.	Action to establish paternity.	Rights to maintenance.	Rights of inheritance or succession.
<p><b>LUXEMBURG</b> <i>Unacknowledged children.</i></p> <p><i>Children born of adultery or incest.</i></p> <p><i>Acknowledged children.</i></p>	<p>No legal connection with the parents.</p> <p>No legal connection with the parents.</p> <p>The child is subject to the paternal authority of whichever parent has acknowledged it, or of both parents equally if both have acknowledged it.<sup>1</sup></p>		<p>Paternity out of wedlock may be declared by a court :</p> <p>(1) In the case of abduction or rape during the legal period of conception ;</p> <p>(2) In the case of seduction effected by deceit, promise of marriage, etc. ;</p> <p>(3) If there is a written and unequivocal avowal of paternity ;</p> <p>(4) In the case of notorious cohabitation ;</p> <p>(5) If the alleged father has contributed towards the maintenance of the child in his capacity as father. (Law 11. VI. 1925. Civil Code, Article 340.)</p>	<p>The child's right to maintenance exists in all three cases.</p>	<p>An unacknowledged illegitimate child cannot inherit.</p> <p>Same as above.</p> <p>The child inherits from whichever parent has acknowledged it. If it is a co-heir with legitimate children, it is entitled to a third of the portion due to a legitimate child ; to half if the parents leave no descendants, but ascendants or brothers or sisters ; to three-quarters, if the father and mother leave no descendants, ascendants, brothers or sisters ; and to the whole estate if the parents leave no kin entitled to succeed. The child can receive nothing by donation <i>inter vivos</i> beyond what is due to it by inheritance or succession. It has no claim to the property of its parents' kin. The child's descendants may claim the same rights of inheritance or succession.</p>



**MONACO**

*Unacknowledged children.*

No legal connection with the parents.

Is allowed.

Is allowed in the following cases:

- (1) If the father has acknowledged paternity in writing;
- (2) If the child possesses status as a natural child;
- (3) If an offence was committed—abduction or rape, etc.—at the time of conception;
- (4) If there was seduction or promise of marriage, abuse of authority, etc., resulting in a conviction. (Civil Code, Articles 236-239.)

The child's right to maintenance is based on Article 644 regarding the right of inheritance or succession.

An unacknowledged natural child cannot inherit.

*Children born of adultery or incest.*

No legal connection with the parents, and the child cannot be acknowledged except where the marriage of the parents was permissible under Article 131 (incestuous children).

Prohibited.

Same as above.

Same as above (except for the right to maintenance and vocational training).

*Acknowledged children.*

The child is subject to the paternal authority of whichever parent first acknowledges it. In the case of simultaneous acknowledgment, the child is placed under the authority of the father only.

The child is entitled to claim maintenance under the conditions laid down in Articles 176-181. The only case in which it is prevented from claiming maintenance is if it was acknowledged when its father or mother was married to a third party.<sup>2</sup>

The child inherits from whichever parent has acknowledged it. If it is a co-heir with legitimate children it is entitled to half the portion due to a legitimate child; to three-quarters if the parents leave no descendants, but ascendants or brothers or sisters or legitimate descendants of brothers or sisters; to the whole estate if the parents leave no descendants, ascendants, brothers, sisters or legitimate descendants of brothers or sisters. The child is not entitled to the property of its parents' kin. Its descendants may claim the same rights of inheritance or succession. (Civil Code, Articles 638-646.)

<sup>1</sup> The Civil Code does not state the extent of this paternal authority except as regards the right of punishment.

<sup>2</sup> Even in this case, the child can in certain cases claim its rights — see Reply to Question No. 4 of Monaco.

GROUP OF COUNTRIES IN WHICH ILLEGITIMATE CHILDREN HAVE NO LEGAL CONNECTION  
WITH THEIR PARENTS UNLESS ACKNOWLEDGED BY THEM (cont.)

Country and classification of children.	Position of the child with respect to its father and mother.	Action to establish maternity.	Action to establish paternity.	Rights to maintenance.	Rights of inheritance or succession.
<p><b>NETHERLANDS</b> (and the Netherlands East Indies, Surinam and Curaçao) <i>Unacknowledged children.</i></p> <p><i>Children born of adultery or incest.</i></p> <p><i>Acknowledged children.</i></p>	<p>No legal connection with parents.</p> <p>No legal connection with the parents and the child cannot be acknowledged.</p> <p>A civil relationship is established with whichever parent acknowledges the child.</p>	<p>Is allowed.</p>	<p>Action to establish alleged paternity is not allowed (Civil Code, Article 342.) Nevertheless, if an offence referred to in certain articles of the Penal Code has been committed and if the date of such offence accords with that of conception, the person guilty of rape may be declared the father of the child (Articles 242, 245, 249 and 281 of the Penal Code, which are the articles referred to, relate to the rape of minors; abduction with consent or by guile, violence or threats; misconduct committed with minors or with subordinates placed in the offender's charge. The case is also included where a person uses violence to compel a woman to give herself to a third party).</p>	<p>Any person who has cohabited with the mother between the 301st and 179th day before the birth of the child must make the child an allowance for maintenance and education (Civil Code, Article 344 (a)). (This claim for maintenance is not valid in the Netherlands East Indies, but is valid in Surinam and Curaçao). Rights to maintenance appear to be deduced from the rights of inheritance or succession.</p> <p>The child has the right to be maintained by its parents, and this obligation is mutual. Nevertheless "the acknowledgment by the husband or wife, during the marriage, of a natural child born before the marriage of a person other than the present wife or husband cannot prejudicially affect either the latter or the children of the marriage".</p>	<p>The child cannot inherit.</p> <p>Cannot inherit, but can claim maintenance.</p> <p>The child inherits from whichever parent has acknowledged it or from both, if both have acknowledged it; the right of inheritance is mutual. If the child is a co-heir with legitimate children, it is entitled to a third of the portion of the inheritance due to a legitimate child; to half if there are only ascendants or brothers or sisters or their descendants; to three-quarters if there are only more distant relatives; it is entitled to the whole of the estate if the deceased left no relatives of a degree</p>

					entitling them to inherit. It has no claim to the property of its parents' kin unless one of the latter dies leaving no relatives in a degree entitling them to inherit. The child's descendants may claim the same rights of inheritance or succession. (Civil Code, Articles 909 to 920 and 955.)
<b>PORTUGAL</b>					
<i>Unacknowledged children.</i>	No legal connection with the parents.	Allowed as a general rule.	Is allowed in the following cases : (1) Where the father has expressly admitted paternity in writing ; (2) Where the child possesses the status of a natural child ; (3) Where a rape or abduction took place during the period of conception ; (4) Where seduction took place with abuse of authority or by false pretences under promise of marriage at a period corresponding with the period of conception ; (5) Where there has been notorious cohabitation. (Article 36 of the Decree of 25. XII. 1910.)	The child has no right to maintenance.	The child has no right of inheritance or succession.
<i>Acknowledged children.</i>	The child is subject to the paternal authority of whichever parent has acknowledged it. This paternal authority is exercised in the same way as in the case of legitimate children, except where paternity has been established judicially.			The child is entitled to maintenance and education by whichever parent has acknowledged it. The obligation to provide maintenance passes secondarily to brothers german, uterine or consanguineous.	The child inherits from whichever parent acknowledges it wholly or in part. The parents inherit from the child. The child also inherits from its <i>grandparents</i> . It cannot inherit from its legitimate brothers or sisters unless they leave no other legitimate brothers or sisters or descendants. It cannot inherit from collateral kindred of its parents unless there are no other relatives within the sixth degree. (Article 31 of the Decree of 25. XII. 1910.)



**VENEZUELA**

*Unacknowledged children.*

Is not legally related to its parents.

Allowed (Civil Code, Article 244).

Action to establish paternity is expressly prohibited, except in the case of abduction or rape if these events occur during the period of conception (Civil Code, Article 242.) A declaration of paternity or maternity produces the same effects as acknowledgment (Civil Code, Article 246).

The child may always claim maintenance if (a) paternity or maternity is indirectly established as the result of a civil or criminal judgment: (b) if the child was born of a marriage which is annulled: (c) if the paternity or maternity is established in virtue of an explicit written declaration by the parents. (Civil Code, Article 247.)

The child may not inherit, but may claim maintenance out of the estate; maintenance is granted on a scale compatible with the estate of the deceased, but may not be taken out of the legal reserve of the heirs (Civil Code, Article 819).

*Children born of adultery or incest.*

Is not legally related to its parents and may not be acknowledged (Civil Code, Article 233).

Not allowed (Civil Code, Article 231).

Not allowed (Civil Code, Article 233).

Ditto.

Ditto.

*Acknowledged children.*

With regard to its mother the situation of the child is assimilated to that of a legitimate child (Civil Code, Article 241). The mother exercises the paternal power (Civil Code, Article 284).

The father and mother are bound to provide for the maintenance, upbringing and education of a child whose affiliation has been recognised at law (Civil Code, Article 308).

The illegitimate child's rights of inheritance in respect of the mother and the mother's relatives in the ascending line are assimilated to those of the legitimate child.

If there be no legitimate child, the illegitimate child inherits *ab intestato* one-third of the hereditaments if there be other claimants in the shape of relatives in the ascending line or the spouse, and one-half if there be no such claimants (Civil Code, Articles 813 to 821). If it inherits under a will, the illegitimate child is not entitled to any part of the legal reserve; this reserve consists of one-half of the testator's estate if there are not more than two legitimate children and two-thirds if there are three or more (Civil Code, Article 869).

<sup>1</sup> In Spanish law, there are two categories of illegitimate children: *Natural children and illegitimate children in the strict sense of the term.* Natural children are those born of parents who at the time of conception might have married with or without dispensation. All other children who are not legitimate are called illegitimate.

<sup>2</sup> The father is obliged to acknowledge a natural child: (1) if a document written by him is produced, expressly recognising that he is the father of the child; (2) if the child has the status of a natural child; (3) in the case of the rape of a minor. The mother is obliged to acknowledge the child in the first two cases stated above, and also when the fact of her having given birth to the child, and the identity of the child, are duly proved.

Table B.

GROUP OF COUNTRIES IN WHICH AS REGARDS THE MOTHER THE POSITION OF THE ILLEGITIMATE CHILD DIFFERS VERY LITTLE IF AT ALL FROM THAT OF THE LEGITIMATE CHILD

Position of the child with respect to its Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>AUSTRIA</b></p> <p>An illegitimate child has the same rights and obligations in respect of its mother as a legitimate child (General Civil Code, Articles 155, 165 and 754).</p> <p>There is no family tie between the child and the father.</p>	<p>The child has the right to take affiliation proceedings against its father. The Court must take steps to see that the paternity is either acknowledged by a voluntary declaration or determined by a judgment if the matter is disputed. In the latter case, the onus of proof that the defendant is its father rests upon the child. The law allows the paternity to be presumed if the alleged father cohabited with the mother of the child not less than 180 and not more than 300 days before her confinement or if the defendant has acknowledged paternity, even outside the Court (Civil Code, Article 163). The rights acquired on proof of paternity are confined to pecuniary allowances (see Rights to Maintenance) and establish no family tie between the child and the father. (The law does not expressly rule out the plea of <i>exceptio plurium concumbentium</i>, but it is the universal practice of the courts to disregard it.)</p>	<p>The child has the right to claim from its parents maintenance, education and care in proportion to their means (the term "care" covers a vocational training). The obligation to provide maintenance devolves primarily upon the father. If the mother needs relief, the father must also pay the costs of the mother's confinement and six weeks' maintenance for her. If the father is not in a position to provide maintenance, the obligation passes to the mother and after her to the maternal grandparents. The obligation to provide maintenance ceases when the child becomes capable of supporting itself. (Civil Code, Articles 166, 168 and 141.)</p>	<p>The child inherits the freely heritable estate of its mother and its kindred on the mother's side. (Civil Code, Article 754.)</p> <p>The child does not inherit from its father or from its father's kin, but the father's obligation to support an illegitimate child passes to his heirs.</p>
<p><b>DANZIG</b></p> <p>The child becomes a member of the mother's family on the same terms as a legitimate child (Civil Code, Article 1705).</p> <p>There is no family tie between the child and the father (Civil Code, Article 1589).</p>	<p>There are no restrictions as regards action to establish paternity. A person is deemed to be the father who has cohabited with the mother at the time of conception unless another has also cohabited with her at that time. (Civil Code, Article 1717.) The purpose of the action is to establish a claim to maintenance.</p>	<p>Maintenance obligation imposed in the first place on father, and in the second on mother. Father is bound to pay an allowance until child is 16, and for longer if child, owing to some infirmity, is unable to support itself (Civil Code, Article 1709, etc.).</p>	<p>Child inherits from its mother and its mother's relatives in the same way as a legitimate child (Civil Code, Article 1705).</p> <p>Child does not inherit from its father.</p>

**DENMARK<sup>1</sup>**

The mother has paternal power over child and is its legal guardian.

There is no family tie between the child and the father unless the latter acknowledges the child.

Mother has right to institute affiliation proceedings from six months after conception onwards. Establishment of paternity can only involve payment of maintenance.

Mother has absolute obligation to maintain child until its 18th year. Father is only required to pay for child's maintenance up to an amount fixed by an order of Prefect. This order is made in virtue of a judgment establishing paternity or of a declaration by father acknowledging child.

Child inherits from mother and mother's relatives in same way as a legitimate child.

Child does not inherit from father or from father's relatives, except in case when father before birth of child stated his intention to marry mother and that the marriage could not be solemnised on account of circumstances for which father not responsible.

**ESTONIA<sup>1</sup>**

The mother is generally placed in charge of the child's education. (Baltic Code, Article 167).

There is no family tie between the child and its father.

The Estonian laws do not make provision for any affiliation proceedings. (It should be noted, however, that according to Article 165 of the Baltic Code, a person is deemed to be the father of an illegitimate child, if he has acknowledged or if it has been found by a Court of law that he cohabited with the mother not more than 10 months and not less than 182 days before the birth of the child. This presumption of paternity, however, only has the effect of establishing an obligation to provide maintenance.)

So long as it is unable to support itself, the child has the right to be maintained and educated mainly by the person presumed by law to be the father (even if the latter had given no promise of marriage and does not possess paternal authority; the amount of maintenance granted depends upon the father's means and the social position of the mother). If the father has not the means to support the child, the obligation passes to the mother and her ascendants. (Baltic Code, Articles 167, 168 and 171.)

As regards the mother and her blood-relations, the child has the same rights of inheritance as a legitimate child. (Baltic Code, Article 1872.)

The child does not inherit from its father. (Baltic Code, Article 1872.)

**FINLAND**

The guardianship of the child belongs to the mother.

There is no family tie between the child and the father unless the latter acknowledges the child.

Proceedings to establish paternity are authorised and are subject to no conditions. Their effect is to establish an obligation to provide maintenance. Maintenance orders are made against all persons with whom it has been proved that the mother has had relations at the time of conception (Law of 27. VII. 1922 as amended 9. XII. 1927).

The child is entitled to claim maintenance from its mother and from the man who cohabited with the mother and might therefore be the father. This claim to maintenance lasts until the child is 17 years of age, and is prolonged in case of illness for so long as the child needs it.

The child inherits from its mother, and her relative and *vice versa*. (Article 5 of the Law of 27. VII. 1922.)

The child inherits from its father and from its father's relatives and *vice versa* if acknowledged.

<sup>1</sup> Laws No. 130 of May 27th 1908, and No. 113 of April 29th 1913, establish the legal status of the illegitimate child; notably where its rights to maintenance are concerned.

<sup>2</sup> Despite the divergencies between the replies of the Estonian and Latvian Governments, both of which refer to the "Livländisches, Estländisches und Curländisches Privatrecht", it has been found possible, in the Table, to bring them into concordance on the basis of Articles 163-174 of the Code in question. There is some uncertainty, however, as to the child's position in regard to the mother, this being represented differently in the two cases.

GROUP OF COUNTRIES IN WHICH AS REGARDS THE MOTHER THE POSITION OF THE ILLEGITIMATE CHILD  
DIFFERS VERY LITTLE IF AT ALL FROM THAT OF THE LEGITIMATE CHILD (cont.)

Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>GERMANY<sup>1</sup></b></p> <p>The legal situation of the child with respect to its mother is the same as that of a legitimate child. (Civil Code, Article 1705.)</p> <p>There is no family tie between the child and the father (Civil Code, Article 1589).</p>	<p>Allowed within certain limits by the institution of the customary legal proceedings and as a general rule solely to serve as a basis for the decision in regard to an application for maintenance. A person is deemed to be the father who has cohabited with the mother at the time of conception, unless another has also cohabited with her at this time. (Civil Code, Articles 1717 and 1718.)</p>	<p>The obligation to maintain the child rests primarily upon the father, who is required to make it a money allowance until it is 16 years of age. (Civil Code, Article 1709.)</p> <p>The father is, moreover, liable for expenses in connection with the mother's confinement and her maintenance during six weeks following the child's birth.</p>	<p>The child inherits from its mother and her relatives in the same way as a legitimate child. (Civil Code, Article 1705).</p> <p>The child does not inherit from its father. Nevertheless, "the right (of the child) to claim maintenance does not cease with the death of the father; it still belongs to the child even though the father died before its birth". (Civil Code, Article 1712.)</p>
<p><b>GREAT BRITAIN<sup>2</sup></b></p> <p>The mother's natural right to the custody of her illegitimate child is recognised by Courts of Law. The mother's consent is required to the marriage of her illegitimate child under 21 years of age.</p> <p>There is no family tie between the child and the father.*</p>	<p>A Court of Summary Jurisdiction may adjudge a man to be putative father of an illegitimate child if mother's evidence is corroborated by evidence other than her own. The Court may also order the putative father to contribute to the support of the child.</p>	<p>The mother (or her husband if she marries) is bound by law to support her child until he is 16 (unless, if a girl, she marries under that age). The Court may make an order requiring the putative father to pay a sum of money to the mother or any other person named in the order, for the maintenance of the child (payment maximum of £1 weekly). This may continue till the child is 16 and may include payments for expenses incidental to the birth and the costs of proceedings.</p>	<p>The child and his children may inherit, as if legitimate, from the mother if she dies intestate and leaves no surviving legitimate children at her death.</p> <p>The child does not inherit.</p> <p>The child may take an interest or benefit under a will where he is clearly designated.</p>



### GREECE\*

In respect of its mother and its mother's kin, the child's rights and obligations are those of a legitimate child.

There is no family tie between the child and the father unless the latter acknowledges the child.

Mother or guardian of child may bring action to establish paternity. Cohabitation with mother between the 300th and 180th day before birth constitutes presumptive evidence of paternity.

If there has been (1) rape, abduction or seduction, (2) known promise of marriage or engagement, the Court, when establishing paternity, grants to child rights of a legitimate child in respect of maintenance, education and inheritance.

Child which has obtained acknowledgment by judicial means is entitled to claim from father maintenance and education in a manner appropriate to social status of mother and financial position of father. This right continues, in the case of boys, until they are 18, and in case of girls until they are 21.

Mother has the same duty of maintenance as in the case of a legitimate child.

Child inherits from its mother and its mother's relatives in the same way as a legitimate child.

Child does not inherit from father unless voluntarily or judicially acknowledged. In this case it inherits on same terms as a legitimate child.

### HUNGARY

Provided she is of age, the mother is the child's legal and natural guardian (Article 39 of Law XX of 1877).

There is no family tie between the child and the father unless the latter acknowledges the child.

Court may establish presumptive evidence of paternity if proved that parents cohabited during period of conception, which extends from 6 to 10 months before birth. Establishment of paternity can only involve payment of maintenance (Common Law of Hungary).

Father is obliged to maintain child until it is able to earn its living. This age varies according to social circumstances of child. Generally fixed by Courts at 16. If impossible to prove paternity of child, obligation of maintenance falls upon mother. (Common Law of Hungary.)

The repayment of lying-in expenses by the father is provided for in Article 54 of Law VIII of 1925.

Child inherits from mother and mother's relatives in same way as a legitimate child and *vice versa* (Decision No. 4728-1918 of the Royal Hungarian Court of Justice).

Child does not inherit from father or *vice versa*.

### LATVIA\*

The child has the same rights and obligations in respect of its mother, and *vice versa* as if it were legitimate.

There is no family tie between the child and the father.

The Latvian laws do not provide for proceedings to establish paternity. (It should be noted, however, that, according to Article 165 of the Baltic Code, a person is deemed to be the father of an illegitimate child if he has acknowledged or if it has been found by a court of law that he cohabited with the mother not more than ten months and not less than 182 days before the birth of the child. This presumption of paternity, however, only has the effect of establishing an obligation to provide maintenance.)

So long as it is unable to provide for itself, the child is entitled to be maintained and educated mainly by the person legally presumed to be the father, even if the latter had not promised marriage and does not possess paternal authority; the amount of maintenance depends upon the father's means and the social position of the mother.

If the father has no means to support the child, this obligation passes to the mother and her ascendants. (Baltic Code, Articles 167, 168 and 171.)

The child has the same rights of succession in respect of its mother and her blood relations as a legitimate child. (Baltic Code, Article 1872.)

The child does not inherit from its father. (Baltic Code, Article 1872.)

\* A draft law for the improvement of the legal situation of illegitimate children is now before the Reichstag. In particular, this bill provides for an increase in the financial contribution of the natural father and contemplates the possibility of establishing closer personal ties between the child and the father — *inter alia*, by facilitating legitimation and adoption — and the abolition in its present form of the defence (*exceptio plurium concumbentium*) based on the fact that the mother has had intercourse with several persons. (Extract from the German Government's reply.)

\* The legal source of information given in this Table is to be found in the detailed reply of the Government.

\* An attempt to give to *filius nullius* the unilateral meaning of Roman Law, i.e., to apply it only to the father, was disapproved by the House of Lords in 1891 (Clarke's Case, 1891, A.C.420-1). It seems, however, that the Guardianship Act 1925 a *Legitimacy Act 1926* have introduced changes in the direction of Roman Law.

\* In Greece, the Decree of July 14th, 1926, imposes obligatory maintenance towards illegitimate children. Rights of inheritance on intestacy are dealt with by the Law 2310 of June 25th, 1920.

\* See footnote under Estonia.

GROUP OF COUNTRIES IN WHICH AS REGARDS THE MOTHER THE POSITION OF THE ILLEGITIMATE CHILD  
DIFFERS VERY LITTLE IF AT ALL FROM THAT OF THE LEGITIMATE CHILD (cont.)

Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>NORWAY</b><sup>1</sup></p> <p>The child has the same rights and obligations in respect of its mother, and <i>vice versa</i> as if it were legitimate.</p> <p>There is no family tie between the child and the father except by voluntary, tacit or judicial recognition.</p>	<p>Proceedings to establish paternity are obligatory. Paternity with all its concomitant effects as regards civil status may be established :</p> <p>(1) By acknowledgment;</p> <p>(2) Tacitly, if the party concerned does not, within the specified period, institute proceedings to disprove paternity;</p> <p>(3) By judicial proceeding.</p> <p>If the Court is not satisfied that the alleged father is in fact the father in the biological sense, paternity with its concomitant effects as regards civil status is not established, but if necessary payment of a maintenance allowance may be ordered. Further, orders for maintenance allowances are made against all persons with whom the mother states that she had relations at the time of conception, unless they can free themselves from this obligation, as a result of legal proceedings.</p>	<p>The child has the right to be maintained, educated and trained both by the father and the mother. The education must be suited to the financial circumstances of whichever parent is more favourably situated in that respect. The mother is usually responsible for the care of the child and must therefore provide for its maintenance as if it were legitimate. In this case, the father has to fulfil his obligations by paying an allowance fixed by the administrative authorities. He must also pay a special contribution for the first nine months after the child's birth. If neither of the parents has the custody of the child, both must contribute to its maintenance. This contribution must be continued until the child reaches the age of 16 years. If the child is unable to provide for itself, the contributions must be continued beyond the 16th year.</p>	<p>The child has the same rights of succession in respect of its mother as a legitimate child.</p> <p>If the child is acknowledged by its father voluntarily, tacitly or judicially, it has the same rights of succession in respect of its father as a legitimate child.</p>
<p><b>SALVADOR</b></p> <p>The mother possesses paternal power over the child. She has the same rights and obligations as the father of a legitimate child. (Civil Code, Articles 230, 231, 287 and 288.)</p> <p>There is no family tie between the child and the father unless the latter acknowledges the child (Civil Code, Article 279).</p>	<p>Child has right to institute affiliation proceedings. If father does not appear in Court after a second summons, paternity is established. (Civil Code, Articles 281 and 282.)</p> <p>Paternity shall be established by Courts :</p> <p>(a) If heirs make sworn statement that father has stated that the child is his.</p> <p>(b) If father has maintained and educated child at his expense, as if it were his son.</p> <p>(c) If there was rape or abduction at time of conception. (Civil Code, Articles 280, 238, 341.)</p>	<p>Father in case of voluntary or judicial acknowledgment is bound to contribute with mother towards maintenance and education of child in a proportion to be fixed by Court according to financial situation of parents. (Civil Code, Articles 238, 287, 289, 291, 346 and 348.)</p>	<p>Child inherits from mother and mother's relatives as if it were legitimate and <i>vice versa</i> (Civil Code, Articles 988 <i>et seq.</i>)</p> <p>Child does not inherit from father unless it has been voluntarily or judicially acknowledged. In this case and if father has left no legitimate issue, illegitimate child inherits with same rights as if it were legitimate. (Civil Code, Articles 988, 989 and 990.)</p>

**SOUTH AFRICA**

The child has the same rights and obligations in respect of the mother, and *vice versa*, as if it were legitimate.

There is no family tie between a natural child and its father.

The mother has legal means at her disposal to prove the paternity of the child. The rights which mother and child acquire on proof of paternity are confined to pecuniary allowances (see Right to Maintenance) and do not establish any family tie between the child and the father (evidence of paternity need not conclusively prove cohabitation of the father with the mother (see reply to Question No. 2)).

The mother may claim from the father expenses incidental to her confinement and the maintenance of the child until such time as it can provide for its own maintenance (usually fixed by the Courts at the age of 18). This obligation remains after the child has attained its majority if it be a lunatic.

The child succeeds to its mother's estate or to that of its maternal ascendants, and *vice versa*.

The child does not inherit from its father, or *vice versa* (if the father leaves an estate more than sufficient for the legitimate children, provision may be made for the maintenance of an illegitimate child).

**SWEDEN**

The mother acts as guardian until the child has completed its 21st year or till it marries (Law of 14. VI. 1917, Article 2).

There is no family tie between the father and the child unless voluntarily or judicially acknowledged.

Proceedings to establish paternity are obligatory and are not subject to any condition. The *Barnwardsman* (the trustee officially appointed for the protection of children born out of wedlock) has to take the necessary steps to establish paternity. (Law of 14. VI. 1917, Article 13.) Establishment of paternity imposes upon the father maintenance obligation and the inscription of his name in the civil register. He may give child his family name with the authorisation of the person responsible for the child.

The child has right to be maintained and educated in a manner befitting the station of its parents. This right ceases at the earliest when the child completes its sixteenth and at latest when it completes its eighteenth year. If, however, for reasons of health, the child is unable to support itself, the parents are bound to continue its maintenance. The parent's obligation to maintain the child must be reciprocated if necessary. The parent who is not the guardian of the child must provide for its maintenance by money payments. The father contributes to the mother's maintenance for six weeks before and six weeks after confinement. (Law of 14. VI. 1917, Articles 3-II.)

The child inherits from its mother and its mother's kin and *vice versa*, in the same way as if it were legitimate (Law of 14. VI. 1917, Article 12).

According to the Law of 8. VI. 1928, the father may simply by a declaration in a certain form stipulate that the child shall inherit from him and *vice versa*. If the child is declared to be the "offspring of affianced parents", it inherits in the same way as a legitimate child and *vice versa*. (Law of 14. VI. 1917, Article 12.)

\* The information contained in this Table is based on the Law of April 10th, 1915.

GROUP OF COUNTRIES IN WHICH AS REGARDS THE MOTHER THE POSITION OF THE ILLEGITIMATE CHILD  
DIFFERS VERY LITTLE IF AT ALL FROM THAT OF THE LEGITIMATE CHILD (cont.)

Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>SWITZERLAND</b></p> <p>Illegitimate filiation is established as regards the mother by the very fact of the child's birth. The mother's obligations are the same as if the child were legitimate. (Civil Code, Article 302, paragraph 1.)</p> <p>As regards the father, no family tie exists unless the child's paternity is established by voluntary acknowledgment or by the judgment of a court. (Civil Code, Article 302, paragraph 2.)</p>	<p>The mother or the child may take legal proceedings to establish paternity. The object of such proceedings is either to obtain from the father pecuniary allowances for the mother and child (where it is proved that the alleged father cohabited with the mother between the 180th and 300th day before birth) or to obtain in addition a <i>declaration of paternity</i> with its concomitant effects as regards civil status. (This declaration of paternity is made if the father had promised marriage to the mother or if cohabitation was a criminal act or an abuse of authority.) (Civil Code, Articles 307-323.)</p>	<p>Where the circumstances render it necessary, the Court awards the child maintenance the amount of which it fixes in accordance with the social position of the mother and father. The allowance is payable in advance at periods fixed by the Court until the child completes its eighteenth year. Where the circumstances render it necessary, the mother receives (1) the costs of confinement and other expenses incidental to pregnancy and confinement, (2) maintenance for at least four weeks before and four weeks after confinement. Lastly, a sum of money may, in cases provided for by law, be granted to the mother by way of moral reparation. (Civil Code, Articles 319 and 320.)</p>	<p>The child has the same rights of inheritance or succession as a legitimate child (Civil Code, Article 461).</p> <p>The child does not inherit unless the father acknowledges it either voluntarily or as the result of judicial proceedings. In this case, it ranks with the legitimate children, but the share to which it is entitled is half the share which would accrue to a legitimate child or its descendants. (Civil Code, Article 461.)</p>

Table C.

## OTHER COUNTRIES NOT COMING UNDER THE TWO PREVIOUS GROUPS

Country	Position of the child with respect to the Mother and Father <sup>1</sup>	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<b>AUSTRALIA<sup>2</sup></b>				
NEW SOUTH WALES.	The mother has a natural right to the custody of the child.	Establishment of paternity authorised. Order for maintenance and education issued against putative father.	On establishment of paternity, father compelled to maintain and educate child.	Child does not inherit.
QUEENSLAND.	The mother has a right to the custody of the child.	Establishment of paternity authorised on condition mother was not a common prostitute. Order for maintenance issued against putative father.	Father and mother liable to contribute towards maintenance of child. On establishment of paternity, order for maintenance issued against father.	Child does not inherit.
SOUTH AUSTRALIA.	The mother has a right to the custody and control of the child.	Establishment of paternity authorised. Order for maintenance issued against putative father.	On establishment of paternity, order for maintenance issued against putative father (maintenance not to exceed £1 per week). Child may claim against mother, whilst the mother's husband is also liable.	Child inherits through mother as if born legitimate. Next-of-kin on mother's side shall have same right as if child were legitimate. The child does not inherit.
TASMANIA.	The mother has the custody and guardianship of the child.	Ditto.	Mother under statutory obligation to maintain child up to age of 16. On establishment of paternity, father liable to maintain child until age of 16.	Child does not inherit.
VICTORIA.	The mother has the custody of the child.	Ditto.	Mother must, with or without assistance of putative father, maintain child until age of 16. On establishment of paternity, order for maintenance and confinement expenses issued against putative father.	Child does not inherit.
WESTERN AUSTRALIA.	The mother has the right to the custody of the child. The father has a right to the custody of the child on the death of the mother.	Ditto.	On establishment of paternity, order for maintenance until child is 16 as well as confinement expenses issued against putative father (maintenance not to exceed £1 per week). Mother may be compelled like father to contribute towards maintenance until child is 16.	Child does not inherit.

<sup>1</sup> As the replies from the Provinces are arranged on widely varying lines, it has not been possible to make a uniform table and it is quite likely that the details relative to one Province apply equally to others, though these details have not been communicated to the Secretariat. It should therefore be noted that the above Table is only provisional.

<sup>2</sup> There is no family tie between the illegitimate child and its father.

OTHER COUNTRIES NOT COMING UNDER THE TWO PREVIOUS GROUPS (cont.)

Country	Position of the child with respect to the Mother and Father <sup>1</sup>	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother).	Rights of inheritance or succession in respect of the Mother and Father
<p><b>CANADA.</b> <b>ALBERTA.</b></p>	<p>The mother has sole guardianship rights over the child.</p>	<p>Establishment of paternity preliminary essential to conclusion of private agreement or to granting of maintenance order by Court. Joint paternity system.<sup>2</sup></p>	<p>Proper maintenance provided for child until age of 16 by either or both parents. Father must provide medical and other services for mother.</p>	<p>Inheritance rights to and from the mother. Child does not inherit, but an affiliation order covering maintenance binds the estate.</p>
<p><b>BRITISH COLUMBIA.</b></p>	<p>The mother exercises full legal guardianship rights over the child.</p>	<p>Establishment of paternity preliminary essential to conclusion of private agreement or to granting of maintenance order by Court.</p>	<p>Ditto.</p>	<p>Ditto. Ditto.</p>
<p><b>MANITOBA.</b></p>	<p>Ditto.</p>	<p>Establishment of paternity preliminary essential to conclusion of private agreement or to granting of maintenance order by Court. Order for maintenance considered <i>prima facie</i> evidence of paternity. Joint paternity system.<sup>2</sup></p>	<p>Ditto.</p>	<p>Ditto. Child does not inherit.</p>
<p><b>NEW BRUNSWICK.</b></p>	<p>The mother generally has the care and custody of the child and, as such, is usually presumed to have guardianship rights.</p>	<p>Establishment of paternity concurrent process in granting of order for contributions to overseers of the poor. Order for maintenance considered <i>prima facie</i> evidence of paternity. Joint paternity system.<sup>2</sup></p>	<p>Liability of father to maintain child until age of 14. Mother required to contribute towards maintenance of child until above-mentioned age. Maintenance obligation may be extended until child is able to maintain itself.</p>	<p>Ditto. Child does not inherit, but an affiliation order covering maintenance binds the estate.</p>

NOVA SCOTIA.	Ditto.	No order for maintenance granted by Court unless affiliation order is also made. Order for maintenance considered <i>prima facie</i> evidence of paternity.	Proper maintenance for child for such period as Court deems necessary by either or both parents. Father must provide medical and other services for mother.	Ditto.	Child does not inherit.
ONTARIO.	The mother exercises full legal guardianship rights over the child.	Establishment of paternity preliminary essential to granting of maintenance order by Court. <i>Exceptio plurium concumbentium</i> may be offered as defence. Agreement with Provincial Officer considered <i>prima facie</i> evidence of paternity.	See above under Alberta.	Child does not inherit from either parent.	An affiliation order covering maintenance binds the estate.
PRINCE EDWARD ISLAND.	The mother generally has the care and custody of the child and, as such, is usually presumed to have guardianship rights.	Establishment of paternity preliminary essential to conclusion of private agreement or to granting of maintenance order by Court. Order for maintenance considered sufficient evidence of paternity. Joint paternity system. <sup>a</sup>	See above under Alberta.	Child does not inherit from either parent.	An affiliation order covering maintenance binds the estate.
QUEBEC.	Ditto. In Quebec, however, the illegitimate child has no legal connection with either of its parents unless acknowledged by them.	Paternity or maternity may be voluntarily acknowledged or established judicially. Voluntary acknowledgment or judicial action preliminary to granting of maintenance order.	Voluntarily or judicially acknowledged child entitled to maintenance from parent who has acknowledged it. Father must compensate mother in such degree as Court decides.	Child does not inherit from either parent. Unless incestuous or adulterine, child may benefit by gifts <i>inter vivos</i> .	
SASKATCHEWAN.	The mother exercises full legal guardianship rights over the child.	Establishment of paternity preliminary essential to conclusion of private agreement or to granting of maintenance order by Court. Order for maintenance considered <i>prima facie</i> evidence of paternity. Joint paternity system. <sup>a</sup>	See above under Alberta.	Inheritance rights to and from the mother.	Child does not inherit.

<sup>a</sup> There is no family tie between the illegitimate child and its father.

<sup>b</sup> This means that, in cases of doubtful paternity, joint liabilities may be imposed on those men proved to be possible fathers.

OTHER COUNTRIES NOT COMING UNDER THE TWO PREVIOUS GROUPS (cont.)

Country	Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<b>INDIA</b>	<p>As a rule, the mother is the guardian of the child and as such is entitled to its custody.</p> <p>It would be difficult to lay down any general rule, as the child's position varies according to race, caste, and religion as is shown under "Rights of inheritance or succession". As regards Anglo-Indians, there is no family tie between the child and the father.</p>	<p>There is no special form of action for the establishment of paternity, but it may be determined indirectly in proceedings for maintenance.</p>	<p>If an illegitimate child, of whatever race, caste or religion, cannot support itself, its father may be ordered, on application to the criminal courts, to make a monthly allowance for the maintenance of the child. A Hindu father is bound by his personal law and can be compelled by a civil suit to maintain his illegitimate sons.</p>	<p><i>Anglo-Indians, Europeans, Christians.</i> The child cannot inherit, but the law does not prevent a bequest.</p> <p><i>Buddhists.</i> The child may inherit if there is no legitimate child.</p> <p><i>Hindu.</i> The child (whether son or daughter) inherits private property (Stridhana) of the mother, but, if there are legitimate children, the latter are given priority.</p> <p>The illegitimate son of the twice-born castes cannot inherit from the father, but is entitled to maintenance out of the father's estate. An illegitimate daughter cannot inherit.</p> <p><i>Sudras.</i> The son inherits from the father half the share of a legitimate son provided that the mother was a Hindu woman, in the exclusive keeping of the deceased, and that the connection of the parents was neither adulterous nor incestuous. A daughter cannot inherit.</p> <p><i>Mohammedans.</i> (<i>Sunnis</i>) The child inherits from its mother and her relations.      The child does not inherit from the father or his relations. (<i>Shias</i>) The child is debarred from succession; it has rights of inheritance or succession.</p>
<b>IRISH FREE STATE</b>	<p>The child has the status of <i>filius nullius</i>. It is, however, generally placed in the charge of its mother.</p> <p>There is no family tie between the child and the father.</p>	<p>No action for the direct purpose of establishing paternity exists. The Boards of Guardians (now superseded by other local bodies) can recover from the putative father of the child the cost of its maintenance during the time that the child, while under the age of 14 years, has been in receipt of relief from the poor rates.</p>	<p>The mother is bound to maintain the child until it reaches the age of 16 or, if female, until it marries. (See also "Action to establish paternity".)</p>	<p>An illegitimate child is not entitled to the rights of inheritance or of succession.</p>



Country	Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>POLAND</b><sup>1</sup> FORMER CONGRESS KINGDOM.</p> <p>TERRITORIES IN WHICH THE FORMER COLLECTION OF RUSSIAN LAWS IS IN FORCE.</p>	<p><i>Classification of children</i></p> <p><i>Unacknowledged children</i> No legal connection with parents. A guardian is appointed by Council of Guardianship. (Civil Code, Article 486.)</p> <p><i>Acknowledged children</i> Child is subject to the guardianship of parent who has acknowledged it. If it has been acknowledged by both, mother exercises guardianship.</p> <p>The mother exercises the full paternal power over her illegitimate child (Article 132<sup>1</sup>). Father who provides for child's maintenance is entitled to supervise such maintenance and child's upbringing. Any disputes between mother and father are settled by Guardianship Office. (Article 132<sup>10</sup>.)</p>	<p><i>Action to establish maternity</i></p> <p>Action to establish paternity is only allowed in cases of abduction if the period of abduction covers the time of conception (Civil Code, Article 305). Maintenance may be claimed in every case (see under "maintenance").</p> <p>Identity of the mother is established by birth certificate. If she is not mentioned in certificate, maternity can only be established by an affidavit given in writing by mother. (Article 132<sup>8</sup>.)</p> <p>Law contains no ruling on this point. Seduction of an unmarried woman by formal promise of marriage is a punishable offence (Penal Code, Article 153<sup>1</sup>). Criminal proceedings may result merely in an order for payment of maintenance.</p>	<p>Even the father of a child whom he has not acknowledged or cannot acknowledge is bound, according to his financial position and social status of mother, to provide maintenance for child until majority. Amount is estimated taking into account share that can be borne by mother. A lump sum may also be paid (Law of May 13/26, 1913).</p> <p>Father and mother are obliged to provide maintenance for child until majority, unless, in the meantime, the daughter marries or the son earns his own living. (Article 132<sup>6</sup>.)</p>	<p><i>Unacknowledged children</i>: do not inherit.</p> <p><i>Acknowledged children</i>: Child inherits from whichever of its parents has acknowledged it, or from both if both have acknowledged it; this right of inheritance is mutual. If child is a co-heir with legitimate children, it is entitled to a third of the share of a legitimate child in the inheritance; to a half if parents leave no descendants; to three-quarters if parents leave neither descendants nor ascendants nor brothers nor sisters; and it is entitled to the whole estate if its parents leave no surviving kindred entitled to inherit. Its descendants may claim same rights. A natural child may not claim anything by donation <i>inter vivos</i> or by will, beyond what is granted to it by inheritance or succession.</p> <p>Child inherits from its mother on same principles as legitimate children, with this reservation, that hereditary portions of a mother having no legitimate sons but only legitimate daughters are divided among these daughters and illegitimate children in equal parts. (Article 132<sup>12</sup>.)</p> <p>Child inherits neither from father nor father's relatives (Article 132<sup>12</sup>). If child has been acknowledged by notarial act, it may inherit from father alone.</p>
<p><b>ROUMANIA</b><sup>1</sup> OLD KINGDOM.</p>	<p>In respect of her child, the rights and duties of mother are the same as if child were legitimate, and <i>vice versa</i>.</p> <p>There is no family tie between the child and the father.</p>	<p>Action to establish paternity is only allowed in cases of abduction if the period of abduction covers the time of conception. Maintenance may be claimed (see under "maintenance").</p>	<p>Mother is bound to maintain child as if it were legitimate. Father is not bound to provide maintenance. In practice, however, the rigour of the law has been attenuated by allowing mother to bring an action for damages against father on the general principle of reparation due for damage caused to another.</p>	<p>Child inherits from the mother and the mother's relatives as if it were a legitimate child. It does not inherit from the mother's issue.</p> <p>The child does not inherit from the father.</p>
<p>BESSARABIA.</p>	<p>See above under Poland: "Territories in which the former Collection of Russian Laws is in force", the law in Bessarabia is similar.</p>			

<sup>1</sup> As regards those parts of the territory in which the Austrian or German Civil Codes are in force, the reader is referred to the replies of these countries, which explain their laws. These laws have not been modified in the course of the last few years.

<sup>2</sup> For Bukovina, where the Austrian Code is in force (see Austrian reply), Hungarian customary law is in force in Transylvania; the required information will therefore be found in the Hungarian reply. Hungary has, however, made an alteration, which is not applicable to Transylvania; consequently, in Transylvania, the child inherits only from its mother and not from its mother's parents; nor does there seem to be any provision for the repayment by the father of lying-in or maternity expenses.

OTHER COUNTRIES NOT COMING UNDER THE TWO PREVIOUS GROUPS (cont.)

Country	Position of the child with respect to the Mother and Father	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<p><b>UNION OF SOVIET SOCIALIST REPUBLICS</b></p>	<p><i>Classification of children</i></p> <p>Child born of a registered marriage. Mother and father possess absolutely equal rights and duties in respect of child. They do not possess paternal power—they may not chastise their children nor decide what religion they shall follow. Any disputes between parents are decided by Court of Guardianship.</p> <p>Child born of a "de facto" marriage (State-owned): Situation is the same, except that name of parents is not the same in the birth certificate; this is not necessarily proof of the fact that child is born of a non-registered union.</p> <p>Child born of a temporary union: Child born of a temporary union is almost invariably entrusted to mother.</p>	<p><i>Action to establish maternity</i></p> <p>Interested persons may give evidence to prove or disprove maternity in Court (Family Code, Article 27).</p> <p>Action to establish paternity may be undertaken through an administrative or judicial channel.</p> <p>In administrative proceedings, interested person is declared father of child if, fifteen days after notification, he has not brought an action against mother for making a false statement.</p> <p>In Courts, mother may bring an action to establish paternity before or after birth of child without any restriction as to time-limits. The <i>exceptio plurium concumbentium</i> is not allowed; nevertheless, only one person is obliged to provide for child's maintenance. In Ukraina, only one respondent is recognised to be the child's father, but all persons who have cohabited with mother must contribute towards maintenance.</p> <p>As corroboration of mother's evidence with regard to paternity, it is sufficient for witnesses to attest that defendant was paying court to mother during period of conception, and that the woman was of good repute.</p>	<p>Every parent must provide towards the maintenance of its child, irrespective of the nature of union of which that child was begotten. Father and mother must bear this burden in proportion to their property and wages. Unmarried fathers or fathers who have deserted their families are obliged to pay a sum not exceeding 50 per cent of their wages. Father not only provides towards maintenance of child, but also towards that of mother during her pregnancy and for first six months after confinement. He also shares in the costs of lying-in and purchasing baby-linen.</p>	<p>All children enjoy same rights of inheritance. According to Soviet law, following have right to inherit: issue, husband or wife, and persons who during at least one year were dependent on deceased. All receive an equal share, including heirs unborn but conceived before death of deceased. Collateral relatives do not inherit. In father's lifetime, children inherit from their grandfather on an equal footing with their father.</p> <p>Father may, by will, deprive his illegitimate son of his inheritance, but in that case the heirs are obliged to provide maintenance.</p>

Country	Position of the child with respect to its Mother <sup>a</sup>	Action to establish paternity	Rights to maintenance (and pecuniary allowances to the mother)	Rights of inheritance or succession in respect of the Mother and Father
<b>UNITED STATES OF AMERICA<sup>1</sup></b>	American legislation has modified the old English common law, therefore the position of the illegitimate child approximates towards the mother the status of the legitimate child. There is, however, considerable variation in the laws regarding this relationship.	Action to establish paternity is authorized in all the States (except Texas, Virginia and territory of Alaska) with the object of imposing upon the putative father a maintenance obligation. In Louisiana and Porto Rico, action to establish paternity is forbidden except under certain circumstances, as, for example, proof in writing, concubinage at time of conception, etc. In Louisiana establishment of maternity is authorized on condition that mother is not married.	<p>In certain States (<i>e.g.</i>, Texas, territory of Alaska and Virginia), in the absence of statutory law, judicial decisions lay down that mother must provide for her child.</p> <p><i>Father's obligation to provide maintenance.</i> In all States, except those mentioned above, father is bound to provide maintenance.</p> <p><i>Sums to be paid.</i> Fixed amounts to be paid for maintenance are determined beforehand in the following States: Alabama, Arkansas, Delaware, Florida, Illinois, Maryland, Oregon, Tennessee.</p> <p>In Idaho, it is laid down that the sum shall be a reasonable amount, whereas in all other States amount is fixed by Court. The lowest contribution is one dollar per month (Arkansas), while in Oregon it may, in certain cases, be fixed at 500 dollars per annum.</p> <p><i>Duration of the obligation.</i> In Arizona, Idaho and Massachusetts, there is an obligation to provide maintenance during child's minority or until it attains its majority. The time-limits in the various States are as follows: 18 years: Colorado, Mississippi, Utah, North Dakota, South Dakota. 16 years: Delaware, Iowa, Missouri, Nevada, New Mexico, New York, Ohio, Rhode Island, West Virginia, Washington, Wisconsin. 14 years: District of Columbia, Georgia, Hawaii, Maryland, Oregon. 12 years: South Carolina. 10 years: Alabama, Florida, Illinois. 7 years: Arkansas. 3 years: Tennessee.</p> <p>In the other States, the period during which maintenance must be provided is fixed by Court.</p> <p><i>Pecuniary allowances to the mother.</i> In the following States, it is specified that the father shall repay to the mother her lying-in expenses: Arizona, Arkansas, Colorado, North Dakota, South Dakota, Delaware, Florida, Georgia, Idaho, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Wisconsin.</p> <p>Part of the lying-in expenses are paid by the father in Connecticut and Vermont. In State of New Jersey, the expenses have to be paid by the father if mother is indigent.</p> <p><i>Mother's obligation to provide maintenance.</i> Mother is bound to provide maintenance, in part at least, in the following States: Alabama, California, Colorado, Connecticut, North Dakota, South Dakota, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, Wisconsin, Wyoming.</p> <p>Mother is bound to support child or indicate the name of father in Maryland or North Carolina. In Montana and Oklahoma mother is bound to support child if the latter is entrusted to her custody. In Georgia, mother is bound to support child if father is unknown.</p>	<p>Child does not inherit in the State of Connecticut and in Hawaii<sup>2</sup>.</p> <p>Child inherits from mother in the following States: Alabama, territory of Alaska, Arizona, Arkansas, California, Colorado, South Dakota, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon<sup>3</sup>, Utah, Virginia<sup>10</sup>, Washington.</p> <p>Child inherits from father usually if father has acknowledged it, or, in some States, if paternity has been established in conformity with the laws of the State<sup>4</sup>: Arizona<sup>7</sup>, California, Idaho, Indiana<sup>8</sup>, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon<sup>9</sup>, Utah, Virginia<sup>10</sup>, Washington.</p> <p><b>LOUISIANA.</b> <i>Unacknowledged child.</i> — An unacknowledged child does not inherit.</p> <p><i>Acknowledged child.</i> — Child inherits from mother if it has been acknowledged by her and if there are no legitimate descendants. If there are also legitimate descendants, the illegitimate child is only entitled to an allowance.</p> <p><i>Child born of adultery or incest.</i> — Child does not inherit, but is entitled to claim an allowance out of the estate.</p> <p><b>PORTO RICO.</b> <i>Unacknowledged child.</i> — An unacknowledged child does not inherit.</p> <p><i>Acknowledged child.</i> — If there are also legitimate children, illegitimate child is only entitled to a certain portion of the estate. If the parents leave no legitimate descendants or ascendants, child inherits the whole estate. Child also inherits from the grandparents.</p>

<sup>1</sup> This information is taken from the fifty-two tables annexed to the reply of the United States of America, which it has been impossible to reproduce in full.

<sup>2</sup> On the other hand, there is no family tie between the illegitimate child and its father.

<sup>3</sup> In Hawaii, the child inherits from the mother and the father in the same way as a legitimate child if born of a bigamous marriage which the mother was induced to contract by false pretences.

<sup>4</sup> The child only inherits from the mother if the mother leaves neither husband nor legitimate descendants.

<sup>5</sup> The child inherits if the mother has no legitimate children.

<sup>6</sup> This list does not take into account the right of inheritance deriving from legitimation.

<sup>7</sup> The acknowledgment or establishment of paternity would not seem to be a necessary condition to enable the child to inherit.

<sup>8</sup> In the State of Indiana, it is laid down that the child only inherits from the father if there are no surviving legitimate children or descendants of such children.

<sup>9</sup> In Oregon, if the parents have cohabited as man and wife, the child can inherit as a legitimate child.

<sup>10</sup> The child of a former slave inherits in the same way as a legitimate child if it has been acknowledged by the father and there has been cohabitation.

## Appendix II.

### REPLIES OF GOVERNMENTS TO THE QUESTIONNAIRE (C.L.79.1927.IV).

#### QUESTION 1.

*What are the rights and obligations of the mother and of the father towards the illegitimate child?*

#### QUESTION 4.

*What rights do illegitimate children possess to claim maintenance from their parents?*

#### ALBANIA

1. According to the laws in force in the Albanian Republic, the father and mother have no obligations towards an illegitimate child.
4. Illegitimate children possess no right to claim maintenance from their parents.

#### AUSTRALIA

##### NEW SOUTH WALES.

1 and 4. An illegitimate child in strictness has no rights and no duties, and there is no legal obligation upon either his father or his mother to support him save such as is given by Statute (see "Encyclopædia of the Laws of England," Vol. II, page 31).

Unless appointed in accordance with law, illegitimate children have no guardians. *Re Ullee* (53 L.T.N.S. 711), *R. v. Barnardo*, 1891, 1 Q.B., at page 211, and *Simpson on Infants*, page 120.

The mother, however, of an illegitimate child has a natural right to its custody, which will be regarded by the courts, unless it is shown that it would be detrimental to the interest of the child that it should be delivered over to or remain in her custody. *R. v. Nash* (10 Q.B.D. 454), *Barnardo v. McHugh*, 1891, A.G. 388.

##### QUEENSLAND.

1. The mother has right of custody with enforceable claim against the putative father for maintenance.

4. If left without adequate means of support, they can enforce their rights against the father. Section 50 of the State Children Act (2 Geo. V. No. 11) states: "The undermentioned near relatives of any State child shall be liable to pay or contribute towards the maintenance of such child according to their several abilities, and in the following order, namely: (a) in the case of a legitimate child, father, mother, stepfather, stepmother; (b) in the case of an illegitimate child, father, mother."

##### SOUTH AUSTRALIA.

1. The rights of the mother are a right to custody and control and (so far as the father is concerned) an entire custody of the body of the infant. The right also exists in her own name to sue the father for maintenance. The obligations of the mother are to retain the custody, see to the welfare, pay for the maintenance, and act in every way as guardian to the child wherever it is possible for her so to do. So far as the father is concerned, his rights are non-existent, his obligation is merely an obligation to (upon being adjudged the father) pay whatever maintenance order may be made to the collecting authority.

4. The right to claim maintenance from the father is limited to affiliation proceedings. The present law is for a weekly amount to be allocated, and the Act provides it shall be such a sum not exceeding £1 per week, as the Court may adjudge. The same right exists for the child to claim against the mother, whilst the mother's husband is also a person liable, the order of liability being father, mother's husband, and mother.

TASMANIA.

1. The mother of the illegitimate child has the usual common law rights of custody and guardianship, and a statutory obligation as to its maintenance up to the age of 16 years. The father—on pater-attains the age of 16 years.

4. Under the Maintenance Act 1921, maintenance from parents may be claimed in summary proceedings by illegitimate as well as by legitimate children, and the complaint on behalf of any such child may be made on its behalf by any reputable person.

VICTORIA.

1. The mother of an illegitimate child must, with or without the assistance from the putative father, maintain the child until such child attains the age of sixteen years—Marriage Act 1915, s. 74. She cannot, by contract, rid herself of the liabilities which the law imposes on her in respect of the child (*Humphrys v. Polak* (1901), 2 K.B. 285).

The father of an illegitimate child is not at common law bound to support it, but a maintenance order may be made against him under Part III of the Marriage Act 1915 in respect of the child if he has deserted the child or left it without adequate means of support.

The parents of any neglected illegitimate child who becomes a ward of the Children's Welfare Department are liable for the maintenance of the child by the Department—Neglected Children Act 1915 (now cited as Children's Welfare Act 1915), Part VII.

4. The rights of illegitimate children to maintenance from their parents are correlative with the obligations of the parents indicated in paragraph 1 of this memorandum.

WESTERN AUSTRALIA.

1. *Rights of the father*: He has a right to the custody of the child on the death of the mother, notwithstanding that the mother has made an appointment of a guardian. The father has, however, no right in the custody of an illegitimate child so long as the mother lives.

*Obligations of the father*: These exist by virtue of statute law which has imposed obligations on the father. Apart from the express provisions of the statute law, the father is under no obligation to support the child, unless he actually adopts the child or enters into a contract with the mother for its adoption. Under the statute law (the Child Welfare Act 1907-1926), the father may be compelled to provide for his illegitimate child. Proceedings may be commenced against him in manner stated in the answer to Question 2. Under such proceedings, the father may be ordered to pay a sum not to exceed 20/- per week for the future maintenance of his child until such child attains the age of 16 years and such sum for past maintenance as seems reasonable. In default of payment of the sums ordered, the father's goods may be levied on from time to time and, if sufficient is not forthcoming from the levy, he may be imprisoned for certain periods which vary according to the amount in respect of which the father is in default.

*Rights of the mother*: The mother has a right to the custody of her illegitimate child and also a right to chose its religion.

*Obligations of the mother*: Apart from the express provisions of the statute law, the mother who had the right of custody of the illegitimate child was not responsible for its maintenance. But the modern statute law has affirmed the responsibility of the mother in this regard and she may be compelled in like manner as the father may be compelled to contribute towards the maintenance of the child. The mother cannot by any agreement or contract with any person divest herself of her legal responsibility in this regard. The only method by which she can divest herself of legal responsibility in this regard would be by an order of the court sanctioning the legal adoption of her child by some other party who would then be responsible for its maintenance.

4. Illegitimate children have no civil right to sue or take action against their parents, but the parents can be compelled to contribute towards their maintenance under the provisions already noted in the reply to Question 1.

AUSTRIA

1. An illegitimate child has the same rights in respect of its mother and her relations as a legitimate child, but not in respect of its father (§§ 155, 165, 754, A. B. G. B.). It takes, not the father's surname, but the mother's (§ 165, para. 1, A.B.G.B.). If the mother of an illegitimate child marries a man who is not the father of the child, so that legitimation does not ensue through subsequent marriage, the husband may give the child his own name (§ 165, para. 2, A.B.G.B.), subject to the consent of the mother and of the child itself (or, if the child is a minor, of its legal representative and of the court). An illegitimate child has the same nationality and domicile and comes within the same general legal jurisdiction as the mother (§ 6 of the Law of December 3rd, 1863, R.G.Bl., No. 105; § 72 of the Law of August 1st, 1895, R.G.Bl., No. 111; § 5 of the Law of July 30th, 1925, R.G.Bl., No. 285).

The parents have such rights over an illegitimate child as are requisite for educational purposes, but these rights appertain to either parent to the extent that he or she takes charge of the child's education (§ 166, para. 1, A.B.G.B.). An illegitimate child does not come under the control of its father but of a guardian, who must in all cases be appointed for such children (§ 166, para. 1, and §§ 187 *et seq.*, A.B.G.B.). The mother or even, in certain circumstances, the father may be appointed as guardian.

The mother and the maternal relations of an illegitimate child are entitled to claim maintenance or inheritance in respect of the child, but these rights do not appertain to the father or the relations on the father's side (§ 756, A.B.G.B.)

4. An illegitimate child is entitled to claim from its parents maintenance, education and care such as their means will afford (§ 166, para. 1, A.B.G.B.).

(a) Responsibility for the maintenance of an illegitimate child devolves primarily upon the father, unless he is not in a position to fulfil his duties in this respect, in which case the obligation passes to the mother, and after her to the maternal grandparents (§ 166, para. 2, A.B.G.B.). The scale of maintenance depends upon the parents' means (§ 166, A.B.G.B.). The law grants the right, even before the actual birth, to secure maintenance for the expected child for the first three months, and also the cost of the mother's confinement and six weeks' maintenance for her. This right is subject to the conditions that the mother is in need of such assistance, that she can establish the paternity of the child and that she is not leading an immoral life (§ 168, A.B.G.B.). Obligatory maintenance ends when the child becomes capable of supporting itself (§ 141, A.B.G.B.).

(b) The right and duty of having the child educated devolves primarily upon the mother. If the child's welfare is endangered through its being brought up by the mother, the father is bound to take it away from her and either to bring it up himself or to make safe and proper provision for it elsewhere (§ 169, A.B.G.B.).

(c) The care of the child consists in the performance of whatever is necessary to make permanent provision for its support, *i.e.*, to give it a secure means of livelihood. In particular, it includes, according to law, the training of the child for a vocation which will enable it to earn its own living.

## BELGIUM

1. A distinction must be made between natural children who are acknowledged, unacknowledged, born of adultery, and born of incest.

Generally speaking, legal theory and practice are in agreement as regards the following :

### A. *Acknowledged Illegitimate Children.*

An illegitimate child not born in adultery or incest may be acknowledged and placed under the paternal power of whichever of its parents acknowledges it. If it is acknowledged by both parents, both possess the paternal power. If the parents of an acknowledged illegitimate child marry, Article 373 of the Civil Code applies : "The father alone shall exercise paternal power during the marriage". If the parents are not married, the mother has equal authority with the father except for the purposes of Article 158 of the Civil Code (Marriage of Natural Children), in which respect the father's authority overrides the mother's.

Under the Law of April 6th, 1908, second paragraph of Article 337 of the Civil Code, "an illegitimate child shall always have the right to be maintained and brought up at its father's expense". On the other hand, the parents of an acknowledged illegitimate child have the right to claim from the child obedience, respect, and, if necessary, help.

Articles 374 and 1384 of the Civil Code also apply to acknowledged illegitimate children.

They read as follows :

374. "A child may not leave its paternal home without its father's permission . . . ."

1384, second paragraph. "The father and, after the death of her husband, the mother shall be liable in respect of any damage caused by their minor children who are living with them".

### B. *Unacknowledged Illegitimate Children.*

In the eyes of the law, an unacknowledged illegitimate child has neither father nor mother ; it has no legal connection with its parents. Nevertheless, under the Law of April 6th, 1908, Article 340b of the Civil Code, it may "claim, from whoever cohabited with its mother during the legal period of conception, an annual sum for maintenance and education up to the age of 18 years inclusive. Proof of such cohabitation can only be provided if one of the following circumstances exists :

(1) Cohabitation is admitted in an act or document of which the defendant is author.

(2) Cohabitation is habitual and notorious.

(3) An indecent assault without violence was committed on the person of a child under 16 years of age.

(4) The mother was seduced by a promise of marriage, by fraudulent acts, or by abuse of authority.

### C. *Children born of Incest or Adultery.*

The position of a child born of incest or adultery is the same as that of an unacknowledged illegitimate child—legally it has no parents. Nevertheless, Article 340b quoted above is not applicable to such children. Article 342 provides as follows : "If, under Article 335<sup>1</sup>, a child cannot be acknowledged, it shall at no time be allowed to seek recognition of its paternity or maternity or to claim the maintenance provided for under Article 340b".

4. The reply to the first question shows what are the obligations of parents, and in particular their obligations regarding maintenance.

<sup>1</sup> This article is worded as follows :

"Such recognition shall not be permissible in the case of children born in incest or adultery" (Article 335).

The child's rights in this respect are laid down as follows :

" If, during marriage, a husband or wife acknowledges an illegitimate child born before marriage by another than his or her present spouse, such acknowledgment cannot prejudicially affect either the latter or the children born of the marriage.

" The child shall, however, always be entitled to claim maintenance and education at its father's expense." (Civil Code, Article 337).

Article 340*b* sets forth the maintenance rights of unacknowledged illegitimate children, and under Article 342 children born of incest or adultery are prohibited from claiming maintenance.

#### BULGARIA

1 and 4. The parents of an acknowledged illegitimate child are obliged to provide for its maintenance and education and must have it taught a trade.

#### CANADA<sup>1</sup>

1. In the first place, it must be emphasised that Canada is a so-called Federal State with one Central Parliament in the dominion capital and nine Provincial Legislators meeting in the capital cities of the respective provinces. There is a sharp division of legal powers and responsibilities between the jurisdiction of the Federal Powers and those of the provinces. By the British North America Act, enacted 1867, criminal laws and laws affecting marriage and divorce (as distinct from the formal solemnisation of marriage) are specifically reserved to the Federal Power. Laws governing civil relations and free status, guardianship and protection of children fall almost exclusively within provincial jurisdiction. Therefore, the only fields of jurisdiction touching the status of the child borne out of wedlock within the Dominion or Federal Power would be those covering :

(a) Offences against the criminal law, *i.e.*, abandonment or exposure of infants, etc., and the support (within the meaning of the criminal code) of children by those legally liable to provide them with the necessities of life ;

(b) The definition of obligations accruing on behalf of children the issue of common law relationships ;

(c) Offenders under the criminal code in those offences frequently related to this problem, *viz.*, the age of consent, seduction, etc.

Consequently, the unmarried parenthood legislation of Canada will be found in the Statutes of the nine different provinces of Canada and will vary greatly with the origins, traditions, customs and attitudes of the dominant influence in the peopling and development of those provinces.

In six of the eight English-speaking provinces of Canada, the legislation is analogous with that of Norway, though retaining some of the original features of English legislation. In two other provinces, New Brunswick and Nova Scotia, the legislation is based upon English law and practice. In the province of Quebec at the time of the cession to Britain, the French Civil Law was in force and has not been disturbed.

The custody of the person and the individual legal guardianship of " infants "—that is minors, generally under 21 years of age—is governed by specific legislation within each of the provinces, and when under dispute is definitely settled by the courts, who may create such children " Wards of the Court " or may assign custody of guardianship, or both, to either or both parents of a child depending upon the recognition of parental guardianship rights, under the laws of the various provinces. In five of the provinces (Alberta<sup>2</sup>, British Columbia, Manitoba, Ontario, Saskatchewan) equal guardianship rights of parents is recognised. Thus, in five provinces, there is no barrier to a mother exercising full legal guardianship rights over her child born out of wedlock. In all nine provinces, as the mother generally has the care and custody of the child, she is usually presumed to have guardian rights over it.

4. It is assumed throughout the Dominion, with the exception of Quebec, which provides for maternity proceedings, that any child born out of wedlock will be in the care and custody of the mother and she can be held criminally liable if she neglects or fails to support it. The legislation of six provinces provides facilities whereby the mother or a social agency acting on her behalf may obtain establishment of paternity and maintenance provisions for the child. In these six provinces the legislation stresses the principle of social and economic protection for the child through the provision of proper maintenance up to 16 years of age by either or both parents. In two provinces, New Brunswick and Nova Scotia, affiliation proceedings are open to the mother, but the legislation of these provinces concerns itself more especially with the economic aspect and does not assume the degree of paternal interest in the child that is exhibited in the other legislations. In New Brunswick, maintenance of the child is obligatory until the age of 14 or such age as he is capable of maintaining himself. In Nova Scotia, this age is determined by the Court. In Quebec, the legislation simply facilitates the establishment of paternity or maternity and the payment of maintenance when parentage is acknowledged. The action lies between individuals and as such does not concern or interest the State.

In most of the provinces, the law specifically requires that all payments for maintenance of the child are to be made to a public official, unless the court directs otherwise, and paid out on behalf of the child to whoever has its care and custody. The payments may be weekly or for other periods as may be arranged, and there is also provision in most of the provinces for lump sum settlements which are administered in the same way.

In every one of the nine provinces, reasonable expenses of the mother and the burial expenses of the child are recoverable. In two or three of the provinces, the funeral expenses of the mother, should she die during or in consequence of childbirth, are recoverable.

In seven of the Canadian provinces, no private agreement for the support of the child or the payment of the mother's expenses is considered as binding and as releasing the father from further obligation unless it has been approved in accordance with the terms of the legislation governing the subject.

<sup>1</sup> As the definitive reply concerning the nine provincial legislations of Canada reached the Secretariat very late, it has not been possible to give more detailed information in this document.

<sup>2</sup> In Alberta, the mother of an illegitimate child shall be the sole guardian thereof, but the courts recognise that the most important consideration must be the welfare of the child.

The articles of the Canadian Penal Code relating to the enforcement of maintenance obligations, and applicable throughout Canada, are as follows :

Section 241 :

*"Duty of persons in charge of others to provide necessaries of life.* — Everyone who has charge of any other person unable, by reason either of detention, age, sickness, insanity or any other cause, to withdraw himself from such a charge, and unable to provide himself with the necessaries of life, is, whether such charge is undertaken by him under any contract, or is imposed upon him by law, or by reason of his unlawful act, under a legal duty to supply that person with the necessaries of life, and is criminally responsible for omitting without lawful excuse to perform such duty if the death of such person is caused or if his life is endangered or his health has been or is likely to be permanently injured by such omission."

Section 242 (1) :

*"Duty of head of family to provide necessaries.* — Everyone who, as parent, guardian or head of a family, is under a legal duty to provide necessaries for any child under the age of 16 years is criminally responsible for omitting without lawful excuse to do so while such child remains a member of his or her household, whether such child is helpless or not or if the death of such child is caused or if his life is endangered or his health is or is likely to be permanently injured by such omission."

Section 242 (2) :

"Everyone who is under a legal duty to provide necessaries for his wife is criminally responsible for omitting without lawful excuse to do so if the death of his wife is caused or if her life is endangered or her health is or is likely to be permanently injured by such omission."

Section 242 (3) :

*"Neglect to provide for wife, children or ward.* — Everyone is guilty of an offence and liable upon indictment or on summary conviction to a fine of 500 dollars or to one year's imprisonment, or both, who :

"(a) As a husband or head of a family, is under a legal duty to provide necessaries for his wife or any child under 16 years of age ; or

"(b) As a parent or guardian, is under a legal duty to provide necessaries for any child under 16 years of age, and who, if such wife or child is in destitute or necessitous circumstances without lawful excuse, neglects or refuses to provide such necessaries.

"The distinction between Sections 242 (2) and 242 (3) is : (a) under Section 242 (2), no offence is committed unless the neglect causes death or permanent injury to health, while under Section 242 (3), the mere neglect is sufficient to constitute the offence, provided that the person entitled to care is in necessitous circumstances ; (b) the offence under Section 242 (2) is indictable and punishable by three years' imprisonment (see Section 244), while the offence under Section 242 (3) is punishable upon indictment or on summary conviction by a fine of 500 dollars or by one year's imprisonment or both."

Section 242 (4) (a) (b) :

*"Evidence of marriage and parentage.* — Upon any prosecution under Section 242 (1) (2) (3), evidence that a man has cohabited with a woman or has in any way recognised her as being his wife shall be *prima facie* evidence that they are lawfully married, and evidence that a man has in any way recognised children as being his children shall be *prima facie* evidence that they are his legitimate children."

Section 242 (4) (c) :

*"Evidence of neglect.* — Upon any prosecution under Section 242 (1) (2) (3), evidence that a man has, without lawful cause or excuse, left his wife without making provision for her maintenance for a period of at least one month from the date of his so leaving, or for the maintenance for the same period of any child of his under the age of 16 years, shall be *prima facie* evidence of neglect to provide necessaries under this section."

Section 245 :

*"Abandoning children under 2 years old.* — Everyone is guilty of an indictable offence and liable to three years' imprisonment who unlawfully abandons or exposes any child under the age of two years, whereby its life is endangered or its health permanently injured."

### DANZIG

1. There is no legal relationship between the father and his family and the illegitimate child (§ 1589, para. 2, Civil Code). On the other hand, the child becomes a member of the mother's family on the same terms as a legitimate child (§ 1705, Civil Code) ; this applies in particular to maintenance and rights of inheritance. The mother, however, does not possess [full] parental rights over the child, more particularly the power to act as his legal representative ; her rights and obligations are limited to the personal care of the child, for whom, moreover, a guardian must be appointed (§ 1707, Civil Code). The mother herself may be appointed guardian, if she is a suitable person.

The legal relationship between the father and the illegitimate child simply amounts to an obligation in regard to maintenance on the father's part, the possibility of legitimisation (*cf.* answer to Questions 3 and 4), and a legal prohibition in regard to the contraction of marriage between the illegitimate child or his descendants and the father or his relatives (§ 1310, Civil Code).



4. *Maintenance* (§ 1708 *et seq.*, Civil Code). — An illegitimate child is entitled to claim maintenance, in the first place from his father and in the second from his mother.

The father is bound to pay in respect of the child's maintenance, until the child has completed his sixteenth year, an allowance corresponding to the mother's social status. Maintenance includes entire subsistence and the costs of education and training for a trade or profession. If, on completion of his sixteenth year, the child is unable to support himself, owing to physical or mental infirmity, the father is bound to maintain him beyond that age.

An unmarried minor is entitled, secondly, if his income and earnings are insufficient for him to live on, to claim maintenance from the mother or, should the latter be unable to assist him, from the mother's ascendants (§ 1601, 1603, 1606, 1607, 1709, Civil Code.)

#### DENMARK

1. The mother of an illegitimate child has paternal power over the child. She therefore has full charge of it and the right to take decisions in regard to it. The mother is the child's legal guardian.

4. The mother of an illegitimate child has an absolute obligation to maintain the child until the end of its 18th year. The father is only required to pay for the child's maintenance up to an amount fixed by an order of the Prefect ; this order is made in virtue either of a judgment establishing paternity, or of a declaration by the father before a public authority stating that he may be the father of the child and that he is willing to pay maintenance. In certain circumstances, maintenance has to be advanced out of public funds.

#### ECUADOR

1 and 4. — In Ecuador, three classes of illegitimate children are recognised by civil law :

“ *Article 31.* Illegitimate children are classified either as natural, born of unlawful intercourse, or simply illegitimate. Natural children are those who have been acknowledged by their father or mother, or by both, in accordance with Chapter 12 of this Book.

“ The second class consists of children born in adultery, or of incest or sacrilege.

“ Children who are not recognised as natural and are not born of unlawful intercourse, are called simply illegitimate.”

As regards illegitimate children properly so called, to whom the questionnaire refers, our civil law provides :

“ *Article 277.* An illegitimate child who has not been voluntarily acknowledged with the proper legal formalities cannot demand recognition by his father or mother except for the sole purpose of claiming maintenance.

“ *Article 283.* An illegitimate male who has completed his twenty-first year and is not physically incapable of supporting himself by his own efforts shall not be entitled to claim recognition or maintenance by his father or mother. This right shall, however, be restored to him, should he subsequently become unable to support himself.

“ *Article 287.* The allowances made by the father or mother shall start from the time when the first application is made, and no arrears shall be payable unless the application be made against the father during the first year after birth.

“ In this latter case, the allowance shall be made for the whole of that year and shall include the expenses of confinement, estimated, if necessary, by the magistrate.

“ *Article 288.* The father of the illegitimate child who, as such, applies for its maintenance shall not be heard.

“ The mother who applies for maintenance for her illegitimate child shall, however, be heard, unless it was abandoned by her in infancy.

“ It will be seen from the articles quoted that the father or mother is only bound to provide the illegitimate child with strictly necessary means of subsistence until it reaches the age of 21 and thereafter only if the child is unable to support himself.

“ Should the birth of the illegitimate child be a consequence of the abduction of the mother, the father shall be obliged to maintain the child in a manner appropriate to the mother's social position.”

#### ESTONIA

1 and 4. The obligation to maintain and educate an illegitimate child devolves, not only upon the mother, but also upon the father, even if he has not agreed to marry the mother or to make any settlement upon her, and even though he has no parental power over the child (Baltic Code of Private Law, § 167). The father must support the child until it becomes capable of supporting itself (§ 168). Where the father has no means to support the child, the obligation passes to the mother and thereafter to her ascendants (§ 171). It is the duty of the mother to bring up an illegitimate child, but when the child no longer needs the mother's care, if the father himself wishes to take charge of its upbringing instead of providing for its maintenance, he cannot be prevented from doing so unless he is leading an irregular life, in which case his intention to bring up the child may be open to question (§ 172).

#### FINLAND

1. The guardianship of an illegitimate child belongs to the mother, but the question whether the mother is suitable to take care of the child or to be its guardian must come before the court. Even should the guardianship of the child be entrusted to another person on account of the mother's unfitness, she must not be prevented from visiting the child provided it is in its interests for her to do so. The same applies to a father who has acknowledged his illegitimate child. The child bears the family name of the mother. If the mother is married, her husband may give the child his family name with her consent, or, if she is dead, with the consent of the child's guardian if it is under age, or the child itself if it is of age. The mother and the father (or putative father) must provide for the maintenance and upbringing of the child. The cost of maintenance and upbringing is shared by the mother and father according to their respective economic positions. The child must be brought up according to the mother's station in life, but, if the father's position is better, this fact must be taken into consideration.

4. An illegitimate child is entitled to claim maintenance from its mother and from the man who, by cohabiting with the mother of the child, might possibly be the father. The right to such maintenance lasts until the child is 17 years of age. Should the child, on attaining the age of 17, not be in a position, through some infirmity, disease or debility, to maintain itself, its parents must continue to provide suitable maintenance for so long as is necessary.

#### FRANCE

1. Paternal power is exercised by the parent who first acknowledges an illegitimate child or, if acknowledgment is simultaneous, by the father (Article 383 of the Civil Code).

The rights and obligations of the parents towards a natural child which they have acknowledged are the same as those in regard to legitimate children. In the former case, however, Article 389 of the Civil Code does not grant them the right of legal administration.

4. In conformity with Article 762 of the Civil Code, illegitimate children which have been legally acknowledged are entitled to maintenance. As the obligation to provide maintenance is mutual, the courts have decided that the child is also required to support its father and mother.

#### GERMANY

1. According to German law, the illegitimate child has the same legal position in relation to its mother as a legitimate child (para. 1705 of the Civil Code); in relation to its father, the child has only claim to an allowance.

4. With regard to Question 4, reference may be made to the information given under 1; the father's duty of maintenance comes before that of the mother (para. 1709 of the Civil Code).

#### GREAT BRITAIN<sup>1</sup>

1. The rights of the mother are nowhere exactly defined, but her natural right to the custody of her illegitimate child is recognised by courts of law,<sup>2</sup> and, where the question of custody comes up, the Court will primarily consider her wishes in the matter.<sup>3</sup>

Certain obligations are laid upon her by law, and in respect of these she may be considered to have rights which arise out of, or correspond to, her duties. For example, the mother's consent is required to the marriage of her illegitimate child under 21 years of age, if she has not been deprived by a court of its custody,<sup>4</sup> thus this obligation to some extent implies that she is the guardian of her illegitimate child.

The mother is bound by law, so long as she remains unmarried or a widow, to maintain her illegitimate child.<sup>5</sup>

The father has no rights in respect of his illegitimate children and they do not bear his name. Upon the death of the mother, however, the courts may, as against the claim of third parties, give him the custody of the children. The child's birth certificate contains the name of the mother only, unless both she and the father jointly request that his name be also registered.<sup>6</sup> (As to re-registration after legitimation, see Question 3).

The father has no obligations towards his illegitimate children unless, after legal proceedings, he has been adjudged by the court to be the putative father, when an order may be made for him to contribute to their support.

4. The right of illegitimate children to maintenance is provided for by placing a legal obligation, which can be enforced, upon the mother to support such a child and, in certain cases, upon the putative father also.

As regards the mother, she is bound by law to support her child so long as she remains unmarried or a widow.<sup>7</sup> She must do so until the child is 16, unless, if the child is a girl, she marries under that age. If the mother should marry, her husband becomes responsible for maintaining her illegitimate child or children who were born before his marriage to her.<sup>8</sup>

Where the alleged father of an illegitimate child has been adjudged to be its putative father, the court may make an order, known as an affiliation order, requiring him to pay a sum of money weekly, or otherwise, to the mother or to any other person named in the order for the maintenance, etc., of the child.<sup>9</sup> This payment may be up to a maximum of 20/-weekly,<sup>10</sup> may continue till the child is 16 and may include payment for expenses incidental to the birth and the costs of the proceedings. This order may be varied by the court from time to time and the parties have a right of appeal from such variations.

The payments may be ordered to be made either direct to the mother or through the collecting officer of the court, and both the collecting officer and the mother or the person having the custody of the child may take proceedings for the recovery of arrears<sup>11</sup>.

Where a child is chargeable to the Poor Law Guardians, they may bring an action for affiliation proceedings against the alleged father and, if they are successful, the payments may be made direct to them and they may take action to recover arrears<sup>12</sup>.

<sup>1</sup> The following memorandum deals with the law in England and Wales. The law of Scotland differs in certain respects.

<sup>2</sup> *R. v. Nash in re Carey* (1883), 10 Q.B.D. 454.

<sup>3</sup> *Barnardo v. Mac Hugh* (1891), A.C. 388.

<sup>4</sup> Guardianship of Infants Act 1925, Schedule II.

<sup>5</sup> Poor Law Amendment Act 1834, Section 71.

<sup>6</sup> Births, Deaths and Registration Act 1874, Section 7.

<sup>7</sup> Poor Law Amendment Act 1834, Section 71.

<sup>8</sup> Poor Law Amendment Act 1834, Section 8.

<sup>9</sup> Bastardy Laws Amendment Act 1872, Section 4.

<sup>10</sup> Bastardy Act 1923, Section 2.

<sup>11</sup> Affiliation Orders Act 1914, Section 1 (2) and (3).

<sup>12</sup> Bastardy Laws Amendment Act 1873, Section 5.

## GREECE

1. The position of the illegitimate child with respect to the mother is established by the fact of birth ; with respect to the father by acknowledgment of the child or by legitimation.

The illegitimate child which has not been either acknowledged or legitimated takes the maiden name and nationality of the mother and, as regards kinship with its mother, its rights and obligations are those of a legitimate child.

The mother of the illegitimate child is *ipso iure* its guardian, but the father, when acknowledged as such, may also apply to the court to be appointed guardian. Both the father and the mother are entitled to see the child. Any dispute is decided by the court.

4. The child which has obtained acknowledgment by judicial means is entitled to claim maintenance and education in a manner appropriate to the social status of the mother and the financial position of the father. This right to maintenance and education continues in the case of boys until they are 18, and in the case of girls until they are 21. It expires in the event of the beneficiary contracting a lawful marriage. This right may also be cancelled or limited by the court if the child becomes the beneficiary of an income sufficient to maintain it in a manner appropriate to its social position.

## HUNGARY

1. Under the last two paragraphs of Article 39 of Law XX of 1877, regulating questions of guardianship, the legal and natural guardian of an illegitimate child is its mother, provided she is of age. If the mother is a minor, the Wards Protection Office appoints a guardian for the illegitimate child, but legal and natural guardianship reverts to the mother as soon as she comes of age.

As to guardianship, and especially the rights, obligations and responsibilities of guardians, the necessary provisions are contained in Chapters III to V of Part I of the law mentioned above.

4. Law XX of 1877 (Article 11, paragraphs 2 and 3) lays down that the legal regulations in force concerning the maintenance and education of illegitimate children subsist intact and that the courts are required to give judgment in disputed cases. Nevertheless, pending a decision of the courts on the obligation to maintain and educate a child, these duties devolve on the mother.

By "legal regulations in force" must be understood the rules of common law as applied by the courts. According to these rules, the father is obliged to maintain his illegitimate child until the latter is able to earn its living ; this age varies according to the social circumstances of the child. Generally, the courts impose upon the father the obligation to provide for the child's requirements until the age of sixteen, provided that at that age the child is able to earn its living. If, however, by reason of some physical or intellectual defect or on any other valid ground the child requires to be maintained for a longer period, the father has to furnish maintenance until the child comes of age or until it is capable of earning its own living (see Decision No. 1204-1921 of the Royal Hungarian Court of Justice).

If it is impossible to prove the paternity of an illegitimate child or if the father is unable to maintain the child, the obligation of maintenance falls upon the mother.

According to the rulings of the courts, the duty of maintaining an illegitimate child—as was stated above—rests with any person who is proved to have had sexual relations with the mother in the course of the ten months preceding the child's birth ; nevertheless, the mother is not entitled to claim maintenance if at the presumed date of conception she was leading an immoral life.

Government Decree No. 3982/1916.M.E. ("Rendeleték Tára", 1916, Vol. II, page 1591), which was maintained in force by Article 54 of Law VIII of 1925, increases the protection given under private law to the illegitimate child, particularly as regards maintenance guarantees and the repayment of lying-in expenses.

## INDIA

1 and 4. (a) The Indian Penal Code punishes with imprisonment, which may extend to seven years, or with fine, or with both, the exposure or abandonment by his father or mother of any child under twelve, whether legitimate or illegitimate.

(b) The father of an illegitimate child unable to maintain himself may, on application to the criminal courts, be ordered to make a monthly allowance for the maintenance of such child. The allowance may extend to Rs. 100. In default of payment, it may be realised as a fine and enforced by imprisonment extending to one month.

Apart from this statutory remedy, which is open to all illegitimate children, irrespective of race, caste or creed, a Hindu father is bound by his personal law and can be compelled by a civil suit to maintain his illegitimate sons.

(c) As a rule, the mother is the guardian of her illegitimate children and as such is entitled to their custody.

## IRISH FREE STATE

1 and 4. The mother of an illegitimate child is bound to maintain it until it reaches the age of 16 or, if female, marries. The father is under no duty towards his illegitimate child, except as stated in the reply to Question 2.

## ITALY

1. Under Italian law, parents are not obliged to acknowledge their illegitimate child, who may be registered as the child of unknown parents.

Parents have no legal obligations to or rights over illegitimate children whom they have not acknowledged. An illegitimate child can, however, always claim maintenance :

- (1) If paternity or maternity is indirectly established as a result of a civil or penal judgment ;
- (2) If the marriage of the father or the mother of the child is subsequently annulled ;
- (3) If paternity or maternity is established by a definite declaration signed by the parents (Article 193, Civil Code). If the child has been acknowledged, the parents, preference being given to the father, exercise legal guardianship during its minority, are responsible for its maintenance, care and education, for starting it in a profession or trade, and for providing for it, if necessary, in the absence of a husband or of children. The obligation to provide maintenance is mutual. Further, an illegitimate child who has been acknowledged takes the family name of his parent or that of the father if he was recognised by both parents (Articles 184-187, Civil Code).

4. Illegitimate children who have been acknowledged are entitled to claim maintenance if they have no husband or descendants in a position to provide for them (Article 186, Civil Code). Even in cases when acknowledgment is not possible (cases of incest and adultery—Article 180), illegitimate children can always claim maintenance : (1) if paternity or maternity is indirectly established as a result of a civil or penal judgment ; (2) if the marriage of the father or mother of the child is subsequently annulled ; (3) if the paternity or maternity is established by a definite declaration signed by the parents (Article 193, Civil Code).

#### JAPAN

1. The father and mother of an illegitimate child may acknowledge such child. With regard to their children, including illegitimate children who have been recognised, they have the following rights and obligations :

Right of consent with regard to all legal proceedings involving children under age ;  
Right of consent on behalf of children under age to accept an inheritance from another family ;  
Right of consent to marriage ;  
Right of consent to divorce ;  
Right and obligation to protect and bring up children under age ;  
Right to determine the domicile of children under age ;  
Right to authorise or refuse requests by children under age to perform their military service before the proper age ;  
Disciplinary rights ;  
Right to allow or forbid children under age to adopt a profession ;  
Right to administer the property of children under age, or to represent them in legal proceedings relating to such property ;  
Right to exercise, in the place of children under age, the rights of the head of the family and parental authority ;  
Obligation to provide maintenance.

4. An illegitimate child is entitled to claim maintenance from his mother ; if he is acknowledged by the father, he can claim both from his mother and father.

#### LATVIA

1. Illegitimate children enjoy, as regards their mother, the same rights as those which parents owe to their legitimate children. The mother has the paternal power over her illegitimate child.

4. While they are unable to provide for themselves, illegitimate children are entitled to claim subsistence and maintenance primarily from the father assumed in law (*ibid.*, § 165), in proportion to his means and to the social status of the mother (*ibid.*, § 169).

#### LUXEMBURG

1. The father or mother of a child born of adultery or incest connection cannot exercise any of the attributes of paternal power. The Civil Code grants paternal power to the father and mother of natural children legally acknowledged, but it does not say who exercises it, and it only defines the extent of this power with regard to the right of correction.

If the child has been acknowledged by the father and mother, paternal power will be exercised equally by both. As regards, however, consent to the marriage of an illegitimate child, the father's will is paramount. If there is disagreement between the father and mother, the question is settled by the courts.

4. Parents are under an obligation to maintain illegitimate children. The law grants maintenance even to children born of adultery or incestuous connection.

#### MONACO

1. These rights and obligations are regulated by the two following articles in the Civil Code of Monaco :

“ Article 280. — Paternal power over illegitimate children legally acknowledged shall be exercised by the parent who shall have acknowledged them first ; if acknowledgment by the father and mother is simultaneous, the father alone shall exercise the authority attaching to paternal power ; if the parent exercising the paternal power predeceases the other parent, the survivor shall *ipso facto* be invested with this power.

“ Nevertheless, if the interests of the child require it, the court may entrust the paternal power to the parent not *ipso jure* invested with it.

“ Subject to these reservations and the provisions of Article 286 (4) below concerning the administration of property, paternal power over illegitimate children will be governed by the same rules as that which relates to legitimate children.”

“ Article 286 (d). — A parent, however, exercising the paternal power, only administers the property of his illegitimate minor child as legal guardian and subject to the supervision of a second guardian, whom he must cause to be appointed within three months of entering upon his duties, or who is officially appointed in accordance with the provisions of Article 313 ; he is only entitled to the legal enjoyment of his office as from the appointment of the second guardian, if that appointment has not been made within the period fixed above.”

(4) This question assumes that the affiliation of illegitimate children is legally established ; in the absence of regular proof, it does not exist in the eyes of the law.

Up to July 1907, the only text on this point was Article 644 of our Civil Code which grants to children born of incest or adultery the right to claim maintenance from the heirs of their father or mother. This provision obviously assumes that incestuous or adulterous parents are themselves obliged to supply maintenance to their children, since this obligation cannot originate with the heirs ; if it is imposed upon them, it must have been transmitted to them by the deceased.

This being granted, we may conclude that the same obligation exists, and with stronger reason, in the case of the parents of the ordinary illegitimate child, who the law in general places in a much better situation of all. Accordingly, the father or mother always owes maintenance to the illegitimate child, whatever the particular nature of the affiliation, that is, whether the child is an ordinary illegitimate child or a child born of adultery or incest (PLANIOL. "Droit civil").

Since the enactment of July 3rd, 1907, on the rights of illegitimate children and action to establish paternity, we have had a new legal text in Article 239, a copy of which was furnished in reply to Question 2.

We may add that "there is one case where the illegitimate child is prevented from claiming maintenance, and that is when it is acknowledged during the marriage of its father or mother with a third person (Article 234). Article 234 decides that this acknowledgment may not prejudice the interests of the other spouse; the child therefore loses its right to a maintenance allowance, since the sums which would have to be attributed to it would have to be taken from the income enjoyed by the spouses. Accordingly, the husband is not required to furnish out of the common property an allowance to an illegitimate child of his wife acknowledged after the marriage. That child could only receive maintenance from its mother, in so far as she enjoyed the personal use of all or part of her income, when, for example, there is separation of property. But if the child belongs to the husband, the latter always has the enjoyment of his personal property and, therefore, nothing prevents him from furnishing maintenance to his illegitimate child without the wife or legitimate children having any right to complain, since the husband owes them no account of his income". (PLANIOL. "Droit civil").

## NETHERLANDS

(including Netherlands East Indies, Surinam and Curaçao)

I. The fact of acknowledging an illegitimate child establishes relations under the Civil Code between the child and its father or mother (Article 335 of the Netherlands Civil Code).

The relations under civil law between an illegitimate child and the father or mother who has legally acknowledged it consist, first, in the fact that such children may not, whilst they are minors, contract marriage without the consent of the father or mother who has acknowledged them (Article 97, C.C.) and that, if they have attained their majority but have not yet completed their thirtieth year, they are obliged to ask the consent of the father or mother who has acknowledged them (Article 104, C.C.). If, having attained their majority, they have not secured such consent, they may call on the magistrate of their place of domicile to act as mediator (Article 99, C.C.). Secondly, marriage is prohibited within certain degrees of relationship, irrespective of legitimacy (Article 87, C.C.). Thirdly, the father or mother have a claim to maintenance against legally acknowledged illegitimate children, and this obligation is mutual (Article 383, C.C.).

4. As regards legally acknowledged illegitimate children, the reply has already been given under Question 1 (*vide* Article 383, C.C.).

The father of an illegitimate child which he has not acknowledged must make a regular allowance for the maintenance and education of the child during its minority. Any person who has cohabited with the mother between the 301st and 179th day previous to the birth of the child is presumed to be the father. A claim for maintenance and education allowance is rejected if the defendant can show that the mother cohabited with one or several other persons during the period stated above, unless the child could not have been conceived as a result of such cohabitation or, generally, if the judge is personally satisfied that the defendant is not the father of the child (Article C. 344a, *et seq.*, C.C.).

The laws of the Dutch East Indies do not contain any provisions corresponding to Articles 344a *et seq.* of the Netherlands Civil Code, which lay down that the father of an illegitimate child not acknowledged by him must pay a regular allowance for its maintenance and education during its minority.

## NORWAY

I. The position as between an illegitimate child and its mother and father is defined by the Law of April 10th, 1915, concerning children whose parents are not married.

The law is based on the principle of equal responsibility for mother and father in respect of the illegitimate child. As regards the *economic* responsibilities of the parents towards the child, this principle is consistently applied: it is provided in Section 2 that the child has the right to be brought up—maintained, educated and schooled—by both father and mother. It is to be educated and schooled in consonance with the father's position, or with the mother's if she has more adequate means, and its upbringing must be in accordance with the economic position of whichever parent is the better off.

Thus both parents are responsible in the same degree for the *maintenance* of the child. The effect of this obligation as defined by the law is that the parent who has custody of the child (with whom the child lives) has the same responsibility as if the child were legitimate. The other parent is ordered by the proper public authority (the sheriff) to make the cash payment referred to below (see answer to Question 4). If neither of the parents has custody of the child, both must contribute to its maintenance. This also applies if the parent who looks after the child puts it out to nurse and neglects the duty of looking after it.

From the point of view of *family rights*, the legal position of the child as regards father and mother is somewhat different, for the reason, among others, that the law has had to decide with which parent the child is to live. On this point, the general rule under the law is that the child shall live with the mother (§ 3). In that case, the mother has the right of guardianship and paternal authority, and the child's legal position as regards the mother, from the point of view of family rights, is the same as if the child were legitimate.

With reference to the child's legal position in regard to the father, the law contains the important provision that the child is entitled to use the father's as well as the mother's surname (§ 1). Section 3 further provides that, on certain conditions, the child may be entrusted to the father if the latter so desires, in which case the father requires paternal authority and rights of guardianship. The conditions in question are that the mother is dead, or that she is not herself in a position to look after the child, or that she does not treat the child properly and, further, that the sheriff who decides the matter considers that it would be in the child's interest to entrust it to the father. The same applies if the

mother agrees to the child's being entrusted to the father. The sheriff may reverse his decision and again transfer the child to the mother's guardianship if there are special reasons for so doing and if it is consonant with the child's interests.

4. As already stated in the reply to Question 1, the parent to whom the child is entrusted—*i.e.*, usually the mother—is responsible for the child's maintenance as if it were legitimate. The other parent's responsibility is limited to the cash payments required by the law. If neither of the parents has custody of the child, both must contribute to its maintenance. These contributions must continue until the child reaches the age of 16 years. If the financial position of the father (or mother as the case may be) allows, he (or she) may be required to continue the contributions for the child's further education after the age of 16. If the child is physically or mentally defective, and consequently unable to provide for itself, the contributions shall likewise be continued beyond the sixteenth year (§ 19 of the law).

The amount of the maintenance payments is fixed administratively by the sheriff of the mother's place of residence or, if the mother is dead, of the child's place of residence. Appeal may be made from the sheriff's decision to the appropriate Ministry. The payment shall be so fixed that, as far as possible, it falls equally on each of the parents, in proportion to their financial capacities. If one parent is unable to meet any part of the expense, the other parent may be required to defray the whole.

If the child is brought up in a town, the father must as a rule pay at least 35 kroner a month for its maintenance up to the age of 14 years, and thereafter at least 30 kroner up to the age of 16 years. If the child is brought up in the country, the father must as a rule pay at least 30 and 25 kroner respectively. These minimum payments may be raised by the County Council, on the advice of the District Council, by not more than 10 kroner a month, such increase being applicable to the one district only. In small towns which have their own municipalities, the sheriff may order similar increases on the advice of the Town Council.

If the child lives with the mother, the father must pay a special contribution for the first nine months after birth (nursing contribution). The amount is generally fixed in the towns at not less than 45 kroner for the first month and not less than 35 kroner for each of the next eight months, the corresponding amounts in the country being 35 and 25 kroner.

Higher payments are fixed if, and so far as, the father's financial position allows.

If the child falls ill and additional expenditure is consequently incurred before it reaches the age of 16, a special payment must be made to meet such expenditure, if claimed by the person in whose custody or guardianship the child is placed, or by the Poor Law Authorities if they have had to meet the expenses. If the child dies before reaching the age of 16, a special contribution to the funeral expenses may be required if claimed by the person who paid those expenses. On the occasion of the child's baptism and confirmation also, if the child is not in the father's custody, special assistance may be required if applied for by the child's mother or guardian. The contribution towards confirmation expenses may also be required after the child has reached the age at which maintenance payments lapse. Application for contributions to the child's baptism, confirmation, sickness or funeral expenses must be made within a year of the event in respect of which the expenditure was incurred.

Maintenance payments, etc., are recovered *ex officio* by the appropriate local authorities, and the law contains strict regulations for their collection.

## POLAND

The legal status of illegitimate children is governed by different bodies of law in the different provinces of the Polish Republic. The provisions of the Austrian and German Civil Codes are still operative in certain parts of the territory. We need not refer to these Codes, as they have already been quoted and commented on by the countries in question. We shall merely give the provisions of the Civil Code of the Kingdom of Poland of 1825, with the amendments since introduced, and the corresponding paragraphs of the Collection of Russian Laws which are still applied in certain regions.

As the Codification Commission appointed by the Government in 1920 is engaged in preparing uniform civil legislation for the whole of Poland, the provisions at present in force should not be regarded as definitive. Even in the present state of affairs, the diversity of the various laws is attenuated by the rule in Article 21 of the Polish Act of August 2nd, 1926, on inter-provincial law (*Legal Gazette*, 1926, No. 101), which is worded as follows:

“The law to which the mother and the illegitimate child were amenable at the time of the child's birth shall be binding in the matter of establishing the identity of the father, the reciprocal rights and duties of the father and the child, and the reciprocal rights and duties of the father and the mother. But the law of the father of the illegitimate child shall apply if it is more favourable to the child.”

Bearing these general observations in mind, we may consult the articles which cover Question 1.

### 1. (a) Former Congress Kingdom:

*Article 302.* — The illegitimate child, even when acknowledged, does not obtain the same rights as a legitimate child; *cf.* also the provisions of Articles 485 and 488 of the Civil Code of the Kingdom of Poland, quoted below in paragraph 6.”

### (b) Territories in which the former Collection of Russian Laws is in force:

*Article 132*<sup>1</sup>. — The obligations incumbent on the mother of an illegitimate child are defined in the clauses which concern the paternal power. She wields, in respect of her child, all the rights accorded under these clauses.

*Article 132*<sup>10</sup>. — A father who provides maintenance for his illegitimate child is entitled to supervise the child's maintenance and upbringing. Differences of opinion on this subject between the father and the mother or the child's guardian are settled by the Guardianship Office concerned.

*Article 132*<sup>11</sup>. — When it has been decided that an illegitimate child shall be placed under guardianship, the father, if he provides maintenance for the child, may petition to be appointed the child's guardian with a right of priority over other persons.

### 4. (a) Former Congress Kingdom:

*Article 303.* — The parents are, however, bound to provide their illegitimate children with a means of livelihood, and in the meantime to maintain and educate them. (*Law of May 13th/26th, 1913.*)

*Article 6.* — The father of an illegitimate child which he has not acknowledged (Articles 298 and 305 of the Polish Civil Code), or the acknowledgment of which can produce no legal effects (Article 301 of the Polish Civil Code), or the acknowledgment of which has been debarred on the petition of persons interested (Article 304 of the Polish Civil Code), is bound, due consideration being given to his financial position and the social status of the mother, to provide maintenance for the child, if the child stands in need thereof, until it attains its majority. In estimating the amount to be paid, consideration must be given to the share in the cost of maintenance that can be borne by the mother (Article 303 of the Polish Civil Code). If a request is made for the repayment of previous expenditure on maintenance, the father of the child is bound to repay this amount in respect of a period not exceeding twelve months prior to the request.

*Article 7.* — The father's duty to provide maintenance for an illegitimate child may lapse before the child attains its majority, if the child, being a girl, marries, or if it has been trained to some occupation and is able to earn its own living.

*Article 10.* — The amount to be paid in respect of the maintenance of an illegitimate child may be subsequently increased or decreased according to circumstances.

*Article 11.* — Periodical payments for the maintenance of an illegitimate child may, if the parties consent, and after consideration by the Council of Guardianship acting as a family council (Article 486 of the Polish Civil Code) and confirmation by the court, be consolidated into a lump sum to be paid by the father, provided guarantees are forthcoming that this sum will be employed for the purpose for which it is intended.

*Article 12.* — Illegitimate children, the acknowledgment of which by the father can produce no legal effects (Article 301 of the Polish Civil Code), or the acknowledgment of which is debarred on the petition of persons interested (Article 304 of the Polish Civil Code), do not possess the rights to their fathers' estate defined in Articles 757 and 758 of the Civil Code, but are entitled to maintenance out of the latter's hereditaments, subject to the provisions of Articles 763 and 764 of the Civil Code.

Civil Code Napoleon :

*Article 762.* — The provisions of Articles 757 and 758 do not apply to children born of incestuous intercourse. The law only accords them necessaries.

*Article 763.* — These necessaries are determined in the light of the financial capacity of the father or the mother, and the number and degree of affinity of the legitimate heirs.

The articles of the Civil Code Napoleon provide for the forfeiture, by children born of adulterous or incestuous intercourse, of rights of inheritance in respect of their parents; at the same time, they grant these children necessaries out of their parents' hereditaments.

(b) *Territories in which the former Collection of Russian Laws is in force:*

*Paragraph 132<sup>4</sup>.* — According to his financial position and the social status of the mother, the father of an illegitimate child is bound to provide maintenance for this child, if the child stands in need thereof, until it attains its majority. The mother of the child shares the cost of its maintenance as far as her income allows, this income being generally taken into consideration when the father's share is being determined. If payment is claimed retrospectively, the father of the child is bound to repay expenditure in respect of a period not exceeding twelve months prior to the request.

*Paragraph 132<sup>5</sup>.* — The father's and mother's duty to contribute to the maintenance of an illegitimate child may lapse before the child attains its majority if the child, being a girl, marries, or if it has been trained to some occupation and is able to earn its own living.

*Paragraph 132<sup>6</sup>.* — Periodical payments for the maintenance of an illegitimate child may, if the parties consent, and in agreement with the Guardianship Office, be consolidated into a lump sum to be paid by the father, provided guarantees are forthcoming that this sum will be employed for the purpose for which it is intended.

*Paragraph 132<sup>7</sup>.* — The amount to be paid in respect of the maintenance of an illegitimate child may be subsequently increased or decreased according to circumstances.

*Paragraph 132<sup>18</sup>.* — When the mother is called upon to provide necessaries for her illegitimate child, or when the child itself claims its rights of inheritance or other rights, the document to be used as evidence of the relationship is the birth certificate. When the mother is not mentioned in this document, or when it is impossible to submit the child's birth certificate as proof that it is her offspring, only affidavits in writing by the mother shall be admitted as evidence.

## PORTUGAL

1 and 4. No illegitimate child can enforce any rights against its alleged father (or mother) until it has been acknowledged either voluntarily or judicially. Once the relationship is recognised, however, the natural tie between parents and illegitimate children is legalised, with all its normal effects.

Thus, under Article 31 of the Decree of December 25th, 1910, the child is entitled :

(1) *To use the name of the father or mother by whom it is acknowledged.* This right cannot under any pretext be refused to a child who has been acknowledged voluntarily or judicially, since it is a right belonging to all children.

(2) *To be maintained by the father or mother by whom it is acknowledged.* Under Article 171 of the Civil Code, maintenance means everything necessary for sustenance, lodging and clothing, including also education if the person supported is a minor. Illegitimate children may only apply for maintenance from their parents, and secondarily from their brothers german, uterine or consanguineous, in the order named.

Unlike legitimate children, acknowledged illegitimate children cannot apply for support to any other ascendants than their own parents, or to any other collateral relatives than their brothers (Articles 173 and 177 of the Civil Code).

Moreover, children born of incest may demand maintenance from their parents if paternity or maternity has been proved in the course of civil or criminal proceedings between their parents and other parties.

While illegitimate children have rights against their parents, the latter have also rights over their acknowledged illegitimate children. These rights are those generally vested in the parents of legitimate children, but with certain important restrictions :

The father of an acknowledged illegitimate child exercises the paternal power in the same manner as the father of a legitimate child unless paternity has been disputed by him and proved in the courts (Article 166 of the Civil Code). In such case, the child will remain, until he attains his majority, under guardianship in the special form prescribed in Articles 279, 280 and 281 of the Civil Code, as provided in Article 166 of that Code. The father does not enjoy the usufruct of the property of his acknowledged illegitimate children (Article 166 of the Civil Code).

#### ROUMANIA<sup>1</sup>

1. (a) *Old Kingdom*:

In respect of the illegitimate child, the mother possesses exactly the same rights and duties as in the case of a legitimate child. The father possesses no rights or duties, since the law prohibits action to establish paternity.

(b) *Bessarabia*:

The mother of an illegitimate child has the same rights as the mother of a legitimate child; as such, she wields the full paternal power (Articles 132, 164 and 170 of the Russian Civil Code). The mother and the father are bound to maintain the child, the scale of their contributions being proportionate to their wealth (Article 132, Russian Civil Code).

4. (a) *Old Kingdom*:

As regards their mother, the same as illegitimate children; as regards their father, none.

In this case, practice attenuates the rigour of the law by allowing the mother of the illegitimate child to bring an action for damages against the father on the general principle of reparation due for injury done to others. This action is, in fact, equivalent to affiliation proceedings, so far as concerns the determination of the amount due in reparation, but it does not affect the civil status of the individual.

(b) *Bessarabia*:

They may obtain necessaries until they attain their majority unless, in the meantime, the girls have been married or the boys begin to earn their livelihood, when the parents' obligation terminates (Article 132 of the Russian Civil Code).

#### SALVADOR

1. In Salvador law, a distinction is drawn between the rights and obligations of the mother and the father, respectively, of an illegitimate child.

The mother possesses the paternal power over her illegitimate children. In this case, the mutual rights and obligations (as between mother and children) are the same as those which ordinarily exist between parents and children, *i.e.*, the children are bound to obey and respect their father and mother, while non-emancipated children must work for their parents, without payment, in any capacity the parents may decide, provided there be no infringement of the parents' duties as defined in the Civil Code. Illegitimate children are under the special charge of their mother and are bound to take care of their parents in old age or in any other circumstances of life in which the parents may need assistance (Civil Code, Articles 230, 231, 287 and 288).

The father is obliged to contribute towards the maintenance and education of the child; failing the mother, the father is bound to take personal charge of his illegitimate children (who are termed at law his "natural" children—"hijos naturales") in the same way that he is bound to take charge of his legitimate children. The court, after due investigation of the facts, decides the amount which the father is to contribute, together with the mother, towards the maintenance and education of his children (Civil Code, Articles 233, 289 and 291).

4. The mother of an illegitimate child possesses the same rights and duties in respect of her illegitimate children as the father of a legitimate child. Failing the mother, the father is bound to take personal charge of these children and educate them. In addition, the father is obliged to assist the mother in the maintenance and education of the children. In fixing the amount, the court takes into consideration the financial and social situation of each parent, and, if necessary, the financial situation of the child itself (Articles 238, 287, 289, 291, 346, 348).

The illegitimate child is entitled to claim adequate maintenance from its mother and the "natural" child from its father (Articles 338, No. 4, 340 and 341).

Maintenance must be paid so long as the child stands in need thereof and so long as the person who is thus bound to provide maintenance is able to do so (Articles 350 and 357, Nos. 2 and 3).

The illegitimate child is entitled to claim maintenance from its mother's heirs; the "natural" child, from the heirs of its father (Article 1141).

#### SIAM

1 and 4. All children born openly of Siamese parents are legitimate and have full legal rights of inheritance and succession. It makes no difference whether the marriage with the mother is formal or not; it is sufficient if a man and a woman agree to live openly together as man and wife.

All children born openly of Siamese parents have full legal rights to maintenance and inheritance. Even if the father is not known, the child is entitled to inherit the property of the mother according to law and to be maintained by her.

<sup>1</sup> In Roumania, the status of illegitimate children is regulated by several different bodies of law. Here are given only the rules which are operative in the Old Kingdom and Bessarabia. In Transylvania, Hungarian customary law is still in force, while in Bukowina the Austrian Civil Code applies. It has been thought unnecessary to quote these laws or to offer any comments thereon, as the Hungarian and Austrian authorities have already done this in their replies to the questionnaires.



### SOUTH AFRICA

1. What is meant by "the rights and obligations of the mother and of the father towards the illegitimate child" in No. 1 of the questionnaire is doubtful, as certain rights and obligations are separately dealt with in Nos 2, 4 and 5.

The mother of an illegitimate child is its natural guardian in South African law. She has the same rights and obligations against and to the child as a married mother would have against and to her child born in lawful wedlock, for "eene moeder maakt geen bastaard". The father, on the other hand, is in law a stranger to the child except for his natural and statutory obligation to maintain the child. The father has consequently no claim to the custody of such a child. Between an illegitimate child and both its parents there exists a reciprocal duty of support.

4. The substantive rights of illegitimate children against their parents are closely connected with the procedure in affiliation proceedings and have been set out in the reply to Question 2.

### SPAIN

1. Acknowledged illegitimate children are under the authority of the father or mother acknowledging them, and have the same rights and duties as legitimate children.

Acknowledgment may be made by the father or mother separately.

The father is obliged to acknowledge an illegitimate child under the following circumstances :

(1) If a document undoubtedly written by him expressly recognising that he is the father of the child is produced ;

(2) When the child has continuously been treated as an illegitimate child of the father, as shown or proved by direct acts of the said father or of his family.

The mother is obliged to acknowledge an illegitimate child :

(1) When the relations between the child and the mother are the same as those set forth above in respect of the father ;

(2) When the act of giving birth to the child and its identity are fully proved.

Under the penal code, persons convicted of rape, the corruption of a minor, or abduction are obliged, as part of the reparation due from them, to acknowledge the offspring if their position permits.

In other cases, parents are only obliged to support illegitimate children to the extent stated in the reply to Question 4.

4. Parents and children legitimated by Royal Warrant, and the legitimate descendants of the same, are reciprocally obliged to maintain each other in the full sense of the word (that is to say, to provide all that is indispensable for sustenance, lodging, clothing and medical assistance, in accordance with the social position of the family, and to provide for the education and upbringing of minors entitled to maintenance).

Parents and children not treated as illegitimate children are obliged to give each other such help as is necessary to provide subsistence. Parents are furthermore obliged to provide the children with elementary education and training for a profession or trade.

### SWEDEN

1. The rights and obligations of the mother and father towards the illegitimate child are governed by Articles 2 to 11 of the law concerning children born out of wedlock.

#### LAW OF JUNE 14TH, 1927, ON ILLEGITIMATE CHILDREN.

##### *" Name of Child.*

" § 1. An illegitimate child shall receive the name of the mother. If the mother is married or divorced, the child shall receive her maiden name.

" The father, and also the husband of the mother should the latter be married, may give the child his name. Any such change of name shall require the consent of the person responsible for the child's maintenance, if the latter is over 21, and the consent of the child himself, if over 18.

" If the child is the offspring of engaged parents, the person responsible for the maintenance of the child, or the child himself, if over 21, shall decide whether he shall bear the name of the father. If the child is over 18, the person responsible for his maintenance shall not take any decision of this kind without the child's consent.

" For the purposes of the present law, the term ' offspring of engaged parents ' shall be understood to mean a child conceived during an engagement or one whose parents have become engaged subsequently to conception ; even if at the time of the engagement the parents are related by blood or marriage in such a way that the marriage between them cannot be solemnised, or if one of them is already married to another person, the child shall still be regarded as the offspring of engaged parents, provided that both parties or one of them acted in good faith (Law of June 27th, 1924).

##### *" Guardianship.*

" § 2. The mother acts as guardian until the child has completed his or her twenty-first year or marries.

" If the parents agree that the father shall replace the mother, the father, at his request, shall be appointed guardian by the court, if he is capable of acting in this capacity and is morally fit to do so.

" If it is proved that the mother is incapable of undertaking the guardianship of the child or is not morally fit to do so, or in the event of her death, the court shall confer the guardianship of the child upon the father or a specially appointed guardian. Should any dispute arise in this connection and no decision be reached immediately, the court shall have discretion to appoint a guardian for the period which may elapse before the matter is finally decided. In country places,

if the dispute has not been brought before a court, the judge shall proceed to appoint a guardian as provided above. Where an appointment is made in this manner by the court or the judge or a final decision is given whereby the guardianship is transferred, the relevant passages of the provisions of paragraph 2 of section 28, the second and third paragraphs of section 29, section 30 and the second paragraph of section 31 shall also be applied.

“ Should the mother be the guardian of the child, she may, even if, owing to her age, she is not legally emancipated, submit claims on behalf of the child, as provided under sections 21 or 34; she may also, in accordance with the stipulations of sections 9 or 11, sign agreements concerning the child's maintenance.

“ The right to see the child must not be refused to the father or mother who is not his guardian unless special circumstances render this refusal necessary. Should the father or mother be dissatisfied with the decision taken by the person acting as guardian, the dispute shall be brought before the court for settlement (Law of June 27th, 1914).

*“ Maintenance and Education.*

“ § 3. The child is entitled to be maintained and educated by his parents in a manner fitting their station.

“ The above-mentioned right to maintenance ceases, at the earliest, when the child completes his sixteenth year, and, at the latest, when he completes his eighteenth year, unless the child's propensities and other circumstances make it desirable that his education should be continued (Law of June 11th, 1920).

“ § 4. The father and mother are bound to contribute to the child's maintenance according to their means.

“ The parent who is not the guardian of the child must provide for his maintenance by money payments.

“ § 5. The father is bound, according to his financial position and that of the mother, to contribute to the latter's maintenance for six weeks before and six weeks after confinement. In calculating the cost of such maintenance, any special expenses connected with the confinement must be included. If, owing to confinement, feeding, or looking after the child the mother is seriously incapacitated for work, or if she contracts a disease as the result of pregnancy or confinement, the father may be called upon to contribute to her maintenance for a longer period than that provided above. This period shall not, however, exceed a maximum of four months before and nine months after delivery.

“ § 6. If the child, when he is no longer entitled to maintenance as provided under section 3, should be unable to support himself owing to illness or to some other similar cause, the parents are bound to maintain the child in a manner appropriate to their means.

“ This obligation in regard to maintenance falls upon the child should his father or mother be unable to support themselves owing to illness or to some other similar cause.

“ § 7. The maintenance allowances may be fixed at different amounts for certain parts of the period during which this maintenance is payable.

“ § 8. Unless otherwise decided for certain special reasons, the maintenance allowance must be paid for the calendar month in advance. Advance payment for a longer period than that mentioned above, or than the period specially determined, does not free the person concerned from the obligation of contributing to the cost of maintenance during the prescribed period.

“ § 9. Arrangements concerning the discharge of future obligations in regard to maintenance, in accordance with sections 3 or 5, must be made in writing, certified by two witnesses and approved by the curator, or, failing him, by the Office of Guardians. Should the arrangement provide for the payment of a specified lump sum in one amount, the approval of the Office of Guardians is, in every case, required. An arrangement of this kind can also be made before the birth of the child.

“ Should such an arrangement fail to conform to the regulations stipulated in the above paragraph, or should an agreement concerning the future payment of a maintenance allowance be made in accordance with section 6, the person concerned is nevertheless fully entitled to claim the sums necessary for his maintenance, as provided by the law.

“ § 10. The sum which the person responsible for the child's maintenance undertakes to pay in one amount, according to the terms of an agreement drawn up in conformity with paragraph 1 of section 9 for the child's maintenance must be paid to the Office of Guardians by whom an annuity corresponding to the amount provided for the child's maintenance will be purchased from the Swedish Insurance Institute or some other Swedish insurance company, in so far as this procedure is not precluded by any clause in the agreement, or unless the Office considers that the sum could be employed more profitably for the child's maintenance.

“ § 11. Should the father die, and the child, as provided in section 12, be unable to succeed him, the amount payable by the deceased for the future maintenance of the child and the mother shall be deducted from his estate, with priority over the rights of the heirs and legatees. The child shall not, however, be entitled to receive a larger share than he would have received if he had been legitimate.

“ As regards the arrangements concerning the sums payable to the child, the provisions of section 9 shall apply. The said provisions shall also apply to cases where the father agrees to pay a specified lump sum in one amount for the child's maintenance, as well as with regard to arrangements concerning the sums due to the mother.

“ Any sum payable to the child must be employed in accordance with the provisions of section 10.”

4. The rights of illegitimate children in respect of maintenance by their parents are determined by Articles 3-11 of the law quoted above.

### SWITZERLAND:

1. The first question being of a general character, a general reply is called for. Filiation is legitimate when the child is born in wedlock or has been legitimated (Articles 252, 133, 258 and 260 of the Swiss Civil Code). In other cases filiation is illegitimate. The relationship between an illegitimate child and his mother is established by the mere fact of its birth (para. 1 of Article 302). As between the child and its father, it can be established by acknowledgment or by a decree of the court (para. 2 of Article 302 of the Civil Code).

In relation to its mother, an illegitimate child's legal position is the same as if it were legitimate. We would draw attention, however, to Articles 324, 326 and 327 of the Civil Code. The mother is entitled to take legal action to establish the paternity of her illegitimate child subject to the conditions fixed in Articles 307 to 323 of the Code.

The father is entitled to acknowledge his illegitimate child by a notarial Act or testamentary disposition (Article 303), except in the case mentioned in Article 304 and in the case of the pleas in bar provided for in Articles 305 and 306. The father's obligations towards a child whom he has acknowledged are the same as if such child were legitimate (Article 325). As, moreover, action to establish paternity may be brought against the father by the mother of his child, as stated above, the obligations which may devolve upon him when a decree is given are defined in Articles 309, 317 to 322, 325 and 327.

4. If the plaintiff's claim is allowed, the court orders the defendant to contribute to the child's maintenance, as provided in Articles 319 and 320.

### UNION OF SOVIET SOCIALIST REPUBLICS

1. The difference made by the legislation of the old regime between the position of legitimate and "natural" or illegitimate children (in regard to the reciprocal rights and obligations of parents and children) was abolished by a decree promulgated in December 1917, i.e., less than two months after the establishment of the Soviet power. The same decree also introduced the compulsory registration of births, marriages and deaths by special civil register institutions, which were then set up. (Before the Revolution, it was the ministers of religion who entered baptisms, marriages and burials in the parish registers).

The obligation of declaring a birth lay with the parents or one of them, or else with the persons in whose care the infant was placed in the event of the death of the parents: the christian names and surname of the child had to be declared in the presence of two witnesses certifying the birth. The persons having declared themselves father and mother were entered as such with their signatures to that effect.

If a natural child was not declared by its father according to law, proceedings for establishing paternity could be taken by the mother of the child, its guardian or the child itself.

The law abolishing the difference between legitimate and illegitimate children was later inserted in the Code of Laws concerning Civil Register Acts, and Marriage, Family and Guardianship Rights; this Code was in force from the end of October 1918 until January 1st, 1927. The same law was repeated in the Code of Laws on Marriage, Family and Guardianship, voted by the Central Executive Committee of the Russian Socialist Federative Soviet Republic on November 19th, 1926, which came into force on January 1st, 1927.

The other Republics forming part of the U.S.S.R., namely, White Russia, the Ukraine, the Caucasian Republics (Georgia, Azerbaijan and Armenia) and the Uzbek and Turcoman Republics, have also adopted the same solution of the question of illegitimate children in their codes or in their decrees. These laws have therefore been in force in the whole of the territory of the Soviet Republic for the last ten years.

The laws on the family (especially those concerning children) in the different Republics belonging to the U.S.S.R. being practically the same, we shall only outline here the fundamental principles of the legislation of Soviet Russia, which serve as a model for the other federated Republics.

In the U.S.S.R., it has become so customary to make no difference between the rights of legitimate and illegitimate children that it is considered superfluous to mention the matter in the laws concerning succession duties, allowances, compensation funds, etc. It is only in the Code of Laws on Marriage, Family and Guardianship that we have the phrase: "Children whose parents are not married shall enjoy the same rights as children born in wedlock". Thus, to the question: What are the rights and obligations of the father and mother towards the illegitimate child? We may briefly reply: They are the same as towards the legitimate child. But as Soviet law bears little resemblance to the legislation of most other countries, especially in regard to the mutual rights and obligations of husband and wife and of parents and children in the matter of successions, public relief, etc., we are obliged to speak in greater detail of the rights and obligations of parents towards their illegitimate children.

The Soviet codes contain no stipulation on the legal presumption of paternity of the husband, as do the majority of other civil codes; they therefore do not presume that the husband is the father of a child conceived in wedlock. Article 25 of the Russian Code says that "the reciprocal rights of parents and children are founded on consanguinity". Thus, if a married woman conceives a child by a man other than her husband, it is the former who will be registered as father and not the mother's husband.

Under Article 121 of the Russian Code, each mother must give the civil registrar office the christian names and surname of the father of the child, or else state that she cannot or does not wish to give this information. The birth of a child must be declared within a fortnight of the event. The declaration must be made in writing or in person. The fact of birth must be established by a doctor's certificate or if the child was born at home, by a certificate from the administration of the house or its owner, or else by two witnesses; these witnesses may be the parents themselves. Usually it is the parents who appear in person at the civil registrar office to declare the birth. If one of them makes this declaration alone, he or she is obliged also to produce papers certifying the identity of the other parent. If the declaration is made neither by the father nor by the mother, but by other persons, the production of the papers of the husband and wife is even more obviously compulsory. If the parents are not married, the civil registrar requires a formal acknowledgment by the father that the child is his.

Under the laws of the Soviet Republics, the registration of a marriage is not compulsory, it is only instituted in the interests of the State and to facilitate the protection of the rights of women and children. The very term of "natural child" as it exists in other countries has therefore no meaning in the U.S.S.R. Thus, there is no difference in the position of children whose parents register their marriage at a civil register office and that of children born of parents who have not registered, particularly as by law *de facto* marriage can at any time be entered on the civil registers at the request of the man and woman

<sup>1</sup> Articles 302-327 of the Swiss Civil Code appear in Appendix III.

with a statement of the duration of their cohabitation ; or evidence of marriage may be established judicially at the request of one of the two partners. For this the following three conditions are simultaneously required : cohabitation of the persons, household in common, and manifestation to third persons or in writing (documents and correspondence) of their marital relations. Similarly, the fact of marriage may be proved by the joint education of the children and by mutual assistance in the form of money, etc. The only difference, which is a purely formal one, between children the issue of a non-registered union, consists in the names of the parents on the birth certificate not being the same (identical). But as, under the laws of the U.S.S.R., a woman may keep her own name when she marries, this difference is not necessarily the proof of a non-registered union. In speaking here of "illegitimate children", we chiefly have in mind children who are the issue of a temporary union between persons not having a household in common, and not the children of parents who, although not married, live and bring up their children together. Thus, leaving out of account the latter, whose position does not differ from that of children the issue of marriages registered at the civil registrar office or of marriages concluded before the Revolution and consecrated by the Church (even if their parents actually separated, the position of these children would be the same as that of children whose parents had divorced), we shall deal only with children born of temporary unions which the laws of the U.S.S.R. do not place on the same footing as a *de facto* marriage. As we have already said, the mother is obliged to declare the name of the father on registering her child. This declaration is not sufficient in itself, however ; it must be confirmed by the person named as father ; otherwise he will not be registered as such.

The christian names and surname of the child will be chosen by the person or persons making the declaration of birth at the civil registrar office. If the parents cannot agree on the child's name, the matter will be referred to the Court of Guardians, whose duty it is to settle the question finally. With few exceptions, mothers in Russia give their children their father's name if the latter acknowledges his paternity and takes part in the act of registration, and this is true even in the case of temporary unions. Disagreements as to the child's name are comparatively rare, and the Court of Guardians usually also decides on the same lines and gives the father's name. In cases of proceedings to establish paternity through the judicial or administrative channel, as described above, the child, at the mother's request, also nearly always receives its father's name.

The "patria potestas" properly speaking does not exist in the U.S.S.R., although the law sometimes uses the expression "rights of parents", but these rights are in reality only duties towards the child.

The most important article of the Family Code lays down that parents may only exercise their rights in the child's interest, and the courts are empowered to deprive them of their authority in case of abuse. The rights of parents, as contrasted with their obligations, are confined to choosing the manner in which they shall perform their duties towards the child, and here the rights of the father and mother are absolutely equal (unlike the practice in many Western countries). Both are regarded as the child's natural guardians and for this require no special authorisation. Both are obliged to take care of a child under age, give him an education such as to make him useful to society later, provide for his upkeep, defend his interests and his patrimony and represent him before the courts and other institutions. Parents have the right to decide on the type of education and teaching to be given to the child. All decisions in regard to the child have to be taken jointly by the father and mother ; in case of disagreement, the question is settled by the Court of Guardians with the participation of the parents. It is only in cases where the father and mother live apart and cannot come to a friendly agreement as to which of them the child under age shall live with that the dispute is settled through the judicial channel and independently of the circumstances of the parents. The preference is given to the parent likely to give the child the best education —i.e., the question is always to be settled solely in the child's interest.

The Russian Code before the Revolution recognised the right of parents to chastise their children—but under the present code they are deprived of this right, and any corporal punishment inflicted on children is regarded as a crime or offence on account of which parents may be deprived of their authority and sentenced to punishment for assault. In the same way, parents cannot decide what religion the child shall follow and their decision on this point has no legal force. Parents are entitled to claim their child through the legal channel from any person detaining it without authorisation by law or by a juridical decree, but the courts are not bound by the formal rights of the parents, and in all cases the magistrate must be guided only by the child's interests. Cases have occurred where parents, having entrusted their child to other persons and having taken no more interest in the child for a long time, suddenly claimed it, and the child had completely forgotten them and attached itself to its new family. In such cases, the courts usually refuse to allow the parents' claim. But, even in the contrary case, the decision could not be carried out, as in Russia no violence towards children is tolerated, and if the child refuses, the executive officer must refer the matter to the public education and guardianship bodies, which must endeavour to secure the execution of the decree by pedagogic influence on the child.

In the U.S.S.R., employment of children under 14 years of age in factories, workshops, etc., is absolutely prohibited. To undertake paid work, adolescents under 16 must obtain a special authorisation from the labour inspector, which will only be granted in case of extreme poverty in the family, or if the child is an orphan, and only after a medical inspection showing that the child's physical development is sufficient. Only children over 14 are accepted as apprentices in industrial establishments or with artisans. Parents have the right to conclude apprenticeship or labour contracts for minors (under 18), but only with the latter's consent. Minors may also conclude contracts, but their parents or guardians may cancel such contracts if they are detrimental to the minor or likely to injure his health. Parents have no right to the wages of minors, and under our laws, adolescents between 14 and 18 are free to dispose of their earnings. In the U.S.S.R., adolescents reach their majority at the age of 18 and thereafter enjoy full rights. All the rights and obligations which we have enumerated belong to parents independently of whether their child is "legitimate" or "illegitimate" to use the term employed by Western legislations.

A father who is not married to the child's mother may also claim the custody of the child if the education with which the child is provided by its mother is inadequate. The father may also demand the cancellation of a contract concluded by his "illegitimate" child, or refuse to consent to the adoption of this child by another person, or require the annulment of such adoption if it has already taken place without his consent. For the purpose of formal adoption, our laws require the consent of the parents, and it is only in the absence of parents that their consent may be replaced by that of guardians, curators or the Court of Guardians. It need hardly be said that, in the U.S.S.R. as elsewhere, children who are the issue of a temporary union and those belonging to a family deserted by the father nearly always remain with the mother, while the father generally does not claim his rights in order to enforce

them, but confines himself to performing his duties, which he would be forced to do by the law if he attempted to evade them. Thus, the rights of parents, in so far as they exist in the U.S.S.R., ordinarily belong to the mother alone.

4. The father's obligation to provide maintenance under Soviet law does not depend upon whether the child is legitimate or not, or on whether the parents are married or not. The child may even be adulterous or incestuous or its conception be attended by crime (rape, seduction, etc.); this makes no difference, as, under our laws, every parent is obliged to provide for its child's needs.

Both father and mother are liable to this obligation, and a proportion is fixed according to the means or wages of each.

In Russia, the amount of the monthly pension for maintenance is not fixed, as it is, for example, in England; there is no maximum or minimum. Unmarried fathers, and husbands having deserted their families, are liable to pay up to 50 per cent of their wages for the upkeep of the children, which sometimes makes a considerable sum. According to our Code of Civil Procedure, the executive officers of the law are not entitled to withhold more than half of a person's wages.

In fixing the amount of the maintenance obligation, the courts take into consideration: (1) the earnings of the father and the mother, (2) the number of persons each has to support, (3) the attention to be given to the child by the mother, especially when this prevents her from earning money herself. Applications for maintenance in Russia are exempted from all legal costs and, if the mother wishes, she is provided with free counsel, although such assistance is rarely essential. As the courts follow the principle of protecting the interests of children and of deserted mothers, they will themselves do all that is necessary to collect the requisite evidence.

The non-payment of maintenance under our laws is an offence punishable by a money fine up to 150 dollars or imprisonment up to six months. A conditional sentence is often imposed on the offender to force him to discharge his obligations. Our laws require the father to provide, not only for the maintenance of the child, but also for that of the mother if, not being married to him, she finds herself in want during pregnancy and the first six months after childbirth; he also shares in the lying-in expenses, cost of the layette, etc. If the child's father is absent, dead or insolvent, the maintenance obligation falls on the father's parents, *i.e.*, on the child's grandfather and grandmother, and also on its brothers and sisters, *i.e.*, on its father's children. An application for maintenance may also be addressed to the father's parents if the latter is still under age and is earning nothing.

It is hardly necessary to repeat that this rule refers to all children without exception.

## UNITED STATES

1. Since the illegitimacy legislation is left to the individual States and territories, the United States has fifty-two codes, differing widely in their treatment of the illegitimate child. With only two exceptions, however, these codes have been based on English common law and modified by more liberal statutes. By recognising the relationship of the natural child to the mother, and the possibility of establishing paternity by judicial process or voluntary acknowledgment, these codes are all more or less directly related to the system of the Germanic codes. The exceptions are Louisiana and Porto Rico, both of which are based on the French system or the "Code Napoleon". American legislation has completely modified the relationship of the illegitimate child and mother so that it approximates the status of lawful parent and child. Inheritance, support, custody, guardianship, apprenticeship and adoption laws have all had a part in this change. There is, however, considerable variation in the laws regarding this relationship.

Several States provide that the mother shall be the natural guardian of her illegitimate child and provisions in other States that the mother may appoint a guardian for her illegitimate child presuppose such guardianship. As such she is entitled to the custody and earnings of the child. The right of custody is rarely given to the father, but Illinois gives it to him after the child is 10 and before that if the mother is unfit.

Adoption laws recognise the mother's right of custody, dispensing with her consent only in case of unfitness or abandonment. Minnesota gives the acknowledged or adjudged father of an illegitimate child the right to notice in adoption proceedings. The father can adopt the child, with the consent of the mother, except in Illinois where the law will not permit a parent to adopt his own child. The mother's right to the child is also recognised by some old statutes authorising the mother to bind the child as an apprentice, as the father may his legal child, but this is a matter of little importance to-day.

Professor Freund suggests that "The law might be considerably simplified by a general declaration to the effect that for the purpose of all legal rights and obligations an illegitimate child should be deemed to be the legitimate child of its mother".<sup>1</sup>

4. In the past the whole burden of support has been borne by the mother of the illegitimate child, or by the persons or organisations to whom she relinquished it. Under the laws of some of the States, and in the absence of statutes, under judicial decisions, the mother is charged with the maintenance of her child of illegitimate birth. Under the desertion and non-support laws she may be prosecuted for failure to support the child.

There is great variation in State legislation in regard to the father's obligation. A few jurisdictions are entirely without legislation of this kind. Where there is legislation, and the amount the father must pay is specified, the sum varies from a minimum of \$1 a month, in Arkansas, to a possible \$500 a year, in Oregon, and the time from three years, in Tennessee, to support until majority, as is the case in Arizona. Many of the States leave both the amount and the period of support to the discretion of the court as does the uniform law. Naturally, in these States there will be marked variation in practice as there is in public sentiment. The amount paid is usually dependent both upon the standard of living of the mother and the economic means of the father, taking into consideration his possible obligations to a legitimate family.

The method of enforcement also varies. California provides a purely civil obligation to support an illegitimate child enforceable by civil suit but, since desertion and non-support laws also apply, the duty can also be enforced by criminal prosecution. Desertion and non-support laws apply in 19 States.

<sup>1</sup> FREUND, Ernst: *Illegitimacy Laws of the United States and Certain Foreign Countries*, p. 21, U.S. Children's Bureau. Legal Series No. 2, Bureau Publication No. 42, Washington, 1919.

Massachusetts changed from a quasi-criminal to criminal procedure in order to obtain the advantages of probation. The uniform act provides that :

“ Instead of committing the father to jail, or as a condition of his release from jail, the court may commit him to the custody of (probation officer), upon such terms regarding payments and personal reports as the court may direct. Upon violation of the terms imposed, the court may commit or recommit the father to jail.”

In an attempt to deal with the difficult problem of the absconding defendant, Minnesota has made it a punishable offence for the father to leave the State either before or within 60 days after the birth of the child. If he leaves with intent to evade proceedings to establish the paternity of the child, he is guilty of a felony and may be imprisoned for two years. Professor Freund says the Minnesota provision probably will not stand judicial scrutiny, since before escape the defendant was not a criminal<sup>1</sup>.

#### VENEZUELA

1. Under Article 308 of the Civil Code the father and mother are obliged to maintain, bring up and educate their children, including illegitimate children whose natural affiliation has been legally proved. Except where otherwise provided by law, the natural child stands, in accordance with Article 241, in the same relation to the mother and her relations by blood as the legitimate child. Under Article 284, the mother exercises paternal power, with all the rights and obligations inherent therein, with respect to her child under age whose natural affiliation has been legally proved. The paternal power is governed by the provisions of Articles 283 to 307, Part VIII, Book I, of the Civil Code.

4. As stated in the reply to Question 1, under Article 308 of the Civil Code, the father and mother are under the obligation to maintain, bring up and educate their illegitimate children whose affiliation has been legally proved. Such children in their turn are obliged in the same way, under Article 310, to provide for the wants of their parents and other ascendants should they be in need. This latter obligation only exists where the parents or other ascendants who are in need have no legitimate children ; where there are legitimate children, the obligation devolves upon them.

The law permits a natural child to take proceedings for maintenance under the following conditions, even when he may take no action to establish paternity or maternity, on account of the existence, in the case of either of the parents, of an unavoidable impediment to marriage at the date of the child's conception :

- (1) When the paternity or maternity is indirectly established by a decision of a civil or criminal court ;
- (2) When the paternity or maternity is the result of a marriage which has been declared null and void ;
- (3) When the paternity or maternity has been established by a declaration to that effect made by the parents in writing.

The extent of and conditions affecting the right to maintenance are governed by Part IX, Articles 308 to 326.

---

#### QUESTION 2.

*Is action to establish the paternity of the child allowed ? (Affiliation proceedings).*

*If so, how is this action undertaken ?*

---

#### ALBANIA

An illegitimate child is not allowed to take any action to establish its paternity, and any steps taken for this purpose are of no avail.

#### AUSTRALIA

##### NEW SOUTH WALES.

The New South Wales Child Welfare Act 1923, No. 21, contains provisions for the maintenance of illegitimate children. Part X (Sections 69 to 95 inclusive) deals with affiliation proceedings. Under Section 69, a single woman may take proceedings against a man (*inter alia*) for its maintenance before the birth of the child ; and under Sections 73, etc., the mother of the child or the head of the department appointed to administer the Act or any other reputable person on its behalf may take proceedings by way of complaint against the father before a magistrate or children's court, and, on requisite proof, may obtain an order for the payment by the defendant of a sum for the maintenance and education of the child.

Also, in any case where the mother of an illegitimate child has left it without means of support, the head of the department aforesaid, or any reputable person on behalf of the infant may make complaint in writing on oath to a magistrate or children's court ; and, on the requisite proof, may obtain an order against defendant for the payment of a sum for maintenance and education as aforesaid.

#### QUEENSLAND.

1. Yes. By the mother or the guardian or the Director of State Children.

Section 53 of the State Children Act (2 Geo. V, No. 11) states : “ Upon the hearing of a complaint under this Act in respect of the maintenance of an illegitimate State child of which the defendant is alleged to be the father, no maintenance order shall be made : (a) upon the evidence of the mother, unless her evidence is corroborated in some material particular, or (b) if the court is satisfied that, at the time the child was begotten, the mother was a common prostitute.

---

<sup>1</sup> FREUND Ernst : “ A Uniform Illegitimacy Law ”, *The Survey*, Oct. 15th, 1922.

#### SOUTH AUSTRALIA.

Action to establish paternity of the child is allowed. The Maintenance Act of 1926 of South Australia provides for the maintenance of illegitimate children as well as legitimate children. The action of the child, and may be taken by or on behalf of the mother or the child, or by any Officer of the Children's Welfare and Public Relief Department. It has become the usual practice for the mother of any illegitimate child to consult the Children's Welfare Department, where her case is taken up by Officers of the Department, investigated, reported upon attempt made to settle by agreement, conference, etc., then, if need be, by legal proceedings being taken.

#### TASMANIA.

Affiliation proceedings by way of complaint in the Court of Petty Sessions are authorised by the Maintenance Act, 1921 (12 Geo. V, No. 40), and may be taken on the child's behalf by the mother, by the Commissioner of Police, or by any reputable person.

#### VICTORIA.

Action to establish the paternity of an illegitimate child is allowed to this extent, that proceedings may be taken under Part III of the Marriage Act, 1915, to compel any father who has deserted his illegitimate child or left it without adequate means of support, to support that child, and in these proceedings it is necessary to tender evidence as to the paternity of the child. The proceedings are initiated by complaint on oath by the mother of the child or by some reputable person on her behalf, or on behalf of the child, before any Justice of the Peace, who may thereupon issue a summons requiring the father to show cause why he should not support such child. In analogous proceedings under Part IV of that Act ("Orders for Confinement Expenses") it is also necessary to satisfy the justices that the defendant is the father of the child the subsequent birth of which is probable.

#### WESTERN AUSTRALIA.

Action to establish paternity is permissible and is taken through the medium of children's courts under the provisions of the Child Welfare Act, which, on sufficient corroborative evidence being forthcoming, allows a court to make a maintenance order against a reputed father up to 20/- per week. Reasonable confinement expenses are also allowable and, in the case of the death of a child, an order for funeral expenses can be obtained. This action is undertaken by a complainant (usually the mother of child against the putative father) signing a complaint that the man named in the complaint is the father of her child or, in the case of proceedings taken prior to the birth of the child, her expected child. In such cases it is usual for an officer of the Department to assist the complainant in the court. In cases where an ex-nuptial child is a ward of the Department, the Department conducts the case.

#### AUSTRIA

There are two methods of determining the paternity of an illegitimate child: it may be voluntarily acknowledged by the father himself, or it may be established by means of an action at law, such as every illegitimate child is entitled to bring in Austria.

If necessary, in order to safeguard the child's rights, the court must see that the paternity is either acknowledged under voluntary jurisdiction, or determined by legal proceedings (§ 16 of the Imperial Order of October 12th, 1914, R.G.BI. No. 276). If affiliation proceedings are instituted, the child, represented by its guardian, has the onus of proving that the defendant is the father. In order to facilitate proof, the law allows paternity to be presumed. According to § 163, A.B.G.B.:

"Any person who is shown, in the manner prescribed in the Rules of Court, to have cohabited with the mother of a child within a period of not less than 180 and not more than 300 days from her confinement, or any person, who acknowledges paternity even outside the court, shall be deemed to be the father of the child."

If the defendant, though he cohabited with the mother in the period stated, still denies paternity, he must bring rebutting evidence to disprove paternity. The plea by the defendant that the mother cohabited with several men during the period in question is not expressly ruled out by law, but it is the universal practice of the courts to disregard it.

#### BELGIUM

Affiliation proceedings may only be taken in the following cases:

(1) If an illegitimate child possesses status as such under the conditions laid down in Article 321; Article 321 of the Civil Code reads as follows:

"The possession of this status is established if sufficient evidence is obtained to show the filiation of a person to members of the family to which he claims to belong. The principal evidence is that the person in question has always borne the name of the person whom he claims as his father; that the father has treated him as his child and in that capacity has provided for his education, maintenance and settlement; that he has constantly and openly been recognised as such; that he has been recognised as such by the family."

(2) If, during the legal period of conception, there has been abduction by violence, guile or threats, illegal detention or imprisonment, or rape (Law of April 6th, 1908, Article 340a of the Civil Code).

#### BULGARIA

Affiliation proceedings are forbidden.

## CANADA<sup>1</sup>

Affiliation proceedings are authorised in all the provinces of Canada; an affiliation order must precede or run concurrently with an order for maintenance.

The expenditure made by persons or agencies on behalf of a mother or child may be recovered by civil suit in seven provinces.

In any of the Canadian provinces a private agreement may be concluded by the putative father and the mother in respect of maintenance and other expenses, but in six provinces—namely, Alberta, British Columbia, Ontario, Saskatchewan, Prince Edward Island and Manitoba—any such agreement to be recognised as valid and enforceable must receive the endorsement of the representatives of the provincial child welfare authorities or the court as the case may be and may then be enforced as any court order. In all the provinces of Canada<sup>2</sup> where private agreements are provided for specifically in legislation, any such private agreement may be adduced as *prima facie* evidence of paternity.

In all nine provinces of Canada, action for her own expenses may be brought by the mother in her own name, and in all but Quebec action for the establishment of paternity and for payment of the child may also be brought by her. In seven provinces, action may also be brought by certain relatives or the next friend or guardian of mother or child. In six provinces, action may be taken by a social agency. In six of the eight English-speaking provinces, the initiative may be taken by the provincial child-welfare authorities and in the other two by the local Poor Law authorities.

Seven of the provinces specifically state that evidence strongly corroborative to that of the mother's must be adduced before an order of paternity is granted. Quebec requires a commencement of proof in writing before the woman's testimony can be admitted.

Five provinces, Alberta, Manitoba, New Brunswick, Prince Edward Island, Saskatchewan, admit the dual responsibility principles in cases of doubtful paternity, but joint liability is imposed only on those men absolutely proved to be possible fathers of the child.

In Quebec, where the law is based upon different principles, proceedings may be taken to establish maternity as well as paternity. Establishment of maternity or paternity imposes the duty of maintenance in regard to the child, but the results are the same if the child has been voluntarily acknowledged.

Under the vital statistics legislation of eight provinces of Canada—namely, Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan—it is specifically enacted that the father of a child born out of wedlock shall not be registered as the father, unless he and the mother request in writing that the registration be so made.

## DANZIG

There are no restrictions as regards action to establish paternity. If the person from whom maintenance is claimed on the grounds that he is the child's father contests paternity, proof shall be adduced in accordance with the general regulations governing civil disputes. Article 1717 of the Civil Code lays down that paternity of the illegitimate child shall be attributed to the person with whom the mother has cohabited during the period of conception, unless she has also cohabited during that time with another person. If, however, the circumstances are such that it is manifestly impossible for conception to have ensued from cohabitation with a certain person, that person shall not be incriminated. By period of conception is meant the period from the 181st to the 302nd day (inclusive) before the child's birth.

## DENMARK

A woman who has become pregnant out of wedlock has the right from six months after conception onwards, to institute proceedings against the person indicated by her as the father of the child. If the person thus indicated has absconded before it has been possible to decide whether it is his duty to pay maintenance, the police may be required to assist in searching for him.

## ECUADOR

"Article 278. Any person who proves that he has had charge of the upbringing of a child that has not yet reached puberty may present a petition on its behalf.

"Young persons under 21 shall be assisted in making such petition by their guardian or general curator, or by a special curator.

"Article 279. The putative father may be summoned before the magistrate on behalf of the illegitimate child to state on oath whether he believes himself to be its father, mention being made in the summons of the purpose for which it has been sent.

"Article 280. Should the respondent fail to appear without good and sufficient cause, a further summons will be sent him, the purpose being specified therein and, if he still fails to appear, paternity will be regarded as established.

"Article 281. No attempt shall be made to establish paternity by any other means than those specified in the preceding articles.

"Article 282. Should the respondent acknowledge paternity or, if, as provided in Article 280, paternity is regarded as established, the father shall be compelled to maintain the child, but only to provide it with strictly necessary means of subsistence. This restriction shall not apply in the case contemplated in Article 284.

"Article 284. Should abduction be proved by some authentic means, and conception have been possible while the woman was in her abductor's power, the latter shall be compelled, not merely to provide the child with the means strictly necessary for its subsistence, but as far as possible to maintain it in a manner appropriate to the mother's social position.

"The act of inducing a girl under age to leave the house of the person in whose care she is placed is regarded as abduction, even though force may not be used. The right to take action under this article is limited to a period of ten years as from the date on which proceedings could be begun.

<sup>1</sup> See note relating to the reply to Question 1, p. 119.

<sup>2</sup> In Ontario, the Statutes specifically mention only an agreement with the Provincial Officer as *prima facie* evidence of paternity.



“ Article 285. The illegitimate child shall be entitled to maintenance by its mother should it be impossible to obtain maintenance from the father.

“ This action cannot be taken against a married woman.

“ Article 286. Should the respondent deny that the child is hers, the petitioner shall be allowed to prove the fact and to establish the child's birth and identity by means of reliable witnesses.

“ The birth or baptismal certificate shall not serve as proof for the establishment of maternity.

“ Article 289. The judicial proceedings in connection with the petition of an illegitimate child shall be verbal and, if the magistrate thinks fit, they shall be conducted *in camera*.

“ In the case contemplated in Article 284, the magistrate must have knowledge of the circumstances.”

The above articles show that proceedings may be taken to establish paternity, for the sole purpose of claiming maintenance, and indicate the character of these proceedings.

(As in this case affiliation proceedings merely consist of a claim for maintenance, for further information reference should be made to reply to question No. 4.)

### ESTONIA

The Estonian Laws do not make provision for affiliation proceedings<sup>1</sup>.

### FINLAND

Action to establish paternity is authorised and subject to no conditions. Under Finnish law, any person who is recognised as having had relations with the mother during the period of conception, may be ordered to contribute towards maintenance. The communal official responsible for the interests of illegitimate children is authorised, and indeed bound, to protect the rights and interests of the illegitimate child as against the father (*cf.* the Law of July 27th, 1922, on Children born outside Lawful Wedlock, amended by the Law of December 9th, 1927). The father may be ordered to make cash payments, not only for the maintenance of the child, but also for that of the mother.

### FRANCE

The Law of November 16th, 1912, amending Article 340 of the Civil Code, regulates the conditions under which the paternity of illegitimate children may be judicially established.

The amended Article 340 reads as follows :

“ Article 340 (Law of November 16th, 1912). Paternity outside lawful wedlock may be established by the Courts :

“ (1) In the case of abduction or rape, if the date of the abduction or rape would seem to coincide with the time of conception ;

“ (2) In the case of seduction consummated by fraud, abuse of authority, promise of marriage or betrothal, if there exist the commencement of proof in writing, as defined in Article 1347 ;

“ (3) If there exist any letter or other private document written by the putative father, containing a non-equivocal admission of paternity ;

“ (4) If the putative father and the mother were openly cohabiting during the legal period of conception ;

“ (5) If the putative father has provided or helped to provide for the maintenance and education of the child as its father.

“ No action for affiliation shall be entertained by the Court :

“ (1) If it be established that, during the legal period of conception, the mother was well known to be leading an immoral life, or to have had intercourse with another man ;

“ (2) If, during the same period, owing to absence or other circumstance, the putative father was physically incapable of being the parent of the child.

“ Only the child may bring an action. During the child's infancy, the mother, even if she is herself an infant, shall alone be entitled to bring an action.

“ The action must be brought within the two years following the birth of the child ; otherwise it shall not be entertained.

“ In the cases defined in paragraphs 4 and 5 above, however, an action may be brought within two years of the date on which cohabitation ceased, or on which the putative father ceased to contribute towards the maintenance and education of the child.

“ If the mother has not acknowledged the child, or if she is dead, is under a disability, or is absent, the action shall be brought, in conformity with the provisions of Article 389.

“ If the action has not been brought during the child's minority, the child may bring an action within one year after the date on which he attains his majority.”

### GERMANY

Affiliation proceedings are admitted to a certain extent ; action is taken by ordinary legal procedure, generally in order to serve as a basis for a decision regarding a maintenance claim ; the judgment is only effective as between the parties.

### GREAT BRITAIN

A Court of Summary Jurisdiction may, subject to the requirements of the law being satisfied, adjudge a man to be the putative father of an illegitimate child.  
For this purpose any single woman may in the first instance apply to a magistrate for a summons to be served on the man whom she alleges to be the father of her child.

<sup>1</sup> See explanatory note, Table B of Appendix I, page 103.

The woman may make this application before the birth of her child (in which case her statement must be sworn), or within twelve months after the birth, or within twelve months of the man's return to England if she can prove that he left the country within a year of the child's birth. Or she can make application at any later time if she can prove that, during the child's first year of life, the alleged father paid money for its maintenance.<sup>1</sup>

The case is heard after the child's birth by the magistrates in court, who must hear the evidence by and on behalf of the woman and the alleged father. If, to the satisfaction of the court, the mother's evidence is corroborated in some material particular by evidence other than her own, then the magistrates may adjudge the man to be the putative father of her child, and may also order him to contribute to its support.<sup>2</sup>

If the case is dismissed, the mother has the right, on producing fresh evidence in corroboration of her statement, to have the case heard again. Both the mother and the alleged father may appeal to a higher court against the decision of the magistrates.<sup>3</sup>

## GREECE

The mother of the illegitimate child has the right to bring an action against the father in order to obtain the acknowledgment of the child. This right extends, if necessary, to the child's guardian and to the child itself, as soon as it has completed its fourteenth year. If the father is dead, the action may be brought against his heirs, once the inheritance has been accepted by them.

If it is established that the father lived with the mother of the child between the 300th and the 180th day before the birth, this fact constitutes presumptive evidence of paternity.

If conception occurs subsequent to a known promise of marriage, an engagement, rape, abduction or seduction, or if the father was the mother's guardian, trustee or the administrator of her fortune, the Court shall, when establishing the declaration of paternity, grant to the illegitimate child (1) the rights of a legitimate child in respect of maintenance, education, endowment, etc.; (2) the same right of succession *ab intestato* as that of a legitimate child.

## HUNGARY

Law XXXIII of 1894 on State marriage registers declares in Article 41 that acknowledgment by the father of an illegitimate child may be entered on its birth certificate, but only on condition that the father makes a declaration of acknowledgment, either orally before the registrar of births, marriages and deaths or by notarial act. According to Article 95, paragraph 2, of Decree No. 8000/1906.B.M. issued by the Ministry of the Interior on the keeping of registers of births, marriages and deaths (Instructions for the keeping of registers of births, marriages and deaths, "Rendeletek Tara", 1906, page 1778), acknowledgments made abroad may only be entered in the register with the permission of the Royal Hungarian Minister of the Interior.

Government Decree No. 377/1922.M.E. (see "Igazságügyi Közlöny", 31st year, page 105, or "Rendeletek Tara" 1922, page 1), which is still in force in virtue of Article 54 of Law VIII of 1925, dealing with the reorganisation of civil procedure and judicial administration, prescribes that, if the father of the illegitimate child is dead, the fact whether the father has acknowledged the child as his own shall, for the purpose of entering on the birth certificate, be established by the Court, but without formal legal proceedings being instituted.

Otherwise, Hungarian Law makes no provision for affiliation proceedings.

The courts do, indeed, establish a fact relating to paternity when they issue a maintenance order against a person indicated by the mother or by any other legal representative of the illegitimate child as the father of the child, on the ground that the mother and the person mentioned had sexual relations in the course of the ten months preceding the birth of the child. Nevertheless, the decision of the court in a case concerning the maintenance of a natural child only affects the parties in the case and is not in itself sufficient to establish paternity or to serve as the basis of an entry on the birth certificate.

## INDIA

There is no special form of action for the establishment of the paternity of an illegitimate child, but it may be determined indirectly in proceedings for maintenance.

## IRISH FREE STATE

No action for the direct purpose of establishing the paternity of the child exists. The Boards of Guardians (now superseded by other local bodies) can recover from the putative father of the child the cost of the maintenance of such child during the time that such child, while under the age of 14 years, has been in receipt of relief from the poor rates.

## ITALY

Enquiries into paternity are not as a rule allowed either on behalf of or against the child, except in cases of abduction or rape, if the time at which this occurred coincides with the time of conception (Article 189, Civil Code). Enquiries into maternity are usually allowed, and evidence may be called, provided that there exists written proof or a presumption or indications of sufficient gravity to warrant permission being given and already established by existing documents or by failure to challenge them at the time when such proof is called for (Article 191, Civil Code).

Any person affected may oppose an action to establish paternity or maternity (Article 191, Civil Code.)

<sup>1</sup> Bastardy Laws Amendment Act, 1872, Section 3.

<sup>2</sup> *Ibid.*, Section 4.

<sup>3</sup> Criminal Justice Administration Act, 1914, Section 37 (2).

In addition to these methods of establishing maternity, the Royal Decree-Law of May 8th, 1927, No. 798, allows of enquiries of a purely administrative nature by the Health Department of the Institute for Illegitimate Children in order to discover the mother with a view to ascertaining, where possible, the health condition in which she lives, and inducing her to feed the child and to acknowledge it (Article 9). Such enquiries, in connection with which the midwife and doctor who attended the birth are responsible for giving all the information requested, are conducted privately and it is strictly forbidden to publish the results.

#### JAPAN

An illegitimate child is entitled to bring an action for acknowledgment against his father or mother if they will not acknowledge him of their own free will.

Should an illegitimate child be legally debarred from bringing such action for acknowledgment, his legal representative may act on his behalf.

Should an illegitimate child die before bringing an action for acknowledgment, his direct descendant, or the latter's legal representative, may bring an action for acknowledgment in place of the deceased illegitimate child.

The action for acknowledgment must take the form of legal proceedings brought before the local Regional Court (Chiho-Saibancho) which has jurisdiction under the general statute of jurisdiction, or which had jurisdiction at the time of the illegitimate child's death.

#### LATVIA

The Latvian Code does not mention the right to take proceedings with a view to establishing the paternity of illegitimate children. As, however, such children are not entitled to assume the name of their father or to participate in his family rights (local Civil Code, § 166), and as, moreover, the father has no paternal rights over his illegitimate child (*ibid.*, § 167), it would seem clear that the right to take such action does not exist.<sup>1</sup>

#### LUXEMBURG

Action to establish paternity is governed by the Law of June 11th, 1925, which reads as follows:

“ *Article.* — Article 340 of the Civil Code is replaced by the following provisions:

“ I. Paternity outside wedlock may be established by the Courts:

“ (1) In the case of abduction or rape, if the date of the abduction or rape would seem to coincide with the legal date of conception;

“ (2) In the case of seduction consummated by fraud, abuse of authority, promise of marriage or betrothal, and if there exist the commencement of proof in writing, as defined in Article 1347;

“ (3) If there exist any letter or any other private document written by the putative father and containing a non-equivocal admission of paternity;

“ (4) If the putative father and the mother were openly cohabiting during the legal period of conception;

“ (5) If the putative father has provided or helped to provide for the maintenance and education of the child as its father.

“ II. No action for affiliation shall be entertained:

“ (a) If it be established that, during the legal period of conception, the mother was well known to be leading an immoral life, or to have had intercourse with another man;

“ (b) If, during the same period, owing to absence or other circumstance, the putative father was physically incapable of being the parent of the child.

“ III. The child alone has the right to institute affiliation proceedings. They can only be instituted within two years following the birth.

“ Nevertheless, in the cases mentioned in paragraphs 4 and 5 above, the proceedings may be instituted until the end of the two years following the cessation of cohabitation or of the participation of the alleged father in the maintenance and education of the child.

“ If proceedings have not been taken during the child's minority, he himself may take them at any time during the year after he has attained his majority.

“ The right to take such proceedings does not pass to the heirs of the child. The latter, however, may, in accordance with Article 330 of the Civil Code, continue proceedings instituted by their parents.

“ IV. The present law is applicable to illegitimate children who are minors and who are born before its promulgation, provided that the proceedings to establish paternity are taken within the legal time-limits.”

#### MONACO

Action to establish paternity is authorised in the Principality under the following conditions:

“ *Article 236.* Action to establish paternity is permitted in the following cases:

“ (1) If paternity has been acknowledged in private documents or writings emanating from the alleged father:

“ (2) If an illegitimate child possesses status as such under the conditions laid down in Article 217;

<sup>1</sup> See explanatory note, Table B of Appendix I, page 105.

“ (3) If the alleged father has been sentenced for abduction, seizure, arbitrary detention or confinement, for rape or indecent assault consummated without violence upon the person of a girl under 15, provided that the date of these offences corresponds to the period of conception ;

“ (4) If the mother was seduced, at a time not distant from the date of conception, by a promise of marriage, fraud or abuse of authority, when these acts led to a conviction or when there exists a commencement of proof in writing in accordance with the provisions of Article 1194.

“ Article 236 (b). — The action shall in no case be allowed if it is established that, during the legal period of conception, the mother had relations with a person other than the alleged father or was notoriously leading an immoral life.

“ Article 236 (c). — Action to establish paternity shall rest with the child alone. Proceedings may be taken in its name during its minority with the authorisation of the family council, either by the mother or if she is dead, under a disability or presumed to be dead, by a guardian appointed for this purpose by the said council. Such action must be undertaken within a year of the child's majority.

“ Article 238. — No child shall ever be allowed to bring an action to establish paternity or maternity in cases when, according to Article 232, acknowledgement is not permitted.

“ Article 239. — An illegitimate child whose affiliation is legally established has the right :

“ (1) To bear the name of the father and mother ;

“ (2) To claim from them maintenance under the conditions laid down in Articles 176-180;

“ (3) To succeed to them in conformity with the provisions governing succession and inheritance.

“ Article 232. — Acknowledgement is not allowed in the case of children born of adultery or incest unless marriage between their father and mother has been authorised under Article 131 ”.

## NETHERLANDS

(including Netherlands East Indies, Surinam and Curaçao)

Affiliation proceedings are not allowed (Article 342, para. 1, of the Civil Code). Nevertheless, if an offence referred to in certain articles of the Penal Code has been committed, and if the date of such offence coincides with that of conception, the person guilty of rape may, at the request of the parties concerned, be declared to be the father of the child (Article 342, para. 2, of the Civil Code). Affiliation proceedings of the latter kind are not allowed when acknowledgement cannot be made (Article 344 of the Civil Code). (See the summary of the articles in question of the Penal Code in Table A of Appendix I, page 16.)

## NORWAY

The law provides that in all cases every possible endeavour shall be made to establish the paternity of an illegitimate child. This refers primarily to paternity in the biological sense. The machinery of the laws is set in motion without reference to the mother's wishes. The provisions of the law regarding the establishment of paternity are based on the child's interests and its family and economic rights.

According to the law, it is the mother's absolute duty to inform the proper authority (doctor, midwife, or collector of maintenance payments) of the child's paternity. False declarations, and neglect to declare, are punishable offences.

Having obtained sufficient particulars of the financial position of the alleged father, the sheriff makes out a notification against him embodying the decision as to the amount he is required to pay for the mother's confinement and the child's maintenance (see below under Question 4). The notification is served on the alleged father in the same way as a summons. If he acknowledges paternity, he is reputed the child's father without any legal proceedings being required. If he refuses to acknowledge paternity, he must, in order to avoid being reputed the father, institute proceedings by making an introductory application, within four weeks of the service of the notification, to the magistrate's court at the mother's place of residence. Details of this procedure are contained in the notification and are given to the person concerned when notification is served.

For the purposes of the subsequent legal proceedings, the court must, *ex officio*, obtain full particulars of the case, and collect on its own initiative all evidence that may assist it in reaching a decision.

With regard to the substance of the decision, the Law provides as follows (§ 13) :

“ The judgment shall state that the alleged father is recognised as being the child's father, if the court holds it as proved that he has had such relations with the mother that it is possible in the course of nature for him to be the child's father and if the court finds no reason to suppose that the mother had such relations with any other man, or if there are no other circumstances giving rise to any doubt whether the alleged father is the real father of the child.

“ If the court is unable to decide whether the alleged father is the real father, it may decide that he is *liable for maintenance* if it is held to be proved that he had relations with the mother at such a time that it is possible in the course of nature for him to be the father.

“ The case may also, of course, be dismissed.

“ An appeal may be lodged with a higher court. ”

It will be clear from the foregoing that paternity can be established in the following ways : (1) by acknowledgment ; (2) by the alleged father's failing, within a certain period, to take proceedings to prove that he is not the father ; and (3) by legal action and judgment.

If the court is not satisfied that the alleged father is the father in the biological sense, it may, subject to certain conditions, make a maintenance order against him. In that case, he has no legal family relation to the child, but has merely an economic responsibility.

The child is not entitled to inherit from him or to use his name. If a maintenance order is made against him, however, he must contribute to the child's maintenance in the same manner as if he were recognised as the father (*cf.* below under Question 4).

If the mother states that she had relations with several men during the period in which conception may have taken place, notifications are served on the persons named, as being responsible for maintenance. Any of them desiring to free himself from this responsibility must take legal action in the same way as for disputing paternity.

(a) *Former Congress Kingdom:*

**POLAND<sup>1</sup>**

Under Article 100 of the Civil Code, the name of the father of an illegitimate child can only be entered as that of the child's father in the birth certificate if the father is present when the certificate is made out and acknowledges the child as his.

Under Article 305 of the Civil Code, proceedings to establish paternity are not allowed. In case of abduction, if the date of the abduction falls within the period of conception, the abductor may, at the request of the persons concerned, be held to be the child's father.

(b) *Territories in which the former Collection of Russian Laws is in force:*

The Russian Laws contain no provisions on this subject.

**PORTUGAL**

Action to establish the paternity of the child is allowed in the cases specified in Article 36 of Decree No. 2 of December 25th, 1910.

These cases are:

- (1) *Where the father has expressly admitted paternity in writing.*
- (2) *Where the child possesses the status described in Article 18 of the above-mentioned Decree. The status in question consists in having been acknowledged as their child by the parents and treated by them as such, and having also been publicly reputed to be their child.*
- (3) *Where rape or abduction took place, provided that there was the normal chronological relation between the date of birth and the date of the offence, as specified in Article 1 of the Decree of December 25th, 1910.*  
The terminology used in this provision is not the same as that used in the Penal Code. It is to be understood that *rape* means unlawful carnal knowledge with violence of a virgin between the ages of 12 and 18 years, and *abduction* means the offence described in Article 395 of the Penal Code.
- (4) *Where seduction took place with abuse of authority or by false pretences under promise of marriage, provided that there was the normal chronological relation between the date of birth and the date of seduction, as specified in Article 10 of Decree No. 2 of December 25th, 1910.*  
It would appear that seduction within the meaning of this clause is the offence of seduction as defined in the Penal Code, *i.e.*, the seduction of a virgin between the ages of 12 and 18 years.
- (5) *Where the mother and the alleged father were publicly living as man and wife at the presumed legal date of conception.*

Proceedings to establish paternity may be instituted by the expectant mother before the birth of the child, her pregnancy being first officially established (Article 38 of Decree No. 2 of December 25th, 1910).

The decisions of the courts interpreting the above-mentioned Article 34, which specifies the cases in which action may be taken to establish the paternity of an illegitimate child, show:

- (1) That one of the conditions enumerated in that Article must be fulfilled before proceedings to establish paternity may be instituted and admitted;
- (2) That the presumption of paternity based on any of these conditions may be invalidated by the person against whom the proceedings are taken if he can prove other circumstances suggesting that the said presumption is not in accordance with the facts, and that the paternity of the child cannot therefore be attributed to him.

Thus, under Portuguese law, the *exceptio plurium* may be admitted in legal proceedings as a ground for the dismissal of the suit, though it cannot entail the partition among several persons of the responsibility for support arising out of the affiliation proceedings—a result which is admitted by the legislation of other countries.

Proceedings to ascertain the mother of an illegitimate child are allowed in all cases (Article 35 of the Decree of December 25th, 1910).

With regard to adulterine children, their voluntary recognition, which is permitted by existing Portuguese law, must be kept secret as long as the father or mother is unable to marry owing to the continuance, undissolved, of his or her previous marriage.

In these circumstances also, affiliation proceedings may not be taken (Article 36 of the Decree of December 25th, 1910).

It should also be noted that children born of incest may not be acknowledged either voluntarily or judicially (Articles 50 and following of the same Decree).

An illegitimate child instituting affiliation proceedings is presumed, unless the contrary is proved, to be a poor person for the purposes of the grant of free legal aid (Article 44 of Decree No. 2 of December 25th, 1910).

The mother of an illegitimate child may, if a poor person, apply to the alleged father for support for herself and compensation for the expenses of pregnancy and confinement and any unavoidable losses, provided that she has been of good conduct and has had no sexual relations with any other man during the period of pregnancy (Article 47 of the same Decree).

While illegitimacy does not in itself constitute a ground for intervention by the Tutorias, the desertion, destitution and moral danger to which it frequently leads are sufficient reasons for such minors to be placed under the guardianship of the children's courts. Accordingly, the Tutorias, through their respective Trustees of Minors, have power to institute proceedings to establish the paternity or maternity of their illegitimate wards in the ordinary courts.

<sup>1</sup> See observation in reply to Question 1, page 126.

## ROUMANIA<sup>1</sup>

(a) *Old Kingdom:*

Action to establish paternity is not allowed, except in cases of abduction when the period of abduction covers the time of conception. The abductor may be declared the child's father at the request of any party concerned.

(b) *Bessarabia:*

Statutory law is silent on this point. Seducing an unmarried woman by formal promises of marriage constitutes a punishable delict (Article 1531 of the Russian Penal Code). When such proceedings are instituted, the paternity is revealed indirectly; this, however, does not entail acknowledgment of the child, but only a duty to ensure its maintenance.

## SALVADOR

Children born out of lawful wedlock may be acknowledged by their father; they then become his "natural" children (Civil Code, Article 279).

The child is entitled to cause the putative father—if the latter is over 18 years of age—to appear in Court and state whether he believes himself to be the father or not. If the putative father does not appear in Court, or is not represented by attorney, he will after a second summons to appear, be held to have acknowledged paternity (Civil Code, Articles 281 and 282).

The child may also institute proceedings against the putative father, or the latter's heirs, to take steps to secure acknowledgment, and it will be held to be a "natural" child if it can prove (a) that the father has given his heirs to understand that the child is his, the heirs making a sworn statement; and (b) that the putative father has maintained and educated the child at his expense, as if it were his own child (Civil Code, Article 280, Nos. 6 and 7 and final paragraph).

If proof exist, in the form of a final judgment in criminal proceedings, of seduction (*estupro*), abduction (*violación*) or rape and if, in the eyes of the law, the child might have been conceived at the time of the perpetration of either of the first two offences, or while the abducted woman was in the power of her abductor, the child is entitled to be legally recognised as a "natural" child, and this the Court does, after due investigation of the facts. A child thus acknowledged is entitled to obtain an adequate allowance from its father (Civil Code, Articles 238 and 341).

Acknowledgment of a child as a "natural" child may also be made (1) by notarial act; (2) by will; (3) in the deed of marriage; (4) in any document or deed valid at law; (5) by the father signing, as such, the child's birth certificate (Article 280).

If a child is acknowledged as a "natural" child without any request on its part, it must be notified of the fact, so that it may be known whether it accepts or repudiates the arrangement. If the child is incapable of managing its own affairs, notice of the acknowledgment must be given to the person on whom it is legally dependent (mother, guardian or committee) or, failing these, to a specially appointed committee. These persons may neither accept nor repudiate acknowledgment until the Court has investigated the facts and given judgment (Article 284).

Acknowledgment by will cannot be revoked, even if the will itself be revoked (Article 998, No. 3).

## SIAM

Actions can be brought to establish the paternity of a child after the death of the alleged father with a view to receiving a share of his inheritance.

The decision of these cases depends upon the fact proved in each case.

## SOUTH AFRICA

In South African law, an action lies to establish the paternity of an illegitimate child. There are also mixed and criminal legal remedies available to the mother where the father ignores his liability to maintain the child. Such proceedings, if successful, do not create any relationship other than that set out in question No. 1. The following remedies are available to or on behalf of the child:

(a) The mother can institute civil proceedings against the father for the expenses incidental to her lying-in, and for maintenance of the child until such time as it can provide for its own maintenance (usually fixed by the courts at about the age of 18); in fact, the obligation continues until the child can earn his livelihood by his own industry or acquires sufficient means, and the father may be called upon to pay for the maintenance of the child when of age if the child be a lunatic. The obligation is personal to the father and expires with his death; but, if the father leaves an estate more than sufficient for the maintenance of his legitimate children, the court may order that provision be made from such estate for the maintenance of the illegitimate child. Not only is the onus of proving that defendant is the father on plaintiff; if the court has the sworn testimony of the mother that defendant is the father and defendant denies the allegation on oath, the court must accept the man's evidence unless there is evidence *aliunde* of his paternity. But the requisite evidence *aliunde* need not be definitely probative of defendant's cohabitation with the mother; it will be sufficient if such evidence is corroborative of the woman's evidence and inconsistent with that of defendant.

If the mother has not sufficient means to institute the action, she may obtain leave to sue *in forma pauperis*.

(b) In terms of Act No. 7 of 1895 of the Cape of Good Hope extended to the whole Union by proclamations dating from 1897 to 1904, when a father deserts any child being under 15<sup>2</sup> years of age or leaves it without adequate means of support, the resident magistrate may, on the complaint of the mother or *any reputable person*, issue a summons to such father to show cause why he should not support his child. On the return day, whether the father puts in an appearance or not, the magistrate may order the father to pay a weekly or monthly sum of money for the child's use. This order has the effect of a judgment and may be enforced by civil process. In order to obtain an order under this statute, it

<sup>1</sup> See footnote to question 1, page 128.

<sup>2</sup> South-West Africa states 16 years of age.

must be shown (a) that the child is without means of support; (b) that the father is able to maintain it or to contribute to its maintenance. The courts have construed this statute so as to include fathers of illegitimate children and have accepted evidence of the child's maintenance by a charitable institution as proof of condition (a) above.

(c) Where the mother cannot maintain the child and cannot bring an action against the father either under the common law or the above-mentioned statute, she can have recourse to the Criminal Law.

Under Section 3 (1) of Act 25 of 1913, if any person who has the custody, charge or care of any child wilfully neglects, abandons or exposes such child, that person shall be guilty of an offence punishable by fine of £100 and/or imprisonment with hard labour for twelve months. A parent or person legally liable to maintain a child is deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid or lodging for a child.

The court may, upon conviction of such parent, commit the child to the care of a relative or other fit person (in most cases probably the mother) till it attains the age of 18 and make an order (enforceable civilly as well as criminally) on the father to pay aliment in respect of the child.

(The reply of the authorities of South-West Africa, which corresponds almost exactly to the above reply, brings out an interesting point. According to the legislation in this territory, it appears that the *exceptio plurium concumbentium* is not considered sufficient to free the father from all responsibility and that in this case the mother's declarations will be believed unless the defendant can prove that in no case paternity can be imputed to him.)

### SPAIN

Action to establish the paternity of the child is not admitted except where an offence against the law has been committed, or where there is evidence in the writing of the father showing his undoubted and deliberately expressed desire to recognise the child as his, or where the child holds a recognised status. Proceedings to establish the identity of the mother of the child are allowed.

(For more complete information on this subject, reference should be made to the first reply, which enumerates the conditions of compulsory acknowledgment.)

### SWEDEN

The establishment of paternity is obligatory and is not subject to any condition. Article 13 (quoted below) of the law concerning children born out of wedlock provides that the "barnavardsman" (the Trustee officially appointed for the protection of children born out of wedlock) shall also take the necessary steps to establish paternity.

"Article 13. As provided hereinafter, a curator shall be appointed for each illegitimate child to advise and assist the mother, to ensure the child's welfare and to see that his rights are duly safeguarded. It shall be the Trustee's special duty to see that steps are taken without delay to establish the child's paternity and to ensure his maintenance, to lend assistance in regard to the collection and payment of the maintenance allowance and, if necessary, to apply for the appointment of a guardian for the child.

"The Trustee, either in person or through an agent, must defend the child's interests as regards the establishment of paternity, maintenance and guardianship, as well as the registration of the child as the offspring of engaged parents; he is also entitled to obtain police assistance in discovering the father whose duty it is to maintain the child, in questioning the father or in communicating with him."

Paternity may be established either by voluntary acknowledgment on the part of the father or by affiliation proceedings.

The primary effect of the establishment of paternity is that the father is bound to contribute to the child's maintenance and education (see Article 3 of the above-mentioned Law). The father's name is also entered in the Civil Register. The father may, with the permission of the person who has custody of the child, give his name to it. If the custody of the child has been entrusted to the father, the latter acts as the child's guardian.

### SWITZERLAND<sup>1</sup>

As regards action to establish paternity, see Articles 307 to 323.

### UNION OF SOVIET SOCIALIST REPUBLICS

Owing to the complete equality established by Soviet law between men and women from the point of view of marriage and family rights, we must deal, not only with the establishment of paternity, but also with the establishment of maternity. It goes without saying that, under our laws, a child cannot be *filius nullius*, as was until quite recently the case in England for illegitimate children.

Cases of the establishment of maternity are not frequent among us, and relate chiefly to old registrations before the Revolution, when the mother, wishing to conceal her maternity, had her child entered by another woman in the latter's name.

Such cases of false registration are nevertheless also met with under the new regime.

They may be explained either by the same reasons of false shame, or quite frequently they are due to the advantages which female wage-earners living in towns have over women living in villages in respect of free lying-in assistance in the better-organised homes of the towns, and in respect of the layette bonuses and breast-feeding bonuses (during the first nine months), which the insurance funds pay to female wage-earners, etc.

It may here be remarked that any birth certificate which is false or incomplete in regard to the parents indicated therein may be corrected or completed by order of court, the persons concerned having the right to prove or deny paternity or maternity through the judicial channel (Family Code, Article 27).

<sup>1</sup> Articles 302 to 327 of the Swiss Civil Code appear in Appendix III.

This law prescribes no time-limit, and applications of this kind may be put forward by the children themselves on attaining their majority.

For the establishment of paternity, Soviet law provides two channels—the judicial channel and the administrative channel.

The administrative or simplified method, which makes no use of the courts, is practically the same as that laid down in the Norwegian Law of 1915. The 1918 Code of the R.S.F.S.R. came still closer to this law in Article 140, which reads :

“ Any unmarried woman with child may, not less than three months before the time of delivery, make a declaration before the local civil register office, indicating the date of conception and the name and domicile of the putative father. A similar declaration may be made by a married woman if the child was conceived by her of a man other than her husband. The register office shall notify the person designated as father of the declaration made, and the said person must, within fifteen days, file a complaint against the mother for false declaration. Omission to take this step shall be considered as an acknowledgment of paternity, and the person indicated as father shall be entered as such on the birth certificate. ”

This procedure—which appears at first sight to be in the interests both of mother and child—was rarely employed in practice, first, because few women were sufficiently well acquainted with the law to be aware of the possibility, while often the prospective mother was afraid that by so doing she would bring about a quarrel with the man, particularly as three months before delivery she could always hope that the father would acknowledge his child *proprio motu* after its birth.

In the somewhat rare cases in which prospective mothers followed the course indicated above, the persons designated by them as fathers sometimes, instead of filing a complaint against the mother before the courts, simply denied their paternity to the civil register office which had notified them, and later, when the courts dealt with the question of maintenance, refused to provide it on the ground of the denial made by them to the register office.

For the reasons mentioned above, and owing to other objections against this law, it was modified as follows in the 1926 Code :

- (1) The mother's declaration may be made before or after the child's birth and no time-limit is fixed for this.
- (2) The putative father is given a time-limit of one month instead of fifteen days to raise any objections.
- (3) If he raises no objection, he will be entered as the child's father.
- (4) The person designated as father shall be entitled to dispute the mother's declaration within a time-limit of one year (the time beginning to run in principle from the date of the receipt of the information at the register office).
- (5) Apart from this, the mother may institute proceedings for the establishment of paternity before or after the child's birth without any time-limit.

In practice, mothers take proceedings to establish paternity, either by the judicial or the administrative channel as described above, not only in respect of children not yet born or new-born infants, but in respect of children of all ages, some of them having almost reached their majority, and who previously had been registered by ministers of religion without designation of the father.

We may add that, in Russia and the Ukraine, it is more than ever important to have an officially acknowledged father, since with us it is customary in addressing a person to call him by his christian name followed by his patronymic—as in Ancient Greece, Ulysses Laertiades—that is, son of Laertes.

Thus, if the child had no father entered on his birth certificate, he would have no patronymic, and his patent illegitimacy might become the source of various annoyances, such as malicious teasing by his schoolfellows, etc.

To avoid this, the law requires that, if the father remains unknown or if the mother refuses to name him, the child shall receive a patronymic chosen by the mother. At the same time, to remove any possible trace of illegitimacy from the child's birth certificate, it was laid down that descriptions such as “ spinster ”, “ widow ”, or “ married woman ”, which were previously employed in relation to the mothers of bastards in the registers kept by the clergy, should be omitted in the copies, certificates or extracts taken from these registers.

This new method of establishing paternity makes it possible greatly to reduce the number of “ fatherless children ”. If it is not necessary to settle the question urgently (for example, to obtain maintenance), mothers usually have recourse to this method, especially when they no longer desire to keep on terms with the father of the child, *i.e.*, when a voluntary acknowledgment of his paternity is no longer to be hoped for. It is worth remarking, however, that, frequently in response to the civil register office's notification, the person designated as the child's father acknowledges himself as such.

Sometimes mothers submit a declaration, to which is attached an avowal of paternity in writing and properly signed by the father. The civil register offices of the U.S.S.R. accept such declarations even after registration with the name of the mother only has taken place. This second declaration, unless the father disputes it, is attached to the child's birth certificate.

The establishment of paternity among us is subject to no restriction as in certain Western countries, where the law fixes a short time-limit to take proceedings ; in Russia no time-limit is fixed. Proceedings to establish paternity are allowed among us, not only for the purpose of claiming maintenance as in certain countries, but also simply to establish filiation.

In the same way, paternity proceedings may be raised in any law-suit relating to an inheritance or application for a pension payable after the father's death.

Proceedings to establish paternity are possible even after the putative father's death. In this case the respondents will be a representative of the Public Prosecutor as defendant of the Treasury's interests or the deceased's heirs.

In Russia, newspapers are not forbidden to report law-suits of this kind, and the public has free access to the court, unless the parties object.

Not only do our laws place no difficulty in the way of the mother's application (for example, by requiring her to produce preliminary evidence in writing, etc.), but all sorts of facilities are given her for legal proceedings. Thus, if proceedings to establish paternity are combined with proceedings for maintenance, the case may be judged by the tribunal of the place where the mother lives, which is a great help to the mother when the father has deserted her and is at the other end of our immense country. Proceedings for maintenance are exempt from all legal expense.



If we are to believe certain critics, these facilities of procedure would be likely to give rise to abuses on the part of mothers, but let it be said to their honour that such cases are comparatively rare in the U.S.S.R. It is true that sometimes the application is rejected by the court, but the reason is usually, not the mother's bad faith, but lack of evidence.

Since January 1927, penal liability in respect of false declarations of paternity no longer exists. The *exceptio plurium constupratorum concumbentium* is not admitted by our law. The old courts rejected the application without examination in the case of notorious misconduct on the part of the mother or relations with another person during the period of conception. Since the Revolution, these reasons are no longer admissible. Not knowing this, the respondents produced their friends as witnesses, stating that they had cohabited with the woman, but a few decisions by the courts to the effect that these witnesses would be summoned as parties to the case, and would have a joint liability for maintenance, soon put an end to this line of defence (under the Code of Civil Procedure, our courts may, on their own authority and without application on the part of the plaintiff, summon new respondents in the case).

But it was only the 1918 Code which allowed this multiplicity of respondents and, if we may so put it, fathers in maintenance actions; under the new code of the R.S.F.S.R., which came into force on January 1st, 1927, the courts, even if they find that, during the period of conception, the mother has had intimate relations with several persons, nevertheless only designates one as the father of the child, and accordingly makes him responsible for the maintenance of the mother and child, for the lying-in expenses, etc. Here the Soviet law had chiefly in view the interest of the child, who might later be distressed by its mother's misconduct, although this designation of one person might perhaps not be to the child's material advantage, since, if several persons are responsible for maintenance, it is naturally more likely to be paid.

According to the laws of the Ukraine, one of the respondents is acknowledged to be the child's father, but all the persons having cohabited with the mother during the period of conception are obliged to share in the maintenance obligation; in this case, the obligation is a joint one for all concerned.

We now come to the question of the proofs necessary to establish paternity; knowing that, apart from rare exceptions, absolute proof is hardly ever forthcoming, our courts make wide use of their right to declare the application justified. There have been cases in which, on the sole statement of the mother of her cohabitation with the man, the latter was declared to be the child's father.

This sometimes took place when the respondent affirmed that he did not know the woman, or even that he had never seen her, and when this was refuted by witnesses; the mendacity brought home to him justified disregard of his other affirmation that he had not cohabited with the woman in question.

When proofs are lacking, *i.e.*, when there are no documents establishing the intimacy of the parties, or witnesses of their cohabitation, the court declares paternity to be sufficiently proved if the witnesses swear that the respondent courted the mother during the period of conception and that the woman was of good conduct and did not associate with other men.

There can be no question in our country of rights attaching to the privileged classes (the nobility, the clergy, etc.) which children inherited from their forbears. Even in the U.S.S.R., however, certain children enjoy particular advantages of birth, for example, the children born on a peasant estate (a kind of agricultural copossession belonging jointly to all the members of a family). If he was the child of one of its members, he becomes, by the very fact of his birth, also a member of this family, and is entitled to a share in the rural stock, cattle, premises, implements, etc. In this case, too, the registration or non-registration of his parents' union is immaterial. If one or other of the parents are members of the same estate, the child becomes a member automatically; if the parents belong to different estates, the child is usually made a member of his mother's family; the very fact of his birth is sufficient to give him the right to become a member of the estate and of the rural community to which his mother belongs, with all the prerogatives attaching thereto. It is not even necessary that the mother should inhabit the estate in question and work there; even if she absents herself, without, however, going away altogether, the child, by the sole fact of his birth, becomes a member of this estate. (According to the law, a person ceases to be a member of a peasant estate if for two periods of six years he no longer shares in the common household expenses.)

The child of a widow, or of a married woman having conceived of a man other than her husband, becomes a member of its mother's estate, since, on marrying, most women enter their husband's family and not *vice versa*.

When the parents are members of different estates, it might sometimes be to the child's advantage to be included in its father's family, and some cases have been thus decided; this is, however, rather the exception than the rule, apart from the fact that this strange family cannot be considered as a suitable milieu for the child's upbringing. In any case, if the father wishes his child to become a member of his family and estate—even if the child has been conceived in a non-registered union—no one, whether among the other members of the family or among those of the rural community, has the right to object.

## UNITED STATES

Generally, American laws recognise illegitimate paternity chiefly for the purpose of obtaining from the father support for the child. This is the main purpose of any action to establish paternity. Most of the statutory provisions relating to the illegitimate father make it clear that the law does not recognise the normal relation of parent and child as existing between him and the illegitimate child. It is usually held to be incompatible with the interests of the legal family to place the child of illegitimate birth upon an equality with the child born in wedlock with respect to his claims upon the father. Several States do this, however.

The affiliation proceedings are allowed in most States. Exceptions are Louisiana, Texas and Virginia, and also the territories of Alaska and Porto Rico. In some States, the proceedings are of a civil nature, in others of a criminal nature, and in still others they partake of the nature of both. The latter is true of the uniform law<sup>1</sup> which attempts to keep the advantages of both forms of procedure.

The usual features of such proceedings are: A complaint by the mother before or after the birth of an illegitimate child to a judge or magistrate having power to commit for trial, either in the place where she or the father resides or where the child is born; a warrant issued by the magistrate against the person named in the complaint with direction to appear at a hearing; a preliminary hearing and, if there is a sufficient case against him, an order binding him over for trial.

<sup>1</sup> See Uniform Illegitimacy Act 1922. This Act was formulated by the National Conference of Commissioners on Uniform State Laws in response to a request of the Children's Bureau.

In many States the mother may compromise with the father informally before the hearing, or the father may compromise with public officials for the support of the child either before or after the preliminary hearing. These compromises are usually binding only after certain conditions for adequate support are complied with, and, if the compromise is acceptable, to specified public officials or to the court.

The trial itself is usually in a different court and may be by the court or by jury if requested. In some States the public is excluded from the trial. There are various provisions as to the competency of the mother and father to act as witnesses, the taking of the mother's deposition as evidence and the compelling of the father to testify. If the judgment is against the defendant, he is then charged with the maintenance of the child in the sums specified by the court, payments usually to be made at stated intervals, with the judgment enforced in various ways. Some States allow an appeal, while others do not.

The method of enforcement also varies. Sometimes the courts themselves assume responsibility for planning for the care of the mother and child, even supervising the expenditure as well as the collection of the support ordered. In some States the court retains the power to modify its order and in some probation is used as a means of enforcement, as it is in Massachusetts. The requirement of a bond for the fulfilment of the obligation and imprisonment for non-fulfilment are the older and more usual methods. The uniform act strengthens enforcement by providing that the judgment of another State may be sued upon and be made a domestic judgment. Recent statutes tend to fasten this obligation on the father more securely.

#### VENEZUELA

Under Article 242 of the Civil Code, action to establish paternity is absolutely forbidden, and no court may allow any application or proceedings in this respect, excepting in cases of abduction or rape, when the date of the abduction or rape coincides with that of conception. The application for establishment of paternity (or maternity) may be opposed by any interested party. An affiliation order has the same effect as the acknowledgment of an illegitimate child (Civil Code, Articles 245 and 246).

Even where affiliation proceedings are allowed in the cases set out in Article 242, the child is forbidden to take such action, if at the date of his or her conception there was in the case of either of the parties an unavoidable impediment to marriage.

---

#### QUESTION 3.

---

*What conditions govern the legitimation of illegitimate children?*

#### ALBANIA

No conditions exist.

#### AUSTRALIA

##### NEW SOUTH WALES.

The subsequent marriage of their parents does not of itself legitimate the children. This matter is dealt with under the New South Wales Statute—The Legitimation Act of 1902, No. 23, which was passed on the twenty-third day of July 1902. Under Section 3 thereof, any child born before the marriage of his or her parents who afterwards intermarry shall be deemed on the registration of such child as hereinafter mentioned to have been legitimated by such marriage from birth and shall be entitled to all the rights of a child born in wedlock. In order to obtain registration for a child, the man claiming to be its father must produce to the registrar a statutory declaration by himself stating that he is its father and that he was married to its mother and that no legal impediment existed to the marriage at the time of the birth of the child, and annexing a certified copy of the marriage certificate. On production of such statutory declaration, it is the duty of the registrar to register such child whether dead or alive as the lawful issue of such man and his wife. See Sections 6 and 7 and the Schedule of the Legitimation Act of 1902.

##### QUEENSLAND.

If there is no legal impediment to marriage between the mother and the putative father at time of child's birth, the child is legitimated by the marriage of the parents.

##### SOUTH AUSTRALIA.

Under legislation, namely, the Legitimation Acts 1898 to 1902, the registration entry recording the birth of an illegitimate child may, provided there was no lawful impediment to the marriage of the parties at the time of the birth of the child, be altered upon a declaration being made and upon the production of a certified copy of the marriage certificate, so as to make the name of the child the same as the surname of the married parties. This declaration, if made within thirty days of the marriage, can be made before any Justice of the Peace; if not so made within that time, must be before a special magistrate.

##### TASMANIA.

The legitimation of illegitimate children is provided for by the Legitimation Act 1905, and also legitimation is presumed from the fact of subsequent inter-marriage of the parents.

##### VICTORIA.

Part II of the Registration of Births, Deaths and Marriages Act 1915 and the Registration of Births, Deaths and Marriages Act 1916 provide for the legitimation by the marriage of the parents of illegitimate children from birth in cases where no legal impediment to the marriage of the parents existed at the time of the birth of the children.

### WESTERN AUSTRALIA.

A child conceived prior to marriage will be legitimate provided the parents marry before it is born. But Statute Law passed in 1909 has provided that any child born before the marriage of his or her parents—and this law is expressly made retrospective—whose parents have at the time of the passing of the Act married or whose parents shall thereafter marry may be legitimated on the father's making a declaration that he is the father of the child and applying to the Registrar-General of Births, Marriages and Deaths to have such child entered on the records of the Registrar-General's Department as legitimate. Where the husband has died without having made or produced any such declaration to the Registrar-General, then the mother of the child may make application to a judge of the Supreme Court and on proving to the satisfaction of the judge that her deceased husband was the father of the child or during his lifetime acknowledged himself as the father of such child, may be granted a declaratory order to that effect and, on production of a certified copy of the order, the Registrar-General may register such child as legitimate. If an illegitimate child has been legitimated under the provisions of the 1909 enactment mentioned in reply to Question 3, then it is provided that, on the registration of such child as legitimate, the child shall be deemed to have been legitimated from birth by the marriage of its parents and shall be entitled to all rights of a child born in wedlock. In order to prevent as far as possible any injustice being done to legitimate children, it is provided:

(a) That such legitimate child shall be entitled only to receive or share and participate in the real and personal property remaining undistributed at the date of the registration of such child as legitimate and which real and personal property is the subject of any disposition or of any devolution by law wholly or partly on or in favour of children or their issue or in which such children or issue may have any claim on the death of any person whether such disposition or devolution takes effect before or after the registration of such child as legitimate or whether before or after the passing of the Act and under which such child would not have been entitled to any share or interest unless legitimate.

### AUSTRIA

Legitimation renders a bastard child legitimate as regards the future. There are three forms of legitimation in Austrian law:

(a) According to § 160, A.B.G.B., children of an invalid marriage are deemed to be legitimate if the bar to validity is subsequently removed, or if at least one parent can prove *bona fide* legitimate ignorance of the bar. In the latter case, however, the children cannot acquire property which by family arrangement is specially reserved for legitimate offspring.

(b) According to § 161, A.B.G.B., children born out of wedlock and their issue are counted among the legitimate children if the parents are subsequently married. They may not dispute the claim of children born in subsequent wedlock to the status of firstborn or to other previously acquired rights.

(c) Lastly, illegitimate children may, at the request of the parents, be declared legitimate by the President of the Federation as an act of grace. In this case, the consent of the child itself is necessary or, if it is a minor, the approval of the court of guardianship. The legitimation may apply only to the privileges appertaining to the father's status or they may include the right to inherit the father's freely heritable estate. A declaration of legitimacy of this kind creates a family relationship between father and child, but not a legitimate relationship with or claim to maintenance or right of inheritance in respect of the father's kin (§§ 162, 753, A.B.G.B.; §§ 263 *et seq.* of the Imperial Letters Patent of August 9th, 1854, *R.G.Bl.* No. 208).

### BELGIUM

"Children born out of wedlock, other than those born of incest or adultery, may be legitimated through the subsequent marriage of their father and mother, if the latter have legally acknowledged them before their marriage or if they acknowledge them in the act of marriage itself." (Civil Code, Article 331.)

"The legitimation of a child may take place even when the child has died and left descendants, and in such cases the descendants receive the benefits of the legitimation." (Civil Code, Article 332.)

Article 333 states that: "Children legitimated *per subsequens matrimonium* shall have the same rights as if they had been born of the marriage".

### BULGARIA

Illegitimate children are legitimated by the subsequent marriage of their parents or by decision of the court.

The following cannot be acknowledged.

(1) Children one or both of whose parents were married to another person at the time of conception;

(2) Children born of persons who cannot marry for reasons of kinship.

Legitimation by decision of the court may take place if the following conditions are fulfilled: (a) one or both of the parents must apply for legitimation; (b) the parent making the application must be without legitimate children or children legitimated *per subsequens matrimonium* and without issue of such children; (c) it must not be possible for the parent to legitimate the child *per subsequens matrimonium*; (d) if the parent making the application is married, the consent of the other parent must be proved.

### CANADA<sup>1</sup>

Every one of the nine Canadian provinces provide for legitimation of the child by the subsequent intermarriage by the parents. In all provinces, the recent legislation is retroactive and in the ninth, Quebec, it has been the law of the province for centuries.

<sup>1</sup> See note relating to the reply to Question 1, page 119.

### DANZIG

3. The legitimation of illegitimate children may be effected through subsequent marriage or by State decree. By subsequent marriage is meant that of the father to the mother (§ 1719, Civil Code). Apart from this, legitimation may be effected by decree of the Senate. For this purpose, an application from the father is required acknowledging the child (§ 1725, Civil Code). A further condition is the consent of the child or his legal representative, and, if the child is under 21 years, that of the mother. If the child's father is married, the consent of his lawful wife is required. The consent of the mother—and, similarly, that of the father's lawful wife—shall be dispensed with, if the said person is permanently incapable of making a statement, or her whereabouts are unknown (§ 1726, Civil Code). Should the mother refuse her consent, such consent may, in the child's interest, be given by the Court of Wards (§ 1727, Civil Code). The consent of a child who does not possess full legal powers and similarly that of the child's legal representative require the sanction of the Court of Wards (§ 1729, Civil Code).

### DENMARK

3. Illegitimate children may be legitimated :

(1) By the marriage of the parents.

(2) By acknowledgment of the child by means of a declaration of legitimacy made by the father before a court of law, which declaration does not require the consent of the child, the mother or any other person.

(3) By Royal Warrant.

### ECUADOR

As regards the acknowledgment of the illegitimate child, provided it is not born of unlawful intercourse, the following Articles of the Civil Code are applicable :

“ Article 269. Acknowledgment must be effected by public instrument or before a judge and two witnesses, or by testamentary deed.

“ Should the illegitimate child be acknowledged by one parent only, he or she is not obliged to state the name of the other parent.

“ Article 270. The acknowledgment of the illegitimate child must be notified and accepted or repudiated in the same manner as is provided for cases of legitimation in the Chapter headed : ‘ *The Legitimation of Children by Marriage subsequent to Conception* ’.

“ Article 271. The claims of illegitimate children on their father or mother by whom they have been legally acknowledged are confined to those specifically laid down by law.

“ If they have not been so recognised, they will be regarded, with respect to the father or mother, simply as illegitimate children.

“ Article 272. Acknowledgment may be disputed by any person who proves that he is concerned in the matter. Such objections must be made on one or more of the following grounds ;

“ (1) and (2). The first and second grounds on which legitimation may be disputed, according to Article 210 ;

“ (3) That the child was conceived when the father or mother was married to some other person ;

“ (4) That the child was conceived in unlawful intercourse ;

“ (5). That acknowledgment was not effected in the form provided for by paragraph 1 of Article 269.”

(The reply from Ecuador, as well as that of several other countries, furnishes details on the acknowledgment and not on the legitimation. One may conclude, however, from the above reply that, in Ecuador, legitimation exists by subsequent marriage of the parents.)

### ESTONIA

Illegitimate children acquire through the subsequent marriage of their parents all the rights of legitimate children—both family rights and rights of inheritance and succession. These rights become applicable immediately the marriage takes place. Legitimation has no retroactive force. (Baltic Code of Private Law, § 173.)

Legitimation is effected by a judicial decision rendered after the Court has examined whether the child could have been born of the married persons in question. When an application for legitimation is submitted to the Court more than a year after the marriage of the parents, the applicants are bound to show cause why the request could not have been made sooner.

If the Court does not consider the reasons valid, it may refuse to grant the request. Legitimation cases are heard *in camera*. The judgment is entered on the legitimated child's birth certificate, and the Court informs the registrar of births, marriages and deaths, in order that a corresponding entry may be made in the registers (Law of Civil Procedure, §§ 1460<sup>1</sup>-1460<sup>2</sup>).

### FINLAND

“ Illegitimate children born to affianced or betrothed persons, and ordinary illegitimate children, if the parents are affianced or contract marriage, shall become legitimate children, and the woman shall enjoy the same rights as a legitimate wife (‘ Marriage ’, Chapter V).

“ Should the father of an illegitimate child subsequently marry the mother of this child or promise to marry her, even if one of the parents dies before the celebration of marriage, the child shall inherit as if it were legitimate.

“ The same shall apply when an affianced woman becomes pregnant through the action of her betrothed, or if a spinster or widow becomes pregnant after a promise of marriage and gives birth to a child.

" The same shall apply if a man becomes betrothed to two women, each unaware of the promise of marriage made to the other, and if the man in question becomes the father of children by one or both women.

" If a man becomes betrothed to, or marries, two women, and it is not proved that the second woman was aware of the former marriage or betrothal, Article 7 shall apply to children born of such union" (" Successions", Chapter VIII, Articles 1 - 4). This Article 7 has been abrogated and replaced by Article 5 of the Law of July 27th, 1922, concerning Children born outside Lawful Wedlock (see " Rights of inheritance").

Anyone desiring to acknowledge his illegitimate child must enter it as his child in the parish register or in the corresponding register of births, marriages and deaths, or admit his paternity in the presence of a witness, summoned for that purpose, before the notary public, who must draw up a report of the proceedings. The consent of the mother, of the guardian or of the child itself must be obtained before such acknowledgment can be registered and validated. The child thus acknowledged bears the family name of its father, provided that the mother (or the guardian, or the child itself) has no objection. Acknowledgment does not in itself involve guardianship or the care of the child. A child which has been acknowledged must be brought up according to the father's station in life, if the latter has the care of it.

#### FRANCE

The legitimation of illegitimate children is subject to the conditions fixed by Article 331 of the Civil Code, as amended by the Laws of December 30th, 1915, and April 25th, 1924.

The amended Article 331 reads as follows :

" Article 331. (Law of April 25th, 1924). Children born out of lawful wedlock, other than those born of an adulterous connection, shall be legitimated by the subsequent marriage of their father and mother if the parents have in due legal form acknowledged such children before their marriage or if they acknowledge them at the time of the solemnisation of their marriage. In the latter case, the officiating registrar shall duly attest this acknowledgment and legitimation in a separate deed.

" Children born of an adulterous connection shall, in the following cases, be legitimated by the subsequent marriage of their father and mother, if their parents acknowledge them at the time of the solemnisation of the marriage in the manner defined in the first paragraph of this article :

" (1) When born as a result of adultery on the part of the mother and when disavowed by the husband or his heirs ;

" (2) When born as a result of adultery on the part either of the father or the mother, if presumed to have been conceived at a date when the father or the mother possessed a separate domicile under an order given in conformity with Article 878 of the Code of Civil Procedure, and previous to discontinuance of action, refusal of petition or legally attested reconciliation ; acknowledgment and legitimation may, however, be annulled if the child is recognised as legitimate ;

" (3) When born as a result of adultery on the part of the husband in all other cases, if there be no legitimate issue of the marriage which existed at the time that the illegitimate child was conceived.

" When any of the children referred to in the present article have been acknowledged by their father and mother, or by one of their parents, after the marriage of the latter, such acknowledgment shall not entail legitimation until a judgment has been given in open court, after enquiry and discussion in chambers (*chamber du conseil*), to the effect that the child has, since the celebration of the marriage, been effectively treated as the child of the father's and mother's union.

" Every act of legitimation shall be entered in the margin of the legitimated child's birth certificate.

" This entry shall be made by the registrar who officiated at the marriage, if he is aware of the existence of the child or, failing that, at the instance of any other person concerned."

#### GERMANY

The legitimation of illegitimate children is effected by the marriage of the father with the mother ; the child acquires through the marriage the legal status of a legitimate child (para. 1719 of the Civil Code).

An illegitimate child may also be declared legitimate by a decree of the supreme authorities of the State on application by its father (Declaration of Legitimacy, paras. 1723 *et seq.* of the Civil Code).

#### GREAT BRITAIN

Before the Legitimacy Act 1926 was passed, there was no provision for the legitimation of an illegitimate child.

Since the Act, illegitimate children become legitimated by the subsequent marriage of their parents if at the time of their birth neither parent was married to a third person. This rule applies where the father was (or is) at the date of the marriage domiciled in England or Wales<sup>1</sup>, and also where at the same date he was domiciled in another country, if the laws of that country legitimate children upon the subsequent marriage of their parents<sup>2</sup>.

The legitimation dates from the date of the Act or from the date of the marriage if this takes place subsequently<sup>3</sup>, and provision is made for the re-registration of the birth of a legitimated child.

An illegitimate child whose father or mother was married to a third person at the time of its birth cannot be legitimated<sup>4</sup>. The status of such children may, however, be improved by legal adoption under the Adoption Act 1926.

A legitimated person may obtain a declaration by a court of law as to his legitimation<sup>5</sup>.

<sup>1</sup> Legitimacy Act 1926, Section 1 (1).

<sup>2</sup> *Ibid.*, Section 8 (1).

<sup>3</sup> *Ibid.*, Section 11.

<sup>4</sup> *Ibid.*, Section 1 (2).

<sup>5</sup> *Ibid.*, Section 2.

## GREECE

Acknowledgment may be either voluntary or judicial.

Legitimation is effected either by the subsequent marriage of the father and mother or by decree. The illegitimate child may be acknowledged by its father or, if the latter is dead or has lost his mental faculties, by his father, *i.e.*, the child's grandfather.

Acknowledgment is effected either by a declaration before a notary or by will.

The child which has been voluntarily acknowledged, takes the name and nationality of the father; it has the same rights to maintenance, education, endowment, etc., as a legitimate child, and the same rights of succession.

The illegitimate child may be legitimated by decree of the Ministry of Justice at the request of its father, accompanied by a declaration made before a notary to the effect that he legitimates the child. Legitimation requires the consent of the child given before a notary. If the child is under 15 years of age or is incapacitated, consent may be given on its behalf by the President of the Court. In the case of minors, the mother's consent is also required. Should it be refused by the mother, consent may be given by the President of the Court at the request of the father.

The legitimation of an illegitimate child may also be effected by decree after the death of the father, if the latter had declared before a notary or by will his desire to legitimate the child, or if, while cohabiting with the mother, he had given her a promise of marriage but died before the request for legitimation was presented, or before the marriage was celebrated.

The consequences of legitimation by marriage date from the celebration of the marriage, and the consequences of legitimation by decree from the publication of the decree in the *Official Journal*.

Legitimation subject to certain conditions or time-limits is not allowed.

Legitimated children and their descendants are assimilated in every respect to legitimate descendants.

## HUNGARY

An old custom in Hungary allows of the legitimation of an illegitimate child in two ways—marriage and legitimation by authorisation. This royal prerogative is at present exercised by the Regent in conformity with Article 13 of Law I of 1920, concerning the re-establishment of the constitution and the exercise of the supreme power of the State.

Legitimation is effected by subsequent marriage, whether or not the parents consent and, indeed, even against their wishes (see Decision No. 1533/1917 of the Royal Hungarian Court of Justice), provided that during the ten days preceding the birth of the child no obstacle has arisen (marriage with a third person, relationship in the direct descending line, relationship by marriage, relationship of brother and sister, etc.) which cannot be removed under the marriage laws of Hungary (Law XXXI of 1894).

According to the settled practice of the courts, legitimation by subsequent marriage has retroactive effect as from the date of the child's birth, with the result that a child thus legitimated is in every respect legally assimilated to children born in wedlock, except that legitimation by subsequent marriage may not prejudice the previously acquired rights of legitimate children (see Decision No. 4758/1915 of the Royal Hungarian Court of Justice, "Polgárjogi Határozatok Tára" No. 421, which is of fundamental importance).

Legitimation by royal authorisation may take place if legitimation by marriage is impossible and if there are urgent reasons for legitimation. If the father is alive, he may himself submit an application to this effect. If he is dead, the request can be made by the mother or by the illegitimate child on the ground that the father had begun to take the necessary steps or had at any rate decided to do so.

In the second case, legitimation is a favour conferred by the Head of the State, responsibility under the constitution being assumed by the Minister of Justice.

A child legitimated by royal authorisation acquires the rights of a legitimate child, except that it only enters the legitimate line as regards its father, its brothers and sisters similarly legitimated by royal favour, and the descendants of the latter and that the rights of the legitimated child only exist as from the date when the royal favour was conferred.

## INDIA

As a general rule, there is no means or procedure whereby the illegitimate children of persons domiciled in India can be legitimated.

## IRISH FREE STATE

There is no process of legitimation of illegitimate children.

## ITALY

Children who cannot be acknowledged cannot be legitimated; that is to say: (1) children of persons of whom even one only at the time of conception was married to another person; (2) children of persons who cannot marry because of relationship or affinity in the direct line *in infinitum* or because of collateral relationship in the second degree (Articles 185 to 195, Civil Code).

Acknowledgment is made on the birth certificate or by notarial act previous or subsequent to birth (Article 181, Civil Code).

Legitimation is allowed either by subsequent marriage or by royal decree (Article 194) on behalf of the illegitimate child or of his legitimate descendants (Article 196, Civil Code).

Legitimation by royal decree requires: (1) That the request be made by one or both of the parents; (2) that the parent making the request has no legitimate children or children legitimated by subsequent marriage or descendants thereof; (3) that, at the time when the request for legitimation is preferred, such parent is not in a position to legitimate the child by subsequent marriage; (4) that, where the applicant is married, the consent of the other party to the marriage is obtained (Article 198, Civil Code), legitimation by royal decree may take place even when the parent is dead, if he has expressed a wish by public document or by will to legitimate his illegitimate child, and if at the time of death the conditions mentioned in Nos. 1 and 2 are fulfilled (Article 199, Civil Code). The Court of Appeal in council is called upon to decide whether the legitimation is legal, and, if an affirmative decision is given, the Council of State has to advise whether the Crown shall grant such legitimation (Article 200, Civil Code).

### JAPAN

The conditions for acknowledgment are as follows :

A. Since acknowledgment constitutes a voluntary declaration, the object which is to establish a relationship, it must be made by notification to the Mayor. Acknowledgment may, however, also be made by will, and in this case the declaration must be sent to the Mayor by the executor of the will.

B. If the illegitimate child is of age, his consent must be obtained before acknowledgment can take place.

C. Acknowledgment of a deceased illegitimate child can only take place if there is a direct descendant.

In this case, should the direct descendant be of age, his consent must be obtained.

D. The consent of the mother must be obtained before the father can acknowledge his child.

(The above reply relates to acknowledgment and not to legitimation. It would appear, however, that, under Article 836 of the Japanese Civil Code, legitimation may be granted *per subsequens matrimonium*.)

### LATVIA

The legitimation of children takes place *ipso facto* on the marriage of the parents (*per subsequens matrimonium*). After marriage, the parents have only to inform the competent institution of the fact that legitimation has been effected.

### LUXEMBURG

Children born out of wedlock, other than those born of incest or adultery, may become legitimate by the subsequent marriage of their father and mother if the latter have legally acknowledged them before their marriage or do so in the act by which the marriage is solemnised.

Legitimation may take place even in favour of deceased children who have left descendants, and in this case it shall be to the benefit of these descendants.

Children rendered legitimate by subsequent marriage shall have the same rights as if they were born of that marriage.

### MONACO

"Article 227. Children born out of wedlock may become legitimate by the subsequent marriage of their father and mother, provided that the latter have legally acknowledged them before marriage or do so in the act by which the marriage is solemnised.

"Children of an adulterous connection born more than three hundred days after a decree of the President of the Court authorising proceedings for divorce or judicial separation between the parent who was bound by the ties of a former marriage and the other consort become legitimate by the subsequent marriage of their father and mother, in the act by which the marriage is solemnised, provided the aforesaid proceedings have ended in divorce or judicial separation or have been discontinued owing to the death of the other consort.

"A child born in wedlock and disavowed by the husband may also become legitimate by the subsequent marriage of the mother with the father of the child. The legitimation must be mentioned in the margin of the child's birth certificate.

"Article 228. Legitimation may take place even in favour of deceased children who have left descendants, and in this case it shall be to the benefit of these descendants.

"Article 229. Children legitimated by subsequent marriage shall have the same rights as if they were born of that marriage.

"Article 230. When the illegitimate children born to a man and woman before their marriage have not been acknowledged at the time when, the marriage is solemnised, such acknowledgment may be made subsequently, and in this case it shall entail legitimation."

### NETHERLANDS

(including the Netherlands East Indies, Surinam and Curaçao.)

Articles 327, 328, 329, 330, 331, 332, 333 and 334 of the Civil Code deal with the legitimation of illegitimate children.<sup>1</sup>

The legitimation of illegitimate or legally acknowledged children has the effect of bringing such children under the same provisions of the law as would apply if they had been born in wedlock (Article 332 of the Civil Code). In the case of an illegitimate or legally acknowledged child being legitimated by letters of legitimation granted by H.M. the Queen, the proposed marriage of the parents having been prevented by the death of the mother or father (case covered by Article 330 of the Civil Code), legitimation only takes effect as from the date on which the letters were granted by H.M. the Queen.

(The above-mentioned articles, which in order to shorten the text are not quoted in full, provide for legitimation by subsequent marriage of the parents, as well as by letters granted by H.M. the Queen.)

### NORWAY

It will be seen from the other replies that, as regards family and inheritance rights, the legal position as between an illegitimate child and the mother is the same as if the child were legitimate. Since the law provides that endeavour shall be made in every case to establish the paternity of illegitimate children, there is no need for any special "legitimation" where paternity has been established by the procedure specified in the law. In this connection, it should be pointed out, however, that § 4 of the Law of April 10th, 1915, amending the Succession Law of July 31st, 1854, provides that children whose parents marry *after* their birth shall be assimilated to legitimate children. An illegitimate child can thus be legitimated by the subsequent marriage of its parents.

<sup>1</sup> A Bill is now before the Second Chamber of the States-General amending the provisions concerning the acquisition of paternal powers as the result of legitimation. (Information of November 16th, 1928.)

### POLAND<sup>1</sup>

#### (a) *Former Congress Kingdom:*

*Article 291.* — Children born out of wedlock, other than children born of adultery or incest, may be legitimated by the subsequent marriage of their parents, if their parents have acknowledged them in due form before their marriage, or even if they acknowledge them at the time of the making-out of the marriage certificate, or if the children are definitely treated as legitimate children.

*Article 292.* — Children conceived during an unlimited period of judicial separation may be legitimated by the reunion of their parents if the parents acknowledge them either in the birth certificate or at the time of the registration of the deeds authorising reunion, as allowed by the proper civil court, or have permitted them to be regarded definitely as their legitimate children.

*Article 293.* — Legitimation may take place even in the case of deceased children who have left descendants, the legitimation applying to those descendants.

*Article 294.* — Children legitimated by subsequent marriage, in accordance with Article 291, obtain the same rights as they would have obtained if they had been born in wedlock. This, however, shall not prejudice rights acquired by third parties before the children's legitimation.

*Article 295.* — Children born during judicial separation and legitimated by the parents' reunion, in accordance with Article 292, shall enjoy the same rights as they would have been granted if, at the time of their birth, their parents' marriage had not been dissolved.

*Article 296.* — Children may also be legitimated by Royal Decree on the application of the father and mother, or of the father alone, except children which, under Article 291, may not benefit by legitimation through the subsequent marriage of their parents.

*Article 297.* — Legitimation by Royal Decree invests illegitimate children with all the rights of the father's and mother's legitimate children if both parents have applied for legitimation, or of the father's alone, if he only has so applied. A child thus legitimated does not, however, acquire family rights in respect of relatives in the ascending line, nor in respect of the father's and mother's more distant relatives, or of the father's only, if he alone made application for legitimation.

Law of May 13th/26th, 1913, on the Improvement of the Status of Illegitimate Children (Collection of Laws and Decrees of the Russian Empire, No. 114, Paragraph 998, Articles 1, 2, 3 and 4):

*Article 1.* — Children born of a marriage found to be invalid retain the rights of legitimate children even if the mother and father concluded their marriage *mala fide*.

*Article 2.* — Illegitimate children born of adulterous or incestuous intercourse which, under the provisions of Canon Law, does not constitute an absolute obstacle to the celebration of marriage, may be legitimated by the subsequent marriage of their parents (Article 291 of the Polish Civil Code) or by special permission of the Sovereign (Article 296 of the Polish Civil Code), provided the conditions laid down in Article 291 of the Polish Civil Code are safeguarded.

*Article 3.* — The father may be allowed to acknowledge his illegitimate child in the course of an action brought against the father for the provision of necessaries; or he may do so even after final judgment has been delivered.

*Article 4.* — The acknowledgment of illegitimate children born of adulterous or incestuous intercourse is permitted.

#### (b) *Territories in which the former Collection of Russian Laws is in force:*

*Article 144 (11).* — Illegitimate children become legitimate through the marriage of their parents.

### PORTUGAL

In addition to being acknowledged voluntarily or judicially, illegitimate children may also be legitimated.

Legitimation is a legal method of giving children born out of wedlock the status of legitimate children.

All illegitimate children, except children born of incest, may be legitimated (Article 22 of Decree No. 2 of December 25th, 1910, and Decree No. 1 of the same date) even after the death of the child (Article 4 of Decree No. 2).

Subsequent marriage automatically legitimates the children if the latter have been recognised by their parents or if paternity has been established in Court (Articles 2 and 3 of Decree No. 2).

The dissolution or annulment of marriage does not affect any legitimation that has already taken place (Articles 30 and following of Decree No. 1).

Legitimated children are regarded for all purposes as legitimate and are referred to as such (Article 5 of Decree No. 2), the effects of legitimation being retrospective as from the date of the marriage (Section 3 of Decree No. 2).

### ROUMANIA<sup>2</sup>

#### (a) *Old Kingdom:*

*Per subsequens matrimonium*, provided the father has acknowledged the child, either in the birth certificate or subsequently by a notarial act or in the marriage certificate (whether the child be illegitimate or born of adultery or incest).

#### (b) *Bessarabia:*

*Per subsequens matrimonium*; thereafter an ordinary request is sufficient, submitted to the court of the parents' domicile within the twelve months following on the celebration of marriage and, even after this time-limit, provided adequate explanation be given for the delay.

<sup>1</sup> See observation in reply to Question 1, page 126.

<sup>2</sup> See footnote to Question 1, page 128.



### SALVADOR

Marriage automatically legitimates children conceived before, but born after, marriage; but this does not apply in the case of a putative marriage—which cannot legally affect either spouse—nor in the case of adultery (Articles 215, 216, 217).

The parents' marriage also automatically legitimates children whom they may, by notarial act or in the marriage deed, have acknowledged as their children, whether the children in question be living or dead. If the child has been acknowledged by the father, previous to marriage, in any recognised legal form, or if there be in existence any judgment of the Court declaring the husband to be the father of the child, and if in either case the mother's name appears on the birth certificate, the mother need not expressly acknowledge the child in order to ensure legitimation by operation of law. In cases where (violacion) or rape, provided that before marriage the Court has not ordered the acknowledgment of the child, the latter may petition to be regarded as legitimated and the Court may issue a declaration to this effect after fulfilment of the usual legal formalities in the first case, and after investigation of the facts in the second (Articles 218, 280, Nos. 6 and 7, and 341).

Apart from these cases, legitimation cannot take place by mere operation of law. In all other circumstances, the parents must, to ensure legitimation, state in a notarial act the names of the children, living or dead, whom they wish to legitimate. This act may be executed at any time after the celebration of marriage. The person to be legitimated must be notified of the procedure so that he may be free to accept or refuse legitimation. If the person is still an infant or is for some other reason under the care of a guardian or committee, notice shall be given to the latter, or if necessary to a specially appointed committee, who may, with the permission of the Court after the facts have been heard, accept or refuse the ward's legitimation. The person accepting or refusing legitimation may do so by means of an entry in the deed of legitimation itself or by another notarial act within 90 days of notification. After 90 days have elapsed, the person is presumed to have accepted legitimation, unless he can prove that he was absolutely prevented by circumstances from making his declaration within the prescribed period (Articles 219, 220, 221, 222, 223).

Legitimation confers a benefit on the legitimate issue of legitimated children. Should the child who has been legitimated be dead, notice shall be served on his legitimate descendants, who may accept or refuse the legitimation in conformity with the above-mentioned articles (Article 224).

The status of children legitimated *per subsequens matrimonium* is in every respect the same as that of children born in wedlock, but such legitimation has no retrospective effect on facts which occurred before the marriage; for instance, the right of primogeniture cannot be lost by one child owing to the fact that another child—whatever his age may be—has been legitimated (Article 225).

The expression "legitimate children", even qualified with the phrase "born in lawful wedlock", shall be taken to include legitimated children, in laws and decrees, as well as in wills and agreements, unless it is clearly and expressly stated that legitimated children are to be excluded (Article 226).

The only persons who may dispute the legitimation of a child born after the celebration of marriage are those who could dispute the legitimacy of the child if it had been conceived in wedlock, and the procedure to be followed in both cases is the same. In other cases legitimation may be disputed on the following grounds: (1) that the legitimated child could not, in view of the legal rules for determining the period of conception, have been the child of the person seeking to legitimate it; (2) that the person seeking to legitimate the child was not its mother; and (3) that the marriage could not give rise to legitimation. The only persons entitled to dispute legitimation are those who can prove that their interests are materially affected thereby, or the ascendants in the legitimate line of the father or mother bringing about legitimation; the latter must institute proceedings within 60 days from the date on which they first receive notice of the legitimation, and the former within 300 days from the date on which, their interests being materially affected, they become entitled to exercise their right. Only the supposedly legitimated person or, if legitimation has taken place after that person's death, his legitimate descendants entitled to benefit directly by the legitimation may dispute the legitimation on the grounds that the act was not notified or accepted (Articles 74, 220, 222, 224, 227, 228, 229).

### SIAM

See reply to Question 1.

### SOUTH AFRICA

Illegitimate children can be legitimated only *per subsequens matrimonium*. Such legitimation presupposes that the parents were competent to marry at the time of the children's birth, being analogous to ratification. The progeny of an adulterous or incestuous intercourse are therefore incapable of subsequent legitimation.

Legitimation by Act of Parliament is conceivable under our constitution, but hardly probable nowadays except in very peculiar circumstances—*e.g.*, where a number of subjects are the progeny of unions purporting to be marriages, but invalid for some formal defect.

### SPAIN

Only "natural" children may be legitimated. Legitimation takes place by subsequent marriage of the parents or by Royal Warrant.

Only children who have been acknowledged by the parents before or after the celebration of marriage are regarded as legitimated by subsequent marriage.

Persons legitimated by subsequent marriage have the same rights as legitimate children. Legitimation takes effect in every case as from the date of marriage.

Legitimation of children deceased before the marriage extends to their descendants.

The following conditions are required for legitimation by Royal Warrant:

- (1) That legitimation by subsequent marriage be not possible;
- (2) That legitimation be applied for by the father and the mother or by one of them;
- (3) That the father or the mother applying for the same have no legitimate children or children legitimated by subsequent marriage, or descendants of the same;
- (4) That the person applying for legitimation, if married, obtain the consent of the husband or wife, as the case may be.

Legitimation by Royal Warrant may also be obtained by a child whose father or mother are already dead, but have stated their desire to legitimate the said child, in their testament or in a public instrument, so long as condition No 3, stated above, is complied with.

Legitimation by Royal Warrant confers the following rights :

- (1) To bear the name of the father or mother applying for the said warrant ;
- (2) To receive maintenance as defined in the reply to Question 4 ;
- (3) To the rights of inheritance set forth in the reply to the fifth question.

Legitimation may be contested by persons who regard their rights as having been prejudiced in cases in which persons legitimated do not hold the legal status of "natural" children, or when the conditions above mentioned are not complied with.

#### SWEDEN

The children born out of wedlock are unconditionally legitimated by the subsequent marriage of their father and mother (according to Article 8 of the Legitimacy Law).

#### SWITZERLAND<sup>1</sup>

In Swiss law, a distinction must be made between voluntary acknowledgment (Articles 303, 304, 305, 306 and 325), judicial declaration of paternity (Article 323) and legitimation properly so called, which covers the two cases specified in Articles 258 and 260 (see Articles 258 to 263 as regards question No. 3).

" 258. A child born out of wedlock becomes legitimate by operation of law, when its parents unite in matrimony.

" 259. The parents are required at the time of the solemnisation of the marriage or immediately thereafter to give to the registrar of civil status of their domicile notice of their children born out of wedlock.

" The omission to give this notice does not affect the legitimation of the children.

" 260. Where the parents of the child have entered into a promise of marriage and the marriage has been prevented by the death or disability of one of the parties, the other party or the child itself can, by applying to the court, obtain a decree of legitimation.

" Where the child is of full age, the decree can be obtained only with the child's consent.

" On the death of the child, the right to demand this decree passes to its descendants.

" 261. The competent court is the court of the domicile of the applicant.

" The court must, however, send a notice of the application to the father's commune of origin in order that the authorities of the commune may safeguard its interests.

" 262. The presumptive heirs of the parents or the competent authority of the father's canton of origin can bring an action to annul the legitimation, provided it is brought within three months from the date of their cognisance of the legitimation ; they must prove that the child was not born of the parents alleged.

" The court which is competent to try this action is the court of the parents' domicile or the court which decreed the legitimation.

" 263. The effect of legitimation is to confer on the child and his legitimate descendants the same rights in relation to his father and mother and their kindred as if he had been born legitimate.

" The legitimation must be notified to the registrars of civil status of the child's birthplace and of his father's and mother's place of origin."

#### UNION OF SOVIET SOCIALIST REPUBLICS

Legitimation, as it is understood in certain foreign codes, cannot take place in Russia, as we no longer have illegitimate children.

Certain Western codes permit the legitimation of natural children subject to certain restrictions. For example, in signing their marriage contract, the parents declare their natural child, and the child then becomes legitimate in virtue of its parents' marriage.

According to the laws of the U.S.S.R., this is impossible. If two persons having cohabited and had a child subsequently marry, the child could not be legitimated by their marriage, being in any case perfectly legitimate already ; the child's birth-certificate might, if necessary, be modified or supplemented if its father's name had not been entered on the registers—but it does not matter whether this is done before or after the parents' marriage.

The acknowledgment of a child by its father may be effected at any time, either by confirming the mother's declaration, as we have already explained, or by entering a judicial application to be acknowledged as the child's father. In the latter case, the respondent would be the mother or the person wrongly entered as the child's father.

#### UNITED STATES OF AMERICA

There are three possibilities in regard to the legitimation of illegitimate children, namely, that all children are declared legitimate, that certain classes are legitimate or that individual children may be legitimated through the action of their parents. Arizona and North Dakota provide for a general legitimation of all illegitimate children by declaring all children to be the legitimate children of their natural parents. This applies in cases "where the natural father of any such child is married to one other than the mother of said child, as well as where he is single". North Dakota made an attempt to repeal this as shown in the title of the uniform law of 1923<sup>2</sup>.

The legislature may legitimate certain classes of children who would otherwise be illegitimate. Children born of marriages that are declared void for various reasons, including nonage, racial difference,

<sup>1</sup> Articles 302-307 of the Swiss Civil Code appear in Appendix III.

<sup>2</sup> North Dakota Laws 1923, No. 187. The Attorney-General of North Dakota is of the opinion that the law has not been repealed.

idiocy, insanity, consanguinity, affinity and bigamy, are, by statute, either declared legitimate or illegitimate. Considerable variation is found here. In many of the southern States, the issue of marriage between negro and white is always illegitimate, and this is also true in Nebraska. In Missouri the issue of marriage between Mongolian and white and in North Carolina the issue of marriage between Indian and white is also illegitimate. If the marriage is annulled because the former spouse is living but the marriage has been contracted in good faith, the child is usually declared to be the legitimate child of the parent who was capable of contracting the marriage.

Where common-law marriage is recognised, children born of such a marriage are considered legitimate by common law. Oregon, however, has enacted this into statutory law by providing :

“ In case a man and a woman, not otherwise married heretofore, shall have cohabited in the State of Oregon as husband and wife, for over one year, and children shall be living as a result of said relation, said cohabitation, if children are living, is hereby declared to constitute a valid marriage and the children born after the beginning of said cohabitation are hereby declared to be the legitimate offspring of said marriage.”

Furthermore, the individual child may be legitimated by the action of his parents. The most usual provision found in nearly all States is legitimation by the subsequent intermarriage of the parents either with or without recognition by the father. Nebraska curiously adds “ the having of other issue ” to these provisions. A minority of States permits legitimation by the father without marriage either in a formal or informal way. This is done by proceedings before the probate court in Alabama, by court action on petition of the father in Georgia, North Carolina and Tennessee, and by notarial acknowledgment of filing in a notary's office in Delaware and Louisiana. In Michigan the father may acknowledge the child in the same way that deeds are recorded. Several States provide that the father may publicly acknowledge or adopt the child and thus legitimate it.

#### VENEZUELA

The Venezuelan Civil Code provides two methods of legitimation : namely (a) the subsequent marriage of the natural child's parents ; (b) an order of the Supreme Court of Justice of the respective State or Federal District. The conditions requisite for either procedure are set out in detail in Book I, Part VI, Chapter III, Section 2, Articles 248 to 266.

#### QUESTION 5.

*What are the rights of inheritance or succession of illegitimate children ?*

#### ALBANIA

No legal right exists ; illegitimate children may only inherit from their parents if the latter so desire.

#### AUSTRALIA

##### NEW SOUTH WALES

In the eye of the law, an illegitimate child is *filius nullius*. He cannot inherit in the absence of a devise in the will or succeed to property on an intestacy. In the answer to Question 3, it has been stated what conditions govern the legitimation of illegitimate children, and that a child on registration as the lawful issue of a man and his wife shall be deemed on registration to have been legitimated by the marriage of its parents from birth and shall be entitled to all the rights of a child born in wedlock (Sections 3 and 6). Section 4 says that the issue of any such legitimated child who has died or who may hereafter die before the marriage of his or her parents shall take, by operation of law, the same real and personal property which would have accrued to such issue if the parent had been born in wedlock. Section 5 enacts that nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become or may become entitled, either mediately or immediately in possession or expectancy by virtue of any disposition made before the passing of this Act, or by virtue of any devolution by law on the death of any person dying before the passing of this Act.

##### QUEENSLAND

Nil, unless they are legitimated by subsequent marriage.

##### SOUTH AUSTRALIA

By the Administration and Probate Act, it is provided that, as regards succession to any estate under any will or under an intestacy of a woman, her illegitimate child shall have the same right and title as if the child were legitimate. It is also provided that, in the case of any estate of an illegitimate child, the next of kin on the mother's side shall have the same right and title as if the child were legitimate.

##### TASMANIA

An illegitimate child has no rights of inheritance or succession to real or personal property save where he or she has been legitimated. Legitimation, however, does not affect interests of other persons in real or personal property acquired before the operation of the “ Legitimation Act 1905 ” commenced, or before the marriage of the child's parents.

##### VICTORIA

An illegitimate child cannot succeed to real property by inheritance as heir at law by descent : Co. Litt. 123a ; nor can he succeed as next of kin to personality : *In re Goodman's Trusts*, 1881, 17 Ch.D. 266. But, when an illegitimate child is legitimated under the provisions of the Registration of Births,

Deaths and Marriages Acts, the child, except as to some special matters, is entitled to "all the rights of a child born in wedlock, including the right to such real and personal property as might have been claimed by such child if born in wedlock and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock"—see Registration of Births, Deaths and Marriages Act 1915, Sections 27 *et seq.*

#### WESTERN AUSTRALIA

Illegitimate children have no rights of succession (the right of inheritance does not exist in Western Australia).

#### AUSTRIA

An illegitimate child inherits the freely heritable estate of its mother and of its kindred on the mother's side (§ 754 A.B.G.B.). It has no right of inheritance in respect of its father or of its father's kin, but the father's obligation to support and care for it passes like any other liability to his heirs—*i.e.*, in the event of his decease, his heirs must maintain the child until it is capable of supporting itself. If, at the time of the father's decease, an illegitimate child is being cared for and educated in his home, it may claim to continue to receive care and education as before out of the father's estate, but not on a more costly scale than can be accorded to the legitimate children out of the estate (§ 171 A.B.G.B.).

#### BELGIUM

An acknowledged illegitimate child cannot claim the rights of a legitimate child. Its rights in regard to *inheritance or succession* are defined (Law of April 6th, 1908, Article 338 of the Civil Code).

"Article 756 of the Civil Code." An illegitimate child cannot inherit; the law only grants it rights to the property of its deceased father or mother if it has been legally acknowledged. It does not grant an illegitimate child any right to the property of its father's or mother's kin.

"Article 757 of the Civil Code." The right of an illegitimate child to the property of its deceased father or mother is defined as follows: if the father or mother has left legitimate descendants, the illegitimate child is entitled to a third of that portion of the hereditaments which it would have obtained if it had been legitimated; it is entitled to half of that portion when the father or mother leaves no descendants but ascendants or brothers or sisters; and three-quarters when the father or mother leaves neither descendants nor ascendants nor brothers nor sisters.

"Article 758 of the Civil Code." An illegitimate child takes the whole property when its father or mother leaves no surviving kindred entitled to inherit.

"Article 759." In the event of the predecease of an illegitimate child, its children or descendants may claim the rights laid down in the previous articles.

"Article 760." An illegitimate child or its descendants shall be bound to deduct from the portion they are entitled to claim all property which they have already received from the parent whose estate is in process of devolution, and which is to be brought into hotchpot under the rules laid down in Section II of Chapter VI of this Part.

"Article 761." An illegitimate child or its descendants may not make any claim if, during the lifetime of the father or mother, they have received half of the estate allocated to them under the preceding articles, with an explicit declaration on the part of the father or mother of their intention that the illegitimate child should receive no more than the portion they have assigned to it.

"If the portion received is less than half of the portion which the illegitimate child should receive, it may not claim more than is necessary to complete that half.

"Article 762." The provisions of Articles 757 and 758 are not applicable to children born of adultery or incest.

"The law only grants such children maintenance.

"Article 763." The maintenance granted depends upon the means of the father and mother and on the number and degree of the legitimate heirs.

"Article 764." When the father or mother of a child born of adultery or incest has had the child taught a trade, or when either of them has provided for its maintenance in his or her lifetime, the child may not claim to inherit or succeed to any part of their estate.

"Article 765." If an illegitimate child dies without issue, its estate passes to whichever parent has acknowledged it, or is divided equally between the parents if both have acknowledged the child.

"Article 766." If an illegitimate child predeceases its father and mother, the property which it received from them passes to its legitimate brothers or sisters if they once more become the natural heirs; the institution of any proceedings for recovery of such property, if alienated, also devolves upon the legitimate brothers and sisters, and the payment for such property, if still due, is recoverable by them.

"All other property passes to the illegitimate brothers and sisters or to their descendants."

Article 908 of the Civil Code also applies in this connection:

"Illegitimate children may not, by *donatio inter vivos* or by will, receive more than is granted to them by *inheritance or succession*."

#### BULGARIA

If their parentage is not acknowledged, illegitimate children have no rights of inheritance or succession.

When illegitimate children whose parentage is acknowledged claim an inheritance jointly with legitimate children, they receive only half of the share which would be due to them if they were legitimate.

#### CANADA<sup>1</sup>

Inheritance rights in respect of illegitimate children are not generally governed by the legislation bearing on this subject, but by the succession and inheritance laws of the provinces. Ontario and Quebec alone specifically exclude the illegitimate child from inheritance. In Prince Edward Island, inheritance of such children is not specifically covered and, this being so, common law prevails. Such children therefore cannot inherit.

<sup>1</sup> See note relating to the reply to Question 1, page 119.

In six provinces, inheritance rights exist to and from the mother, *i.e.*, Alberta, British Columbia, Ontario, Manitoba, Nova Scotia and Saskatchewan.

An unusual feature of the laws of five Canadian provinces—*i.e.*, Alberta, British Columbia, New Brunswick, Ontario, Prince Edward Island—is the provision that an affiliation order covering legitimate children is safeguarded to some extent in these provinces.

#### DANZIG

An illegitimate child has no rights of inheritance in regard to his father.

As regards his mother and mother's relatives, an illegitimate child stands in the same legal position as a legitimate child (§ 1705, Civil Code); this applies also to rights of inheritance.

An illegitimate child legitimated in virtue of subsequent marriage stands towards the father and the father's relatives in the same legal position as a legitimate child (§ 1719, Civil Code); he consequently possesses the same rights of inheritance as a legitimate child in regard to his father and his father's relatives.

When legitimation is effected by State decree, however, relationship is established only between the child (and his descendants) and the father, but not between the child and the father's relatives (§ 1737, Civil Code); hence, the child possesses the same rights of inheritance as a legitimate child only in regard to his father, and not in regard to his father's relatives.

#### DENMARK

An illegitimate child inherits from its mother and maternal relatives in the same way as a legitimate child, but it cannot inherit from its father or paternal relatives, except when the father, before the child's birth and when publishing the banns of marriage or obtaining exemption from publication of the banns, has expressed his intention of marrying the mother, but the marriage has been prevented, either by the death of the father shortly afterwards, or by some other circumstance for which he is not responsible and which continues until his death, as, for example, illness or imprisonment. Children acknowledged by a declaration of legitimacy and, generally, children legitimated by Royal Warrant have, in addition to the right to inherit from their mother and maternal relatives, a certain limited right to inherit from their father and paternal relatives. Children legitimated by the subsequent marriage of their father and mother are entitled to inherit on the same footing as legitimate children.

#### ECUADOR

Illegitimate children properly so called have no rights of inheritance or succession of any kind, and are only entitled to claim maintenance in accordance with Article 1159, provided they are acknowledged as illegitimate children in the will.

“Article 1159. The illegitimate child who is acknowledged as such in the will may claim from the heirs that maintenance for which the testator would have been liable had he lived. This provision, however, has no retroactive effect.”

“The above stipulations apply to cases where the child has not been formally acknowledged by the testator, for the purpose of conferring upon him the rights of a natural child, or where effect is not given to such acknowledgment.”

#### ESTONIA

Illegitimate children do not, in the ordinary course of law, inherit from their father's estate; as regards their mother and her blood-relations, they have the same rights of inheritance and succession as legitimate children (Baltic Private Code, § 1872).

#### FINLAND

Article 5 of the Law of July 27th, 1922, concerning children born outside lawful wedlock is worded as follows: “A child shall inherit from its mother and its mother's parents and its own descendants, and only the above-mentioned categories of persons shall inherit from the child. But, if the child has been recognised, it shall also inherit from its father and father's parents, and the latter shall also inherit from the child”.

#### FRANCE

An illegitimate child which has been legally acknowledged is permitted to inherit from its father and mother under the conditions provided in Articles 756 to 761, 765, 913 and 915 of the Civil Code. It may also, in some cases, succeed to its illegitimate brothers and sisters (Article 766); children born of adultery or incest cannot inherit and are only entitled to maintenance (Article 762 of the Civil Code.)

(The Articles relating to the right of inheritance and succession are very briefly summarised in Table A of Appendix I, pages 92 and 93).

#### GERMANY

With regard to inheritance or succession, the illegitimate child occupies the position of a legitimate child in relation to its mother and her relatives. It cannot claim rights of succession against its father and his relatives. As regards the treatment of its claim to maintenance after the death of the father, reference may be made to paragraph 1712 of the Civil Code (see reply to Question 1).

#### GREAT BRITAIN

Since the Legitimacy Act 1926,<sup>1</sup> an illegitimate child may inherit, as if born legitimate, from its mother where she dies intestate and leaves no surviving legitimate children at her death. This applies to both real and personal property, and it also applies to the children of the illegitimate person if it dies before its mother.

<sup>1</sup> Legitimacy Act 1926, Section 9 (1).

With the above exception, an illegitimate child cannot succeed to any property on an intestacy, but it may take an interest or benefit under a will where it is clearly designated.

As regards an illegitimate child who has been legitimated by the subsequent marriage of its parents, it may succeed to, or inherit, real and personal property subject to certain limitations in favour of those of the family who were born legitimate.<sup>1</sup> Where the right to inherit depends upon the relative seniority of the children, the legitimated child ranks, for this purpose, as if it had been born upon the day when it became legitimated.

#### GREECE

See the replies to Questions Nos. 2 and 3.

#### HUNGARY

According to Article II of Law XXXI of 1894 on marriage, an illegitimate child, in the same way as a legitimate child, is prohibited from marrying its father or a relative of the father.

The same principle applies to questions of succession. The illegitimate child has the same rights to its mother's estate as legitimate children. As the illegitimate child is connected by ties of blood with its mother's relatives, including collateral relatives, the illegitimate child and the collateral relatives of its mother enjoy, according to the recent practice of the courts, mutual rights of succession (see Decision No. 4728/1918 of the Royal Hungarian Court of Justice).

The illegitimate child may not *ipso jure* succeed to the estate of its father or of its father's relatives and *vice versa*.

#### INDIA

In the case of Hindus, the illegitimate sons of the twice-born castes, though entitled to maintenance out of their father's estate, cannot inherit from him. The illegitimate sons of Sudras, on the other hand, can inherit from their father, provided that their mother was a Hindu woman in his exclusive and continuous keeping and that the connection was neither adulterous nor incestuous, but they take only a moiety of the share of a legitimate son. Illegitimate daughters even of Sudras, cannot inherit from their father.

The illegitimate children (including daughters) of a Hindu woman can inherit her private property (*stridhana*), but, if there are legitimate children, the latter are preferred to the former.

In the case of Mohammedans, a distinction must be drawn between Sunnis and Shias. Illegitimate children of Sunnis inherit from their mother and her relations, but do not inherit from their father or his relations. In the case of Shias, illegitimacy is an absolute bar to succession.

The illegitimate child of a Buddhist may inherit if there is no legitimate child.

In the case of Europeans, Anglo-Indians, and, as a rule, of Christians generally, while there is nothing to prevent a bequest to an illegitimate child, he cannot inherit on intestacy.

#### IRISH FREE STATE

Illegitimate children have no rights of succession or inheritance.

#### ITALY

Illegitimate children can only inherit from their parents if they have been acknowledged or declared as such (Article 743 of the Civil Code).

They inherit from parents by whom they have been acknowledged equally with legitimate relatives, if any, but in this case subject to limitations.

Legitimation obtained after the devolution process has officially commenced has no retroactive effect (Article 201 of the Civil Code). An illegitimate child, even if acknowledged, has no rights over property belonging to blood-relations of his father and mother (Article 749 of the Civil Code), nor does natural relationship in the collateral line establish his right to property inherited by another brother, even if he has the same father and mother. An illegitimate child inherits equally with the legitimate ascendants and descendants and husband or wife of his parent, to the exclusion of all other relatives. Children who cannot be acknowledged have no rights of inheritance, either legitimate or by will, but only the right to claim maintenance in the cases mentioned in Article 193, such maintenance to be assigned in proportion to the income of the father and mother and to the number and status of the legitimate heirs (Articles 752 and 767).

If the testator leaves legitimate descendants or ascendants, illegitimate children who have not been legitimated cannot receive, under the terms of a will, more than they would receive by law if no will had been made (Article 768), while, in the absence of children, their property passes to the parents whose illegitimate children they are, jointly with the husband or wife, if any (Articles 743-752 of the Civil Code).

The rules applicable to acknowledged illegitimate children also apply to those whose bastardy has been established by the Courts (Article 192 of the Civil Code).

#### JAPAN

The succession rights of illegitimate children vary according as the succession is to all the rights and obligations belonging to the head of the family or to all the rights and obligations relating to property belonging to members of the family.

Among the heirs presumptive *ab intestato*, inheriting from the head of the family, an illegitimate child comes after legitimate or acknowledged children.

<sup>1</sup> Legitimacy Act 1926, Section 3.

In the case of inheritance by designation or election, however, no discrimination is made between legitimate and illegitimate children.

As regards succession to property, the succession rights of the direct descendant of the deceased are settled, in conformity with the system of undivided succession, according to the degree of relationship.

Those having the same degree of relationship, putting on one side the question of family, sex, age or legitimacy, have equal rights of succession. Nevertheless, in the case of succession *ab intestato*, illegitimate children are only entitled to receive half of the share due to legitimate children.

#### LATVIA

Illegitimate children inherit only from the mother.

#### LUXEMBURG

Illegitimate children cannot inherit; the law only allows them rights to the property of their deceased father or mother, if they have been legally acknowledged. It grants them no right to the property of their father's or mother's parents.

The right of an illegitimate child to the property of its deceased father or mother is regulated as follows:

If the father or mother has left legitimate descendants, the right is to a third of the portion which the illegitimate child would have inherited if it had been legitimate; the right is to half if the father or mother leaves no descendants, but ascendants or brothers or sisters; and to three-quarters when the father or mother leave neither descendants nor ascendants and neither brothers nor sisters.

The illegitimate child has the right to all the property when its father or mother leaves no relatives entitled to inherit.

If the illegitimate child predeceases its parents, its children or descendants may claim the rights which would have belonged to the child if it had lived.

Anything that the child has received from a father or mother in respect of whom the devolution process has officially commenced must be brought into hotchpot.

If illegitimate children, in the lifetime of their father or mother, have received half of the portion due to them under the above-mentioned clauses, and if the father or mother has expressly declared an intention that the illegitimate child shall receive only the portion assigned to it, the latter may not claim other rights. Should this portion be less than half of the portion which the illegitimate child should receive, he can only claim the amount necessary to make up that half.

Children born of adultery or incest may only receive maintenance.

#### MONACO

These rights are governed by the following articles in the Civil Code:

" Article 638. The law only grants to illegitimate children rights to the property of their father and mother when they have been legally acknowledged. Illegitimate children legally acknowledged become heirs to the estate of their deceased father or mother.

" Article 639. The law grants to illegitimate children no right to the property of their father's or mother's parents.

" Article 640. The right of the illegitimate child to inherit out of his father's and mother's estate is fixed as follows:

" If the father or mother has left legitimate descendants, this right is to the half of the portion which he would have inherited if he had been legitimate.

" Article 641. The right is to three-quarters when the father or mother leaves no descendants, but leaves ascendants or brothers or sisters, or legitimate descendants of brothers or sisters.

" Article 642. The illegitimate child has a right to all the property when the father and mother leave neither descendants nor ascendants and neither brothers nor sisters, nor legitimate descendants of brothers or sisters.

" Article 643. If illegitimate children predecease their parents, their children or descendants may claim their rights as fixed by the preceding articles.

" Article 644. The provisions of Articles 638, 640, 641 and 642 are not applicable to children born of adultery or incest. The law only allows them maintenance.

" Article 645. This maintenance is determined with due regard to the means of the father and mother and the number and degree of the legitimate heirs.

" Article 646. When the father or mother of a child born of adultery or incest has had the child taught a trade or when one of them has provided for its maintenance in his or her lifetime, the child may not claim any share of their estate."

#### NETHERLANDS

(including the Netherlands East Indies, Surinam and Curaçao)

Section 3 of Part XI of Book II of the Civil Code deals with inheritance and succession when there are illegitimate children (Articles 909, *et seq.*). See also Article 955 of the Civil Code quoted below <sup>1</sup>.

Legitimation cannot prejudice the rights of legitimate children of a past marriage; similarly, it does not confer any rights in respect of inheritance from other relatives, unless they have consented to the granting of the letters of legitimation (Article 333 of the Civil Code).

" Article 909. If the deceased left illegitimate children legally acknowledged, the estate is distributed according to the provisions of the three following articles.

<sup>1</sup> These articles are taken from M. P. H. Haanebrink's translation of the Netherlands Civil Code.

" *Article 910.* If the deceased left legitimate descendants, the illegitimate children receive one-third of the portion of the estate which they would have received had they been legitimate; they receive half the estate if the deceased left no descendants but did leave ascendants or brothers and sisters, or descendants of the latter, and three-fourths if he left only more distant relatives.

" If the legitimate heirs bear different degrees of relationship to the deceased, the next of kin in one line determines the proportion due to illegitimate children even in the other line.

" *Article 912.* If the deceased left no relative of a degree to inherit, the illegitimate children are entitled to the whole of the estate.

" *Article 913.* If the illegitimate child predeceases his parent, the legitimate children and descendants of such child may claim the rights provided in Articles 910 and 912.

" *Article 914.* The foregoing provisions do not apply to children born of adultery or incest.

" The law grants them maintenance only.

" *Article 915.* Such maintenance is proportionate to the means of the father or mother and the number and degree of the legitimate heirs.

" *Article 916.* If the father or mother of a child born of adultery or incest connection has made provision during his or her lifetime for the maintenance of such child, the latter has no claim upon the estate of his father or mother.

" *Article 917.* The estate of an illegitimate child dying without issue reverts to the father or mother by whom the child was acknowledged or to the two parents in equal shares if the child was acknowledged by both.

" *Article 919.* The law grants an illegitimate child no claim on the property of the relatives of its father and mother except in the case provided for in the next article.

" *Article 920.* If any such relative dies leaving no relatives in a degree to inherit and no surviving spouse, the acknowledged illegitimate child may claim to inherit to the exclusion of the State.

" Further, if the illegitimate child dies leaving no issue and no father or mother or natural brothers or sisters or descendants of such, his estate likewise passes to the nearest relatives of his father or mother who have acknowledged him, and not to the State; if he was acknowledged by both parents, half his estate passes to the nearest relatives on the father's side and the other half to the nearest relatives on the mother's side.

" The distribution of the estate in each line takes place in accordance with the ordinary rules governing succession.

" *Article 955.* If the father and mother leave legitimate children and also illegitimate children legally acknowledged, the latter cannot benefit by testamentary disposition of their father and mother over and above what is granted to them in Part XI of this Book."

#### NORWAY

Children whose parents are not married have the same right to inherit from father and mother as legitimate children (Law No. 4 of April 10th, 1915, amending the Succession Law of July 31st, 1854, with Supplementary Law of June 27th, 1892).

#### POLAND<sup>1</sup>

(a) *Former Congress Kingdom:*

The succession rights of illegitimate children in the former Congress Poland are governed by Articles 756-766 of the amended Code Napoleon, which have already been quoted in the Belgian reply (see page 80).

(b) *Territories in which the former Collection of Russian Laws is in force:*

*Article 132<sup>12</sup>.* — Illegitimate children and their legitimate descendants are only entitled to inherit by operation of law in respect of the estate acquired by their mother, on the same principles as legitimate children, with this reservation, that the hereditaments of a mother having no legitimate sons, but only legitimate daughters, are divided among these daughters and the illegitimate children in equal parts. Illegitimate children are not entitled to inherit by operation of law from the father and his relatives, from the mother and her relatives, or out of the family estate of the mother.

*Article 132<sup>13</sup>.* — The mother of an illegitimate child may inherit from the child under the rules governing inheritance by relatives in the ascending line.

*Article 132<sup>14</sup>.* — When illegitimate children have left no descendants who can inherit, the other illegitimate children of the same mother and their legitimate descendants may inherit.

*Article 132<sup>15</sup>.* — When the mother is called upon to provide necessaries for her illegitimate child, or when the child itself claims its right of inheritance or other rights, the document to be used as evidence of the relationship is the birth certificate. When the mother is not mentioned in this document, or when it is impossible to submit the child's birth certificate as proof that it is her offspring, only affidavits in writing by the mother shall be admitted as evidence.

#### PORTUGAL

By the terms of Article 31 of the Decree of December 25th, 1910, the acknowledged illegitimate child has the right:

*To inherit, wholly or partly, from the parents by whom they are acknowledged, or from their grandparents, as provided in Articles 1990 to 1992 of the Civil Code and in the Legislative Decree of October 31st, 1910. Acknowledged illegitimate children inherit from their parents (Articles 1990 and following of the Civil Code), and the Decree of October 31st, 1910, removes all doubt as to inheritance from grandparents by definitely specifying (Article 8, para. 2) that illegitimate children inherit from their grandparents.*

<sup>1</sup> See observation in reply to Question 1, page 126.



Although they inherit from their parents and grandparents, acknowledged illegitimate children do not inherit :

(a) From their legitimate brothers or sisters, unless the latter leave no legitimate brothers or sisters or descendants of such (Article 2002 of the Civil Code) ;

(b) From collateral relatives of their parents, unless there are no other relatives within the sixth degree. Similarly, collateral relatives of acknowledged illegitimate children inherit from them in like circumstances (Article 2005 of the Civil Code and Article 8 of the Decree of October 31st, 1910).

(c) The parents inherit from their acknowledged illegitimate children as from their other descendants, unless, of course, the said child leaves issue (Articles 1994 and 1999 of the Civil Code). If an acknowledged illegitimate son was married, his wife enjoys for her life the usufruct of half the hereditaments (Article 1995 of the Civil Code).

#### ROUMANIA<sup>1</sup>

(a) *Old Kingdom* :

As regards their mother and her parents, exactly the same rights as legitimate children, with one exception : illegitimate children may not inherit from the mother's relatives in the descending line. They have no rights as regards their father.

(b) *Bessarabia* :

The child inherits from its mother and her relatives in the ascending line, but not from its father. If, however, the father has recognised it by due notarial act or by a deed in writing signed by him and certified by creditable witnesses, in which he states that " so-and-so is my son (or my daughter) " without adding the word " illegitimate ", the child will inherit its father's estate, *but only that estate*, in the same way as other legitimate children, if any.

#### SALVADOR

In Salvador, any person *sui juris* is free to dispose of his property by will in favour of one or more persons legally capable of inheriting the same, after deduction of the charges to which it is liable by law. Should the testator not have made proper provision for the persons whom he was bound to maintain, the latter may claim maintenance from the legatees (Articles 996, 1141).

Illegitimate and " natural " children possess, in the matter of inheriting from a deceased intestate mother or father respectively, the rights conferred upon them by the following articles in the Civil Code :

*Article 998.* — In cases of intestacy, the following shall inherit : (1) legitimate children, illegitimate children in the case of the mother's estate, the father of a legitimate child, the mother of a legitimate or illegitimate child and the surviving spouse ; (2) " natural " children in the case of the father's estate grandparents and other ascendants in the legitimate line ; illegitimate grandchildren on the mother's side whether their mother be legitimate or illegitimate ; the maternal grandmother, even if both mother and child are illegitimate ; the paternal grandmother of the legitimate child of an illegitimate father and the father of a " natural " child who has voluntarily acknowledged his child, provided the child has accepted acknowledgment ; (3) legitimate brothers and sisters, or half-brothers and half-sisters on the father's side, and uterine brothers and sisters, legitimate and illegitimate ; (4) illegitimate children of a legitimate or illegitimate uterine sister ; (5) the legitimate brothers and sisters of the father of a legitimate child and the illegitimate uterine brothers and sisters of the father of a legitimate child and of the mother of a legitimate or illegitimate child ; (6) cousins german of legitimate children ; (7) the University and hospitals.

*Article 989.* — The heirs mentioned in the preceding article shall be given preference in the order indicated so that only when there are no persons in existence of the preceding category or categories shall the persons indicated in the subsequent categories inherit, and the inheritance shall be divided in equal parts among the persons of each category without prejudice to the provisions of the following article and Article 986 (namely the case of representation referred to below).

*Article 990.* — Notwithstanding the provisions of the preceding article, " natural " children shall, if the father leaves no legitimate issue, stand on an equal footing with the other persons specified in No. 1 of 988, with the same rights as if they were legitimate children.

*Article 986.* — Inheritance may always take place by representation in the case of the legitimate issue of the deceased, in the case of legitimate issue of his " natural " children, and in the case of the legitimate issue of illegitimate children in respect of the mother's estate. In the collateral line, inheritance may take place by representation only in the case of the legitimate children and grandchildren of legitimate brothers and sisters, or illegitimate uterine brothers and sisters of the deceased, even though these be on the same footing as uncles.

#### SIAM

See reply to Question 1.

#### SOUTH AFRICA

As illegitimate children are in law strangers to their father, they do not succeed to his estate *ab intestato* ; there is nothing to prevent a natural father, however, from bequeathing property, movable as well as immovable (personal and real), to his illegitimate child by will. By reason of the doctrine of our law that " Eene moeder maakt geen bastaard ", the illegitimate child inherits *ab intestato* from his mother or from maternal ascendants. *A fortiori*, the mother can bequeath property to her illegitimate child.

Conversely, on the decease of an illegitimate child leaving no issue, the mother or the maternal relatives inherit ; the father or the paternal relatives are not called to the inheritance *ab intestato*.

The South African law draws no distinction between real and personal property in regard to succession.

<sup>1</sup> See footnote to Question 1, page 128.

## SPAIN

Children legitimated by subsequent marriage have the same rights as legitimate children. Natural children legally acknowledged each have the right to half of the share of the inheritance that would have fallen to legitimate children not specially favoured, so long as such shares come within that third part of the inheritance which the testator may dispose of at his discretion; the shares must be taken out of that third part, burial and funeral expenses being first deducted.

When there are no legitimate descendants, but there are legitimate ascendants, natural children, if acknowledged, are entitled to half of that part of the inheritance of which the testator may dispose of at his discretion, without prejudice to the lawful share of the inheritance falling to the surviving spouse. Should the surviving spouse and the acknowledged natural children agree together thereto, the remaining part of the inheritance may be adjudicated to the latter in full possession during the lifetime of the surviving spouse.

The rights of acknowledged children pass to their descendants after death.

Persons legitimised by Royal Warrant have the same rights as acknowledged natural children.

Illegitimate children not having the status of natural children are only entitled to maintenance.

Donations received from father or mother by a natural child are deducted from the said child's lawful share of the inheritance.

## SWEDEN

The rights of illegitimate children as regards inheritance are determined by Article 12 quoted below (compare Article 1 of the Law of June 14th, 1917, inserted in the reply to Question No. 1).

"Article 12. The child succeeds his mother and her parents and the latter succeed the child in the same way as if he were legitimate.

"If the child is the offspring of engaged parents, he succeeds his father and the father succeeds his child in the same way as if the latter were legitimate. In other cases, the child and the father are incapable of succeeding each other.

"No right of succession exists between the child and his father's family."

According to the Law on Succession, dated June 8th, 1928, which came into force on January 1st, 1929, the father may simply, by making a declaration in a certain form, stipulate that the child shall inherit from him and that he shall inherit from the child.

## SWITZERLAND

The succession rights of illegitimate children are determined by Article 461, which reads as follows :

"Article 461. Illegitimate relations by blood on the maternal side have the same rights of inheritance as legitimate relations.

"On the paternal side, they have these rights only where the illegitimate child has, through its acknowledgment or a judicial decree of paternity, acquired his father's status.

"Where an illegitimate heir or his descendant has to share with legitimate descendants of his father, his share is reduced to half of the portion which falls to a legitimate child or his descendants."

## UNION OF SOVIET SOCIALIST REPUBLICS

As regards inheritance rights, they are the same for all children, legitimate or not. This means that the child inherits from its parents whether they are married or not.

If the father dies, having children of his legitimate wife, and other children of other women, his property will be divided in equal parts among all the children.

Under Soviet law, the following are entitled to inherit : direct descendants, the surviving husband or wife, and persons supported by the deceased for at least a year. All receive equal shares. The same share is assigned to an heir not yet born but conceived before the death of the person from whom he is entitled to inherit. Collateral relations do not inherit under our law. If the deceased had children and grandchildren, each of them receives his share of the inheritance, so that, in the father's lifetime, his children inherit from their grandfather simultaneously with their father. Thus an illegitimate child may inherit, not only from its father, but also from its father's father. A father can of course disinherit his natural child in his will—but then the heirs of the father will be responsible by law for the child's maintenance.

## UNITED STATES OF AMERICA

Practically all the States recognise the right of the illegitimate child to inherit directly from his mother as if born in wedlock, but few recognise the right of a child to inherit through her. New Jersey limits this right to inherit from the mother by providing that the child will inherit from her "only if she leaves no husband and no lawful issue or issue of any". The right to inherit from the father is less often given.

As a result of discussions on this right in the regional conferences held under the Children's Bureau in 1919, the following resolution was adopted in both the Chicago and New York meetings :

"After an adjudication of paternity or an acknowledgment in writing by the father, the child born out of wedlock, should have the same rights of inheritance as the child born in wedlock."

However, this was not incorporated in the Uniform Act. In explanation, Professor Freund says :

"The framers of the uniform law were unable to accept suggestions that the child born out of wedlock be given the right to inherit from the father. The sentiment against the bestowal of this right is so strong and widespread that in a majority of the States it would probably have jeopardised the success of any measure incorporating it. In view of the absolute right of the father to disinherit his child, which nearly all of our States recognise, the right would, moreover, have been of questionable benefit if unaccompanied by changes in the law of inheritance, which it would be idle even to suggest in connection with illegitimacy legislation."<sup>1</sup>

<sup>1</sup> FREUND, Ernst : "A Uniform Illegitimacy Law", *The Survey*, Oct. 15th, 1922.

Some States give the right of inheritance in case of acknowledgment by the father, without expressed legitimation. California, for example, gives the child the right to inherit from the father mother or father in inheriting from their kindred. Kansas provides as follows :

“ They shall also inherit from the father whenever they have been recognised by him as his children ; but such recognition must have been general and notorious, or else in writing.”

The right to inherit through the father is rarely given unless the child has been legitimated. Some States expressly give the illegitimate child the right to inherit from other children of his mother. In New York, the illegitimate child can inherit from his mother only if she has no legitimate children. In direct contrast with these more complicated laws, the whole question of inheritance is simplified in Arizona by a provision that the rights of the illegitimate child are the same as those of the legitimate child.

## VENEZUELA

The legitimate children or their legitimate descendants are the statutory heirs of their father, mother and all ascendants.

Natural children are assimilated to legitimate children or their legitimate descendants with respect to the right to inherit from their mother or her ascendants.

The estate of a male deceased without legitimate issue passes as follows : his legitimate or natural ascendants ; his natural children and their legitimate descendants ; and his widow ; one-third of the estate devolves upon the natural children and their legitimate descendants, where the ascendants and the widow participate in the inheritance, and one-half in the absence of ascendants or widow.

Where there are neither ascendants nor widow, the estate devolves upon the natural children or their legitimate descendants, in participation, however, with the deceased's surviving brothers and sisters or the legitimate children of his predeceased brothers and sisters ; nevertheless, in such case the natural children of the predeceased legitimate sisters may not claim any right.

For this purpose, the law assimilates the natural children of the legitimate daughter or female descendant to the legitimate descendants of the natural children.

In the same manner, the natural children of the deceased's legitimate sister, herself predeceased, are assimilated to the deceased's legitimate nephews and nieces, so that, failing legitimate or natural issue or legitimate or natural ascendants of the deceased, they may participate in the estate with the deceased's widow and the surviving legitimate brothers and sisters.

The law lays down explicitly that the natural children and descendants upon whom these rights of inheritance devolve are those whose affiliation has been established by an express acknowledgment or a judicial decision of natural paternity or maternity, or whose affiliation on the mother's side is proved by a birth certificate or the possession of documents of identity. Nevertheless, as stated at the end of the reply to Question 4, children whose natural affiliation cannot be proved may, in the three cases set forth above, claim maintenance, which will be granted to them in proportion to the deceased's estate and taking into account the number and situation of the legitimate heirs. Their maintenance may not be a charge upon the compulsory portion of the heirs, nor is it recoverable if such heirs are in the like necessitous condition or if the estate is insufficient.

The law with respect to the inheritance rights of natural children is set forth in the Civil Code, Book III, Part II, Chapter I, Section 3, Articles 813 to 821, which deal with the order of succession in cases of inheritance *ab intestato*.

In cases of testamentary inheritance, account must be taken of the legal provisions relative to the compulsory portion, that is, the share in the inheritance due in full ownership to certain categories of heirs, namely, to the descendants, the ascendants, and the surviving spouse, if not enjoying legal separation of property.

Under Article 869 of the Civil Code, the compulsory portion is half of the testator's estate if the testator is survived by not more than two legitimate children, and two-thirds if by three or more. Natural children, according to Article 870, are assimilated to legitimate children where the testator is their mother. The law lays down that the natural children of the legitimate daughter shall have the same right to her mother's inheritance to which she herself would be entitled, and so on in the case of all other descendants whose natural affiliation is on the mother's side.

In the case of a male testator without surviving legitimate issue or descendants, but survived by a widow, one or more legitimate or natural ascendants, and also natural issue, the compulsory portion is three-sixths of the estate, of which one part goes to the widow, one to the ascendant or ascendants, and one to the natural child or children.

Where the ascendant or ascendants participate with the natural child or children, the compulsory portion is two-fifths of the estate, of which one part is due to the ascendant or ascendants and one to the natural child or children.

The natural child or children are entitled to an equal share when they only participate with the spouse ; and, finally, in the absence of ascendants and spouse, where there are only natural children, the compulsory portion is one-third of the estate.

The law also provides that everything the natural child has received during the lifetime or under the will of his father shall be a charge on his compulsory portion (Civil Code, Articles 871 to 874).

With regard to the revocation of testamentary dispositions, either universal or singular, the law gives to the natural children whose affiliation has been legally proved with respect to their mother, the same right as it gives to the legitimate children to bring an action to avoid the will in the case laid down in Article 942 of the Civil Code. Such action must be taken within five years of the natural (or legitimate) children's having had cognisance of the will which they desire to avoid, and in no case may proceedings be brought after the lapse of thirty years from the testator's death, except so far as this prescription is suspended in favour of minors (Article 943).

Article 1159 lays down that a gift made by the mother of an illegitimate child is voidable by the subsequent birth of a child whose natural affiliation is legally proved. The right to bring an action to avoid such gift is limited by prescription after five years from the date of the birth of the last child, and no action may be brought after the death of the children and their descendants.

**QUESTION 6.**

*Is there a system of official guardianship for illegitimate children?  
If so, how is this guardianship organised?*

**ALBANIA**

No.

**AUSTRALIA**

**QUEENSLAND.**

Yes. See Infants' Life Protection Acts 1905 to 1921, and State Children's Acts 1911 to 1924. (In conformity with the State Children's Act (2 Geo. V, No. 11), the Director of the State Children Department "shall have the care, management, and control of the person of all State children<sup>1</sup>, whether inmates of an institution or placed out or apprenticed, until such children attain the age of 18 years, and shall have the care, management and control of the property of all State children until such children attain the age of 21 years.")

**NEW SOUTH WALES.**

There are no provisions which are applicable exclusively to illegitimate children, but the Child Welfare Act 1923 (No. 21), which amends and consolidates certain Acts, deals generally with the welfare of children. The Act is administered by the Minister for Public Instruction. It provides, amongst other things, for the admission of children to State control and contains power to board out and apprentice such children. It gives power to the Governor of the State with the advice of the Executive Council thereof to establish as institutions under the Act: (a) shelters for the reception and temporary detention and maintenance of children; (b) industrial schools for the reception and maintenance of children committed to such institutions; (c) homes for children committed to an institution, but whose cases call for segregation or special treatment. The Statute contains provisions with regard to the committal of neglected or uncontrollable children or juvenile offenders and provides for the holding of children's courts. Such courts are not open to the public. The Act also contains provisions for the protection of children and prescribes penalties against the employment of children in dangerous performances and in other ways, such as the soliciting of alms. Under Part XIV (Sections 123-128), a person may, upon application to the Supreme Court in its Equitable Jurisdiction, obtain an order to adopt a child, and the adopted child is then deemed to be the child of such person, and the child takes the surname of the adopting parents in addition to its proper name.

**SOUTH AUSTRALIA.**

Under the provisions of the Maintenance Act, the home or place of residence of every illegitimate child under the age of 7 years is open to entry and inspection by any member or officer of the Children's Welfare and Public Relief Board, and this department has a staff of inspectors who regularly inspect and report upon such children and their homes. In connection with that, in some centres children's lodges are formed and the department offers certain medical assistance to such children.

In South Australia, all affiliation orders with respect to the maintenance of these children are payable through the Children's Welfare and Public Relief Board; indeed, as indicated in the answer to Question 2, the department acts as solicitor to the infant and, as indicated in Question 6, the department supervises the life of the child for seven years. Most illegitimate children are therefore, if not actually under the guardianship of the department, in some way connected with the records, and many are known to the department until they attain the age of 18 years. There are various children's institutions mainly established by religious bodies, where some of these children are inmates from early infancy until of a wage-earning age.

**TASMANIA.**

The Children's Charter (9 Geo. V, No. 15) makes provision for the guardianship under the State of children, whether legitimate or illegitimate, under 17 years of age who are dealt with under that Act and who become children of the State by reason of their being convicted or neglected children, or having been received into or committed to public institutions, or to the care of the Department for Neglected Children.

**VICTORIA.**

Provision is made in the Neglected Children's Act 1915 (now cited as the Children's Welfare Act 1915), Parts III and VIII, whereby neglected children, whether legitimate or illegitimate, may be committed to the care of the Children's Welfare Department or to a reformatory school or to the care of an approved private person or institution, in which case the Secretary of the Children's Welfare Department, the superintendent or matron of the reformatory school, such private person, or the manager of the institution (as the case may be) becomes the guardian of the child to the exclusion of the father and the mother and every other guardian.

Under the Children's Maintenance Act 1919, Section 16, any child who is without sufficient means of support may, upon a proper application, become a ward of the Children's Welfare Department, in which case the Secretary of the Children's Welfare Department becomes the guardian of the child.

**WESTERN AUSTRALIA.**

Generally speaking, there is no official guardianship except where such a child becomes a ward of the Child Welfare Department. In all cases, however, the mother of the child is communicated with and requested to inform the Department if she is keeping her child herself. If she desires to place it

<sup>1</sup> An illegitimate child, among others, is considered a State child whose mother is dead or is unable to maintain the child.

in the care of a foster-mother, she is informed that such foster-mother must be one licensed for the purpose by the Child Welfare Department. Where such children are placed with licensed foster-mothers, they are officially supervised by the inspectors of the Child Welfare Department. Although there is no official guardianship, the home or place of residence of any ex-nuptial child may, on the written authority of the Secretary, Child Welfare Department, be open to entry and inspection by any female officer of the Department.

#### AUSTRIA

There are in Austria two forms of professional guardianship :

(a) *Institutional guardianship*. (§ 207. A.B.G.B., Court decree of August 17th, 1822, J.G.S., No. 1888). The heads of certain institutions are granted by law the powers and obligations of guardianship over the minors whom they are educating, provided that such minors possess no immovable and no considerable amount of movable property. Institutions of this kind include penal and reformatory establishments, public and private charitable educational institutions, orphanages and foundling hospitals. The Court, however, acting in the interests of a minor, may appoint a special guardian or may maintain the powers of a previously appointed guardian.

(b) *General guardianship* (§ 208, A.B.G.B., Order of June 24th, 1916, R.G.Bl., No. 105). An organisation belonging to the public administration or an association for the protection of youth (province, commune or union) may assume the guardianship of a specified group of minors. General guardianship takes the form of collective and of legal guardianship. As regards collective guardianship, the Court appoints the organisation as guardian in each individual case, the category of protégés being defined in advance by the body concerned (*e.g.*, all illegitimate children born in a certain commune or all children up to two years of age). Most youth welfare offices in Austria are organised on the basis of professional guardianship of this kind. The second form of general guardianship is legal guardianship. It comes automatically into force by law when the need for the appointment of a guardian arises, *e.g.*, when the organisation concerned is notified of the birth of an illegitimate child. In such a case, the Court does not specially appoint the guardian of the child. This form of general guardianship only applies to illegitimate children, and is arranged, at the instance of the organisation concerned, by the President of the competent Court of First Instance acting in concert with the local Governmental authorities.

#### BELGIUM

There is no law providing special guardianship for illegitimate children. If an illegitimate child has been acknowledged, Article 390 of the Civil Code applies, viz. : " After the dissolution of the marriage by the natural death. . . . of either of the parents, the guardianship of minor and unemancipated children devolves *pleno jure* upon the surviving parent ".

The provisions relating to the guardianship of legitimate children also apply to an acknowledged illegitimate child ; the father, however, may not appoint a special adviser (under Article 391 of the Civil Code) for the mother, if she survives him and becomes the child's guardian, because the paternal power over an acknowledged illegitimate child is held equally by the father and the mother if they have both acknowledged the child.

If an illegitimate child is not acknowledged, or if it is born of incest or adultery, its parents have no legal guardianship over it.

It should be noted that Articles 76-83 of the Law of March 10th, 1925, regarding the organisation of public relief, lay down provisions governing the guardianship of foundlings, abandoned children and pauper orphans, and this guardianship applies by implication to illegitimate children, both acknowledged and unacknowledged.

#### BULGARIA

No such system exists.

#### CANADA<sup>1</sup>

In all the eight English-speaking provinces of Canada, provision exists through the Children's Protection Act for guardianship exercised either by the provinces or through specified social agencies for all children in need of protection and care.

Guardianship, as exercised by the public authorities in the Canadian provinces, may be along one of three types which must not be confused. In the first place, there is provision in all provinces of Canada for the exercise of guardianship over the estates and persons of minors. This is purely a legal matter. Secondly, in the provinces where the Juvenile Delinquents Act of Canada is in force, in whole or in part, the Juvenile Court may exercise guardianship or wardship of delinquents who are committed to its care. Thirdly, in all the provinces except Quebec, there is a type of social guardianship referred to above whereby, under the Children's Protection Act, any child who is in danger of neglect from any one of the wide category of causes laid down in the law may be made the ward of the Children's Aid Society or of the provinces. In all but one of these eight provinces, there is a special officer who may be described as the Director of Child Welfare, the Superintendent of Neglected Children, etc., who is entrusted with all responsibilities under this head. In all eight provinces, the Children's Protection Legislation provides this protection for any child in need thereof and, consequently, any child born out of wedlock for whom proper maintenance and care cannot be obtained under other legislation may be dealt with under the Children's Protection Legislation. In reference to the constitution of guardianship along any one of the three different methods just mentioned, it is to be observed that judicial proceedings are necessary.

#### DANZIG

In view of the fact that, as stated in the answer to Question 1, the mother does not possess full parental rights over the illegitimate child, it is necessary to appoint a guardian for the latter. The question is governed by § 18 *et seq.* of the Law of July 8th, 1927, concerning child welfare. Under the terms of this law, the registrar to whom application is made to register the birth of an illegitimate child is bound to notify the " Jugendamt " (child welfare office), which duly informs the Court of Wards (§ 33).

<sup>1</sup> See note relating to the reply to Question 1, page 119.

Hospitals and maternity institutions, doctors and midwives are bound to notify the Jugendamt of any illegitimate birth that has occurred in their area, and also to forward information, whenever possible, concerning the personal circumstances of the mother, while hospitals and maternity institutions are required before the birth, within three days of admitting an unmarried pregnant woman, to inform the Jugendamt of her personal circumstances (§ 34).

On the birth of an illegitimate child, the local Jugendamt assumes guardianship (§ 32). Subsequently, on the application of the Jugendamt, the Court of Wards must release the latter of its responsibility and appoint a single person as guardian, provided that this is not to the minor's disadvantage (§ 36).

On application by the Jugendamt or the expectant mother, a curator may be appointed for the unborn illegitimate child; in which case, the trustee assumes guardianship, instead of the Jugendamt, on the birth of the child (§ 35).

#### DENMARK

No.

#### ECUADOR

No reply to this question has been received.

#### ESTONIA

No; there is no system of official guardianship for illegitimate children.

#### FINLAND

In each municipality and rural commune, there are one or more inspectors responsible for the care of illegitimate children. These inspectors are appointed, subject to the approval of the Court, by the municipal or communal authorities, and are paid by the municipality or commune. They are responsible for the welfare of all illegitimate children domiciled in their district, so long as the children are entitled to claim maintenance from their parents. Where the mother is not considered fit to have the guardianship of her child, the inspector is appointed guardian, unless it is considered more desirable to appoint some other person who consents thereto.

#### FRANCE

The guardianship of illegitimate children is organised by the Law of July 2nd, 1907, amending Articles 383, 384 and 389 of the Civil Code:

"Article 383 (Law of July 2nd, 1907). The paternal power over legally acknowledged illegitimate children shall be exercised by the parent who first acknowledged them. If the father and mother have acknowledged the child simultaneously, the father alone shall exercise the paternal power; should the parent who possesses the paternal power die before the other, the authority shall *ipso facto* pass to the survivor.

"The Court may, however, decide, in the interests of the child, to entrust the paternal power to the parent who does not possess it by operation of law.

"Subject to these reservations and to the provisions of Article 389 concerning the administration of property, the paternal power over illegitimate children shall be subject to the rules which govern that power in the case of legitimate children.

"Article 384. During wedlock, the father and, after dissolution of marriage, the survivor (father or mother), shall have the enjoyment of the child's property until the latter attains the age of 18, or until it is emancipated before the age of 18.

"(Law of July 2nd, 1907). The parent who exercises the paternal power shall possess the legal enjoyment of the property of his or her legally acknowledged child in the same manner as a legitimate father or mother, apart from the limitations set out in Article 389.

"Article 389 (2nd section) (Law of July 2nd, 1907). The parent of an illegitimate child who exercises the paternal power shall, however, only administer the property of his infant child as guardian by operation of law, subject to the supervision of a sub-guardian whom he must cause to be appointed within three months from the date on which he became administrator, or who shall be appointed *ex officio* in conformity with the provisions of the following paragraph; he shall only have legal enjoyment of the property as from the appointment of the sub-guardian, if the appointment does not take place within the above-mentioned period.

"The duties which devolve on the family council in the case of legitimate children shall be performed in the case of illegitimate children by the Court of First Instance of the locality in which the parent-guardian had his or her legal domicile at the time the parent acknowledged the child, and by the Court of the locality in which the child resides if the child has not been acknowledged; the Court shall take its decision in chambers (*chambre du conseil*), after hearing or summoning the father and mother of the child, if the child has been acknowledged, or on the petition of one of the parents, or on the petition of the legal representative of the public interest, or *ex officio*, concerning all questions connected with the organisation and supervision of the guardianship of such infants.

"Subject to these reservations and the provisions of Articles 394 and 402 to 416, all the provisions of the present Chapter shall apply to the guardianship of infant illegitimate children.

"The provisions and exemptions from certain duties as regards the guardianship of legitimate children and persons under disability defined in Article 12, paragraph 2, of the Finance Law of January 26th, 1892, shall apply to any acts or judgments which may be necessary for the organisation and supervision of the guardianship of illegitimate children."

#### GERMANY

The Reich Law on Child Welfare, which came into force on April 1st, 1924, introduced a system of legal guardianship for all illegitimate children. According to paragraph 35 of this Law, the Child Welfare Office in the place of birth assumes the guardianship of an illegitimate child from the time

of its birth. The guardianship is exercised by officials of the Child Welfare Office, who are frequently assisted in their duties by honorary workers and voluntary organisations. In principle, guardianship continues until the end of the child's minority, that is to say, until its twenty-first year. A single guardian, however, may be appointed at an earlier date. This is usually done as soon as the interests of the illegitimate child no longer call for official intervention, that is to say, as soon as the father of the illegitimate child makes regular payments towards the child's maintenance or when the legal claims of the child are otherwise satisfied.

According to paragraph 38 of the same law, a "trustee" may be appointed at the request of the Child Welfare Office to take charge of the unborn child of an unmarried mother. The duties of this trustee are to advise and assist the mother up to the time of the child's birth and to help her in asserting her legal claims against the father. With the birth of the child, this trustee is appointed guardian with the agreement of the Child Welfare Office.

### GREAT BRITAIN

There is no system of official guardianship of a child solely because it is illegitimate. The mother may appoint a guardian to act after her death whose consent is required to the marriage of the illegitimate child while it is under 21.<sup>1</sup>

Where the Court has made an affiliation order, it may, if the mother dies or is of unsound mind or goes to prison, and if the child is not in receipt of Poor Law relief, appoint a person, with his consent, to have the custody of the child.<sup>2</sup>

### GREECE

A reply to this question has not been forwarded.

### HUNGARY

At the present time Hungarian law does not recognise official guardianship. The Wards Protection Office at Budapest has created, under the name of professional guardianship, the following system: If it is impossible to find a guardian for a motherless illegitimate child from among the relatives of the child, or if the interests of the child and the mother are opposed, as, for example, in the case of proceedings against the father, the Wards Protection Office appoints a guardian from a list of persons chosen in advance, which persons may therefore become guardians of several children at once. Their position in no way differs from that of other guardians.

It is the duty of such guardian to try to arrange that the child placed in his care is legitimated by subsequent marriage or adoption; he always endeavours to induce the natural father to provide for the child's maintenance by friendly agreement. If his efforts in this direction are unsuccessful, he instructs one of the barristers appointed by the Wardship Office to plead the child's right to maintenance before the courts.

This guardian must also watch over the health of his wards, their physical and moral development and their education, which must be based on religious principles.

The guardian appointed by the Office to take charge of a large number of children is assisted in his supervisory functions by social institutions specially concerned with child welfare; in other words, for purposes of effective supervision, these institutions take the place of the guardian.

### INDIA

While there is no special system of official guardianship for illegitimate children, they can be protected, until they attain majority, by the appointment of a guardian under the Guardian and Wards Act 1890. Under section 8, the Collector of the District, if he is willing to act, may be appointed guardian.

### IRISH FREE STATE

There is no system of official guardianship for illegitimate children.

### ITALY

Illegitimate children who have been acknowledged are under the legal guardianship of the parent or parents who have acknowledged them.

The legal guardianship of children of unknown parents who are not in an institution is in the hands of a Council of Guardianship composed of the magistrate, two communal councillors, and two other persons chosen by the magistrate (Articles 248 and 261 of the Civil Code). As regards illegitimate minors who are inmates of an institution, the Board of Governors of such institution acts as Council of Guardianship. The magistrate, however, does not usually attend the meetings of the Council, nor is it necessary to appoint a guardian; the Council decides whether one of its members shall be appointed to act as guardian (Article 262 of the Civil Code).

The question of assistance to illegitimate children who have been deserted or are liable to be deserted is settled by Royal Legislative Decree, No. 798, of May 8th, 1927, which provides that the National Maternity and Child Welfare Organisation shall direct and supervise such assistance, which is furnished by the provincial administrations.

### JAPAN

When there is no one in a position to exercise the paternal power over minors, including illegitimate children, the latter are put under the care of a guardian.

In the case of minors whose parents are not in a position to exercise the paternal power and who are placed in a public or private orphanage, the director of the public orphanage, or a person appointed by the Prefect of the place where the private orphanage is situated, acts as guardian.

<sup>1</sup> Guardianship of Infants Act 1925, Schedule.

<sup>2</sup> Poor Law Amendment Act 1844, Section 5.

## LATVIA

The guardianship of illegitimate children is constituted on the same lines as that of legitimate children. A system of official guardianships for illegitimate children, however, does not exist in Latvia.

## LUXEMBURG

The absence of any provision in the Civil Code on the subject of illegitimate children has created rather serious difficulties with regard to the guardianship of such children. Legal doctrine and case-law, although not unanimous, reject all guardianship *ipso jure* of the father and mother and only recognise guardianship conferred by order of a magistrate.

## MONACO

Yes—This guardianship is settled by the first paragraph of Article 313 of the Civil Code :

“ The duties which devolve on the family council in the case of legitimate children shall be performed in the case of illegitimate children by the Court of First Instance. The court shall take its decision in chambers (Chambre du Conseil) after hearing or summoning the father and mother of the child, if the latter has been acknowledged either on the petition of one of them or on the petition of the legal representative of the public interest, or, *ex officio*, upon all questions relating to the organisation or supervision of the guardianship of such infants.”

## NETHERLANDS

(including Netherlands East Indies, Surinam and Curaçao)

The guardianship of illegitimate children, both acknowledged and unacknowledged, is dealt with in Articles 408 *et seq.* and 420 of the Civil Code.

In order to shorten the text, Article 408 only is quoted below :

“ Article 408. An illegitimate child is placed *pleno jure* under the guardianship of whichever parent, being of age, has acknowledged the child, unless such parent is excluded from or has lost the right of guardianship, or unless another person has been entrusted with the guardianship during the minority of whichever parent has acknowledged the child, or before the child is acknowledged.

“ If both parents have acknowledged the child, guardianship will be entrusted, subject to the same reservation, to whichever parent acknowledged the child first ; if both parents acknowledge it simultaneously, the guardianship will be exercised by the father, subject to the same reservation.

“ If the parent who has guardianship of the child in virtue of the above provisions dies, forfeits guardianship, is under a disability, or, in cases coming under Article 408 (a), is not confirmed in or reappointed to the office of guardian, the other parent will *pleno jure* become guardian unless such parent is excluded from or has forfeited the right of guardianship, or is married.

“ If neither parent can exercise guardianship under the above provisions, a guardian is appointed by the magistrate. If either parent, not being excluded from and not having forfeited the right of guardianship, but being married and not receiving *pleno jure* the guardianship of the child in virtue of the preceding paragraph, applies to the magistrate to be appointed guardian, the magistrate will make the appointment, unless it is contrary to the interest of the child. The magistrate takes a decision after having heard or cited the spouse of the applicant and the other parent, if alive, as well as the sub-guardian. The magistrate's decision is subject to appeal. Article 406 applies to the mother, if the guardian of her natural child, and to her husband, unless the child is legitimated *per subsequens matrimonium*.

## NORWAY

As stated in the reply to Question 1, it is the principle of the law that the child shall live with the mother and be brought up by her, though in certain circumstances the custody of the child may be transferred to the father.

Under section 5 of the Law of April 10th, 1915, the parent who has custody of the child is its guardian. Section 9 contains a special provision for public guardianship where neither parent has custody of the child. In such case, a guardian is appointed by the appropriate public authority. The same applies if the parent who has custody of the child has put it out to nurse and neglected the duty of looking after it. A guardian must also be appointed if the interests of the child appear to require it, or if the mother so desires. The principal duty of the guardian is to see that the child obtains its legal rights. If the mother or father has put the child out to nurse and the guardian considers that it is not being so well brought up as it is legally entitled to be, it is his duty to see that the child is put out to nurse elsewhere.

Further, the regulations applicable to the public guardianship of neglected legitimate children also apply to neglected illegitimate children.

## POLAND<sup>1</sup>

(a) *Former Congress Kingdom :*

Article 481. — Illegitimate minor children who have been admitted into a public home shall, as regards the care of their persons and the management of their property, be under the guardianship of the directors of the home, in accordance with the administrative rules of the home ; in civil matters, they shall be represented by some person appointed for the purpose on each separate occasion by the above-mentioned directors.

Article 482. — The guardianship in question shall continue until the child attains its majority or becomes emancipated, if the home has not before that date renounced its guardianship over the minor.

Article 483. — In the case of emancipation, the directors of the home shall enjoy the rights accorded to the father and the mother in the previous Chapter.

<sup>1</sup> See observation in reply to Question 1, page 126.



*Article 485.* — Illegitimate children who have not been admitted into a public home, or who are no longer under the care of the home, remain by operation of law under the guardianship of the parents who have legally and voluntarily acknowledged them; if they have been legally and voluntarily acknowledged by both parents, the guardianship of such children shall be entrusted by operation of law to the mother, and after her decease, or if she be incapable of exercising guardianship, to the father.

*Article 486.* — When such an illegitimate child has neither father nor mother and no guardian has been appointed by the father or mother, or if these persons have forfeited the right of guardianship or legally refused to act as guardians, or again if the child has not been acknowledged by either of its parents, a guardian shall be appointed by the Council of Guardianship acting as a family council.

*Article 487.* — The Council of Guardianship shall consist of six persons known to charitable institutions and domiciled in the locality in which the guardianship is established.

*Article 488.* — In addition, all the provisions of the previous Chapters concerning the guardianship of legitimate children and the emancipation of legitimate children shall also apply to illegitimate minor children who are not under the guardianship of a public home.

In the former Congress Kingdom, the system of official supervision of guardianship by the authorities is not in force.

(b) *Territories in which the former Collection of Russian Laws is in force:*

*Article 132*<sup>10</sup>. — A father who provides maintenance for his illegitimate child is entitled to supervise the child's maintenance and upbringing. Differences of opinion on this subject between the father and the mother are settled by the Guardianship Office concerned.

*Article 132*<sup>11</sup>. — When it has been decided that an illegitimate child shall be placed under guardianship, the father, if he provides maintenance for the child, may petition to be appointed the child's guardian with a right of priority over other persons.

*Article 225.* — Guardianship is instituted with a view to protecting the persons and property of minors.

Since the abolition, in the Territory of the Eastern Marches, of the Russian institutions which formerly exercised official guardianship, there has been no official supervision, by operation of law, over the guardianship exercised by the authorities. Supervision is exercised by the Councils of Guardianship according to the provisions of Article 487 of the Civil Code of the Kingdom of Poland, quoted above.

## PORTUGAL

There is a system of official guardianship for illegitimate children, which is applied in different ways for different cases.

(a) *Acknowledged children.* The guardianship of acknowledged children on the decease of one or both parents is provided for by the Orphans' Court in the same manner as the guardianship of legitimate children, with the differences required by Articles 276-278 of the Civil Code. The system of guardianship as applied to acknowledged illegitimate children necessitates the participation of the Curator of Orphans, a guardian, a *special council* (in place of the family council) composed of five neighbours selected by the Judge of the Orphans' Court from friends or relatives of the father or mother who have recognised the child, and a *council of trustees*.

The Curator of Orphans is the magistrate representing the legal representative of the public interest who is responsible for the defence of the interests of minors in the various districts. The organisation of this representation in the ordinary courts is primarily designed to protect the material interests of the children.

(b) *Minors in moral danger (destitute, exposed, abandoned, etc.).* Children who are destitute, exposed, abandoned, or for any other reason declared to be in moral danger, and, consequently, children whose parents have been deprived of the paternal power, are placed under the legal guardianship of the "Tutorias" (Children's Court) as wards of the State, which may entrust them to the charge of private institutions, varying in nature according to the age and circumstances of the child, or of adoptive families who voluntarily assume responsibility for their education and protection. Where no such voluntary aid is available, destitute, exposed or abandoned children up to the age of ten years are entrusted to the municipalities, who put them out to nurse at the proper period and provide for their protection, support and education by professional nurses and at milk centres, crèches, homes, etc. After the age of 10 years, those who cannot be adopted by families or placed in orphanages or educational institutions managed privately or by administrative bodies are placed in State charitable and educational institutions. These minors are automatically emancipated at the age of 18, but may be emancipated by authority at any time after the age of 15.

The municipalities of Lisbon and Oporto are exempt from the obligations imposed on other municipalities with respect to children under ten years of age, these obligations being discharged by the "Misericordias"—large model institutions—of the two cities.

As already stated, minors declared by the Tutorias to be in *moral danger* (any minor, legitimate or illegitimate, may be so declared) are placed under the guardianship of the local Tutoria. There is a Tutoria in every district in the country. Not only destitute, exposed and abandoned children are considered to be in moral danger, but also, in general, all children whose families are held to be unfit to provide for their moral training, education and support. If the Children's Courts make an order depriving the parents of their authority, and requiring them to provide maintenance or pay a pension, any necessary measures of conservation and administration in respect of the property of wards of the State are ordered by the ordinary courts on the application of the trustee of minors of the Tutoria concerned.

Minors committed to reformatories and houses of correction are also under the legal guardianship of the Tutorias.

Deprivation of paternal power over any minor under the guardianship of the Tutorias may be total or partial. Total deprivation affects the person and property of the minor, measures being ordered for the administration of his property by the ordinary courts on the application of the Curator of Minors.

Partial deprivation affects only the powers concerned with the person of the minor, his education, support, etc. The Tutorias, as tribunals *ex æquo et bono*, are given by the law a wide measure of discretion to order either kind of deprivation, as the position and the interests of the minor may require.

The fundamental legislation relating to the Tutorias consists in the Decree of May 27th, 1911, and Decree No. 10767 of May 15th, 1925.

In this last Decree, the objects of the organisation and operation of the Portuguese children's courts (Tutorias) are further defined and enlarged. These courts are now legally empowered to take all necessary steps to protect and defend the *moral interests* of minors, and their *persons*, the function of the courts being to make good the deficiencies, or fill the place, of the legal institution—the family—where education and moral training are concerned.

While the Portuguese legislation still reserves for the ordinary courts (Orphans' Courts), the duties of conserving the property and defending the material interests of the child, all other questions extraneous to this sphere are now entrusted to the Tutorias and their accessory institutions (houses of observation, child welfare institutions and houses of correction).

These courts are competent to take decisions having the force of legal judgments affecting minors who are in *moral danger*, *undisciplined* (paternal correction), or *delinquent*. Accordingly, the work of the courts has a threefold character corresponding to these three aspects—prevention, correction and reclamation. In the first of these forms of action, public and private charitable institutions assist, while for the other two the homes, reformatories and correctional colonies under the Ministry of Justice are responsible.

As complementary to these operations, the Tutorias may take repressive action against persons of full age committing acts to the prejudice of minors, and may suspend the paternal power or the functions of guardians.

### ROUMANIA<sup>1</sup>

(a) *Old Kingdom:*

The legal guardian of the illegitimate child is its mother. The guardianship of illegitimate children is organised in the same manner as that of legitimate children, *i.e.* with the aid of a family council and subject to the official supervision of the Courts.

(b) *Bessarabia:*

As in the Old Kingdom, the rules of guardianship having been extended to apply to Bessarabia.

### SALVADOR

Seeing that the mother possesses the paternal power over her illegitimate child, and that the father of a "natural" child must fulfil his obligations as explained above, there is in this Republic no system of official guardianship for illegitimate children. When for some reason or other an illegitimate child possesses no representative at law, there exist systems of guardianship and committeship arising under will or by operation of law, or exercised by the family council—though in every case determined by the Court—the conditions being precisely the same as in the case of legitimate children.

### SIAM

See reply to Question 1.

### SOUTH AFRICA

There is no system of official guardianship, specially for illegitimate children in South Africa. The Superior Courts are the upper guardians of all minors. No invidious distinctions are drawn between legitimate and illegitimate children; the Children's Protection Acts have respect to the moral and material protection of all children alike. Under these laws, children who are destitute or neglected or cruelly treated, those who are found straying or begging; those who are trading in the streets in contravention of the by-laws, children allowed to be in brothels; young girls who are encouraged to commit immoral acts; young girls whose parents have immoral tendencies, may be taken by a policeman to a place of safety; the Court thereupon institutes an enquiry and may order the child to be taken out of the custody of its parents or guardian and to be committed to the care of a relative willing to undertake its care, or to be sent to a Government industrial school or a certificated institution, till it reaches the age of 18. If such child has then not yet completed its training, it may remain in such institution until its majority.

In disposing of the child, due cognisance is taken of the religious persuasion to which the child belongs. Provision is made for the visitation of all homes for the reception of poor children.

In South-West Africa, the Court may also order the child to remain in the custody of the person in whose custody it was when it was brought before the Court, on such probationary or other conditions and subject to such supervision by any person or society working for the welfare of children as the Court deems fit.

Act 25 of 1913 also makes provision for the protection of infant life. According to the reply of South-West Africa, infants are children under 7 years. Infants legitimate or illegitimate not in the custody of their parents are "protected" infants. Failure on the part of the custodian to notify the magistrate of the district of the presence in his custody of a protected infant constitutes a criminal offence. The magistrate has plenary powers in regard to protected infants, periodically institutes enquiry as to their well-being, may order their medical examination or removal if necessary. The magistrate may fix the number of infants which may be kept in any dwelling in which a protected infant is kept. It will be seen thus that ample provision is made for the moral and material protection of all children, legitimate or otherwise.

The reply of South-West Africa states that certain orphanages and homes established in the Union for the care of children who need protection obtain some financial support from the public of this territory and receive children from this territory.

With regard to delinquent children, though no reformatories have been established in this territory, the Courts of the territory may order any person under the age of 21 years who is convicted of an offence punishable with imprisonment to be detained in a reformatory in the Union.

<sup>1</sup> See footnote to Question 1, page 128.

### SPAIN

The heads of foundling hospitals are the guardians of children received and brought up in the same. The legal representative of the said officers in their capacity as guardians is the Procurator Fiscal.

### SWEDEN

In accordance with Articles 13-19 of the law concerning children born out of wedlock, the functions exercised by the *bärnavårdsman*, are similar to those of an official guardian.

(Article 13 having already been inserted in the reply to Question 2, Articles 14-19 are given below.)

“ § 14. A woman who is about to become the mother of an illegitimate child must, three months before delivery is expected, notify a member of the office of Guardians in the commune where she resides or some other official appointed by the Office to receive notifications of this kind ; the latter must forthwith inform the Office thereof. If the woman's name is entered in the parish register of another commune, the Office must without delay notify the Office of Guardians in that place. It is the duty of the woman's parents, her employers or other persons having authority over her to point out to her the importance both for herself and her child of the above-mentioned notification.

“ The Office of Guardians in the commune in which the woman's name appears in the parish register, or if her name does not appear in any parish register in the Kingdom, the Office of Guardians in the commune where she resides shall, as soon as it receives the notification referred to in the previous paragraph or is informed of the birth of an illegitimate child, appoint a person who may be, either a man or a woman, fit to act in this capacity as the trustee of the child.

“ § 15. The trustee's task ceases when the child has completed its eighteenth year. Should it be proved before this time, however, that a trustee is no longer necessary, the Office of Guardians may discharge the curator of his obligations or appoint some other person.

“ § 16. The trustee's acts shall be supervised by the Office of Guardians, which shall, if necessary, relieve him of his duties and appoint another trustee.

“ Should the Office of Guardians consider that, owing to a change in the residence of the mother or the child, the task of supervision should be transferred to another Office of Guardians, it must so decide and notify the other Office of Guardians and the trustee without delay.

“ § 17. According to the existing procedure in regard to the granting of funds for its work, the Office of Guardians must appoint a sufficient number of persons to act as trustees by virtue of the authority conferred by the Office in each particular case ; sums for the payment of trustees' fees should be similarly allocated.

“ § 18. Detailed regulations governing the trustee's functions and the supervision thereof shall be issued by royal edict.

“ § 19. An appeal against the decision of the Office of Guardians concerning any question covered by the present Law may be lodged with the Prefect by means of a petition which must be presented not later than thirty days from the date on which the petitioner was informed of the decision.

“ An appeal against the Prefect's decision may be lodged with the competent Ministry in accordance with the general procedure laid down for economic cases.

“ Even in the case of an appeal, effect shall be given to the decision of the Office of Guardians by the Prefect pending the issue of orders to the contrary.”

### SWITZERLAND

As regards the guardianship and curatorship over illegitimate children, we would draw attention to Article 311. Guardianship and curatorship are governed by Articles 360 to 456.

### UNION OF SOVIET SOCIALIST REPUBLICS

In the U.S.S.R. official guardianship for illegitimate children is not compulsory. By law a child's guardians are its parents, and illegitimate children are no exception to this rule, although naturally it is the mother in most cases who assumes this duty.

At the mother's request, and also in exceptional cases, the official guardianship authorities undertake the defence of the child's interests (whether it be legitimate or not), since the causes which have led to the institution of official guardianship for illegitimate children in certain countries may also arise in Russia.

Sometimes mothers take no proceedings to establish their child's paternity, or are too ready to believe the man's promises to pay maintenance. In the U.S.S.R. there is a whole system of special legal consultations to assist mothers and children to obtain their civil rights, particularly as regards the establishment of paternity and the securing of maintenance and inheritances.

Of course, this assistance is given them free of charge and by specialists in this branch of law. Moreover, this legal assistance is provided by all the judicial consulting bodies organised by lawyers and attached to the courts, so that every mother, even in the most distant provinces, can obtain counsel to plead her case gratis.

### UNITED STATES OF AMERICA

Only in Minnesota is there a specific provision of law intended to ensure State protection of the interests of all children born out of wedlock. The Minnesota law provides as follows :

“ It shall be the duty of the Board of Control, when notified of a woman who is delivered of an illegitimate child or pregnant with a child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For the better

accomplishment of these purposes the Board may initiate such legal or other action as is deemed necessary ; may make such provisions for the care, maintenance and education of the child as the best interests of the child may from time to time require and may offer its aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood. . . . This chapter shall be liberally construed with a view to effecting its purpose, which is primarily to safeguard the interests of illegitimate children and to secure for them the closest approximation to the care, support and education that they would be entitled to if born of lawful marriage, which purpose is thereby acknowledged and declared to be the duty of the State."

The actual administration is carried out by the Children's Bureau of the State Board of Control<sup>1</sup> in co-operation with county child welfare boards.

In several States the court has continuing jurisdiction and may change its original orders. For instance, the Uniform Act provides as follows ;

" The court has continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof, until the judgment of the court has been completely satisfied, and also has continuing jurisdiction to determine custody in accordance with the interests of the child."

Arizona provides :

" The court may from time to time after the entry of said judgment on petition of either of the parties, or upon its own motion, amend, revise, and alter such portions of the judgment as relate to the payment of money for the maintenance of said child as may be deemed just and as the welfare of said child may require."

In Rhode Island the director of public aid of any town, and the State public welfare commission, or the person designated and appointed by it for that purpose, have authority to take " from the acknowledged or putative father of the child such sum or sums of money as in the judgment and discretion of such director, commission or its agents shall be sufficient for the purpose of paying the expenses of the lying-in of such woman, the support and education of such child until such child shall arrive at the age of 16 years, and all other expenses incurred or arising by reason of the pregnancy of such woman or the birth of such child, and thereupon shall stay all further proceedings by him or it in that behalf. Such director of public aid and such commission, or its agents, shall hold such sum or sums of money in their respective official capacity, and pay over, use and apply the same for the purposes for which such money was paid over to him or it."

#### VENEZUELA

If the word *guardianship* is taken in its wide sense to mean *protection* or *tutelage*, no official system of that kind exists in Venezuela for the exclusive benefit of illegitimate children.

If this word, however, is given its exact legal meaning in ordinary law, it will be found that, under Article 338 of the Civil Code, the father is, *de jure*, the guardian of his illegitimate child whose affiliation has been legally proved and who is not under the paternal power of the mother, and that, failing father or mother, or where the parents are unknown, the magistrate of the Court of First Instance must provide the minor with a guardian, after consultation with the Guardianship Board.

Provision is also made for the case where a person, having given shelter to a child that has been abandoned, desires to become its unofficial guardian. Permission is given after fulfilment of the detailed and far-seeing conditions laid down in Article 340 of the Civil Code ; this Article further provides that, if during the period of the guardianship the father or mother, legitimate or natural, should appear and claim the child, the guardian shall be entitled to a refund of his expenditure on the child's upbringing and education, which will be assessed by the judge sitting with two fathers of families. The law also exempts the father from the formality of appointment by the magistrate for the purpose of entering on the duties of guardianship.

Finally, Article 357 lays down that, when a woman with illegitimate children marries, her husband not being the father of such children, she shall retain paternal power over them, but shall not administer their property unless the court, with full knowledge of the facts, makes an order to this effect in accordance with Article 305.

#### QUESTION 7.

*Are there any other means and, if so, of what nature provided either by the laws or by institutions for ensuring the moral and material protection of illegitimate children ?*

#### ALBANIA

No.

#### AUSTRALIA

#### QUEENSLAND

See answer to Question 6.

#### NEW SOUTH WALES

No reply to this question has been received.

#### SOUTH AUSTRALIA

See answer to Question 6.

#### TASMANIA

Voluntary child welfare organisations established in the State and various State-subsidised institutions pay regard to the moral and material protection of children, whether legitimate or illegitimate, and relevant provisions of the Children's Charter are applied by the State to the same end in appropriate cases.

### VICTORIA

The State of Victoria has sent a list of laws on the protection of children which, except in cases of descent and inheritance, and cases analogous thereto, make no distinction between the position of legitimate and illegitimate children.

### WESTERN AUSTRALIA

The moral and material welfare of ex-nuptial children may be arranged for through the medium of the Child Welfare Act. Any cases of neglect and destitution among such children are usually brought to the notice of the Child Welfare Department and, wherever necessary, children are brought before children's courts and committed to the care of the Department.

### AUSTRIA

As regards other means of ensuring the moral and material protection of illegitimate children, these are not of course confined to the arrangements made specifically for such children; the other provisions made for the care of youth apply also and more particularly to illegitimate children. Mention may be made of the following:

As regards penal provisions for the protection of youth, see the provisions dealing with indecent assaults on young persons, §§ 125 *et seq.* 504 *et seq.* of the Penal Code; regarding neglect, §§ 140, 376 *et seq.* of the Penal Code; and regarding the ill-treatment of children, §§ 413 *et seq.* of the Penal Code. See also the Law of February 4th, 1925, R.G.Bl. No. 69, ensuring the safeguarding of legal maintenance. The law renders punishable any gross dereliction of the duty of maintaining, as required by law, a person entitled to support, whereby such person is reduced to want or suffers neglect. If any person is supporting another in order to relieve the latter of the necessity for earning a living, and if the person so supported is under obligation to provide legal maintenance for a child, the person providing such support is liable to the party appointed to receive the maintenance payments in respect of claims arising during the period for which maintenance is chargeable. If a person who is liable for the maintenance of a child is employed by near relations in their household or business, even though no salary be stipulated, the party appointed to receive the maintenance payments may apply to the court for an order making the relations liable for a sum corresponding to the salary, assessed at a reasonable rate.

The establishment of juvenile courts or the appointment of magistrates to deal with juvenile cases, with powers, not only to punish offenders, but also to decide as to the custody of individual minors or of groups of minors (see Law of January 25th, 1919, St.G.Bl., No. 46, and Order of September 23rd, 1920, St.G.Bl. No. 439). Special regulations have been issued to render the penal procedure suitable for youthful offenders. The juvenile court receives the friendly co-operation of persons, corporate bodies or societies which are actively interested in child welfare and place themselves at the disposal of the court to help it in deciding the custody of children and punishing juvenile offenders. A new law dealing with juvenile courts is now before Parliament.

As regards reformatory establishments, as institutions to prevent the neglect of children and young people, see Law of May 24th, 1885, R.G.Bl. Nos. 89 and 90. In cases where there is a likelihood of neglect, there are certain clauses in the General Civil Code which empower the courts to intervene (the father may be deprived of his paternal authority or the mother of her right to bring up the child; a guardian may be deprived of his powers, a child may be placed with another family or in an institution, etc. (§§ 169, 176 to 178, 218 and 254 A.B.G.B.).

The provincial poor laws contain provisions for the care of pauper children including their education. Provision is also made for the protection of foster children, *Ziehkinder*, *i.e.*, legitimate and illegitimate children under 14 years of age who are in the care of persons other than their father or mother (the consent of the authorities has to be obtained before children can thus be placed in the charge of foster parents; the latter must notify the authorities if the child passes out of their charge or if it dies; they are kept under observation by special inspectors; a register is kept of foster-children and foster-parents). There are also measures of protection which apply to illegitimate children under 14 years of age, even when they are in the charge of their father or mother (the authorities must be informed when the custody of the child is taken over or relinquished or if the child dies; the children are kept under observation by special inspectors). The organisations which supervise foster children are the child welfare, youth and health, offices of provinces, communes and public bodies undertaking guardianship, district associations or boards and other branch associations attached to national organisations for the protection of children and the welfare of young people, and other youth welfare organisations appropriate for the purpose and finally the local government authorities (Law of February 4th, 1919, St.G.Bl. 76 and Order of April 1st, 1919, St.G.Bl. 202).

The following may also be mentioned: Maternity protection, employees' protection and health insurance legislation for the protection of expectant and nursing working mothers; institutions for children below school age, such as crèches and Kindergarten schools; the education laws and other provisions relating to the education and health of school-children (in this connection a special part is played by school doctors and nurses); the legal restrictions upon the employment of children under 14 years of age (these children are kept under supervision by the inspectorate of industries, the police, the bureaux for the supervision of child labour and the inspectors of the offices for the supervision of foster children); the legal restrictions on the employment of young persons in industrial and other undertakings (their employment in certain occupations is entirely prohibited, special regulations exist regarding hours of labour, special hours of rest are appointed, particularly at night); the legal protection of apprentices which is intended to prevent the overworking and sweating of apprentices.

### BELGIUM

There are a large number of legal provisions which relate to children—though not specially to illegitimate children—and provide protection for them.

They are the following:

Law of May 15th, 1912, on the protection of children;

Law of May 28th, 1888, regarding the protection of children employed in itinerant occupations;

Laws of December 13th, 1889, August 10th, 1911, May 26th, 1914, and June 14th, 1921, regarding female adolescent and child labour in industry;

Law of March 10th, 1900, regarding labour contracts; this law deals with the power of a minor to enter into a labour contract;

Law of February 10th, 1900, regarding the savings of married women and minors ;  
Law of May 26th, 1914, on the abolition of the white slave traffic (Article 4 amending Chapter VI, Book II, Part VII, of the Penal Code "Concerning the corruption of youth and concerning prostitution").  
Law of June 15th, 1919, establishing the national institution for war orphans ;  
Law of September 5th, 1919, establishing the national institution for children ;  
Law of September 1st, 1920, prohibiting minors under 16 years from entering cinematograph halls ;  
Law of April 7th, 1921, regarding the legitimation of children whose parents were married abroad during the war ;  
Law of June 14th, 1921, establishing the 8-hour day and the 48-hour week (amendments to the laws mentioned under No. 2) ;  
Law of July 29th, 1921, laying down the circumstances in which children may be legitimated if during the war their parents were unable to marry owing to the father having been on military service, deported or interned, or owing to the father's death ;  
Law of October 15th, 1921, regarding funds for children of special ability ;  
Laws of October 18th, 1921, and August 1st, 1923, regarding compulsory school attendance ;  
Laws of December 10th, 1924, and March 10th, 1925, regarding old-age insurance and insurance against premature death ;  
Royal Decree of June 1st, 1920, organising the health supervision of adolescent workers ;  
Royal Decree of April 27th, 1921, modifying the Law of April 30th, 1848 regarding pawnshops, prohibiting children of less than 14 years from contracting loans on security ;  
Royal Decree of April 27th, 1927, prohibiting the employment of children of less than 16 years in theatres, music-halls, dancing-halls and night bars.

### BULGARIA

No such system exists.

### CANADA<sup>1</sup>

In the nine provinces of Canada, general hospitalisation services exist in all the larger cities, and in many small cities, and larger towns. Private "pay care" is available of course in any hospital. Under the hospital legislation of the various provinces, extensive public ward care may be given gratis to any needy mother, costs being chargeable to provincial and municipal funds. In certain hospitals, special accommodation and maternity wards are reserved for the care of unmarried mothers. In many of these institutions, the unmarried mother is given care for a considerable period preceding and following the birth of her child, rendering such services in the general work of the institution, care of other children, etc., as she may be capable of giving.

In the general and private hospitals of Canada in 1925, there were available 5,079 maternity beds<sup>2</sup>, for all types of maternity care.

In addition to general or special hospital services, available for maternity care, there are some maternity homes in every province operated under private religious or charitable auspices, where unmarried mothers are received for care for varying periods preceding and following the birth of the child. There are also numerous children's homes where babies born out of wedlock are received and cared for, pending placement or adoption, and from which, if unplaced, they are later transferred to other types of care. Some of the hospitals and maternity homes also provide social and welfare services, through special case-working social service departments.

There are available, also, especially in the larger cities of Canada and in some of the provinces even in smaller centres, through provincial or private organisations, case-work services for the assistance, adjustment and rehabilitation of the unmarried mother. Where these services are well developed, they are generally related to extensive provision for the private home care (in either free or paid homes) of the babies, under close supervision of the health and welfare authorities.

In the eight English-speaking provinces, Children's Aid Societies are organised under the terms of the Children's Protection Acts or parallel legislation. Wherever a children's aid society exists, it is prepared to render protective services, including if necessary maintenance and guardianship, to any child born out of wedlock who is in need thereof.

It should be added that, in the legislation of several provinces, the provincial authorities are specifically excluded from any responsibility for initiating action on behalf of a child born out of wedlock where the child has been legally adopted under the adoption legislation of the province. While the adoption laws of all nine provinces refer to the adoption procedure to be followed in reference to any child, in most of them specific clauses are inserted providing for the safeguarding of the adoption of the children born out of wedlock.

It will thus be evident that, in all parts of Canada, where social health and community work has extended to all, it includes fairly widespread and generous provisions, under private or public auspices, for the health and social problems of the unmarried mother and her child.

Finally, in Saskatchewan the following legal provisions are in force : if a child is neglected, or is in other circumstances defined by law which warrant official action, the judge may order it to be handed over to the care of the Children's Aid Society. With the permission of the competent authorities, the mother of an illegitimate child may hand over her child to this Society. Official permission is also required for the adoption of an illegitimate child. It is forbidden to mention the child's illegitimate origin in the deed of adoption.

### DANZIG

The moral and material protection of all children, and more particularly of illegitimate children, is entrusted to the organisation set up under the law concerning child welfare. The provisions relating to the protection of wards, laid down in §§ 18 *et seq.* of this law, are of special interest as regards the protection of illegitimate children, many of whom are cared for in institutions or with private persons.

Among non-State organisations for the protection of illegitimate children, particular mention should be made of the Danzig Child Welfare Association, the "Caritas" Association, and the Welfare Office of the Danzig Home Mission.

<sup>1</sup> See note relating to the reply to Question 1, page 104.

<sup>2</sup> See a list of the hospitals of Canada, published in 1925 by the Federal Department of Health of Canada.

### DENMARK

If the child's welfare requires it, the local Council of Guardians may decide that an illegitimate child should be given an appointed guardian. In this case the latter has paternal power over the child and may defend all its rights. Children which are not upon the rates, even if they are not out at nurse (in the latter case all children are under supervision until their 14th year), are placed under supervision until they have completed their seventh year. Supervision may be maintained until they are 14; normally it is exercised by the municipal council, which may delegate special supervisors for the purpose or entrust the work of supervision to a child welfare association recognised by the public authorities.

The following are enclosed: <sup>1</sup> (1) Copy of Law No. 237 of July 12th, 1922, on Councils of Guardians, etc., as amended by Law No. 55 of March 31st, 1926; (2) A copy of Law No. 122 of March 28th, 1923, on the Supervision of Children; (3) Copy of a circular to municipal councils from the Ministry of Justice, dated March 31st, 1923, concerning the supervision of children.

### ECUADOR

No reply to this question has been received.

### ESTONIA

There are orphanages open to all children, legitimate or illegitimate, having no parents or other persons able to take charge of them.

### FINLAND

With regard to the direct means for ensuring the moral and material protection of illegitimate children it may be desirable to observe that, in the last resort, the community itself is bound to ensure the protection of illegitimate children and of destitute children, as laid down in the Law on Public Relief. In this connection, special reference should be made to the provisions of Article 38 of the above-mentioned law:

“ Every child entrusted to the Public Relief Commission shall receive a careful up-bringing and the education specified under the Law on Education. It must also, as far as possible, be taught an appropriate trade or, when special circumstances exist, receive some other form of instruction up to the age of 16.”

### FRANCE

A number of laws have been passed to improve the position of the illegitimate child by granting to it some of the rights of legitimate children. Thus the Laws of December 30th, 1905 (Article 7), and of July 14th, 1908 (Article 9) assimilate illegitimate children which have been acknowledged to legitimate children in so far as concerns the provident funds for sailors and disabled seamen. The same applies to the Law of July 14th, 1913, on assistance for large families and to the Laws of March 31st, 1919, and April 14th, 1924, on civil and military pensions. Finally, illegitimate children which have been acknowledged may be adopted by the nation in the same way as legitimate children, in application of the Laws of July 27th, 1917, and October 26th, 1922.

### • GERMANY

In addition to the district guardians, the most important official organisation for the protection of illegitimate children is that which supervises all foster children under 14. Among these children the majority of course are illegitimate. Foster children are also in the charge of the Child Welfare Office (para. 19 *et seq.* of the Reich Law on Child Welfare). Anyone who takes charge of a foster child requires the previous permission of the Child Welfare Office, which may be withdrawn if the physical, intellectual or moral welfare of the child demands it. All foster children, including illegitimate children who are in the charge of the mother, are subject to foster control until they are 14. Illegitimate children, as long as they are with the mother, may be provisionally released from control if the child's welfare is assured. Control also extends to children in private institutions. In most cases the Child Welfare Offices, in addition to acting as official guardians and foster control authorities, also make arrangements for the boarding-out of children. Not only do they advise unmarried mothers with regard to providing for their children, but they also obtain accommodation for them in families or institutes. In the case of children without means (minors in need of aid) the cost of looking after them is borne by the public welfare associations.

The care of foster children extends also to their medical supervision. At regular intervals they have to appear before a public medical officer.

This public system of protection is supplemented by public and private lying-in hospitals and children's homes and by private organisations which undertake the care of illegitimate children in association with the Child Welfare Offices.

### GREAT BRITAIN

No distinction is made between the legitimate and the illegitimate child as regards measures for securing child welfare.

Under the Maternity and Child Welfare Act, the local authorities may make provision for the medical care, for food, and for relief to mothers both before and after their confinements. They may assist a mother by finding foster parents for her child, and such boarded-out children are under supervision until they are 7. Under the Poor Law Acts, Guardians are empowered to adopt or maintain and educate necessitous children. Under the Children Act also, both legitimate and illegitimate children are protected from cruelty or ill-treatment and may be removed from bad surroundings.

Apart from legal provisions, there are many philanthropic organisations which concern themselves with the welfare of children. The National Council for the Unmarried Mother and Her Child deals both with general questions of illegitimacy and also with individual cases requiring help and assistance.

<sup>1</sup> The enclosures can be consulted at the Secretariat.

Various religious and denominational societies engage in rescue work and make provision for unmarried mothers and their babies, as, for example, the Church Army, the Salvation Army, the Catholic Women's League and the Jewish Association for the Protection of Women and Girls. Other large organisations, such as the National Society for Prevention of Cruelty to Children, Dr. Barnardo's Homes and the Waifs and Strays Society, maintain children in homes and orphanages.

In addition, voluntary organisations provide in some places, hostels in which the mother can live with her baby and go out daily to work, or day nurseries in which the child can be left while the mother is at work.

#### GREECE

A reply to this question has not been forwarded.

#### HUNGARY

Under private law, the institution of adoption is also capable of ensuring the moral and material protection of illegitimate children. According to the practice of the courts and of governmental and administrative bodies, the father may always adopt his illegitimate child in cases in which there has been no legitimation by subsequent marriage or royal favour.

Among the penal laws must be mentioned Law XXXVI of 1908 (Chapter II on Minors) and Law VII of 1913, establishing children's courts.

Although the radical reforms which these measures have effected in both the spirit and the letter of the penal law concerning minors were not expressly intended to protect illegitimate children, they do in many cases provide an effective means of directing their moral development along right lines.

Experience shows that illegitimate children represent a considerable proportion of youthful criminals or of children who are morally contaminated by their surroundings.

In view of the fact that in virtue of Law VII of 1913 the magistrate in children's courts may, under the present criminal laws, have recourse to any suitable means of securing the moral regeneration of the child—extending from the mildest educative measures to the severest forms of imprisonment—and that he acts in all cases in the interest of the child, there can be no doubt that the reforms mentioned above largely contribute to the protection of illegitimate children.

The moral and material protection of children born out of wedlock (illegitimate children) also forms part of the child welfare work undertaken by the State.

Under Laws VIII and XXI of 1901 and Decree 2000/1925 of the Ministry of Labour and Social Welfare, all children under 15 whom the competent authority has declared to be abandoned may be admitted to the State homes. This declaration may refer to either moral or material abandonment. Material abandonment implies that the child has no near relatives whose duty it is to provide for its maintenance and education and who are in a position to do so; moral abandonment implies that, apart from the child's material situation, the lack of care with regard to its education or the unwholesome influence of its surroundings is likely to make the child depraved or has already begun to produce this effect.

A fair proportion of the children entrusted to the State homes are born out of wedlock. Thus, in 1927, these homes dealt with 55,000 children, of whom 14,000 were illegitimate.

The State homes place the illegitimate children entrusted to their care with the mother of some other near relative; should the moral character of the latter be unsatisfactory or should they live under unsanitary conditions, the child is placed in another family or in an institution.

#### INDIA

There are no such means other than those afforded by unofficial charity.

#### IRISH FREE STATE

The laws provide no other means for the protection of illegitimate children as such.

#### ITALY

Law No. 2277 of December 10th, 1925, establishing the National Maternity and Child Welfare Organisation, lays down that the organisation shall provide, either directly or through its provincial and communal agencies, in accordance with the procedure specified in the regulations, for the protection and assistance of minors who are in need of material or moral help up to the age of 18 (Article 4 of above Law). The Organisation brings into line various movements which already exist, co-ordinates them, and provides for the creation of societies where these do not already exist. Through its supporters, it supervises the health, upbringing and morality of all children under 14 years of age who live away from their parents or guardians, provides for the assistance and protection of minors who have been deserted, and exercises, in conjunction with the Charity Commissions, the powers laid down in Article 8 of Law No. 6972 of July 17th, 1890. It watches over the interests of children and young persons, informing the judicial authorities, where necessary, of any facts which come to its knowledge which may involve the loss of paternal power or legal guardianship, or disqualification for guardianship, and in short takes any steps which may be necessary (Article 10 of above Law).

The above-mentioned Royal Legislative Decree of May 8th, 1927, No. 798, also provides for the material and moral protection of illegitimate children.

#### JAPAN

See reply to Question No. 6.

#### LATVIA

There is no organisation or special means for ensuring the moral and material welfare of illegitimate children.



## LUXEMBURG

The Hospice of Rham, a public institution, includes an orphanage which receives orphans and foundlings, who are brought up at the public cost.

## MONACO

None.

## NETHERLANDS

(including Netherlands East Indies, Surinam and Curaçao)

Charitable societies, foundations and institutions which are appointed guardians of illegitimate children temporarily placed under the care of a Guardianship Council in accordance with Article 430a of the Civil Code may be granted a Government subsidy (Article 15 of the Law of February 12th, 1901 [*Legal Gazette*, No. 64], as amended by the Law of September 27th, 1909 [*Legal Gazette*, No. 322]).

In a circular letter, No. 520, dated July 10th, 1908, the Minister of Justice requested that Guardianship Councils should, as far as possible with the assistance of registrars, urge fathers and mothers to acknowledge their illegitimate children.

## NORWAY

In this connection, mention may be made of the Child Welfare Law of April 10th, 1915, Chapter 1 of which concerns public relief for mothers and infants. Its provisions are based on the consideration that there must always be many mothers who receive no support from the child's father, either because he cannot be traced or because he has no means. At the time of confinement particularly, such absence of support from the father may be disastrous to the mother and child. The law accordingly enables a poor woman when pregnant to claim financial assistance from the commune responsible for her support during the last six weeks before confinement and up to six months after confinement, if she is so destitute as to be forced to entrust her child to some other person unless she can obtain financial support. The amount is fixed by the sheriff, within certain limits laid down in the law, which vary for different periods from 35 to 110 kroner a month. Relief is organised as a communal institution, and the amount disbursed can be recovered from the child's father. These arrangements apply to unmarried as well as to married women.

## POLAND

No reply to this question has been received.

## PORTUGAL

There are various kinds of charitable and philanthropic institutions directed by private persons, administrative bodies or the State (milk centres, *crèches*, orphanages, colleges, vocational training centres, etc.) which work in co-operation with the institutions forming the guardianship system described above.

As an organ for social work and an auxiliary welfare service to the Tutorias, the Decree 15/1620 of March 5th, 1928, places the National Federation of Child Welfare institutions on a practical footing.

## ROUMANIA

(a) *Old Kingdom:*

There are no special arrangements. Wherever any facilities exist, illegitimate children benefit to the same extent as legitimate children. For instance, no distinction is drawn in the Labour Colonies organised by the Department of Public Relief, in the various public or private charitable institutions, institutions for war orphans, etc.

(b) *Bessarabia:*

Ditto, as in the Old Kingdom.

(c) *Transylvania.*

Neglected or abandoned children are admitted into State institutions, where no distinction is made between legitimate and illegitimate children.

(d) *Bessarabia:*

See above, under the Old Kingdom.

(e) *Bukovina.*

See above, under the Old Kingdom.

A law is also in force relating to legitimate as well as to illegitimate children :

“ If the wards are without means of livelihood, the competent tribunal may request the next-of-kin who is in a more favourable financial position to maintain the child, although he may not be legally bound to do so.” (Article 221 of the Austrian Civil Code.)

## SALVADOR

The above provisions are the only legal means which exist for the protection of illegitimate children who are civilly and politically on an equal footing with legitimate children. There are, of course, charitable institutions which receive, care for, maintain and educate orphans and destitute children on behalf of the State.

## SIAM

See reply to Question 1.

## SOUTH AFRICA

See reply to Question No. 6.

## SPAIN

There are various charitable institutions for the protection of foundlings.

## SWEDEN

The Law of June 6th, 1924, on the Protection of Children by the Community, which applies both to illegitimate and legitimate children, provides that the *barnavårdsnämnd* (the Communal Committee for the Protection of Children) shall take certain steps for the protection of :

(a) Children under 16 who are ill-treated or neglected by their parents or whose life or health is in danger through some other cause ;

(b) Children under 16 who are liable to be corrupted by the immorality or neglect of their parents or the inability of the latter to educate them ;

(c) Children under 18 whose depraved habits are deemed to require exceptional measures for their correction.

Where necessary, the *barnavårdsnämnd* is empowered to admonish parents to keep a stricter watch over the child, to rebuke the child or, in the case of a boy under 15 or a girl under 12, to order the child to receive corporal punishment or, finally, to recommend that the child be placed in a special institution or be given some definite occupation specified by the Committee. In certain circumstances, the Committee may also order the child to be placed in a reformatory.

## SWITZERLAND

The Federal Department of Justice and Police has made enquiries of the cantonal governments on the subject of Question No. 7. The twenty-five replies which have been received are summarised below :

### ZURICH.

There are no special legal provisions for the protection of illegitimate children apart from those contained in the Swiss Civil Code and in the Law introducing that Code. The most effective means of assistance provided for illegitimate children is official guardianship (*Amstvormundschaft*). In the country districts, the Secretariats of the Youth Committees (*Bezirksjugendkommission*) look after such cases. See the attached report of the Child Welfare Office (*Jugendamt*) of the Canton of Zurich, especially pages 53 *et seq.*, 74 *et seq.*, etc.

### BERNE.

The right to legal aid, provided in the Bernese Law of July 7th, 1918, on Civil Procedure, enables actions to be brought against the father even when the plaintiffs, *i.e.*, the mother or the illegitimate child, are without means.

In most communes, official guardianship is provided for primarily to look after illegitimate children and defend their rights even if the mother was not acting as guardian.

The guardianship authorities must exercise special supervision over all children boarded out by the communal authorities.

As regards children who have been brought up by the public relief authorities—in many cases illegitimate children—special protection is provided even after they have left school. The communes and the State are responsible for helping such children during their apprenticeship or, if necessary, while continuing their studies.

### URI.

No special provisions.

There is an institution for the care of necessitous and abandoned children which was founded by the Public Utility Society and is under its supervision.

### ZUG.

The Council of State is at the moment considering the attached draft law concerning the boarding-out of young people and abandoned children (*Gesetz betreffend Versorgung von Jugendlichen und Verwahrlosten*) which was drawn up by the Department of Justice in the Canton of Zug. This draft law has been submitted to a Committee of the Grand Conseil, which on April 3rd, 1928, proposed certain amendments. (Attached is a copy of the draft law as amended).

### FRIBOURG.

As regards the moral and material protection of illegitimate children, the cantonal laws of Fribourg only contain the provisions laid down by the law enforcing the Swiss Civil Code, *i.e.*, Articles 87 to 95 of the said Law.

Under certain circumstances, Articles 100 to 143, inclusive, of the same law may be applied in this connection, and the Decree of February 18th, 1913, concerning the organisation of child welfare committees.

The law enforcing the Swiss Civil Code and the Decree of February 18th, 1912, are attached hereto.

### SOLOTHURN.

See §§ 96 to 117 of the Law enforcing the Swiss Civil Code, a copy of which is attached hereto.

**BASLE-TOWN.**

There are no provisions other than those contained in the Law governing Family Rights, Guardianship and Succession.

Certain provisions, however, of the Penal Law refer primarily to illegitimate children, viz :

§ 106 of the Penal Code: " Anyone who exposes a child or any other person incapable of providing for himself, or who intentionally leaves without help such child or such person placed under his care, shall be punished by imprisonment with hard labour for not more than five years, or by imprisonment for not less than three months. Should there be extenuating circumstances, the term of imprisonment may not be reduced to less than one month.

" If the offence in question has entailed serious physical injury or the death of the person exposed or abandoned, the offender shall be punished by imprisonment with hard labour for not more than five years or imprisonment for not less than one year. Should there be extenuating circumstances, the term of imprisonment may not be reduced to less than three months."

§ 103 of the Penal Code: " Any mother who intentionally kills her illegitimate child during or immediately after confinement shall be punished for infanticide by imprisonment with hard labour from three to fifteen years. Should there be extenuating circumstances, the term of imprisonment may not be reduced to less than six months."

§ 53 of the Law on Police Penalties: " Any person who, through idleness or drunkenness, shall have been compelled to have undue recourse to public assistance or private charity on behalf of himself or his family, or any person who may generally have failed in his duty to provide for his family or to furnish maintenance as the father of an illegitimate child, shall be punished by detention—or if need be by a more severe penalty—unless he is sent to a Reformatory."

The attached Ordinance entitled " Verordnung betreffend das Halten von Pflegekindern ", August 25th, 1906, should also be noted.

**SCHAFFHAUSEN.**

No special provisions.

There is a private organisation, subsidised by the Canton, which supervises the welfare of legitimate and illegitimate children boarded out by the authorities. If need arises, this organisation takes the necessary steps in agreement with the guardianship authorities.

**AARGAU.**

The only existing provisions regarding children who have been boarded out are annexed hereto (Reports of the Guardianship Office and Ordinance concerning children boarded out by the authorities).

**VAUD.**

The provisions adopted by the Canton of Vaud with regard to illegitimate children are those contained in Articles 71 to 84 and 92 of the Vaudois Law introducing the Swiss Civil Code, a copy of which is annexed hereto.

There are at the moment no special or private institutions or organisations for illegitimate children in the Canton of Vaud.

The following Cantons have no special provisions: Appenzell, Bâle-Campagne, Geneva, Glaris, Grisons, Lucerne, Neuchâtel, Unterwald, St. Gall, Schwytz, Tessin, Thurgau, Valais.

(The annexes mentioned in these replies as being attached can be consulted in the Secretariat.)

**UNION OF SOVIET SOCIALIST REPUBLICS**

As regards other kinds of moral or material protection for illegitimate children, we may say that the laws of the U.S.S.R. aim above all at ensuring that the perfect equality which we have established between men and women should not remain a mere abstract declaration, but should be really given practical effect. Hence, the Government institutions and the public relief organisations (workers and peasants) are always ready to take the woman's side when her rights are infringed, when she is deserted by her husband, or when she remains alone and without resources with children to provide for. For this reason, the establishments for the protection of maternity and children assist indigent mothers and the mothers of illegitimate children who are not supported by their fathers. These establishments provide free milk, linen and other articles of use to the child.

Mothers and their children are also received into homes, where a prospective mother, if she so desires, may be received one month before child-birth and will be maintained free of charge for another month or two thereafter. The majority of the women who seek refuge in these homes have " illegitimate " children. To the same category belong the women received in the Deserted Mothers' Home, where they are given shelter, food and work; they remain there until they have found suitable employment and no longer need help.

For infants abandoned by their mothers, most of whom are " illegitimate", we have a number of well-equipped establishments where the children are brought up until the age of 3. We may add that the number of foundlings in Russia is decreasing every year. In Moscow, for example, in the last two years, it has fallen to less than a third of the previous figure. These establishments also bring up orphans, semi-orphans and children having both parents, if, for example, the mother is afflicted with insanity or the father is absent.

For the education of orphans and other children in need of public relief, there is in the U.S.S.R. a vast system of homes, to which are attached very-well-organised schools and workshops. Among the inmates are a number of " illegitimate " children. But there are no special establishments for " illegitimate " children as under the old regime. This is further evidence of our policy not to make any difference between children conceived in and out of wedlock.

Reference must also be made to the question of the social insurance of children, although here too no difference is made for illegitimate children.

To each infant, if one of his parents is insured (or should be, no matter which of the two it is), is granted a layette bonus (in Moscow it is 15 dollars, in the provinces somewhat less) and, during the first nine months, a monthly pension of 4 dollars in Moscow (in the provinces somewhat less).

To give an idea of the magnitude of the sums put to this use, we may mention that social insurance is compulsory in Russia for all who receive wages, and that over nine million persons are insured. The sums expended on layette bonuses in 1926 amounts to 12 million dollars and the breast-feeding bonuses to 23 million dollars.

If only the father of the "illegitimate" child is insured, the bonuses are still paid to the child; it is sufficient to submit to the insurance fund the child's birth certificate with the father's name figuring thereon or the warrant for maintenance.

In Russia, "illegitimate" children are entitled to a pension after their father's death on the same footing as legitimate children, and as, with us, all the members of a wage-earning family are entitled to a pension on the bread-winner's death, it will be seen what efforts we make to ensure children against want.

It goes without saying that "illegitimate" children have the same rights as legitimate children as regards claims for damages in the case of the father's death by railway accident, factory accident, etc.

All these and other methods intended to provide special protection to "illegitimate" children have given excellent results. The birth rate increases every year and the mortality of infants has fallen by half (compared to 1913).

### UNITED STATES OF AMERICA

There are other scattering provisions designed to safeguard both the moral and material interests of the illegitimate child. In several States, the terminology laws and public records has been changed so that the child is referred to as "born out of wedlock" rather than as a bastard or illegitimate child. Transcripts of birth records are sometimes issued in such a form that the fact of illegitimate origin does not appear. Where a distinction is made, records are sometimes changed when a child is legitimated by action of his parents.

The Uniform Act, for example, provides :

"In all records, certificates, or other papers hereafter made or executed, other than birth records and certificates or records of judicial proceedings in which the question of birth out of wedlock is at issue, requiring a declaration by or notice to the mother of a child born out of wedlock or otherwise requiring a reference to the relation of a mother to such a child, it shall be sufficient for all purposes to refer to the mother as the parent having the sole custody of the child or to the child as being in the sole custody of the mother, and no explicit reference shall be made to illegitimacy, and the term natural shall be deemed equivalent to the term illegitimate when referring to parentage or birth out of wedlock."

Of more material benefit to the child are some other provisions. It is recognised that the best way to prevent the abnormally high infant mortality rate among illegitimate children is to provide for the welfare of the mother, both during pregnancy and confinement and during the infancy of the child. The policy of keeping mother and child together, at least during the nursing period, has been advocated for some time, and has been the practice of many maternity homes and other organisations dealing with the unmarried mother and her child. Three States have placed legal sanction upon the policy of requiring mother and child to remain together during the nursing period. The Maryland statute provides that no child under six months of age may be separated from his mother for placement in a foster home or institution except under one of the three following conditions : (1) certification by two physicians that it is necessary for the physical good of mother or child ; (2) order for separation by a court of competent jurisdiction ; (3) written consent by the board of State aid and charities.

The North Carolina law is similar. The South Carolina law, passed in 1923 (applicable only to counties of 90,000 to 100,000 inhabitants) makes it unlawful to remove a baby under six months of age from the mother for the purpose of placing it in a foster home without the written consent of the judge of the children's court and the county health officer. In 1924 another law was passed, requiring that persons, agencies or organisations removing from his mother an illegitimate child under six months of age report to the child-placing bureau of the State board of public welfare the names and addresses of the persons taking the child and of the parents of the child. Colorado provides that maternity hospitals must require unmarried mothers to nurse their babies while in the hospitals if physically able to do so.

In Minnesota, under a joint resolution of the State board of health and board of control, hospitals and maternity homes must require their patients to nurse infants at the breast so long as they remain under the care of the institution. Exceptions are made only for physical reasons.

Maternity homes and boarding homes for children are frequently under State supervision. This supervision is usually under the department or board of public welfare. Massachusetts, for example, provides :

"Whoever receives an infant under the age of three years for board or for the purpose of procuring adoption shall use due diligence to ascertain whether it is illegitimate, and if he knows or has reason to believe that it is, he shall forthwith notify the State board of charity of such reception. The members, officers or agents of said board may enter and inspect any building where they have reason to believe such illegitimate infant is boarded and remove it, if they believe that, by reason of neglect, abuse or other cause, its removal is necessary to preserve its life. Such infant shall be in the custody of said board, which shall make provisions thereof according to law."

Mothers' Aid Laws in Michigan, Nebraska, and Tennessee specifically authorise aid to unmarried mothers and in some other States the law may be so applied. In eight States the law is general enough to meet all types of need. Wisconsin includes among other provisions "the mother without a husband" and later provides that "aid shall also be granted to the mother of a child during the period extending from six months before to six months after the birth of child, if her financial circumstances are such as to deprive either the mother or child of proper care". Colorado has similar provisions for aid to expectant mothers.

Workmen's Compensation Acts in 12 States and Hawaii include illegitimate children. In Nevada any illegitimate child is included, acknowledged illegitimate children are included in Colorado, Idaho, Indiana, Kentucky, Louisiana, Hawaii, New Mexico, New York and Vermont, and only those legitimated prior to the injury in Montana, Oregon and Washington.

## VENEZUELA

The reply to Question 6 holds also in this case. No system exists in Venezuela at present, either in the legislation or institutions, for the sole purpose of protecting natural children only. The State maintains or subsidises various charitable institutes, such as hospitals, homes and orphanages, where sick or destitute children are cared for, irrespectively of their legitimacy or illegitimacy. A recent executive decree provides for the creation in this city of a Maternity and Child Welfare Institute, which will be built on land generously given by the President of the Republic, and equipped with all the latest technical improvements.

So much for material protection. As regards the moral side, the Government makes ample provision for the education and instruction of children by means of numerous elementary schools, and gives facilities for higher education in secondary and advanced schools; further, they can always learn a trade or craft in the Government technical schools without fee.

The administrative legislation, and in particular the Labour and Mining Laws and Health Regulations, contain a number of far-sighted provisions in favour of children; the legislation, however, has never considered the legitimacy or otherwise of their parentage with a view to their special protection.

---

### Appendix III.

---

#### EXTRACTS FROM THE SWISS CIVIL CODE ON ILLEGITIMATE CHILDREN.

##### TITLE VIII.—ILLEGITIMACY.

302. Where a child is born out of wedlock, the very fact of his birth establishes the relationship existing between an illegitimate child and his mother.

As between the child and his father, no relationship can be established except by a formal acknowledgment of the child or by a decree of the court.

303. The acknowledgment of an illegitimate child can be made by his father or, where he is dead or permanently without discretion, by his paternal grandfather.

The acknowledgment must be made either by a duly authenticated instrument or by a testamentary disposition, and notice of it must be given to the registrar of civil status of the legal home of the person who has made it.

304. The acknowledgment of a child born of an adulterous or incestuous connection is not permitted.

305. The mother or the child or, at the latter's death, his issue, can oppose the acknowledgment by making, within three months from cognisance thereof, an allegation to the competent registrar of civil status to the effect that the person purporting to acknowledge the child as his own is not the child's father or grandfather, or that the acknowledgment is to the child's prejudice.

The registrar of civil status must give to the person making the acknowledgment or his heirs notice of this opposition; thereupon the latter can, within three months, bring an action to establish their case in the court of the place where the competent registrar of civil status has his registry.

306. The competent authority of the father's legal home or any interested party can oppose the acknowledgment by bringing within three months from cognisance thereof an action in the court of the place where the competent registrar of civil status has his registry, and establishing that the person acknowledging the child is neither the father nor the grandfather of the child, or that his acknowledgment is not permitted by law.

307. The mother of an illegitimate child can require the court to establish the paternity of the child.

The child himself has a similar right.

The action to establish paternity is brought against the father or his heirs.

308. The action can be brought before or after the birth of the child, but it must be brought within one year from the date of his birth.

309. The plaintiff in the action claims either that the father shall contribute towards the maintenance of the mother and the child or, in addition in the cases specified by law, that the child's paternity and consequent status shall be established.

A maintenance grant to the mother can be claimed even where the child has been acknowledged by the father or was still-born or has died before judgment in the action.

A claim for a maintenance grant to the child is, where the child takes his father's status, satisfied by the fulfilment of the father's parental duties towards him.

310. The procedure in disputes as to paternity is, subject to the provisions of the Code, regulated by Cantonal Law.

The Cantons cannot, however, lay down any rules of evidence more stringent than those of their ordinary Law of Procedure.

311. In all cases, as soon as the guardianship board has had notice of the birth of an illegitimate child or an unmarried mother has notified it of her pregnancy, the board must appoint a trustee to watch over the child's interests.

At the conclusion of the action to establish paternity or at the expiration of the period of limitation, the curator is replaced by a guardian, unless the Board of Guardians deems it advisable to place the child under the paternal power of his mother or father.

312. The action to establish paternity must be brought before the court of the place where the plaintiff was domiciled in Switzerland at the date of the child's birth or before the court of the place of the defendant's domicile at the date of the bringing of the action.

Where the plaintiff claims a decree of paternity with its consequent effect on the child's status, the court officially notifies the defendant's home commune of this claim, that the commune may be able to defend its interests.

313. Where the mother and the child are resident abroad, the action to establish paternity can be brought against a Swiss father who is also resident abroad before the court of his legal domicile.

314. A presumption is raised by law that the defendant is the father of the child where it is proved that he cohabited with the child's mother in the period between the 300th and the 180th day before its birth.

This presumption is rebutted, however, by proof of facts which throw grave doubts on the defendant's paternity.

315. If, at the date of conception, the mother was living in immorality, the action to establish paternity fails.

316. If, at the date of conception, the mother was married, an action to establish paternity can be brought only after the child had been declared illegitimate by judicial decree.

In this case, the period of limitation of the action runs from the date of the decree.

317. Where the plaintiff's claim is allowed, the court must decree that the mother shall be indemnified:

- (1) For the cost of the confinement;
- (2) For the cost of maintenance during at least four weeks before and four after birth;
- (3) For other expenses necessarily incurred as the result of her pregnancy and confinement.

318. A sum of money may be awarded to the mother by way of moral compensation, where the defendant had before cohabitation promised to marry her, or where his cohabitation with her constitutes a criminal offence against her or an abuse of his power over her, or where at the date of the cohabitation she had not attained her majority.

319. Where the plaintiff's claim is allowed, the court must order the defendant to contribute to the maintenance of the child, the amount of his contribution to be fixed according to the social position of the mother and father and in any case to represent a fair proportion of the cost of the child's maintenance and education.

This contribution is payable by instalments in advance at the times stated by the court until the child completes its 18th year.

The child's right of action is not lost by the fact that the mother has compromised or renounced her own rights where this is manifestly prejudicial to the child's interests.

320. Where the circumstances of the parties have undergone material changes, the amount of the maintenance grant can, at the instance of the plaintiff or defendant, be settled anew; and when the child has attained to a sufficient income to support itself according to its social position, the grant can be suspended altogether.

321. Where the defendant's paternity seems established and the mother is in necessitous circumstances, the court can, even before judgment and in the absence of evidence that the claim would be imperilled by delay, require the defendant to give security for the estimated cost of the confinement and of the maintenance of the child for the first three months.

322. The liabilities of the father pass to his heirs.

The heirs are, however, not liable to pay to the child any more than he could have claimed as his father's heir if he had been acknowledged by him as his child.

323. The court will, at the plaintiff's request, judicially declare the defendant to be the father of the child and thus establish the status of the child, where the defendant had promised to marry the mother or where his cohabitation constituted a criminal offence against her or an abuse of his power over her.

This decree cannot be pronounced on a married man if he was already married at the date of the cohabitation.

324. Where the child is left in the custody of the mother, it acquires her surname and right of citizenship and stands towards her and her side of the family in the position of an illegitimate child with the rights and duties incident to that position.

The mother's obligations are the same as if the child were legitimate.

The Board of Guardians can confer upon the mother paternal power over the child.

325. Where the child is voluntarily acknowledged or a decree of paternity is pronounced with its effect on its status, it acquires the father's surname and right of citizenship and stands towards the father's as well as the mother's side of the family in the position of an illegitimate child with the rights and duties incident to that position.

The father's obligations are the same as if the child were legitimate.

The Board of Guardians can confer upon the father or the mother paternal power over the child.

326. Where an illegitimate child is placed under the father's paternal power, the mother retains the right to hold such personal intercourse with the child as is fitting under the circumstances.

The Board of Guardians can, either of its own accord or at the mother's request, place the child up to a certain age under her paternal power and only after that age under that of the father.

327. Where the Board of Guardians confers paternal power on the father or the mother, it determines at the same time the extent of their rights over the child's property.

C.P.E. 141 (1) Index.

ANALYTICAL INDEX

Arranged according to countries

**Albania**

Affiliation proceedings	
Reply to Question 2 . . . . .	134
Inheritance or succession rights	
Reply to Question 5 . . . . .	155
Legitimation, conditions governing	
Reply to Question 3 . . . . .	86, 146
Moral and material protection	
Reply to Question 7 . . . . .	90, 172
Official guardianship	
Reply to Question 6 . . . . .	88, 164
Parental rights and obligations, child's claim to maintenance	
Reply to Questions 1, 4 . . . . .	116
Secretariat study of replies to questionnaire	80, 84, 86, 88, 90

**Australia**

Affiliation proceedings	
Reply to Question 2 . . . . .	85, 109, 134-5
Inheritance or succession rights	
Reply to Question 5 . . . . .	86, 109, 155-6
Legitimation, conditions governing	
Reply to Question 3 . . . . .	87, 146-7
Moral and material protection	
Reply to Question 7 . . . . .	90, 172-3
Official guardianship	
Reply to Question 6 . . . . .	88, 164-5
Parental rights and obligations, child's claim to maintenance	
Reply to Questions 1, 4 . . . . .	85, 109, 116-17
Secretariat study of replies to questionnaire	80, 84, 85, 87, 88, 90, 109

**Austria**

Affiliation proceedings	
Reply to Question 2 . . . . .	83, 102, 135
Inheritance or succession rights	
Reply to Question 5 . . . . .	84, 102, 156
Legitimation, conditions governing	
Reply to Question 3 . . . . .	87, 147
Moral and material protection	
Reply to Question 7 . . . . .	91, 173
Official guardianship	
Reply to Question 6 . . . . .	139, 165
Parental rights and obligations, child's claim to maintenance	
Reply to Question 1, 4 . . . . .	83, 102, 117-18
Secretariat study of replies to questionnaire	82, 83, 84, 87, 89, 91, 102

**Belgium**

Affiliation proceedings	
Reply to Question 2 . . . . .	81, 92, 135
Inheritance or succession rights	
Reply to Question 5 . . . . .	82, 92, 156
Legitimation, conditions governing	
Reply to Question 3 . . . . .	86, 87, 147
Moral and material protection	
Reply to Question 7 . . . . .	91, 173-4

**Belgium (continued)**

Official guardianship	
Reply to Question 6 . . . . .	89, 165
Parental rights and obligations, child's claim to maintenance	
Reply to Questions 1, 4 . . . . .	81, 82, 92, 118-19
Secretariat study of replies to questionnaire	81, 82, 86, 87, 89, 91, 92

**Bulgaria**

Affiliation proceedings	
Reply to Question 2 . . . . .	81, 93, 135
Inheritance or succession rights	
Reply to Question 5 . . . . .	82, 93, 156
Legitimation, conditions governing	
Reply to Question 3 . . . . .	87, 147
Moral and material protection	
Reply to Question 7 . . . . .	90, 174
Official guardianship	
Reply to Question 6 . . . . .	88, 165
Parental rights and obligations, child's claim to maintenance	
Reply to Questions 1, 4 . . . . .	81, 82, 93, 119
Secretariat study of replies to questionnaire	81, 82, 87, 88, 90, 93

**Canada**

Affiliation proceedings	
Reply to Question 2 . . . . .	85, 110-11, 136
Inheritance or succession rights	
Reply to Question 5 . . . . .	86, 110-11, 156-7
Legitimation, conditions governing	
Reply to Question 3 . . . . .	88, 147
Moral and material protection	
Reply to Question 7 . . . . .	90, 174
Official guardianship	
Reply to Question 6 . . . . .	88, 165
Parental rights and obligations, child's claim to maintenance	
Reply to Questions 1, 4 . . . . .	85, 110-11, 119-20
Secretariat study of replies to questionnaire	80, 84, 85, 88, 90, 110-11

**Countries. Arrangement in Legislative Groups**

Group A (in which illegitimate children have only legal connection with parents when acknowledged) D	
General study . . . . .	80, 81-2
Tables illustrating . . . . .	92-101
Group B (in which relation of illegitimate child to mother hardly differs from that of legitimate child)	
General study . . . . .	80, 82-4
Tables illustrating . . . . .	102-108
Group C (countries not belonging to two previous groups)	
General study . . . . .	80, 84-6
Tables illustrating . . . . .	109-115

**Dansig**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 102, 136
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 102, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 148
- Moral and material protection
  - Reply to Question 7 . . . . . 90, 174
- Official guardianship
  - Reply to Question 6 . . . . . 165-6
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 102, 120-1
- Secretariat study of replies to questionnaire
  - 82, 83, 87, 90, 102

**Denmark**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 103, 136
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 84, 103, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 148
- Moral and material protection
  - Reply to Question 7 . . . . . 90, 175
- Official guardianship
  - Reply to Question 6 . . . . . 88, 166
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 103, 121
- Secretariat study of replies to questionnaire
  - 82, 83, 87, 88, 90, 103

**Ecuador**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 81, 93, 136-7
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 82, 93, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 148
- Moral and material protection
  - Reply to Question 7 . . . . . 175
- Official guardianship
  - Reply to Question 6 . . . . . 166
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 81, 93, 121
- Secretariat study of replies to questionnaire
  - 81, 82, 93

**Estonia**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 103, 137
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 103, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 148
- Moral and material protection
  - Reply to Question 7 . . . . . 91, 175
- Official guardianship
  - Reply to Question 6 . . . . . 88, 166
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 103, 121
- Secretariat study of replies to questionnaire
  - 82, 83, 87, 88, 91, 103

**Finland**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 103, 137
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 84, 103, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 148-9
- Moral and material protection
  - Reply to Question 7 . . . . . 90, 91, 175
- Official guardianship
  - Reply to Question 6 . . . . . 189, 90, 166
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 103, 121-2
- Secretariat study of replies to questionnaire
  - 82, 83, 84, 89, 90, 91, 103

**France**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 81, 137
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 82, 93-4, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 86, 149
- Moral and material protection
  - Reply to Question 7 . . . . . 91, 175

**France (continued)**

- Official guardianship
  - Reply to Question 6 . . . . . 89, 166
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 81, 82, 93-4, 122
- Secretariat study of replies to questionnaire
  - 81, 82, 86, 89, 91, 93-4

**Germany**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 104, 137
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 104, 157
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 149
- Moral and material protection
  - Reply to Question 7 . . . . . 90, 175
- Official guardianship
  - Reply to Question 6 . . . . . 89, 166-7
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 104, 122
- Secretariat study of replies to questionnaire
  - 82, 83, 87, 89, 90, 104

**Great Britain**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 104, 137-8
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 84, 104, 157-8
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 149
- Moral and material protection
  - Reply to Question 7 . . . . . 91, 175-6
- Official guardianship
  - Reply to Question 6 . . . . . 89, 90, 167
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 104, 122
- Secretariat study of replies to questionnaire
  - 82, 83, 84, 87, 89, 90, 104

**Greece**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 105, 138
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 84, 105, 138, 150, 158
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 150
- Moral and material protection
  - Reply to Question 7 . . . . . 176
- Official guardianship
  - Reply to Question 6 . . . . . 167
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 105, 123
- Secretariat study of replies to questionnaire
  - 82, 83, 84, 87, 105

**Hungary**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 83, 105, 138
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 105, 158
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 87, 150
- Moral and material protection
  - Reply to Question 7 . . . . . 176
- Official guardianship
  - Reply to Question 6 . . . . . 88, 167
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 83, 105, 123
- Secretariat study of replies to questionnaire
  - 82, 83, 87, 88, 105

**India**

- Affiliation proceedings
  - Reply to Question 2 . . . . . 85, 112, 138
- Inheritance or succession rights
  - Reply to Question 5 . . . . . 86, 112, 158
- Legitimation, conditions governing
  - Reply to Question 3 . . . . . 86, 150
- Moral and material protection
  - Reply to Question 7 . . . . . 91, 176
- Official guardianship
  - Reply to Question 6 . . . . . 88, 167
- Parental rights and obligations, child's claim to maintenance
  - Reply to Questions 1, 4 . . . . . 85, 112, 123
- Secretariat study of replies to questionnaire
  - 80, 84, 85, 86, 88, 112



**Irish Free State**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 112, 136  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 112, 158  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 150  
 Moral and material protection  
 Reply to Question 7 . . . . . 90, 176  
 Official guardianship  
 Reply to Question 6 . . . . . 88, 167  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 85, 112, 123  
 Secretariat study of replies to questionnaire  
 80, 84, 85, 86, 88, 90, 112

**Italy**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 94-5, 136-7  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 94-5, 158  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 150  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 176  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 167  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 94-5, 123-4  
 Secretariat study of replies to questionnaire  
 81, 82, 87, 89, 91, 94-5

**Japan**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 95, 137  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 95, 158-9  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 176  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 167  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 95, 124  
 Secretariat study of replies to questionnaire  
 81, 82, 89, 91, 95

**Latvia**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 105, 137  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 105, 159  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 90, 176  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 168  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 83, 105, 124  
 Secretariat study of replies to questionnaire  
 82, 83, 89, 90, 105

**Luxemburg**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 96, 137  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 96, 159  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 168  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 96, 124  
 Secretariat study of replies to questionnaire  
 81, 82, 86, 89, 91, 96

**Monaco**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 97, 137-8  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 97, 159  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 87, 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 90, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 168

**Monaco (continued)**

Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 97, 124-5  
 Secretariat study of replies to questionnaire  
 81, 82, 87, 89, 97

**Netherlands**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 98, 138  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 98-9, 159-160  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 87, 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 168  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 98, 125  
 Secretariat study of replies to questionnaire  
 81, 82, 86, 87, 89, 91, 98-9

**Norway**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 106, 138-9  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 84, 106, 160  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 151  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 90, 168  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 83, 125-6  
 Secretariat study of replies to questionnaire  
 82, 83, 84, 86, 89, 90, 101, 106

**Poland**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 113, 139  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 113, 160  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 152  
 Moral and material protection  
 Reply to Question 7 . . . . . 177  
 Official guardianship  
 Reply to Question 6 . . . . . 88-9, 168-9  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 86, 126-7  
 Secretariat study of replies to questionnaire  
 80, 84, 85, 86, 87, 88-9, 113

**Portugal**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 99, 139  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 99, 160-1  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 152  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 169-170  
 Parental rights and obligations, child's claim  
 to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 99, 127-8  
 Secretariat study of replies to questionnaire  
 81, 82, 87, 89, 91, 99

**Questionnaire sent to Governments, July, 1927:**

Replies (For details see under the countries concerned)  
 List of countries which sent  
 No observations . . . . . 78  
 Replies up to March 1, 1929 . . . . . 78  
 Suppl. information or amendments  
 to laws . . . . . 79  
 to Questions 1 and 4 (parental rights  
 and obligations, claims of child to  
 maintenance) . . . . . 116-134  
 to Question 2 (affiliation proceedings) 134-146  
 to Question 3 (legitimation) . . . . . 146-155  
 to Question 5 (rights of inheritance or  
 succession) . . . . . 155-163  
 to Question 6 (official guardianship) 164-172  
 to Question 7 (moral and material pro-  
 tection) . . . . . 172-181

**Questionnaire sent to Governments, July 1927 (contd.)**

Replies (For details see under the countries concerned) (continued)  
 Study, general, by Secretariat  
 Tables illustrating . . . . . 92-115  
 Text. . . . . 77-91  
 Text as adopted by Child Welfare Committee . . . . . 78

**Roumania**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 113, 142  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 113, 161  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 152  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 170  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 86, 113, 128  
 Secretariat, study of replies to questionnaire  
 80, 84, 85, 86, 113

**Salvador**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 106, 142  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 84, 106, 161  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 153  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 88, 170  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 83, 106, 128  
 Secretariat study of replies to questionnaire  
 82, 83, 84, 87, 88, 91, 106

**Secretariat Study of Replies of Governments to Questionnaire**

Tables illustrating . . . . . 92-115  
 Text. . . . . 77-91

**Siam**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 142  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 128, 161  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 128, 153  
 Moral and material protection  
 Reply to Question 7 . . . . . 128, 177  
 Official guardianship  
 Reply to Question 6 . . . . . 128, 170  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 86, 128  
 Secretariat study of replies to questionnaire  
 80, 84, 85, 86

**South Africa**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 107, 142-3  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 107, 161  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 153  
 Moral and material protection  
 Reply to Question 7 . . . . . 178  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 170  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 79, 83, 107, 129  
 Secretariat study of replies to questionnaire  
 82, 83, 87, 89, 107

**Spain**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 100, 143  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 100, 162  
 Legitimation, condition governing  
 Reply to Question 3 . . . . . 87, 153-4  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 178  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 171

**Spain (continued)**

Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 100, 129  
 Secretariat study of replies to questionnaire  
 81, 82, 87, 89, 91, 100

**Sweden**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 107, 143  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 84, 107, 162  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 154  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 178  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 90, 171  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 83, 107, 129-130  
 Secretariat study of replies to questionnaire  
 82, 83, 84, 89, 90, 91, 107

**Switzerland**

Affiliation proceedings  
 Reply to Question 2 . . . . . 83, 108, 143, 182-3  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 84, 108, 162  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 87, 154  
 Moral and material protection  
 Reply to Question 7 . . . . . 90, 91, 178-9  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 90, 171  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 83, 108, 131  
 Secretariat study of replies to questionnaire  
 82, 83, 84, 87, 90, 91, 108  
 Swiss civil code on illegitimate children, extracts . . . . . 181-3

**Tables showing countries arranged in Legislative Groups**  
 See Countries, arrangement in legislative groups

**Union of Soviet Socialist Republics**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 114, 143-5  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 114, 162  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 154  
 Moral and material production  
 Reply to Question 7 . . . . . 91, 179-180  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 171  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 86, 114, 131-3  
 Secretariat study of replies to questionnaire  
 80, 84, 85, 86, 89, 91, 114

**United States of America**

Affiliation proceedings  
 Reply to Question 2 . . . . . 85, 115, 135-6  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 86, 115, 162-3  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 87, 88, 154-5  
 Moral and material protection  
 Reply to Question 7 . . . . . 90-1, 180  
 Official guardianship  
 Reply to Question 6 . . . . . 88, 171-2  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 85, 133-4  
 Secretariat study of replies to questionnaire  
 80, 85, 86, 87, 88, 90-1, 115

**Venezuela**

Affiliation proceedings  
 Reply to Question 2 . . . . . 81, 101, 136  
 Inheritance or succession rights  
 Reply to Question 5 . . . . . 82, 101, 163  
 Legitimation, conditions governing  
 Reply to Question 3 . . . . . 86, 87, 155  
 Moral and material protection  
 Reply to Question 7 . . . . . 91, 181  
 Official guardianship  
 Reply to Question 6 . . . . . 89, 172  
 Parental rights and obligations, child's claim to maintenance  
 Reply to Questions 1, 4 . . . . . 81, 82, 101, 134  
 Secretariat study of replies to questionnaire  
 81, 82, 83, 87, 91, 101

**ANNEX 4.**

**REPORT OF THE COMMITTEE ON THE WORK OF ITS  
FIFTH SESSION (APRIL 12<sup>TH</sup> TO 19<sup>TH</sup>, 1929).**

At the fifth session of the Child Welfare Committee, Marquis Paulucci di Calboli, delegate of Italy, acted as Chairman, and M. Ito, delegate of Japan, as Vice-Chairman.  
The following attended the session :

*Government Delegates :*

His Excellency Marquis PAULUCCI DI CALBOLI ( <i>Chairman</i> ), M. Omero FORMENTINI ( <i>Assistant Delegate</i> ),	<i>Italy.</i>
His Excellency Count CARTON DE WIART, Mr. S. W. HARRIS, Miss WALL ( <i>Substitute Delegate</i> ),	<i>Belgium.</i> <i>British Empire.</i>
Dr. Estrid HEIN, His Excellency M. REGNAULT, M. BOURGOIS ( <i>Substitute Delegate</i> ), Mlle. CHAPTAL ( <i>Assistant Delegate</i> ), M. MARTIN ( <i>Technical Adviser</i> ),	<i>Denmark.</i> <i>France.</i>
Dr. BÄUMER, M. ITO ( <i>Vice-Chairman</i> ), M. SAITO ( <i>Technical Adviser</i> ), M. SHIMIZU,	<i>Germany.</i> <i>Japan.</i>
Senator POSNER, Mme. ROMNICIANO, M. Martinez AMADOR ( <i>replacing Don Pedro Sangro y Ros de Olano</i> ), Dr. LUISI,	<i>Poland.</i> <i>Roumania.</i> <i>Spain.</i> <i>Uruguay.</i>

*Assessors :*

M. ROLLET, International Child Welfare Association.  
Dr. HUMBERT, League of Red Cross Societies.  
Dame Katharine FURSE, International Boy Scouts and Girl Guides Organisation.  
Dr. POLLIGKEIT, Save the Children International Union.  
Miss Eleanor RATHBONE, International Women's Organisations.  
Miss Julia LATHROP, American National Conference of Social Service.  
Mlle. BURNIAUX, International Federation of Trade Unions (Amsterdam).  
Mlle. Fanny DALMAZZO, International Union of Catholic Women's Leagues.

*Liaison Officer :*

Mr. JOHNSTON, International Labour Office.

*Secretary :*

Dame Rachel CROWDY, Chief of the Opium Traffic and Social Questions Section.

**ADOPTION OF THE AGENDA.**

The Committee adopted the agenda as drawn up by the Agenda Sub-Committee at its meeting on April 11th.

**REPORTS.**

The Secretary's report on the progress of the work was approved unanimously.

The liaison officer with the International Labour Office gave certain explanations to supplement the report distributed to the members and assessors of the Committee, which dealt with the progress made during 1928 in those aspects of protection of children and young persons with which the International Labour Organisation is more particularly concerned, and which appear to be of special interest to the Child Welfare Committee. These questions included the progress of the ratification of International Labour Conventions concerning child labour; proposals with regard to the protection of children in connection with forced labour and to the employment of children and young persons in non-industrial occupations and the influence of family allowances on child welfare.

A report on liaison with the Health Organisation was then read. At the suggestion of the representative of the League of Red Cross Societies, the Committee decided to thank the Health Organisation for the work it had done on child hygiene, and asked that the enquiry into the causes of infant mortality should be extended to other countries, for instance Japan. It further expressed the desire that, if sufficient attention had not been given in the report on the causes of infant mortality to causes of a social character, the Social Section of the Secretariat should be allowed to examine the information collected with a view to drawing up on that subject a report on parallel lines to the Health Organisation's report.

The Committee concurred in this view, since it considered that it could not abandon the study of social conditions and circumstances influencing infant mortality.

#### BLIND CHILDREN.

The Danish delegate explained why she had not thought it advisable to act as the Child Welfare Committee had asked her to do at its last session. She had not made a report on the question of blind children, because the Health Organisation of the League had undertaken an enquiry into the general position of the blind, and the questionnaire that had been drawn up for the purpose of obtaining information treated those aspects of the question which affected minors. Further, the International Labour Office had undertaken an enquiry into methods of vocational guidance which would include the methods followed in regard to blind children.

Various members of the Committee explained that they felt that the Child Welfare Committee could not abandon this enquiry; it was pointed out that certain aspects of the protection and education of blind children were specifically social in character. The liaison officer stated that, in the enquiry referred to, the Labour Office had not stressed the problem of the blind child.

The Committee adopted the following draft resolution proposed by the Belgian delegate :

"The Child Welfare Committee, having taken note of the report of the delegate of Denmark on the question of blind children, requests her to continue to keep in touch with the enquiries into this problem now being conducted by the other organisations of the League of Nations, and empowers her to establish contact with these bodies for this purpose. It requests her to make a fresh report to the Committee at its next session on the state of the question."

#### PRELIMINARY ENQUIRY CONCERNING CHILDREN IN MORAL AND SOCIAL DANGER.

Mlle. Chaptal, who had been appointed by the Council to conduct the enquiry, informed the Committee of the preliminary steps she had taken. She was not yet, she said, in a position to make a report, but she gave a few details of the method she had adopted. A letter had been sent to the Governments of the eight countries covered by her enquiry to ask for their assistance, and questionnaires had been sent to the members and assessors of the Child Welfare Committee with a view to obtaining the requisite information. The enquiry would be continued during the coming year by means of visits to certain countries.

#### ILLEGITIMATE CHILDREN.

A large amount of valuable information was received from Governments in reply to a questionnaire, and a summary of this information was placed before the Committee.

The delegate of the Amsterdam International Federation of Trade Unions laid before the Committee a report in which she examined the position of the illegitimate child in the light of the information gained from the Secretariat's study. She concluded with a proposal to call the attention of Governments to the necessity of improving the legal status of the illegitimate child. The representative of the International Child Welfare Association moved an amendment reserving the rights of the family.

In the course of the discussion of the motions put forward, the Japanese delegate stated that his Government had now in contemplation a far-reaching Bill under which the illegitimate child would be given the same status as the legitimate child. The German delegate stated that, in Germany, new legislation on the illegitimate child was before the Legislative Body. As probable changes were taking place in other countries, she recommended that the Governments be asked to send information on their progress in legislation.

The delegate of the International Union of Catholic Women's Leagues said that a distinction should be made at this point, for it might be necessary or useful, as regards the *protection or assistance* given by the State, communes or charitable and social organisations, to adopt provisions which are specially advantageous to illegitimate children (on the ground that both parents are dead or that the children are dependent for their maintenance on the mother alone); but, as regards the legal position of the illegitimate child, she considered, as other persons had already stated, that the principle of respect for the rights of the legitimate family must be borne in mind. The representative of the International Organisations of Boy Scouts and Girl Guides thought that the enquiry into the question of illegitimate children should not be confined to its legal aspect, but should include a study of the psychological effects of illegitimacy upon the child.

At the next session, the Committee will consider the desirability of undertaking such a study

After a protracted debate the Belgian delegate, with several other members of the Committee, moved the following draft resolution, which was adopted unanimously :

"The Child Welfare Committee has examined with interest the report on the position of the illegitimate child; it thanks the Secretariat for having prepared this important document, and requests it to continue to collect information as to progress in legislation in connection with illegitimate children, and to communicate such information to the members of the Committee in due course.

"The Committee requests the Legal Sub-Committee to examine the report and decide what questions should be studied, and in what order.

"Taking into consideration Mlle. Burniaux's proposal, as amended by M. Rollet, the Committee refers this proposal to the Legal Sub-Committee, to which Mlle. Burniaux will be attached for the purpose of its examination. The Sub-Committee may for the same purpose co-opt one or two members having special experience of legislative and administrative measures, and of institutions and movements concerned with illegitimate children."

The Sub-Committee co-opted Dr. Baumer for the purpose of examining this question. The Legal Sub-Committee, having carried out a preliminary investigation, laid before the Committee the following resolution, which was adopted unanimously :

"The Child Welfare Committee thanks the Governments for replying so readily to the questionnaire on the position of the illegitimate child, and hopes that they will continue to send information as to any changes in their laws.

"The Committee considers, from an examination of the replies received, that more effective protection should be ensured to illegitimate children, and to this end decides to keep the question on its agenda, and it also urges that for the future, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family."

At the first meeting of the Child Welfare Committee the representative of the International Union of Catholic Women's Leagues was invited to become a member of the Legal Sub-Committee.

#### PROVISIONAL DRAFT AGREEMENT REGARDING THE REPATRIATION OR RETURN TO THEIR HOMES OF CHILDREN AND YOUNG PEOPLE.

The Legal Sub-Committee met in Paris in July 1928 in order to prepare the text of a provisional draft Agreement on the repatriation or return to their homes of children and young people. The Legal Sub-Committee examined this text at a second reading in Paris in 1928 and communicated it to the members and assessors of the Child Welfare Committee in January 1929.

During the examination of the provisional draft, the opinion was expressed that the return of children to their homes should be considered rather than repatriation, since the latter measure might result in the minor being brought back to a country other than that in which reside the persons legally invested with paternal power or with the right of custody over the child.

The Italian delegate said that he could not accept the principle embodied in the Agreement which would in certain cases make it possible for the authorities of the country in which the minor was residing not to comply with a request for repatriation made by the country of which he was a national.

The Belgian delegate proposed the following resolution, which was adopted by the Committee :

"The Child Welfare Committee has noted with interest the provisional draft international Agreement regarding the repatriation or return to their homes of children and young people who have escaped or been removed from the authority of their parents or guardians and are abroad.

"It considers that the term 'repatriation' should be removed from the title and text of this provisional draft. It thinks it necessary that the provisional draft should state clearly :

"1. That the interests of the minor must be given first consideration both by the authority making the application for the return home and by the authority to whom it is addressed.

"2. That the contemplated agreement does not affect the right of persons invested with paternal power or with the right of custody to have recourse to the Courts, since the aim of the provisional Agreement is to enable minors to be returned to their homes more rapidly and at less expense than by judicial means, and not to abolish or restrict the right to apply to the Courts in accordance with the laws of the respective countries.

"The Committee takes note of the reservations made by the Italian delegate and refers the provisional Agreement for examination by the Legal Committee, requesting it to submit during the present session an amended text which will take into account the considerations set forth above."

The Legal Sub-Committee, to which three experts in international law had been attached for the consideration of these texts, introduced some modifications into the provisional draft and submitted to the Child Welfare Committee an amended text which was adopted. (This text is annexed to the report, Appendix I.)

The Committee adopted the recommendation that the Council of the League of Nations should be asked to communicate the provisional draft Agreement regarding the return to their homes of children and young people to all Governments, with the request that they should forward their observations thereon to the Secretariat not later than December 31st, 1929.

#### PROVISIONAL DRAFT CONVENTION ON THE ASSISTANCE TO MINORS OF FOREIGN NATIONALITY.

The Legal Sub-Committee met in Paris in December 1928 in order to prepare a provisional draft Convention on the assistance to minors of foreign nationality.

It continued and completed this work during the present session with the assistance of M. Delaquis, M. de Navaille and M. Ruppert, who had been appointed as experts.

The Child Welfare Committee has thought it desirable and possible to find a solution for the particularly serious problem of assistance for indigent foreign minors, pending the settlement of the whole question of assistance and protection for indigent foreigners.

The Committee thought it essential that provision should be made for assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. Any other solution would leave serious difficulties untouched.

The preliminary draft is based upon several bilateral Conventions which are already in force. Its fundamental principles are :

1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated.
2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance.
3. Repatriation is not to be generally regarded as the best method of affording assistance.

The Committee thought it superfluous to embody in the preliminary draft a clause reserving the rights of paternal power or custody, since those rights and the exercise thereof continue to be subject to the general rules governing the matter.

The preliminary draft, moreover, in no way restricts the right of each of the contracting States to prohibit the settlement or temporary residence of nationals of any other contracting State for reasons of security, health or public morality.

Countries which conclude bilateral or multilateral conventions on the proposed model may, without infringing the fundamental principles it embodies, change the periods specified therein and the clauses dealing with the repayment of costs of assistance.

The preliminary draft does not go into details as regards the formalities for carrying out the Convention. These will be settled by the contracting countries, either by the insertion of supplementary clauses in the convention, or by special agreements or even by direct arrangements between the administrations concerned.

The Committee discussed the preliminary draft, which contained a few provisions that had led to certain differences of opinion. The preliminary draft was adopted. The Committee recommended that it should be communicated by the Council of the League of Nations to all Governments with a request that they should forward their observations to the Secretariat by December 31st, 1929, at latest. (This text is annexed, Appendix II.)

#### CINEMATOGRAPH.

The Committee expressed its gratitude to its delegate on the Governing Body of the International Educational Cinematographic Institute at Rome, who was unable to attend this session of the Child Welfare Committee.

The Director of the Institute read to the Committee a statement on the programme which he proposed to carry out. He emphasised the necessity of close co-operation between the Child Welfare Committee and the Rome Institute, since all measures of protection must be based on a study of the psychological reaction of the child to films.

The Belgian and the Polish delegates drew the attention of the Committee and of the Cinematographic Institute to the necessity of providing a larger number of good recreational and educational films for children. The delegate of the International Boy Scouts and Girl Guides Organisation pointed out that in some countries young people were consulted as to the kind of films which interested them; she expressed the wish that this should be more generally done.

The technical adviser to the French delegation drew the Committee's attention to the many fires which had occurred in cinema halls since the last session as a result of the use of inflammable films. These disasters caused the death of a large number of spectators, among whom were many children.

The Committee thanked the Director of the Rome Institute for his statement and expressed the desire that he should be present at future sessions of the Child Welfare Committee. It reiterated the recommendations which it had adopted in previous years regarding measures of safety and health in cinema halls, and, in particular, the recommendation concerning non-inflammable films, and adopted the following resolution, submitted by the Belgian delegate :

"The Child Welfare Committee requests its representative on the International Educational Cinematographic Institute to direct the attention of the latter to a study of the means for promoting and encouraging the production, exchange and representation of recreational films intended specially for children and of a character to amuse them while contributing towards their intellectual and moral progress."

#### COMPOSITION OF THE COMMITTEE.

At the request of the Council, the Committee considered its own composition, including the suggestion that the assessors should be invited to attend the meetings only when subjects are under discussion which are of particular concern to the organisations which they represent.

The assessors, at the invitation of the Committee, held a meeting and charged the representatives of the International Association for Child Welfare and the League of Red Cross Societies to present their views to the Committee. The British delegate also submitted proposals. The Danish delegate, supported by other members of the Committee, urged that it should avail itself of the opportunity which the Council's instructions afforded of revising the programme and methods of work of the Child Welfare Committee.

The French delegate, supported by several other members, pointed out that the Council's instructions concerned only the organisation of the assessors' participation in the work of the Committee.

The Committee was of opinion that the participation of the assessors in the work of the Committee had been of value. The suggestion that they should only be convened when their presence was particularly desirable for the examination of certain questions was open to obvious objections. The various aspects of child welfare, although they referred to different subjects, were not independent but reacted on one another. Further, the long distances which some assessors, especially those from overseas, had to travel, would make it difficult to ask them to give the time required if their attendance were confined to one or two meetings only.

After a prolonged discussion, the British delegate and the representative of the League of Red Cross Societies were invited jointly to submit definite proposals to the Committee. These proposals in the following form were adopted :

(a) The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

(b) The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

(c) All assessors appointed in future should be appointed for a period of five years.

(d) As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

(e) It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors.

The Secretary communicated to the Committee a letter from the President of the International Criminal Police Commission, in which this Commission asked to be allowed to take part in the work of certain Committees of the League of Nations that might concern the various fields of activity of the police. The Committee considered this letter and decided that it would be glad if a member of the Criminal Police Commission could attend when subjects which the Committee feels would be of special interest to it are under discussion.

#### JUVENILE COURTS.

The Secretary-General of the International Prison Commission attended.  
A general discussion took place on the two following points :

Was the questionnaire drawn up by the three Rapporteurs, whom the Committee had appointed at its fourth session, to be sent to private associations as well as to Governments?  
Was it to be sent to all Governments, both Members and non-Members of the League?

After several members and assessors had expressed their views, the Committee decided that, after further consideration by the Rapporteurs, the questionnaire should be sent this year to all Governments, but to Governments only. At the next session, after examining the documents received, the Committee will decide whether to obtain information supplementary to that received from official sources by drawing up an appropriate questionnaire in consultation with the International Prison Commission and sending it out to private organisations.

The following resolution, submitted by the representative of the International Union of Catholic Women's Leagues, was adopted by the Committee :

"The Committee approves the questionnaire concerning the auxiliary services of Juvenile Courts<sup>1</sup> and desires that it should be sent out to all Governments, including those which are not Members of the League of Nations."

<sup>1</sup> This questionnaire is attached (Appendix III).

A further resolution, which reads as follows, was submitted by the Rapporteurs and adopted by the Committee :

"The Child Welfare Committee decides to keep on its agenda the study of the question of juvenile courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the juvenile courts."

#### BUDGET.

No objection was raised to the budget submitted by the Secretariat.

The Committee discussed the possibility of enlarging the expert staff of the Social Section to facilitate certain branches of research; it was decided to adjourn the discussion of this question until the following session.

#### PUBLICATION OF MINUTES.

The Committee instructed its Chairman to ask the Council of the League of Nations for permission to print the Minutes of the session, notwithstanding the fact that the Committee had last year agreed to the suggestion that the Minutes should be discontinued.

It felt compelled to approach the Council on this matter, as it had found that no report, however full it might be, could reproduce the Committee's discussions in sufficient detail.

It felt justified in making this recommendation, as it had learnt that a number of other Committees and Commissions of the League had encountered the same difficulties and had received authorisation to continue publication of their Minutes.

#### DATE OF THE MEETINGS OF THE COMMITTEE.

The Committee decided to hold its future meetings during the early part of April and that the date of its next meeting should be April 9th, 1930.

---

#### RESOLUTIONS.

##### I.

The Child Welfare Committee, having taken note of the report of the delegate of Denmark on the question of blind children, requests her to continue to keep in touch with the enquiries into this problem now being conducted by the other organisations of the League of Nations, and empowers her to establish contact with these bodies for this purpose. It requests her to make a fresh report to the Committee at its next session on the state of the question.

##### II.

The Child Welfare Committee has examined with interest the report on the position of the illegitimate child; it thanks the Secretariat for having prepared this important document, and requests it to continue to collect information as to progress in legislation in connection with illegitimate children, and to communicate such information to the members of the Committee in due course.

The Committee requests the Legal Sub-Committee to examine the report and decide what questions should be studied and in what order.

Taking into consideration Mlle. Burniaux's proposal, as amended by M. Rollet, the Committee refers this proposal to the Legal Sub-Committee, to which Mlle. Burniaux will be attached for the purpose of its examination. The Sub-Committee may for the same purpose co-opt one or two members having special experience of legislative and administrative measures and of institutions and movements concerned with illegitimate children.

##### III.

The Child Welfare Committee thanks the Governments for replying so readily to the questionnaire on the position of the illegitimate child, and hopes that they will continue to send information as to any changes in their laws.

The Committee considers, from an examination of the replies received, that more effective protection should be ensured to illegitimate children, and to this end decides to keep the question on its agenda, and it also urges that for the future, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family.



IV.

The Child Welfare Committee has noted with interest the provisional draft international agreement regarding the repatriation or return to their homes of children and young people who have escaped or been removed from the authority of their parents or guardians and are abroad.

It considers that the term "repatriation" should be removed from the title and text of this provisional draft. It thinks it necessary that the provisional draft should state clearly :

1. That the interests of the minor must be given first consideration both by the authority making the application for the return home and by the authority to whom it is addressed.

2. That the contemplated agreement does not affect the right of persons invested with paternal power or with the right of custody to have recourse to the Courts, since the aim of the provisional agreement is to enable minors to be returned to their homes more rapidly and at less expense than by judicial means, and not to abolish or restrict the right to apply to the Courts in accordance with the laws of the respective countries.

The Committee takes note of the reservations made by the Italian delegate, and refers the provisional Agreement for examination by the Legal Sub-Committee, requesting it to submit during the present session an amended text which will take into account the considerations set forth above.

V.

The Child Welfare Committee requests its representative on the International Educational Cinematographic Institute to direct the attention of the latter to a study of the means for promoting and encouraging the production, exchange and representation of recreational films intended specially for children and of a character to amuse them while contributing towards their intellectual and moral progress.

VI.

The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

The number of assessors should be kept within such limits as are reasonable, having regard to the scope and nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations which are recognised as acting on behalf of large groups of children and young persons. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

All assessors appointed in future should be appointed for a period of five years.

As regards existing assessors, the question should be considered in three years' time (namely, in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

It is desirable that the Committee should reconsider its rules of procedure, including the appointment and re-election of assessors.

VII.

The Committee approves the questionnaire concerning the auxiliary services of Juvenile Courts, and desires that it should be sent out to all Governments, including those which are not Members of the League of Nations.

VIII.

The Child Welfare Committee decides to keep on its agenda the study of the question of Juvenile Courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the Juvenile Courts.

Appendix I.

PROVISIONAL DRAFT INTERNATIONAL AGREEMENT REGARDING THE RETURN  
OF CHILDREN AND YOUNG PEOPLE TO THEIR HOMES.

Whereas grave prejudice is caused by the moral and material neglect suffered by children and young people who are removed from the authority of their parents or guardians;

Whereas it is desirable to facilitate the return of these children and young people to their homes, and to avoid compelling persons or institutions invested with paternal power or entitled to custody to have recourse to the courts for that purpose;

And whereas the interests of the child must be considered before all others:

The Child Welfare Committee recommends that States should conclude with one another for this purpose multilateral or bilateral international agreements in conformity with the following provisional draft :

*Article 1.*

The Contracting Parties undertake to facilitate the return to their homes of children and young people of foreign nationality who have not completed their ..... th year<sup>1</sup> and who are in their territory against the will of the persons or institutions legally invested with paternal power over them or entitled to their custody.

*Article 2.*

The persons or institutions legally invested with paternal power or entitled to custody shall make to the competent authority a signed application from the country of which the minor is a national or the country in which they reside. This authority shall examine the application and shall forward it, accompanied by its opinion or by any useful document or information, to the competent authority of the country in which the minor is living for the time being. After investigation, such authority shall either comply with the request or shall inform the authority which forwarded it of the reasons why a return home appears contrary to the minor's interests.

*Article 3.*

The present Agreement shall not affect the right of persons and institutions legally invested with paternal power or entitled to custody to appeal to the competent court at any time for a judicial decision ordering the minor to be handed over to them.

*Article 4.*

Each of the Contracting Parties shall name the authorities who shall be empowered to take the measures provided for in the present Agreement.

The Contracting Parties shall for this purpose arrange for such co-operation between their departments as will simplify the formalities and reduce to a minimum the costs involved and the time required by the proceedings.

*Article 5.*

The Contracting Party making an application in due form for the return of a child or young person undertakes to refund the travelling expenses and all subsistence expenses incurred after the receipt of the application by the country in which the child or young person was found.

*Article 6.*

The Contracting Parties further undertake to allow and to facilitate the passage of children and young persons in transit to or from any of the contracting countries.

*Article 7.*

The Contracting Parties shall take all reasonable measures for the care of children and young persons during their journey home by land or sea and shall avail themselves, when desirable, of the assistance of child welfare organisations.

C.P.E. 197 (2).

**Appendix II.**

**PRELIMINARY DRAFT CONVENTION ON ASSISTANCE FOR FOREIGN MINORS.**

**INTRODUCTORY NOTE.**

The Child Welfare Committee has thought it desirable and possible to find a solution for the particularly serious problem of assistance for indigent foreign minors, pending the settlement of the whole question of assistance for indigent foreigners.

The Committee thought it essential that provision should be made for assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. Any other solution would leave serious difficulties untouched.

The preliminary draft is based upon several bilateral conventions which are already in force. Its fundamental principles are the following :

1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated.

2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance.

3. Repatriation is not to be generally regarded as the best method of affording assistance.

The Committee thought it superfluous to embody in the preliminary draft a clause reserving the rights of paternal power or custody, these rights and the exercise thereof continuing to be subject to the general rules governing the matter.

<sup>1</sup> The Committee considers that, as a general rule, the completion of the eighteenth year might be adopted; but, owing to the differences between the laws and customs of different countries, it has preferred to leave it to the States themselves to determine the age-limit.

Nor does the preliminary draft in any way restrict the right of each of the contracting States to prohibit the settlement or temporary residence of nationals of any other contracting State for reasons of public security, health or morality.

Countries which conclude bilateral or multilateral conventions on the proposed model may, without infringing the fundamental principles it embodies, change the periods specified therein and the clauses dealing with the repayment of costs of assistance.

The preliminary draft does not go into details as regards methods of carrying out the Convention. These will be settled by the contracting countries, either by the insertion of supplementary clauses in the Convention, or by special agreements, or even direct negotiations between the administrations concerned.

\* \* \*

A few comments should suffice to explain the principal articles in the preliminary draft.

#### *Article 1.*

Article 1 lays down the fundamental principle that indigent foreign minors and minors who are nationals of the country shall be placed upon the same footing for purposes of assistance. This refers to assistance in the strict sense, and not to special favours and advantages which are not covered by the term "assistance" and which may be reserved for nationals (scholarships to secondary and higher schools, for example).

The Committee thought it desirable to indicate the chief factors constituting assistance. It is clearly stated that a State shall in no case be bound to give to a minor of foreign nationality more than it would grant to its own nationals.

#### *Articles 3 and 4.*

The preliminary draft draws a distinction between temporary and prolonged assistance. It has fixed thirty days as the limit of temporary assistance. Experience has shown that such assistance hardly ever exceeds this time-limit.

The cost of temporary assistance in accordance with established usage must in all cases be borne by the country of residence.

#### *Article 5.*

Paragraphs 1 and 2 of this article determine the measures which the State of residence may take in the case of prolonged assistance :

1. It may give assistance to the minor without applying in any way to the State of which he is a national.
2. It may notify the State of which the minor is a national of its intention to continue assistance if the cost is refunded, reserving to itself the right to repatriate the minor if reimbursement is refused.
3. Finally, if the State of residence considers that repatriation is in the minor's interest, it shall carry out this measure after having notified the country of which the minor is a national.

The last paragraph deals with the special case of a minor who is in imminent moral danger. It applies more particularly to young people who, having lost their employment, are without means of support. In such cases, the minor may be repatriated immediately, without administrative formalities.

#### *Article 6.*

The purpose of Article 6 is to make it possible, in the course of prolonged assistance for the State of residence and the State of which the minor is a national, to modify, on the strength of new or special circumstances, any decision they may previously have taken.

For instance, the fact that the illness of a minor which was considered to be curable has turned out to be incurable, or that the hospitals or homes of the State of residence are overcrowded, may justify the decision on the part of such a State to proceed with the repatriation. Similarly, the State of which the minor is a national and which had undertaken to refund the cost of assistance may demand repatriation if new and special circumstances arise, such, for instance, as the discovery of the minor's parents, whose existence or situation had hitherto been unknown.

#### *Article 7.*

Article 7 confirms the fundamental principle that the measures taken by the State of residence must essentially be inspired by the interests of the minor. In order to decide as to what measures would be in the minor's best interest, a number of considerations should be taken into account, of which only the more important ones are mentioned, such as the minor's family ties, the resources at his disposal, his age and the length of his stay. Obviously, when the minor lives with his family, repatriation must, as a rule, not be resorted to. It was considered wiser not to lay down fixed rules and to leave the country of residence, helped by the advice of the country of origin, to take a decision in delicate and complex situations every one of which requires individual treatment.

*Article 11.*

This article provides for special agreements between Governments and administrations, in order to settle the details of the application of the Convention. These details vary according to different factors, such as the geographical situation of the State and the number of the minors who are nationals of each State and are living on the territory of the other. These must be settled in accordance with the special circumstances in each individual case.

\* \* \*

*Article 1.*

§ 1. Each of the Contracting States undertakes to grant to every indigent minor who is a national of any other Contracting State the same assistance as it grants to its own indigent minors. This assistance shall refer chiefly to protection, maintenance, education, apprenticeship, medical attendance and health provisions, hospital treatment and funeral, and shall be given to the same extent as to nationals.

§ 2. Minority, for the purposes of the present Convention, shall be defined by the laws of the country of residence.<sup>1</sup>

*Article 2.*

An indigent minor who possesses the nationality both of his country of residence and of another country, or whose nationality is uncertain, shall, for the purpose of assistance, be considered as a national of his country of residence.

*Article 3.*

Assistance shall be considered as being prolonged if it appears likely to last for more than thirty days, or if, in fact, it has already lasted for more than that period.

In all other cases it shall be regarded as temporary.

*Article 4.*

The cost of temporary assistance shall in all cases be borne by the country of residence. The latter shall not escape its obligations regarding temporary assistance by repatriating the indigent minor.

*Article 5.*

§ 1. In the case of prolonged assistance, the State of residence may notify the State of which the minor is a national of its intention to continue assistance if the cost is refunded, reserving to itself the right to repatriate the minor if reimbursement is refused.

The State thus notified must notify within thirty days whether it accepts responsibility for the cost of assistance.

The obligation to refund the cost of assistance is not cancelled because the prolonged assistance has been interrupted on one or more occasions owing to a temporary improvement in the situation of the indigent minor. In such event, no fresh notification is necessary.

If there is no reply within thirty days, the State of which the minor is a national shall be required to refund the cost of assistance as from the thirty-first day, and the State of residence may repatriate the minor.

§ 2. If, however, the State of residence considers that repatriation is in the interests of the minor, it shall inform the State of which the minor is a national, and may carry out this measure on the expiration of a period of thirty days from the receipt of the notification.

If the minor is in imminent moral danger, he may be repatriated at once, on conditions to be agreed upon between the countries interested, in conformity with Article 12.

*Article 6.*

§ 1. In the course of prolonged assistance, the State of residence may, on the strength of new and special circumstances, decide to proceed with the repatriation, even if the State of which the minor is a national would continue to accept responsibility for the cost of assistance.

§ 2. Similarly, in new and special circumstances, the State of which the minor is a national has the right to demand repatriation, and; if steps to repatriate are not taken within one month, that State shall no longer be required to refund the cost of any assistance incurred after that period.

§ 3. In accordance with the principles laid down in Article 7, the above-mentioned measures cannot be taken if they are detrimental to the interests of the minor.

*Article 7.*

In applying the measures provided by the present Convention, the first considerations of the competent authorities in the State of residence shall, as a general rule, be humanitarian considerations, such as the minor's family ties, any resources at his disposal, his age and the length of his stay.

<sup>1</sup> Unless the Contracting States agree on some other principle.

Repatriation shall be neither requested nor carried out if it would be detrimental to the material or moral interests of the minor.

Article 8.

The cost of returning an indigent minor as far as the frontier of the State of which he is a national, including assistance supplied during the journey, shall not be subject to any refund. The same shall apply to the cost of the funeral, should he die on the journey.

Article 9.

§ 1. The State of residence shall be obliged to take measures for the protection of the repatriated minor as far as the frontier of his country of destination. It shall, by agreements in accordance with Article 11, arrange with the countries of transit and of destination with a view to the avoidance of difficulties during the journey.

§ 2. Each of the Contracting States shall, as regards the transit of repatriated minors, grant in its territory the same protection facilities and reduced charges as it grants for the conveyance of its own indigent nationals.

Article 10.

The present Convention reserves the right of any Contracting State or of any institution or person who has contributed to the assistance or repatriation of the minor, to claim from the persons responsible for his support the refund of the cost incurred for these purposes.

The Contracting States shall grant each other mutual assistance, within the limits of their laws, with the object of facilitating this refund.

Article 11.

The detailed execution of the present Convention shall be determined by agreements between the parties concerned.<sup>1</sup>

Article 12.

Any disputes regarding the interpretation or application of the present Convention shall be submitted to arbitrators appointed jointly by the Contracting Parties or, failing this, to the Permanent Court of International Justice.

Formal Clauses :

.....

Appendix III.

QUESTIONNAIRE

TO BE ADDRESSED TO VARIOUS GOVERNMENTS PRELIMINARY TO A PROPOSED STUDY OF THE DIFFERENT AUXILIARY SERVICES OF JUVENILE COURTS.

Question I.

Are there in your country one or more auxiliary services in connection with the juvenile courts?

- A. What are the services which act at present?
- B. Are these auxiliary services created by a law? If so, please forward a copy of the law.
- C. Have these services been accepted by the courts on the basis of a liberal interpretation of laws already in existence?

Question II.

What are the duties of these auxiliary services? Are they laid down in a standing order? If so, what is the standing order?

- A. Are the auxiliary services called upon before the court takes its decision, in order to establish the nature of the facts on which that decision is based?
- B. At the time when the court takes its decision?
- C. After the court has taken its decision?

<sup>1</sup> The various time-limits provided by the present Convention may be modified according to the geographical situation.

**A. Before the Decision :**

What are the duties of an auxiliary service in carrying out a preliminary enquiry as to the facts and in investigating the deeper causes of the act committed (study of the family and of the child's surroundings, study of the character and of the physical and mental state of the child) for the purpose of furnishing the judge with any information that may assist him in taking the best steps in the interest of the child's education?

Can the educational authorities be required to give information regarding the child's career and progress at school?

What action is taken by an auxiliary to assist the judge in taking temporary measures for the child during the course of the enquiry?

**B. At the Time when the Court takes its Decision :**

What part do the auxiliary services take in the assistance and defence of minors, in the furnishing of information, and in helping to carry out the decisions of the judge?

**C. After the Court has taken its Decision :**

What part do the auxiliary services take in carrying out the orders of the juvenile court (probation, the visiting of children in public and private institutions and establishments)?

Do the auxiliary services intervene and apply to the court to modify its first decision, and if so, how?

*Question III.*

What is the organisation of these auxiliary services?

Are they part of a general system covering the whole country?

Are these services public or private?

Are their members public officials? Are they officials employed by private institutions or are they volunteers?

Are they paid or not?

What is their training?

To what authority are they responsible?

How are the expenses of these auxiliary services met?

*Question IV.*

What part do women play in the auxiliary services attached to the juvenile courts?

*Question V.*

What are the duties of doctors in connection with these courts?

What steps are taken in regard to abnormal children?

*Question VI.*

What are the results obtained by the auxiliary services in the work of the juvenile courts?

*Question VII.*

What changes would you suggest in the methods by which the auxiliary services assist the courts in your country?

*Supplementary Question.*

Name one or more juvenile courts in your country in which the assistance of the auxiliary services is considered of particular value to children.

**RESOLUTION ADOPTED BY THE CHILD WELFARE COMMITTEE ON APRIL 19th, 1929.**

The Child Welfare Committee decides to keep on its agenda the study of the question of juvenile courts and proposes at a future meeting to undertake, in agreement with the International Prison Commission, a study of the institutions which enforce the decisions of the juvenile courts.

Geneva, September 14th, 1929.

LEAGUE OF NATIONS

**CHILD WELFARE**

**REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.**

*Rapporteur* : Count CARTON DE WIART (Belgium).

The main work of the fifth session of the Child Welfare Committee, which was held at Geneva from April 12th to April 19th last, was the completion of an important and difficult task which the last Assembly had encouraged the Committee to continue, namely, the preparation of two draft international conventions intended to meet the difficulties which have often been referred to by associations or groups engaged in child welfare work. The object of these two drafts is to enable Governments to conclude bilateral or multilateral agreements or conventions.

The object of the first of these preliminary drafts is to remedy the serious ills due to the moral and material neglect suffered by children and young people who, having escaped or been removed from the authority of their parents or guardians, are abroad. Whether the minors have run away in a spirit of adventure or have escaped from some institution in which they had been placed, whether they are girls abducted from their family and abandoned without resources, or whether they are the children of divorced parents whom one of the parties has succeeded in taking from the parent to whom custody has been granted, it would seem advisable to simplify the methods for returning these minors to the authority of their parents or guardians. The text of the draft does not affect the right of persons and institutions legally invested with paternal power, or entitled to custody, to appeal to the competent court at any time for a judicial decision ordering the minor to be handed over to them. It provides, however, for this return being made more rapidly at less expense and with less complications than by judicial means or the diplomatic channel. For this purpose, it lays down that the competent authority of the country in which the minor is living, when presented with a request in due form from the competent authority of the country of which the minor is a national or of the country in which its parents or guardians reside, shall examine the request and shall then either comply with it or shall inform the authority which forwarded it of the reasons why a return home appears contrary to the minor's interests. The preliminary draft is, in fact, based upon the principle that the interests of the child must be the first consideration.

The second draft is of a wider and more important scope. It provides a solution for the problem of assistance for all indigent foreign minors, including even those whose families reside in the same country as themselves. The following are the main principles upon which this draft is based :

1. With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated ;
2. The interests of the minor must always be the first consideration whenever there is any question of affording him assistance ;
3. Repatriation is not to be looked upon as being necessarily the best method of affording assistance.

According to this draft, assistance includes not only maintenance, treatment in hospital and medical attendance, but education. On the other hand, the Committee carefully reserved in this draft the rights of paternal power or custody, which, both in principle and in practice, continue to be subject to the rules laid down by internal legislation. Further, the preliminary draft does not restrict the rights of the contracting States to prohibit the settlement or temporary residence in their territory of nationals of any other State for reasons of general security, health or public morality.

If the idea of sovereignty suffers any infringement, it is only by the sacrifice of the right to expel indigent foreign minors on the grounds of their indigence alone. In an age when humanitarian considerations are constantly receiving more attention, it seems only wise that the interests of an indigent child should not be at the mercy of an exaggerated conception of the rights of sovereignty unless there is some imperious and proven necessity.

The preliminary draft draws a distinction between temporary and prolonged assistance. It has fixed thirty days as the limit of temporary assistance. Experience has shown that such assistance hardly ever exceeds this time-limit.

The cost of temporary assistance in accordance with established usage must in all cases be borne by the country of residence.

In the case of prolonged assistance, the State of residence may notify the State of which the minor is a national of its intention to continue assistance if the cost is refunded, reserving to itself the right to repatriate the minor if reimbursement is refused.

These two drafts were carefully prepared and discussed at length with the assistance of legal experts; they were then adopted by the Child Welfare Committee, and the Council, having approved the Committee's resolution, instructed the Secretary-General to communicate them to all Governments, with the request that they should forward their observations to the Secretariat by December 31st, 1929.

The Fifth Committee, which appreciates the great importance and usefulness of these drafts, recommends Governments to give them their close attention and trusts that many Governments will conclude the agreements recommended. The conversion of these drafts into definite diplomatic instruments would be in harmony with the humanitarian ideals of the League and would help to prove to the world how useful its work can be in the social as well as in the political sphere.

The discussions in the Fifth Committee brought out the practical benefits which the Child Welfare Committee has achieved in various directions. As the result of the Committee's enquiries concerning the age of marriage and consent, the age has been, or is in course of being, raised by the laws of certain countries. At the same time, the system of Juvenile Courts and the tasks which should be allotted to these valuable institutions, first set up by the United States of America, have changed their character somewhat, thanks to the documentation and studies of the Committee.

The Fifth Committee fully appreciates the Child Welfare Committee's concern for the position of illegitimate children. A large amount of information was furnished to the Child Welfare Committee by Governments on its request, and its Legal Sub-Committee was instructed to examine this information and to decide what questions should be specially studied and in what order. After a discussion at the last session, the Child Welfare Committee came to the conclusion that the illegitimate child needed more effective protection. It expressed the opinion that, on all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family.

It would be desirable that the suggestions and proposals of the Legal Sub-Committee on this subject should be presented to the Child Welfare Committee at its next session.

The Child Welfare Committee has continued to give its attention to the organisation and working of Juvenile Courts. At its last session, it approved a questionnaire concerning the various auxiliary services of Juvenile Courts prepared by three Rapporteurs.

In response to the Committee's recommendation, the Council decided that this questionnaire should be sent out to all Governments, including those not Members of the League. The Committee intends at a future session to study, with the International Prison Commission, the institutions which enforce the decisions of Juvenile Courts. Members of the Fifth Committee pointed out the very important part that Juvenile Courts can play in protecting children, and signified their desire to see accentuated the educative character of these Courts, for which the name of Court is perhaps not the most suitable. They would also like to see their competence extended to problems and even to civil disputes directly affecting the fate of minors.

The Fifth Committee emphasised the necessity for close co-operation between the Child Welfare Committee and the International Educational Cinematographic Institute. The relation between questions of the cinema and child welfare are obvious; they touch common ground in matters of education, psychology, sociology, crime, morality and medicine. The cinema can and should become a useful instrument of children's education. It cannot be said that at present it satisfactorily fulfils this purpose; for its influence is very frequently harmful to children and young people. By encouraging the intellectual laziness of the child and the taste of the youth of the present day for speed, the moving picture makes a deep impression on the brain of the child, because a child lacks critical sense, hardly distinguishes between real life and imagination, between fact and fiction. The shadows which appear so fugitive upon the screen often remain deeply engraved upon its subconscious mind. Measures should be taken to ensure that the cinema does less harm to children and more good. In expressing its complete confidence in the work of the new international Institute, the Fifth Committee stressed the recommendations made by the Child Welfare Committee for measures in the interests of safety and health in cinema halls, and in particular the recommendation concerning non-inflammable films. It also directed the attention of the Rome Institute to a study of the means for promoting and encouraging the production, exchange and representation of recreational films intended specially for children, which would amuse them, whilst contributing towards their intellectual and moral progress. One member drew particular attention to the influence of the cinema on the eyesight of children and to the appropriate steps to prevent these evil effects.



The care of blind children is another question which remains on the Child Welfare Committee's agenda. The Committee has instructed one of its members, Dr. Estrid Hein, to carry out an enquiry, the results of which the Fifth Committee awaits with interest. Another enquiry is now being made in several countries concerning children in moral and social danger.

At the request of the Council, the Child Welfare Committee, during its last session, considered several questions relating to its special status. It is recognised that its status is somewhat unusual. The Committee comprises the official representatives of twelve Governments and eleven assessors; the latter, who are in an advisory capacity, bring to the Committee the views of the large organisations for the protection of children and young people, whose representatives they are. Further, the International Labour Office and the League Health Organisation appoint two representatives to the Committee, who, in the capacity of liaison agents, follow the Committee's work and furnish it with the results of enquiries carried out by their respective organisations. The experience of the last few years has shown that this composition of the Committee is in itself satisfactory. The attendance of the assessors has proved valuable and the Fifth Committee desires to take this opportunity of paying a tribute to the memory of Miss Eglantine Jebb, one of the assessors, who has died since the last Assembly. The question has been raised, however, whether the number of these assessors should be increased. In the opinion of the Fifth Committee, their number should be kept within reasonable limits having regard to the Committee's programme of work. For the examination of a given question it is better to appeal from time to time to one or more specially qualified experts rather than to multiply the number of the members of the Committee, who cannot be expected to be fully acquainted with all the various and complicated problems of law, medicine, public health, education, etc., which the Committee may be called upon to study. The Fifth Committee is of opinion that, save in quite exceptional cases, the assessors should be selected as representing international organisations which act on behalf of large groups of children and young persons. In accordance with a suggestion made by the Child Welfare Committee, it considers it desirable that the Council should consult that Committee before taking any steps to add to the number of assessors. Finally, it thinks that, in future, the assessors should be appointed for five years and not for an indefinite period. A proposal was made in the Fifth Committee that, if no increase is made in the number of Governments officially represented on the Committee by delegates, the Council should consider instituting a system of rotation allowing periodical changes in the composition of the Committee.

Its study of the work of the Child Welfare Committee has led the Fifth Committee to appreciate the importance of continuing the work so well begun. The Child Welfare Committee has not forgotten a recommendation made to it by the Eighth Assembly, and has also learned from its own experience; it has been careful not to spread its enquiries and discussions over too large a number of problems. By arranging in due order the many complex questions which claim its attention and by only undertaking their study after careful preparation, it has concentrated its energies upon a few problems that seemed to demand international discussion and action. Though the Committee's work may be more restricted, it thereby gains in weight and authority.

In conclusion, the Fifth Committee has the honour to propose to the Assembly the adoption of the following resolution:

“The Fifth Committee has considered the report of the Child Welfare Committee on its fifth session; it approves that report and recommends that the Committee should continue its work on the lines indicated therein.”

---

Geneva, September 17th, 1929.

LEAGUE OF NATIONS

**TRAFFIC IN WOMEN AND CHILDREN**

**REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.**

*Rapporteur* : His Highness Prince VARNVAIDYA (Siam).

The Fifth Committee has considered the report of the Traffic in Women and Children Committee on the work of its eighth session. It notes that the Council, at its June session, approved the resolutions contained in the report, and gave the Secretary-General the necessary instructions.

In order to be able to deal with the various subjects thoroughly, the Committee had to postpone to its next session the consideration of a number of questions, to two of which the Fifth Committee attaches particular importance, namely, (1) The Protection of Young Female Artistes touring Abroad in Music-Halls and Similar Places of Amusement, and (2) The Employment of Women Police.

The Committee devoted special attention to the examination of the annual reports from Governments relating to the traffic in women and children. It noted that the majority of the States Members of the League of Nations which had not sent in their reports for the previous session had habitually failed to carry out the recommendations contained in the Final Act of the 1921 Convention. In order to avoid omissions in the future and to increase the number of replies, the Secretariat, in accordance with the Council's decision, sent the Governments a letter containing the necessary explanations. The Fifth Committee trusts that, as a result of these explanations, an increasing number of reports in the prescribed form will be sent in by the Governments. It further expresses the hope that those Governments which have not yet ratified the 1921 Convention will hasten to do so.

The Assembly at its ninth ordinary session adopted a resolution expressing the hope that it would be possible to extend the investigations of the Special Body of Experts to countries where no investigation had taken place before. The Committee considered this possibility, and thought that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in countries not previously visited, especially in the East. The Fifth Committee is in agreement with this view, and further endorses the opinion of the Advisory Committee that, in view of the difference in habits, customs and conditions in many Eastern countries, the nature and extent of the enquiries to be made and the methods to be followed should receive special consideration ; also, that the composition of the Special Body of Experts should be adapted to the altered circumstances. The Fifth Committee notes that the Council instructed the Secretary-General to enquire from the Governments concerned whether they would be prepared to give their consent and co-operation to the action suggested, and also to prepare and submit, if possible for the January session, a report dealing with the replies received from the various Governments and containing suggestions as to the composition of the Special Body of Experts and the scope of the enquiry. The Fifth Committee is of opinion that, for the purpose of this enquiry, the Body of Experts should include persons who are well acquainted with the special conditions in the East and that women should be among these persons. From the declarations made by the delegates of various countries concerned, the Fifth Committee is hopeful that the extension of the enquiry may be decided upon within the coming year. In case of a favourable decision, it notes with cordial appreciation that the necessary funds would be made available from the source which met the expenses of the previous enquiry, and it wishes to record its thanks for the generous offer which will make the extension of the enquiry possible.

The Committee is continuing its study of laws and regulations devised to protect public order and health against the dangers arising out of prostitution in countries where the licensed house system has been abolished. The Fifth Committee thinks that this information should serve to further the abolition of the system. It takes note of the evidence furnished to the Committee as to the growing change in public opinion in favour of abolition, and it stresses the importance of public opinion, international as well as national, in such matters. It notes with satisfaction the positive advance made in this direction, and it places on record the fact that the general experience of the various countries points to the advisability of abolition.

On the recommendation of the Committee, the Council requested the Secretary-General to draw the attention of Governments to a useful report prepared by the Secretariat on certain legislation dealing with the *souteneur*, and to the importance of ensuring that legislation and its application should be effective in bringing the *souteneur* to justice. As a means to this end, the Fifth Committee considers it desirable that severe penalties should be inflicted on the *souteneur*; but, in order to obtain more definite and comprehensive suggestions, it recommends that a Sub-Committee of the Traffic in Women and Children Committee be set up to study the question.

The Committee has come to the conclusion that the age-limit (21) fixed by the International Convention of 1921 causes administrative difficulties in detecting cases of international traffic as, through false documents or false statements, the victims of the traffic are often stated to have passed the age of 21 laid down in the Convention. On the Committee's proposal, the Council has empowered the Secretary-General to ascertain the views of all Governments on the desirability of omitting the age-limit of 21. Some members of the Fifth Committee declared that their countries were prepared to do so.

The Fifth Committee notes that the Advisory Committee had informed the Council that, in its opinion, no further conference to deal with the matter of obscene publications was at present required, but that further information should be requested from the Governments. The Traffic in Women and Children Committee therefore decided to put this question on the agenda for its next session.

At a joint meeting of the Traffic in Women and Children Committee and the Child Welfare Committee, the Council resolution of December 13th, 1928, on the adoption of a new procedure regarding the participation of the assessors in the Committee's work, was examined. The Fifth Committee shares the Advisory Committee's opinion that the number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of the Committee; and that all assessors appointed in the future should be appointed for a period of five years.

In the course of the discussion, the Fifth Committee was impressed with the complexity of the problem of the struggle against the traffic in women and children. Although essentially a social problem, it has its political and economic difficulties. It is a problem necessitating a close study, based on full and accurate information; and it has been the general feeling of the Fifth Committee that, unless the Minutes of the Advisory Committee are available for consultation in conjunction with the report, the work of the Committee cannot be appreciated at its true value. The Fifth Committee, therefore, recommends that the Minutes of the Advisory Committee be distributed in time for the session of the Assembly.

In conclusion, the Fifth Committee has the honour to submit the following draft resolution to the Assembly:

“ The Assembly takes note of the report of the Traffic in Women and Children Committee on the work of its eighth session, records its appreciation of the work of the Committee, and expresses the hope that the work will be continued along the lines indicated in the report. ”

---

Geneva, November 20th, 1929.

**LEAGUE OF NATIONS**

**TRAFFIC IN WOMEN AND CHILDREN**

**RESOLUTIONS**

adopted by

**the Assembly, the Council**

**and the Traffic in Women and Children Committee**

**1920 - 1929**

**RESOLUTION ADOPTED BY THE COUNCIL OF THE LEAGUE OF NATIONS ON  
MAY 15TH, 1920.**

The Council of the League of Nations, having examined the Memorandum by the Secretary-General on the Suppression of the Traffic in Women and Children, and the Report by His Excellency M. da Cunha, the Brazilian Representative, agrees to the appointment of an Officer attached to the Secretariat whose special duty it will be to keep in touch with all matters relative to the White Slave Traffic. No immediate steps will therefore be taken by the League till the Recommendations of the International Conference for the Suppression of the White Slave Traffic have been submitted.

**RESOLUTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL CONFERENCE ON  
THE TRAFFIC IN WOMEN AND CHILDREN ON JULY 5TH, 1921.**

1.

Whereas the effective suppression of the traffic in women and children would be promoted by the adoption, in as many States as possible, of common principles and similar measures ;  
And whereas it appears essential, for this purpose, that these offences should be punishable by the laws of every State ;

And whereas the Agreement of May 18th, 1904, and the Convention of May 4th, 1910, contain principles and measures which are essential in this respect ;

And whereas the application, in as complete and general a manner as possible, of these Agreements would have the effect of securing a substantial improvement in the existing conditions :

The Conference recommends the Council of the League of Nations to urge upon all Members of the League and the other States which have not yet ratified the Agreement of May 18th, 1904, and the Convention of May 4th, 1910, or which have not yet adhered to them, the immediate importance of their ratifying or adhering to these instruments.

2.

The Conference, anxious to provide for the protection of women and children, whatever their race or colour, recommends that the Council of the League of Nations should invite the States which are parties to the Agreement of May 18th, 1904, and to the Convention of May 4th, 1910, on the subject of the Traffic in Women and Children, as well as the States which have not yet adhered to these instruments, to notify their adherence also on behalf of their colonies and dependencies.

3.

The Conference recommends that the Council of the League of Nations should request Governments to provide in their legislation for the punishment, not only of the offences specified in Articles 1 and 2 of the Convention of May 4th, 1910, but also of any attempt to commit such offences, and, within legal limits, of "actes préparatoires".

4.

The Conference recommends that the Council of the League of Nations should request the States which are parties to the instruments of 1904 and 1910, or are ready to adhere to them,

Series of League of Nations Publications

IV. SOCIAL  
1929. IV. 10.

to extend to the completion of 21 years the age indicated under Letter B of the closing Protocol of 1910, and to provide that this age shall be considered as a minimum which States are recommended further to increase.

5.

With reference to Article 5 of the Convention of May 4th, 1910, the Conference, anxious that the most effective measures should be taken for the punishment of the offences specified in Articles 1 and 2 of the said Convention, recommends that States should take all measures within their power to extradite or provide for the extradition of persons accused of or sentenced for the above-mentioned offences whenever extradition is not provided for by existing treaties.

6.

The Conference recommends, in connection with the question of emigration and immigration, that all States should adopt such administrative and legislative measures as are required to check the traffic in women and children. It particularly draws the attention of Governments to the necessity for providing for the protection of women and children travelling alone, not only at the points of departure and arrival, but also during the journey.

6 bis.

The Conference draws the attention of the International Commission on Emigration to the question of the traffic in women and children and to the desirability of framing definite provisions which could eventually be inserted in an international agreement.

7.

The Conference recommends that the International Associations concerned with the traffic in women and children be invited to take concerted measures so as to provide for the return to their own country of women or girls who may have been expelled by the authorities of another country or may have been refused permission to stay there.

8.

With reference to Article 2 of the Agreement of 1904, the Conference recommends that Governments should approach Railway and Shipping Companies in order to secure the exhibition, in railway stations and in ports, of notices warning women and girls of the dangers of the traffic, and indicating the places where they can obtain accommodation and assistance.

9.

The Conference recommends that States which have not already taken legislative or administrative measures regarding the licensing and supervision of employment agencies and offices should undertake to prescribe such regulations as are required to ensure the protection of women and children seeking employment in another country.

10.

The Conference recommends that the Council of the League of Nations should, in pursuance of Article 23 (c) of the Covenant, direct the Secretariat to request all Members of the League and all States which are parties to the Agreement of 1904 and to the Convention of 1910, to supply it with an annual report on the measures taken or contemplated by them in order to check the traffic in women and children. These reports shall be communicated, either in full or in the form of a summary, to all Members of the League and to all States which are parties to the above-mentioned instruments, so that every country may benefit by the experience gained by the others. The Secretariat may, for this purpose, draft a questionnaire to be sent to the Governments.

The Conference also recommends that the International Associations for the suppression of the traffic should be requested to furnish the Secretariat with an annual report on their work. These reports should be circulated in the same way as those of the Governments.

11.

The Conference recommends that a Committee consisting of five or six representatives of States and of three to five assessors should be constituted as an advisory body to the League of Nations, in order to advise the Council as to "the general supervision over the execution of agreements with regard to the traffic in women and children", and also as to all international questions relative to this matter, which may be submitted to the Committee for its consideration. It would have no authority or direct power.

The appointment of the members of this Committee would rest with the Council of the League of Nations.

The Conference, however, thinks it desirable to make the following recommendations :

That the Council should, so far as possible, when selecting the States to be represented, take into account general interest as well as geographical representation, and that one of the members should be a representative of the French Government, which has assumed certain obligations in virtue of the instruments of 1904 and 1910, and will furnish the Secretariat with all the information which it has undertaken to collect in pursuance of these instruments ;

That the assessors should represent :

- (1) The International Office for the Suppression of the Traffic ;
- (2) A Women's International Organisation ;
- (3) The following international societies, either individually or collectively :
  - (a) The Jewish Association for the Protection of Girls ;
  - (b) The International Catholic Association for the Protection of Girls ;
  - (c) The Federation of National Unions for the Protection of Girls ;

That the Advisory Committee should meet, when required, at the request of the Council of the League of Nations ;

That the expenses of each representative should be borne by the State or Association which he represents ;

That the Committee should keep in close touch, through the agency of the assessors, with the national and international organisations, in order to ensure the co-ordination and co-operation of the official and unofficial efforts made for the suppression of the traffic.

12.

The Conference recommends that the Governments should consider the question of the traffic in children and should cause the necessary enquiries to be undertaken for the discovery of persons engaged in this traffic and for their prosecution.

It also recommends that the Governments should amend the provisions of their civil laws regarding adoption of children if these provisions do not afford sufficient protection.

13.

The Conference recommends that the words " White Slave Traffic " should be replaced in the texts of international instruments by the words " Traffic in Women and Children ".

14.

The attention of the Conference having been drawn to the consequences which, from the point of view of the traffic in women and children, follow the deportations, individual or collective, of women and children for political or military purposes, the Conference feels it incumbent upon it to request the League of Nations to intervene in order to prevent such practices, which are contrary to the laws of humanity.

15.

The Conference requests the Secretariat of the League to convey its thanks to the various Associations whose recommendations have been transmitted to it, and to inform them that these recommendations have been submitted for consideration to a special Committee, and that the questions with which they deal have been discussed or decided by the Conference.

RESOLUTION ADOPTED BY THE COUNCIL ON SEPTEMBER 12TH, 1921.

The Council, having considered the Final Act drawn up by the International Conference on Traffic in Women and Children which met at Geneva from June 30th to July 5th, 1921, expresses its approval of the recommendations contained therein, especially those addressed to the Council, and instructs the Secretary-General to carry them into effect, to send one original copy of the Final Act to the French Government and to transmit a copy to the Assembly for its consideration.

RESOLUTIONS ADOPTED BY THE ADVISORY COMMITTEE ON TRAFFIC IN WOMEN AND CHILDREN AT ITS FIRST SESSION ON JULY 1ST, 1922.

1. The Advisory Committee recommends that those members of the Committee whose Governments are not parties to the Convention of 1921 should ask their Governments to take the necessary action without delay. The Advisory Committee further recommends that all Members of the League which have not signed the Convention should be urged to do so as soon as possible.

2. The Advisory Committee recommends that, in view of the great interest which both Germany and the United States have shown in the question of the traffic in women and children and of emigration, both these countries should be invited by the Council of the League to appoint members to serve on the Advisory Committee.

3. The Advisory Committee expresses the opinion that, in accordance with the conditions originally suggested by the International Bureau, it is desirable that, in the formation of National Committees, each Committee should be as widely representative as possible and should be formed irrespective of creed or political opinion.

4. The Advisory Committee recommends that the Council should urge all Governments signatory to the Agreement of 1904 or the Convention of 1921 to appoint a Central Authority under Article 1 of the 1904 Agreement, if they have not already done so. These Central Authorities should be attached to an executive service and it should be their duty to communicate with each other.

A list of the Authorities should be circulated from time to time to all Members of the League and to all parties to the Agreement or Convention.

The Advisory Committee is of opinion that the Secretariat of the League of Nations should, in view of the responsibility placed upon the League by Article 23 (c) of the Covenant, keep in close touch with these Authorities.

5. The Advisory Committee recommends that, in the case of women and girls seeking theatrical engagements abroad, the competent authorities should be invited to warn them before passports are issued against the risk of accepting such engagements without preliminary enquiry and should offer to advise them as to the reasonableness of these contracts. Similar steps should be taken by representatives of the Governments abroad when a woman proposes to accept a fresh contract in another foreign country.

The Voluntary Associations, including professional associations, might, with great advantage, be asked to take part in this work.

6. The Advisory Committee recommends that Governments should be asked to consider the desirability of proposing legislation to protect minors who are seeking employment abroad.

7. The Advisory Committee recommends that Governments should undertake to ascertain the conditions under which girls are employed to perform in theatres, music-halls, etc., and should exercise supervision as far as possible over such employment in order to secure that no attempt is made by the management of theatres or music-halls to induce the girls to lead immoral lives and that the hours of employment and conditions of the contract are reasonable; foreign girls should receive the same protection as nationals, and, where a foreign girl visits another country to undertake a temporary contract, facilities should be given her to return to her home at the end of the contract.

8. Copies of the three preceding resolutions should be forwarded to the International Labour Office.

9. The Advisory Committee expresses its complete concurrence in the principle enunciated by the International Emigration Commission in No. 17 of the resolutions in its report, that measures proposed for the protection of emigrants should apply equally, so far as they are appropriate, to women and children as to men.

10. The Advisory Committee recognises that a strict supervision of the conditions under which emigrants pass from one country to another is likely to exercise a strong influence in checking the traffic in women and children. It welcomes, therefore, generally the measures which the International Emigration Commission proposes should be taken, especially those contained in Resolutions 4, 6, 10, 12, 13, 16, 22 and 26.

11. The Advisory Committee is glad to observe that, in Resolution 19, the International Emigration Commission proposes that the question of protecting emigrant women and children should be fully considered by the International Labour Conference. The Advisory Committee would like to suggest that the following matters, among others, might receive consideration:

(a) The desirability of securing close co-operation between Governments and private shipping companies;

(b) The possibility of safeguarding women engaged for employment in a foreign country against unfair and unreasonable contracts and of providing for their return to their country if they wish at the end of a definite period.

(c) In the framing of measures for the protection of immigrant women and children, regard should be paid not only to material conditions, such as are suggested in Resolution 22 of the report of the Emigration Commission, but also to moral considerations.

12. As the questions relating to emigration have a close connection with that of the traffic in women and children, the Advisory Committee recommends that its Secretary should be invited to be present at the meeting of the International Labour Conference when these questions are discussed.

13. The Advisory Committee adopts the present budget for social questions and the traffic in women and children for the first year, while expressing the wish that expenditure may be reduced, if possible, in the next financial year.

#### RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 25TH, 1922.

The Assembly decides:

1. That the report of the Advisory Committee on Traffic in Women and Children (document A.9 (1).1922) be adopted.

2. That, in view of the fact that the system of State regulation which exists in certain countries is thought in many quarters to encourage the traffic in women, the Advisory Committee should be asked by the Council to consider whether, pending the abolition of the system, it could be agreed that no foreign woman should be employed or carry on her profession as a prostitute in any licensed houses, and that the recommendations of the Advisory Committee on the subject should be included in its next report to the Council.

#### RESOLUTION ADOPTED BY THE COUNCIL ON OCTOBER 2ND, 1922.

The Council of the League of Nations, having taken cognisance of the resolutions of the subject of traffic in women and children, adopted by the Assembly on September 25th, 1922, decides to instruct the Secretary-General to invite the Advisory Committee on Traffic in

Women and Children to consider whether, pending the abolition of the system of State regulation which exists in certain countries, it could be agreed that no foreign woman should be employed, or carry on her profession as a prostitute, in any licensed houses, and to include their recommendations on this subject in the next report to the Council.

RESOLUTIONS ADOPTED BY THE ADVISORY COMMITTEE ON TRAFFIC IN WOMEN AND CHILDREN  
AT ITS SECOND SESSION ON MARCH 27TH, 1923.

1. The Advisory Committee, having decided that, during the present session, only the discussion of the draft report to be presented to the Council should be taken in public, requests the Council to state whether it desires full publicity to be given in future to the meetings of the Advisory Committee, subject to its discretion.

2. The Advisory Committee recommends that the Council should instruct the Secretariat to prepare a summary of the annual reports received from Governments and to distribute it to all Members of the League and of the Advisory Committee.

3. The Advisory Committee recommends that the Council should invite each Government which has not already furnished a full statement of the laws and regulations in force in its country relative to the traffic in women and children to do so ; that the Secretariat should cause a digest of these laws and regulations to be prepared and distributed to the Members of the League and of the Advisory Committee, and that information regarding new laws and regulations should be distributed annually.

4. The Advisory Committee recommends that the Council should again draw the attention of all Governments to the desirability of adhering to or ratifying the Convention of 1921 without delay.

5. The Advisory Committee recommends that the Council should be asked to obtain, with the collaboration of the International Labour Office, information on the following matters relating to the emigration of women and children in so far as they are connected with the traffic :

- (a) Arrangements for the protection of emigrants and transmigrants before departure ;
- (b) Regulations providing for their protection during the voyage ;
- (c) Measures taken to accommodate and to find employment for them on arrival ;
- (d) Treatment of undesirables.

The voluntary associations should be asked to supply such information on these matters as they can furnish from their own experience or enquiries.

6. The Advisory Committee, having, at the request of the Third Assembly of the League, examined the question of the employment of foreign women in licensed houses, recommends that, pending the abolition of the system of State regulation, no foreign woman should be employed or carry on her profession as a prostitute in any licensed houses.

7. The Advisory Committee requests the Council of the League to authorise the issue of a questionnaire to the Members of the League asking those States which have a system of regulation for a full report of its workings and results, together with a statement of the grounds on which it is advocated, and those States which previously had a system of regulation but have abandoned it for a report of the reasons that led them to take this course and of the results which have followed their action.

8. The Advisory Committee, having regard to the useful work done by women police in countries where they have been employed, recommends that women as well as men should be employed among the police engaged in dealing with prostitution.

9. (a) The Advisory Committee recognises the great value of the proposal made by the delegate of the United States of America. A general study of the conditions under which the traffic in women and children is carried on would form a valuable source of information for the Advisory Committee.

(b) The Advisory Committee suggests that the Council might appoint an expert or experts to undertake a study on the spot, with the collaboration of the Governments of the countries concerned and in consultation with any expert whom they may desire to nominate ; and if the principle of such a study commends itself to the Council, the Committee would like to see the work undertaken without delay.

(c) If the expenses of such a study cannot be met by the League, the Council should consider whether the cost can be met from some other source.

10. The Advisory Committee adopts the budget for the financial year 1924 for the work of the Advisory Committee on the Traffic in Women and Children. It notes with satisfaction that, as compared with the budget for the current financial year adopted by the Committee at its last session, the proposed budget for 1924 shows considerable reductions.

RESOLUTION ADOPTED BY THE COUNCIL ON APRIL 19TH, 1923.

The Council, having noted with approval Resolutions 2, 3 and 4, adopted by the Advisory Committee on the Traffic in Women and Children at its second session, instructs the Secretary-General to take all necessary measures to give effect to the recommendations contained therein and to the Council's decisions on recommendations 5, 6 and 7.



RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 15TH, 1923.

1. The Assembly decides to adopt as its own the resolutions and measures taken by the Council in regard to the report of the Advisory Committee on the Traffic in Women and Children, and expresses its great appreciation of the work accomplished by the Advisory Committee and by the Council.

2. The attention of the Assembly having been called to the circumstances in which women are alleged to enter licensed houses, it recommends to the Council that the Advisory Committee on the Traffic in Women and Children be asked to consider whether it would not be desirable to draw the attention of all States in which a system of State regulation is still in force to this question and to invite these States to make an enquiry and to take special precautions to ensure the protection and secure the full liberty of women inmates of licensed houses.

3. The Assembly endorses the recommendation of the Advisory Committee as to the employment of women police among the police engaged in dealing with prostitution.

4. The Assembly notes the remarks of the Advisory Committee on the subject of the signature and ratification of the Convention of 1921 ; it expresses its regret that so few States have as yet ratified the Convention, and it recommends the Council to invite those States which have not adhered to or ratified the Convention to be good enough to inform the League as to the circumstances which have prevented their doing so.

5. The Assembly attaches great importance to the proposed expert enquiry already referred to and expresses the earnest hope that the Governments concerned will give the fullest facilities to the experts in any investigation which they may think it necessary to undertake on the spot.

6. The Assembly understands that the provisions of the International Convention on the subject of the traffic in women and children are not at present applied to certain mandated territories administered by the League. It recommends the Council to request the Permanent Mandates Commission to give further consideration to this question.

RESOLUTIONS ADOPTED BY THE COUNCIL ON DECEMBER 13TH, 1923.

The Council, having taken cognisance of Resolution 2 relating to traffic in women and children adopted by the Fourth Assembly on September 15th, 1923, instructs the Secretary-General to communicate this resolution to the Governments.

The Council having taken cognisance of Resolution 4 relating to traffic in women and children adopted by the Fourth Assembly on September 15th, 1923, invites those States which have not adhered to or ratified the International Convention of 1921 for the Suppression of the Traffic in Women and Children to be so good as to inform the Secretary-General of the League as to the circumstances which have prevented their doing so.

The Council endorses the resolution of the Fourth Assembly relating to the proposed expert enquiry into the conditions in which the traffic in women and children is carried on, and authorises the Secretary-General to invite the Governments of those States in which the experts may consider it necessary to conduct investigations to afford to the experts the fullest facilities for the performance of their task.

The Council, having taken cognisance of Resolution 4 relating to traffic in women and children adopted by the Fourth Assembly on September 15th, 1923, requests the Secretary-General to draw the attention of the Mandatory Powers to this resolution and to invite them to make special mention in their annual reports of the measures taken to apply this Convention.

RESOLUTIONS ADOPTED BY THE ADVISORY COMMITTEE ON TRAFFIC IN WOMEN AND CHILDREN AT ITS THIRD SESSION ON APRIL 11TH, 1924.

1. The Advisory Committee wishes to draw attention to the failure of certain States to furnish annual reports for 1922, and would request the Council to draw the attention of these States to the matter and to ask them to be good enough to furnish reports in future. The Committee also recommends that those States which sent in their reports for 1922 too late to be included in the summary made by the Secretariat should be asked to send them in earlier in future.

2. The Advisory Committee, considering that it is essential for its work to have a full statement of the laws and regulations in force in the different countries relative to the traffic in women and children, requests the Council again to invite those Governments which have not already furnished such a statement to do so as soon as possible.

3. The Advisory Committee recommends the Council to invite those States which have not yet appointed a central authority to do so as soon as possible.

4. The Advisory Committee, on the motion of the Polish delegate, decides to consider at its next session the question of the need for propaganda on the subject of the traffic in women and children. With this object in view, it invited the Secretariat to communicate with the international associations on the subject, in order to ascertain the functions now performed by them in this direction, to receive their observations and to prepare from the material obtained from those or other sources a report for consideration by the Committee.

RESOLUTIONS ADOPTED BY THE COUNCIL ON JUNE 11TH, 1924.

The Council endorses the resolution of the Advisory Committee concerning annual reports, and invites those States which have not as yet furnished these reports to be good enough to do so in future. The Council further requests those States which sent in their reports for 1922 too late to be included in the summary of annual reports to furnish them by April 1st of each year in the case of Western States and July 1st in the case of Far-Eastern States.

The Council, being of opinion that a full collection of laws and regulations relative to the traffic in women and children is essential to the work of the Advisory Committee, again invites those Governments which have not already furnished copies of such laws to be good enough to do so with the least possible delay.

The Council invites those States which have undertaken to appoint Central Authorities but have not yet appointed them to do so without delay and requests them to be good enough to communicate the names of these Authorities to the Secretariat.

The Council of the League of Nations, greatly appreciating the readiness with which many Governments have complied with the request formulated by the Council on April 19th, 1923, regarding some aspects of the system of licensed houses, expresses the hope that those Governments which have not yet made known their opinions on the subject will furnish the information asked for, and requests the Advisory Committee to continue its study of the question in the light of any further replies which may be received.

RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 25TH, 1924.

1. The Assembly expresses its keen satisfaction with the work accomplished by the Advisory Committee on Traffic in Women and Children, and adopts its report (document C.184. M.73.1924.IV) and resolutions.

2. The Assembly expresses its regret that so few States have as yet ratified the International Convention of 1921, and recommends that those States which have not yet adhered to or ratified the Convention should be invited to give the reasons which have prevented their doing so.

3. The Assembly endorses the resolution of the Council approving the decision of the Advisory Committee regarding the annual reports, inviting those States which have not yet furnished these reports to be good enough to do so in the future, and, further, inviting those States which sent in their reports for 1922 too late to be included in the summary of annual reports, to furnish them by April 1st of each year in the case of Western States, and by July 1st in the case of Far-Eastern States.

4. The Assembly endorses the following decision of the Council dated June 11th, 1924 :

“ The Council, being of opinion that a full collection of laws and regulations relating to the traffic in women and children is essential to the work of the Advisory Committee, again invites those Governments which have not already furnished copies of such laws and regulations to be good enough to do so with the least possible delay. ”

5. The Assembly endorses the following decision of the Council dated June 11th, 1924 :

“ The Council invites those States which have undertaken to appoint central authorities, but have not yet appointed them, to do so without delay, and requests them to be good enough to communicate the names of these authorities to the Secretariat. ”

6. The Assembly endorses the following decision of the Council dated June 11th, 1924 :

“ The Council of the League of Nations, greatly appreciating the readiness with which many Governments have complied with the request formulated by the Council on April 19th, 1923, regarding some aspects of the system of licensed houses, expresses the hope that those Governments which have not yet made known their opinions on the subject will furnish the information asked for, and requests the Advisory Committee to continue its study of the question in the light of any further replies which may be received. ”

RESOLUTION ADOPTED BY THE COUNCIL ON MARCH 13TH, 1925.

The Council of the League of Nations, having received a note from the Swiss Government requesting the Council to consider at its present meeting the question of adding Switzerland to the list of Governments represented on the Advisory Committee on Traffic in Women and Protection of Children, has carefully considered this request. Feeling, however, that compliance might give rise to similar requests from other quarters which it would be equally difficult to refuse, the Council trusts that the Swiss Government will not press a proposal that might prove embarrassing to the efficient discharge of the duties of the Committee.

RESOLUTIONS ADOPTED BY THE ADVISORY COMMITTEE ON TRAFFIC IN WOMEN AND PROTECTION OF CHILDREN AT ITS FOURTH SESSION ON MAY 27TH, 1925.

1. The Advisory Committee notes that many Governments have not as yet given effect to the resolutions adopted by the Council in 1923 and 1924, by which the Governments are invited to furnish a complete collection of laws and regulations concerning the traffic in women and children.

Much of the work of the Committee has been delayed. The Committee asks these Governments to send the necessary information as soon as possible, in order that a complete collection with an analysis of these laws and regulations may be considered at the next meeting of the Advisory Committee.

2. The Advisory Committee recommends that, before proceeding to the expulsion of a foreign prostitute, the competent authorities in each country should inform charitable associations of the measures they are intending to take in order that these associations, while respecting the principle of personal liberty, may be in a position to interest themselves in the expelled person, to endeavour to provide her with other means of existence and to give her every support and assistance.

For this purpose, these associations should take all necessary measures in order to enter into communication with similar associations in the country to which the expelled person is proceeding.

The Committee further recommends that any associations which may be prepared to take up this work should inform the competent authorities of their intentions, in order that the latter may, should occasion arise, be able to communicate with them in good time.

3. The Advisory Committee has had before it replies and information from the Governments of Cuba, Great Britain, Siam and Spain on the subject of the licensed houses system, and decides to print them as an annex to its report in accordance with the plan followed last year. Replies from twenty-two Governments, mentioned below, have now been received on this particular question :

Union of South Africa, United States of America, Belgium, Canada, Cuba, Czechoslovakia, Denmark, Finland, Germany, Great Britain, Hungary, India, Italy, Latvia, Monaco, Netherlands, Panama, Poland, Siam, Spain, Sweden, Switzerland.

The Committee hopes that, before its next meeting, other Governments will give it the benefit of their advice and experience on this important question.

4. The Advisory Committee has had under consideration the resolution on the subject of the employment of women police adopted by the Congress at Graz, convened by the International Bureau for the Suppression of the Traffic in Women and Children in September 1924.

The Advisory Committee is impressed by the experience gained in several countries showing that women can give effective and valuable service in police work, especially in the prevention of certain classes of offences, and it hopes that the question of the use of the services of women in police forces will receive the fullest consideration of the Governments.

5. With reference to the enquiry of the International Labour Office as to whether, in view of the fact that the Governing Body has placed on its agenda for the International Labour Conference of 1926 the question of simplifying inspection or supervision on emigrant ships, this Committee desires to make an observation as to the resolution which was adopted by the Rome Conference, that there should be on all emigrant ships a qualified woman charged with the duty of assisting women and children, the Advisory Committee on Traffic in Women and Children appreciates the opportunity given it by the International Labour Office to make further suggestions before any plan is agreed upon. In the opinion of the Committee :

(1) There is no conflict between the Committee's recommendation and simplification of inspection, provided that there shall be at least one qualified woman on every emigrant ship.

(2) The rank and authority of the women inspectors or supervisors shall be the same as that of men inspectors or supervisors.

(3) As to how the women inspectors or supervisors shall be nominated, nationality, language, number, etc., the Committee is of the opinion that these are details to be worked out by the Permanent Committee on Emigration, since in general the same principles will apply in regard to both men and women inspectors or supervisors.

6. The Committee attaches great importance to the maintenance in all countries of an informed and active public opinion among all classes of the population on the subject of the traffic in women and all forms of commercialised vice.

The voluntary associations especially engaged in combating the traffic in women should do all they can to secure the co-operation of associations engaged in other forms of social work in getting these questions wisely discussed at public meetings and reported in the Press.

Members and assessors of the Advisory Committee can give effective help by themselves addressing public meetings when opportunity offers, in order to make more generally known what the League of Nations is doing in this direction.

DECISION ADOPTED BY THE COUNCIL ON JUNE 9TH, 1925.

Traffic in women. — All the resolutions passed by the Committee should, I suggest, receive the approval of the Council.

RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 25TH, 1925.

1. The Assembly expresses its approval of the work accomplished by the Advisory Commission for the Protection and Welfare of Children and Young People. It desires, at the same time, to emphasise the view expressed in the resolution of the Fifth Assembly in regard to child welfare, that "the League can most usefully concern itself with the study of those problems on which the comparison of the methods and experience of different countries, consultation and interchange of views between the officials and experts of different countries and international co-operation may be likely to assist the Governments in dealing with such problems". The Assembly therefore hopes that the Commission will not lose sight of the limits of its competence as thus defined.

The Assembly is also of the opinion that it is desirable that, when collaborating with other organisations of the League of Nations, the Advisory Commission should conform to Resolution 4 of the Fifth Assembly on the subject of duplication of work.

2. The Assembly :

Considering that the Council, in accordance with a resolution of the Fifth Assembly, invited the Health Organisation of the League to consider any measures within its competence which it would be desirable and practicable to undertake for the protection of children from the hygienic point of view ; and

Convinced of the importance of this form of child welfare work :

Decides to request the Health Organisation to investigate infant mortality from the point of view of feeding in infancy ;

Requests the Council to instruct the Health Committee to undertake this investigation and to enquire into the advisability of constituting a sub-committee which would be able to call upon the co-operation of specialists in various countries in questions concerning child hygiene and which would be requested to initiate the investigation of this and of any other questions connected with child hygiene and consideration of which might be deemed expedient.

RESOLUTIONS ADOPTED BY THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE AT ITS FIFTH SESSION ON MARCH 25TH, 1926.

1. The Traffic in Women and Children Committee has noted the contents of the reports which have been presented by a large number of Governments on the question of the system of licensed houses as related to the traffic in women. The views expressed show that there is a divergence of opinion as to the necessity of maintaining the system.

The Committee requests the Council to instruct the Secretariat to ask those countries which have not yet sent reports to do so and those which have done so for any new comments. It requests the Secretariat to prepare for the next session a systematic and impartial abstract of the reports which, taken in conjunction with them, will show the present position.

This abstract should be suitable for use in the preparation of a report which the Committee proposed to make to the Council, in accordance with Resolution 4 of the Council of June 11th, 1924, in which the Advisory Committee was requested to continue its study of the question.

2. The Committee proposes that a list of the benevolent societies in the different countries willing to help foreign prostitutes who are to be expelled be circulated to the Central Authorities and to private organisations occupying themselves with the same kind of work in all countries Members of the League or parties to the Conventions and Agreements of 1904, 1910 and 1921.

To this end the Council is requested to instruct the Secretariat to ask the Governments to give a list of the organisations willing to assist expelled prostitutes.

3. The Committee invites Voluntary Associations, in agreement with the National Committee for the Suppression of the Traffic in Women in each country, to make arrangements in their own countries for the co-operation required for immediate intervention in connection with the expulsion of foreign prostitutes.

4. Considering the discussion that has arisen during the debate on Dr. Estrid Hein's resolution (Resolution 2) and which has placed the problem of the deportation of prostitutes in the foreground ; and

Considering the exceedingly complex nature of the problem from the legal, political, humanitarian and social points of view :

The Committee decides to examine the problem of the expulsion of prostitutes in all its aspects. It appoints a Rapporteur and requests the Council to ask the Secretariat to invite the various Governments to furnish information on the question in order that it may be discussed at the next meeting of the Committee.

5. The Committee has noted the increasing interest which has been shown in the question of the employment of women in the police of several countries in all matters affecting the protection of women and children and, as these countries are of opinion that such appointments will largely tend to decrease the evils of the traffic in women, requests the Council of the League to instruct the Secretariat to apply to all States for full information on the subject. Such information should be classified for presentation to the Committee at its next session.

6. The Traffic in Women and Children Committee, being of opinion that obscene publications contribute largely to undermining the morals of the young, and therefore encourage persons engaged in procuring victims for the traffic to continue and extend their activities :

(a) Places this question on the agenda of the next meeting of the Committee ; and

(b) Asks the Council to instruct the Secretariat to obtain the periodical reports recommended in paragraph 9 of the Final Act of the International Conference of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications, in order that these reports may be submitted, if possible, to the Committee at its next meeting.

7. The Committee, having noted the contents of the report drawn up by the International Anti-Alcoholism Bureau regarding the question of the relation existing between the use of alcohol and prostitution, as well as those of other documents dealing with this subject, and being of opinion that they are of great value and that the examination of this question should be continued, invites the Secretariat to proceed with the study of this problem from the point of view of the traffic, in order that it may be considered during the next session.

#### RESOLUTIONS ADOPTED BY THE COUNCIL ON JUNE 7TH, 1926.

1. (a) To invite those Governments which have not yet communicated their observations on the subject of Resolution No. 1 to consider once more the possibility of sending in such observations ;

And (b) to communicate Resolution No. 1 to those Governments which have already sent in observations on the subject of the resolution, for their information, in order to give them an opportunity of forwarding supplementary observations should they so desire.

2. To ask Governments to give the information requested in Resolution No. 2 of the Committee.

3. To communicate to Governments Resolution 4 of the Committee, with the request that they will communicate to the Secretariat such information relevant thereto as they may find it possible to furnish.

4. To communicate to Governments Resolution 5 of the Committee respecting the employment of women police, with the request that they will communicate to the Secretariat such information relevant thereto as they may find it possible to furnish.

5. With reference to Resolution 6 of the Committee, to ask the Members of the League of Nations and other parties to the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications of 1923 to obtain the information referred to in paragraph 9 of the Final Act of the International Conference of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications.

6. To transmit this information, when obtained, to the Traffic in Women and Children Committee.

#### RESOLUTION ADOPTED BY THE ASSEMBLY ON SEPTEMBER 21ST, 1926.

The Assembly approves the report of the Traffic in Women and Children Committee, and the resolutions contained in that report.

#### RESOLUTIONS ADOPTED BY THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE AT ITS SIXTH SESSION ON APRIL 30TH, 1927.

1. The Committee has read Part I of the Report of the Body of Experts with the greatest interest. It recognises that the report has fulfilled the objects for which the enquiry was instituted. The Committee desires to express its sincere thanks to the Body of Experts, and especially to Dr. Snow, the Chairman, Mr. Bascom Johnson, the Director of Investigations, and to their assistants.

2. The Traffic in Women and Children Committee feels it necessary again to draw the attention of the Council to the fact that there are still many Governments which are not parties to the International Conventions and Agreement.

The Committee would point out that, without fuller co-operation, the international machinery for the suppression of the traffic in women can only be partially effective.

3. The Committee invites the Council to draw the attention of Governments to the great value of direct administrative co-operation by means of regular inter-communication between the Central Authorities of the different States on all matters connected with the traffic in women and children.

4. The Traffic in Women and Children Committee requests that an enquiry should be undertaken by the Secretariat with the assistance of the International Labour Office regarding the methods adopted in the different countries in connection with the material and moral protection of artistes travelling abroad under contract of employment in music-halls and similar places of amusement.

5. The Traffic in Women and Children Committee asks the Council to invite the Governments to supervise the conditions under which girls under 18 years of age are allowed to go abroad with contracts of employment, and in particular to insist, where necessary, on the strict enforcement of emigration laws and regulations in this matter.

6. The Committee recommends that Governments should take stern measures in regard to foreign procurers and *souteneurs*. Such persons should be refused admission to the country or, if found after entrance, they should be deported in addition to any punishment to which they are liable.

7. The Committee requests the Secretariat to make a résumé of laws in their possession of different countries dealing with the punishment of persons who live wholly or partly on the immoral earnings of women and to present it to the Committee at its next session.

8. The Committee has read with much interest the paragraph of Part I of the Experts' Report which deals with the control of prostitution, and notes that, in the opinion of the Experts, the existence of licensed houses is an incentive to traffic in women.

It agrees with the Experts in thinking that this is a matter of the highest importance, which deserves careful examination by the Governments.

In view, however, of the fact that Part II of the Report of the Experts has not yet been published, the Committee has decided to postpone further consideration of this matter until its next session.

9. The Committee recognises that the low wages paid to women in certain branches of employment is a factor which cannot be disregarded in considering the problem of prostitution in its relation to the traffic.

The work undertaken by the International Labour Organisation on the subject of minimum-wages machinery will throw light on the methods adopted by various Governments to secure the payment of an adequate wage in the lowest-paid employments. The Committee suggests that the Secretariat should examine the question of women's wages with the International Labour Office and consider whether any aspect of the question should be explored, and should report to the Committee at its next session.

10. The Committee decides to place on its agenda for the next session the question whether it is desirable to remove the age-limit from the Convention of 1910 as amended by the Convention of 1921.

11. The Advisory Commission, sitting as a plenary meeting of the two Committees, has taken note with the greatest interest of the report submitted to the Child Welfare Committee on the age of marriage and the age of consent.

It is of opinion that this question should continue to be examined jointly by the two Committees, since the problems which it involves are concerned both with the traffic in women and children and with child welfare.

The Committee, being convinced that the fixing of too early an age as the age of consent is likely to encourage traffic in women and children and to lead to the corruption of young persons, requests the Council of the League of Nations to draw the attention of Governments to the imperative need of fixing the age of consent sufficiently high to ensure the effective protection of children and young people.

As regards the legal age of marriage, the Commission also thinks that it is important that the age of marriage shall reach an adequate standard. It decided to postpone to its next session further consideration of this question and its possible relation to the age of consent.

12. The Committee is informed that the digest of laws relating to the traffic in women and children which the American Social Hygiene Association kindly undertook to prepare will shortly be completed. It recommends that the digest should be sent by the Secretariat in proof form to the Governments, in order that they may be given an opportunity of reviewing and, if necessary, completing the text.

13. The Committee has received from the Governments some interesting information on the employment of women police. Recognising the value of the help which women police can give in connection with some of the matters under its consideration, the Committee notes with satisfaction the employment of women in various branches of police work. It requests the Secretariat to continue to collect information on this question for consideration at a future session.

14. The Committee wishes to draw the attention of the Council to the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications and to the fact that :

(a) Of the forty-three States which have signed the Convention, twenty-two have not ratified their signature ; and

(b) Fourteen of the fifty-five States Members of the League have taken no steps towards becoming parties to the Convention.

It recommends that the Council should invite the Governments of those States to present their ratification as soon as it is possible for them to do so, and to invite those States which are not parties to the Convention to become so.

15. The Committee has had before it the replies of Governments in response to the questionnaire on the subject of obscene publications which was issued by the Council. As a large number of Governments have not yet replied, it has decided to postpone further consideration of the matter until next session and to ask the Council to invite those Governments to reply before the end of January 1928.

RESOLUTIONS ADOPTED BY THE COUNCIL ON JUNE 16TH, 1927.

The Council decided :

(1) That the Governments should be invited to forward to the Secretariat by the end of September at latest their observations on Part II of the Report of the Special Body of Experts.

(2) That a meeting of the Special Body of Experts should be convened, towards November 15th, 1927, if funds are available, to consider the communications of the Governments and to make in Part II of the Report such modifications as were useful and necessary.

(3) That Part II of the Report should be submitted to the Council during the first session following the meeting of the Experts and should be published immediately after the session of the Council.

RESOLUTION ADOPTED BY THE ASSEMBLY ON SEPTEMBER 20TH, 1927.

The Assembly takes note of the report of the Traffic in Women and Children Committee, thanks the Committee for the good work it has accomplished and expresses the hope that this work will be continued along the same lines.

The Assembly learns with the greatest interest that the Traffic in Women and Children Committee is examining carefully, in connection with Part I of the Experts' Report, the problem of the relationship which exists between the licensed house and the traffic in women ; it requests the Traffic in Women and Children Committee to examine as soon as possible the question of the desirability of recommending to all Governments the abolition of the system of the licensed house.

The Assembly further desires to express its warmest approval of the able and courageous work of the Special Body of Experts, and earnestly recommends Part I of the Report and especially its conclusions of the study of the Governments of all States Members and non-members of the League of Nations.

RESOLUTION ADOPTED BY THE COUNCIL ON DECEMBER 5TH, 1927.

The Council decided to refer to the Traffic in Women and Children Committee the suggestion made by the Body of Experts that their work should be continued and extended. The Traffic in Women and Children Committee would be requested to give its advice upon this matter.

RESOLUTIONS ADOPTED BY THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE AT ITS SEVENTH SESSION ON MARCH 17TH, 1928.

1. The Committee, considering that the artistes' professional organisations can give most useful information on the subject of the protection of young women artistes, asks the International Labour Office if it will be so good as to approach some of the principal organisations and ask them to furnish any observations they may have upon the subjects dealt with in the questionnaire, and report upon their replies to the Committee.

2. The Committee, having examined Part II of the Experts' Report, and having heard the comments to which this report gave rise, requests the Council to ask the Governments and voluntary organisations to forward to the Secretariat any documentation in their possession which may add to the information already available on the question with which the enquiry is concerned. The Committee once again expresses its warm thanks to the Experts.

3. The Committee recommends that the enquiries made by the Special Body of Experts should be continued and extended and hopes that the necessary funds will be forthcoming.

The nature and scope of the further enquiries will need careful consideration, and the Committee proposes to put this subject on the agenda of its next session in the belief that it will then be possible to make a definite recommendation.

In the meantime, the Committee invites its members, the Secretariat and the voluntary organisations represented on it to take such steps as may be possible to prepare the way for the further enquiries.

4. The Traffic in Women and Children Committee has had before it the resolution adopted at the eighth ordinary session of the Assembly of the League of Nations requesting it to examine as soon as possible the question of the desirability of recommending to all Governments the abolition of the system of licensed houses.

This system in its relation to international traffic in women has received the anxious attention of the Committee on several previous occasions. The Committee realises that further light has been thrown on the whole subject by the prolonged enquiries made by the Special Body of Experts, and by the conclusions set forth in Part I of their report.

Having regard to the seriousness of the evil arising from the traffic, the Committee earnestly hopes that the Governments of all those countries which still retain the licensed house system will investigate the question as soon as possible in the light of the report made by the Body of Experts and the other information collected by the League of Nations.

In order to facilitate this investigation, the Committee asks the Secretariat to make a study of the laws and regulations in force in those countries where the system has been abolished.

5. The Committee, taking note of the large volume of work which would be necessary in order to make a collection of the laws on procuration and trafficking, and of the expense which would be entailed, requests the Secretariat to make a concise study of the laws and penalties relating to the *souteneur* — the person who lives either wholly or in part upon the immoral earnings of a woman. The Committee suggests that this study might be based upon the laws available in Part II of the Experts' Report and upon information furnished by Governments represented on the Committee.

6. The Committee, having considered the question of the abolition of the age-limit in the Conventions of 1910 and 1921, requests Mr. Cohen, assessor for the Jewish Association for the Protection of Girls and Women, to submit a report on this question at the next session.

7. The Committee, having studied the Experts' Report and the replies from Governments, notes that the fixing of the age of consent and the age of marriage at too early an age is apt to encourage the traffic and to promote the corruption of the young. The Committee, without going into the legal details involved, recommends that the appropriate legislative action should be studied by the Child Welfare Committee.

8. The attention of the Traffic in Women and Children Committee has been called to Article 16 of the International Convention of 1923 on the subject of the suppression of obscene publications. The Article is as follows :

“ Article 16. — Upon a request for a revision of the present Convention by five of the signatory or adherent parties to the Convention, the Council of the League of Nations shall call a conference for that purpose. In any event, the Council will consider the desirability of calling a conference at the end of each period of five years. ”

As the question of the desirability of calling a further conference may come before the Council this year, the Committee desires to suggest to the Council that the time has not yet come for such a step. The Committee proposes to place this question on its agenda for next session and to consider the best means of giving effect to the intentions of the framers of the Conventions.

#### RESOLUTION ADOPTED BY THE COUNCIL ON JUNE 5TH, 1928.

The Council takes note of the report of the Traffic in Women and Children Committee on the work of its seventh session and approves the resolutions contained therein.

#### RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 18TH, 1928.

1. The Assembly takes note of the report of the Traffic in Women and Children Committee, thanks the Committee for the good work it has accomplished, and expresses the hope that this work will be continued along the same lines.

2. The Assembly takes note of the second part of the Report of the Special Body of Experts published in November 1927, and expresses its appreciation of the splendid work done by the Experts and their co-workers. It expresses the hope that it will be possible to extend the investigations to countries where no investigation has taken place before.

3. The Assembly notes with satisfaction that the Committee has examined the resolution passed by the Assembly at its eighth ordinary session as to “ the desirability of recommending to all Governments the abolition of licensed houses ”, and it supports the Committee's request that “ the Governments of all those countries which still retain the licensed houses system will investigate the question as soon as possible in the light of the report made by the Special Body of Experts ”.

4. The Assembly desires to call attention to the great importance of the employment of women police as a preventive measure.

#### RESOLUTIONS ADOPTED BY THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE AT ITS EIGHTH SESSION ON APRIL 26TH, 1929.

1. The Committee is of opinion that the enquiries made by the Special Body of Experts have proved of great value, not only in bringing to light some of the methods now pursued by



persons engaged in the traffic in women, but also in stimulating Governments to give further attention to the question and to supplement in some directions the measures hitherto adopted by them for suppressing the traffic.

The Committee accordingly thinks that, with the consent and co-operation of the Governments concerned, enquiries into the international traffic should be pursued in other countries not previously visited, especially in the East, and expresses the hope that funds may be made available for the purpose, and in that event that the Council will sanction forthwith the extension of the enquiry as proposed.

The Committee thinks it desirable to point out that the social customs of some countries in the East differ in many aspects from those obtaining in European or American countries which were previously visited, and that it is therefore important to bear these differences carefully in mind in determining the nature and extent of the enquiries to be made and the methods to be followed in conducting the investigation.

The Committee therefore recommends that, when the time comes for continuing the work in a new field, the composition of the Special Body of Experts should be examined by the Council in the light of the altered circumstances, so as to ensure in particular that it includes persons who have a wide knowledge and experience of Eastern conditions.

2. The Committee welcomes the evidence which has been furnished to it by several delegates as to the growing change in public opinion on the subject of licensed houses and the steps which are being taken to examine the question in different countries.

The Committee notes that only one or two Governments have replied to the application sent to them last year asking for information as to the laws and regulations in force in those countries where the system has been abolished. This lack of information may probably be attributed to the fact that the nature of the request was not made sufficiently clear.

The Committee desires to study as closely as possible the various means employed in place of regulation with a view to protecting public order and health against the dangers arising out of prostitution.

The Committee recommends that the Council should cause a further communication to be sent to Governments and to charitable associations asking them to be good enough to give all the information possible, so as to enable the further study of the question by the Committee to continue.

3. The Committee, having considered the very complete report prepared by the Secretariat on certain legislation dealing with the *souteneur*, requests the Council to bring this study to the special notice of Governments, drawing their attention to the importance of ensuring that legislation and its application is effective in bringing the *souteneur* to justice.

The Committee draws special attention to the necessity of granting powers for the prompt arrest of such persons; of inflicting penalties suited to the dangerous character of their national and international activities; and of applying special repressive measures in the case of repeated offenders.

4. The Traffic in Women and Children Committee, having considered the views expressed on the question of eliminating the age of 21 in the Convention of 1921, is of opinion that the time has now arrived for a further reconsideration of this matter, and requests the Council to authorise the Secretariat to obtain the views of all Governments as to the proposed change, and to submit a report to the next session of the Committee.

5. It appears to the Committee that the provisions of the International Convention of 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications are comprehensive, and, if carried into effect, are calculated to deal effectively with the evils of this traffic. No facts have come to the knowledge of the Committee which would justify any revision of the Convention at present, and the Committee is accordingly of opinion that it is not necessary to hold any further international conference on this subject.

The Committee wishes to express the hope that all those Governments which were signatories of the Convention but which have not yet presented their ratifications will do so without further delay.

The Committee proposes that the Governments should eventually be invited to furnish further information as to the extent of the traffic and the measures taken to deal with it, and, with this object in view, the Committee has decided to place the subject on its agenda for its next session.

6. The Committee, in view of the wish expressed by the Council, respectfully suggests that it should be good enough to consult the Committee before any steps are taken in future to add to the number of assessors.

The number of assessors should be kept within such limits as are reasonable, having regard to the nature of the work of the Committee, and they should, except in special cases, be selected as representing international organisations whose work is recognised as coming more particularly within the scope of this Committee. The special qualifications of the person to be nominated should be taken into consideration by the organisation.

All assessors appointed in future should be appointed for a period of five years.

As regards existing assessors, the question should be considered in three years' time (namely in 1932) whether any changes are desirable as regards the organisations represented. The same question should be considered whenever a vacancy occurs.

It is desirable that the Committee should reconsider its Rules of Procedure, including the appointment and re-election of assessors.

7. The Traffic in Women and Children Committee, having reconsidered its decision of last year not to print its Minutes, draws the attention of the Council to the fact that all members of the Committee have found the printed Minutes of the greatest use both for Government Departments and for voluntary organisations. The Committee feels that any report which could be prepared in the limited time at its disposal would be inadequate (without special reference to the Minutes) for the purpose of furthering the work of the Committee.

It therefore requests the Council to give its sanction for the printing of its Minutes.

RESOLUTION ADOPTED BY THE COUNCIL ON JUNE 12TH, 1929.

The RAPPORTEUR: "I recommend that the report and resolutions passed by the Committee (April 26th) should receive the Council's approval."

*The conclusions of the report were adopted.*

RESOLUTION ADOPTED BY THE ASSEMBLY ON SEPTEMBER 19TH, 1929.

The Assembly takes note of the report of the Traffic in Women and Children Committee on the work of its eighth session (document A.14.1929.IV), records its appreciation of the work of the Committee and expresses the hope that the work will be continued along the lines indicated in the report.

---