



Family Policy in Europe

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Slide 1 Structure of the paper

- What is family policy about?
- Political decision making levels in Europe
- Legislation concerning families in Europe
- Political family lobbying in Europe
- Discussion and requirements specified by the group

Slide 2 What is Family Policy

- Christian concept
- Political reality
- Tasks of family policy

Christian concept

The Christian conception of family is clear: "A family is the smallest natural association originating through marriage by the birth of a child."

Political reality

The European reality of politics does not define the family. This notion is understood as a pure parents-child-association. This corresponds with the factual reality of many people.

Family Policy Tasks:

The family policy is a cross-sectional issue that should follow a number of objectives:

- To allow the generations to take over tasks and responsibilities for each other without being handicapped against people who are not bound to fulfil such tasks;
- to provide and ensure just allocation among the generations;
- to see that having children may not lead to poverty;
- to ensure that certain forms of living together in family may not be outcast and that parents-children-associations based upon marriage may not be discriminated;
- to define well being of children and well being of the old and to enhance the same;
- to ensure balanced compensation of burdens and achievements for families;

- to guarantee the capacity of being human through support relating to issues of bringing up, educating and vocational training;
- to enable family research in order that the achievement potential of a family can be retained for the society;
- bringing together migration families;
- to create framework conditions for the compatibility of work for the family and work for earnings;
- to contribute to the psychological and physical health of the families.

Slide 3 Political levels of decision making in Europe

- the European Council
- the Council of the European Union
- the European Parliament
- the European Commission
- the Council of Europe

The European Commission

The European Commission drafts new legal regulations, however, they are enacted by the Council and the Parliament.

The rules and the procedures for passing the EU resolutions are specified in the treaties. Each European legal regulation is based upon a certain article of the treaty that is referred to as "legal foundation".

The three most important procedures for adopting new EU regulations are:

- the hearing procedure,
- the approval procedure and
- the co-deciding procedure.

The European Parliament

The Parliament has three essential tasks:

It shares the legislative power with the Council. The democratic legitimation of the European law is guaranteed by way of direct election to the Parliament.

It performs a democratic supervision over all bodies of the EU, especially over the Commission. It approves the appointment of Commission members or refuses to give its consent and it can initiate a vote of confidence against the whole Commission.

It shares the budget competence with the Council and can, accordingly, influence the expenses of EU. In the last instance it approves the budget or rejects the same.

The Council of European Union

This agency, that used to be known as the Council of Ministers, is composed of national ministers of all EU states. The Council has regular meetings for passing detailed resolutions and for adopting European legal regulations. Its work will be described in more detail later on.

The European Council

This agency is composed of the heads of states (i.e. presidents and/or prime ministers) of all EU countries and the President of the European Commission. The European Council convenes in principle four times a year, in order to decide general EU political guidelines and to supervise the achieved development. Being the supreme political decision making agency of the EU, its sessions are often referred to as "Summits".

The Council of Europe

The Council of Europe is no agency of the EU. Among the early achievements of the Council of Europe the working out of the European Convention of Human Rights should be mentioned. The Council of Europe has founded the European Court of Justice for Human Rights in order that the citizens can put through their rights within the framework of the Convention. The Council of Europe with seat in *Palais de l'Europe* in Strasbourg (France) has 45 members, among them also the 15 EU states.

The Council of Europe has a different working regime and different objectives than the EU. It supervises issues like human rights, the development of democracy, xenophobia, ... Thus it offers a certain framework for the member states.

However, also here the harmonization processes in the field of family policy are seen to succeed only sporadically. The basic problem is the same as in the EU, namely the fact that the states use differing definitions of family. The Council of Europe declares repeatedly the importance of common regulatory documents on family life and endeavours to establish international co-operation. The Council of Europe focuses upon the legal protection of children and the improvement of their status.

By way of example:

- European Convention on the Adoption of Children

- European Convention on the legal status of Illegitimate Children
- European Convention for the Execution of Children's Rights
- White Paper concerning Principles of setting down and the Legal Consequences of Origin

In addition to that there is a long list of resolutions bearing no legislative character as well as recommendations issued by the Council of Europe to the family subject. Nevertheless, there is no single document of the Council of Europe with a definition of family. One partial definition can be found in the Recommendation No R(99)23 of the Minister Committee relating to bringing families together: According to this document family members are husband and wife and their underage children and, according to the legal practice of the given country, possibly also other relatives.

Slide 4 Legislation concerning Families in Europe

- Employment and social policy
- Co-operation between member states in the family jurisdiction
- Immigration and asylum policy
- Freedom of movement
- Development policy
- Media

Legislation of the EU concerning the family

There is nothing of the kind of a "European Family Law". In the legal domain the competence for familial relations and family life is reserved to the member states. In spite of that legislation exerts a substantial impact upon the families.

a) Family in Employment Acts and Social Legislation

In this field the EU legislation exerts the most stringent effect upon the families. The main focus in this connection is the link between just gender policy and the problems of work and family life. The member states are invited to create their own provisions for ensuring the same access to the labour market for women and retaining their position (kindergartens and other children care centres, benefits, protection against termination of employment in the course of gravidity, ...). EU requires special health and safety measures during pregnancy. The protective period of parents is seen by the EU as an individual and non-transferable right of men and women. The member states shall provide framework conditions that guarantee to the women the right to

return to the same or equally valued position after this period of time. Equal conditions at the working place are required by the EU, naturally also for the self employed.

As to social legislation, the EU seeks to support the convergence of the diversified national social insurance systems. A triggering moment for these efforts is the working migration in the EU, requiring the harmonization of the social insurance systems.

The future regulations will be not only simpler, but they will also bring forth a broader definition of family covering various national definitions.

The EU addresses the member states with the requirement that single persons as well as families should avail themselves of the necessary living resources in order to live in dignity. The EU recommends the member states to fight against social outage.

- Resolution of the Council of July 22, 2003 on guidelines of employment policy measures of the member states 2003/579/EC
http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/l_197/l_19720030805de00130021.pdf
- 92/241/EWG: Recommendation of the Council of March 31, 1992 on children's care Bulletin No L 123 of 08/05/1992 p. 0016 - 0018
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=de&numdoc=31992H0241&model=guichett

Council Regulation 859/2003 of May 14, 2003 on expanding the provisions of regulation (EEC) No 1408/1 and Regulation (EEC) No 574/72 concerning third-country citizens who do not fall under this provision exclusively due to their state citizenship.
<http://www.unhcr.at/pdf/622.pdf>

Directive 2002/73/EC of the European Parliament and the Council of September 23, 2002 concerning the amendment of Directive 76/207/EEC of the Council on implementation of the principle of equal treatment of men and women regarding their access to employment, to vocational training and professional career as well as working conditions
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=de&numdoc=32002L0073&model=guichett

COUNCIL DIRECTIVE 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
http://www.zgwrp.org.pl/ue/poradnik/dokumenty/01_prawo/ps/Zatrudnienie_i_bezrobocie/1996-34-EC/tekst-ang/directive.doc

92/441/EEC: Council Recommendation of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems
http://socialpolicy.ucc.ie/EU-docs-socpol/Council_social-protection_common-criteria-1992.htm

b) Legal co-operation between member states concerning family topics.

In order to find a common platform in the legal area, various fields of legal processes bearing to family have been considered (divorce, disjunction, cancelling of a marriage, partial responsibility for the child, ...). At the present day the EU and the member states share this field of tasks thanks to mutual recognition of legal decisions. The current legislation is involved in kidnapping that occurs often in situations of marital crises. Children have the right to meet regularly with their family members, and namely during and after the divorce process.

- Draft of a council resolution to entrust the member states to ratify the Hague convention of 1996 of the competence, the applicable right, the acknowledgement, the execution and the co-operation on the field of parents' responsibility and provisions for the protection of children within the interest of the European community, or to accede to the same /* KOM/2003/0348 final - CNS 2003/0127 */
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=DE&numdoc=52003PC0348&model=guichett
- Proposal of a regulation of the Council regarding the competence and the recognition and implementation of decisions in marital issues, and in procedures considering the parents' responsibility to cancel the regulation (EC) No [1347/2000](#) and to amend regulation (EC) No [44/2001](#) regarding alimony [KOM(2002) 222 final – Not published in Bulletin.
<http://europa.eu.int/scadplus/leg/de/lvb/l33194.htm>
- Directive (EC) No 1347/2000 of the Council of May 29, 2000 on the jurisdiction, the recognition and execution of decisions concerning marriage and in law suits concerning parental responsibility for common children of the spouses
http://europa.eu.int/eur-lex/pri/de/oj/dat/2000/l_160/l_16020000630de00190036.pdf
- Proposal of a Council resolution concerning the signature of the treaty of the Council of Europe of handling children in the European community (KOM(2002) 520 final)
<http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/ce020/ce02020030128de03690369.pdf>

c) Immigration and asylum policy

The legislation of the EU in this field extends the provisions for the applicant also onto the members of his family defining who they are. Thus the family members of refugees will receive the same protection as the applicant. Third-states citizens will be granted legal permission to stay over a longer period of time and a special status, if they are family members of a EU-citizen. Bringing together of families is the central commitment of EU in this issue. Special protection is required by EU for children in connection with human trafficking. The specification of who are members of a family is rather broad. The directives for bringing together describe the family as parents with small children, but each member state can decide whether relatives in the rising line are involved, as well as adult unmarried children, Another provision defines the concept of family by legal terms.

- Proposal for a Directive of the Council regarding minimum standards for the acknowledgment and the status of third country citizens and the stateless as refugees or as persons in need of international protection due to other reasons * KOM/2001/0510 final - CNS 2001/0207 *
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=DE&numdoc=52001PC0510&model=guichett
- Proposal for a Directive of the Council regarding short time permission to stay for victims supporting illegal immigration and human trafficking, if they co-operate with the competent authorities. /* KOM/2002/0071 final - CNS 2002/0043 */ *Bulletin Nr. C 126 E of 28/05/2002 p. 0393 - 0397*
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=DE&numdoc=52002PC0071&model=guichett
- Directive 2003/86/EG of the Council of September 22, 2003 regarding the right to bring together the family
http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/l_251/l_25120031003de00120018.pdf
- Directive 2003/9/EG of the Council of January 27, 2003 for determining minimum standards for the acceptance of asylum applicants in the member states
http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/l_031/l_03120030206de00180025.pdf

- Regulation (EC) No 343/2003 of the Council of February 18, 2003 for specifying the criteria and procedures for determination of the member state that is competent for the verification of an asylum application filed by a citizen of a third country in a member state
http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/l_050/l_05020030225de00010010.pdf

d) Freedom of movement

The EU seeks to replace the valid provisions of user categories (workers, students, service providers ...) with a unified legal basis in order to guarantee the freedom of movement and of residence. This right, according to the instruction of the European Court of Justice and the Charter of Human Rights, should be expanded on the members of the family who are again defined in a broad way.

- Draft of a Directive of the European Parliament and the Council relating to the right of the Union citizens and their family members to free movement and stay on the state territory of the member states /* KOM/2001/0257 final - COD 2001/0111 */ *Bulletin Nr. C 270 E of 25 /09/2001 p. 0150 - 0160*
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=DE&numdoc=52001PC0257&model=guichett

e) Development policy

Within the development policies the families are involved in financing projects in the field of reproductive health and sexual health following the trends against sterilization, abortion and improper contraceptive methods, on the one hand side, and educational provisions for sexual enlightenment, access to the respective health means and protection against venereal diseases, on the other hand side.

- Regulation (EC) No 1567/2003 of the European Parliament and the Council of July 15, 2003 on supporting strategies and actions in the field of reproductive and sexual health and the corresponding rights in the development countries
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=de&numdoc=32003R1567&model=guichett

f) Broadcasting

The Directive of 1997 seeks to co-ordinate national broadcasting regulations in order to discipline their contents and to ensure free movement of offering entities. The Directive stimulates parents to get control over the programs consumed by their children, enhancing the reception of programs with valuable political, informative and educative contents.

- Directive 97/36/EC of the European Parliament and the Council of June 30, 1997 on amending the Directive 89/552/EEG of the Council for the co-ordination of certain legal and administrative regulations of the member states concerning the performance of TV activities
Bulletin No L 202 of 30/07/1997 p. 0060 - 0070
http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=de&numdoc=31997L0036&model=guichett

Slide 5 Other "Family Provisions" in the European Union

- "Hermange-Report"
- Family in the draft of the "EU-Constitution "
- The European observation point

Hermange-Report in EU-Parliament

The initiative motion of Marie-Therese Hermange passed the Parliament in 1999.

This report is a comprehensive proposal of a European family policy with the protection of the child as its focus.

It is conceived upon the following principles:

- To determine guidelines of a comprehensive family policy that takes into account the diversity of family models
- To overcome a purely economic starting point of a sheer achievement policy
- Equal chances for men and women

What is required: To establish a department in the Commission, to appoint a Minister Council for the Family and to foster the observation point. On the legislative level all documents of the Union with impact upon the environment, employment, the social, economic, agrarian and transport policies should take account of the family. It is required to adapt the directives so as to comprise actions for the benefit of children. Further: Active co-ordination between public authorities and NGO's regarding the topics of compatibility, education, political and social achievements for children.

Owing to the fact that Union has no competence over the families, the requirements of this report have found no implementation, but they started a discussion over the necessity of family policy within the Union.

Report of the protection of the family and the child, reporting: Ms **Marie-Thérèse Hermange**, Committee for employment and social issues.

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+REPORT+A4-1999-0004+0+DOC+XML+V0//DE&L=DE&LEVEL=3&NAV=S&LSTDOC=Y>

Constitution draft and the family

Contents with impact upon the family:

Part I, Article 3

"Fight against social rejection and discrimination, support of social equality and social protection, equality of women and men, solidarity across the generations and the protection of children's rights"

The implementation of these provisions should be achieved upon the principle of subsidiarity, as in the foundation contracts. The member states have to implement the minimum requirements of the European law or a framework legislation that will become effective by steps. In other words no harmonization of social policy involving family issues is planned as yet, but rather working out and implementing minimum standards.

The draft develops a common immigration policy, regulating the bringing together of families through European law and framework legislation.

Part II – the Charter of Human Rights addressees the family directly:

- II-7 Right to home, privacy and family life
- II-9 Right to marry
- II-14,3. Rights in issues of upbringing
- II-24,3 Right of the child to contact the parents
- II-33 The family shall enjoy legal, economic, and social protection
- II-34,1 Social protection: protection of motherhood, in illness, in work accidents, addiction or old age

The notions of "Family" and "Marriage" are not defined in the Constitution draft.

Article II –9 mentions the right to marry and to found a family according to the state law that also defines these notions.

The European observation point of social situation, demography and family

Scope of activities. Active since 1998 (?) observes the development of social, demographic, and family related issues across Europe. Established by the Commission after the Resolution on families of the European Council. Allotted to the Permanent Group for Employment and social issues.

Main tasks: Monitoring of the development trends in social, demographic, and family issues. Analyses of political activities and their impact upon the families. Stimulation of academic discussions in these fields, organizing of seminars and annual meetings. The contract terminates in 2004. Family policy will be part of policy of the Union and becomes amalgamated in the annual social report.

Slide 6 Lobbying for family policy in Europe

- in the national states
- through FAFCE
- through COFACE
- through CICO
- through the Social Platform

The working regime and structure of the separate top organizations seeking to put through family policy issues in the respective decision-making levels.

Within the national states: Various political interest groups have also their own NGO's for the family policy. They may combine forces in certain factual issues, but any common efforts cease to exist, as soon as this involves basic ideological issues. Lobbying tools: Press releases, questionnaires, resolutions. ...

FAFCE: currently known

COFACE: Established in 1958 as European Action Committee of the International Union of Family Organizations (IUFO). In the course of time it became more and more independent. This process ended by its decision to become a Confederation of Family Organizations of the European Union, actually an international NGO.

Objectives: COFACE works in three lines for putting through its family policy:

1. As a voice of the European Family Organizations this is a contact place for the European decision makers in all fields involving the rights and interests of children.
2. Informing the national organizations about current developments within EU in this field, it enhances the Europe awareness
3. Exchanging ideas and experience by assisting mutual support of family organizations.

The COFACE activities are closely related to Europe policies, such as consumer protection, social policy, fighting against social exclusion and discrimination, support programs for the handicapped, and education.

COFACE aims at strengthening the co-operation with the European institutions requesting them to create a final basis for family and children policy in the treaties of the Union. It wishes to offer consultancy in any issues involving the dimension of family and child. It requests the Union to organize annual meetings of family ministers.

CICO: The conference of the international catholic organisations (CICO) serves for the permanent co-operation of OIC. Having been active as conference of presidents ever since 1927, it was acknowledged by the Holy See Vatican in its present form in 1957. Its seat is Geneva.

Fundamental aim: To ensure proper relationships between the organizations; to solve the basic problems, to foster Christian awareness; to launch common activities; to inform; to co-operate with international organizations; to contribute to being present on a broader scale.

36 members, 5 associated members, 2 invited; 3 centers at the seats of UN organizations. 150 to 200 million believers.

Current projects in process: Violence against women, family, education and communication, the third phase of life. The highlight until 2001 was the fight against poverty (discharge from debts). The binding motto is "Respect for life".

Social Platform: The Social Platform founded 1995 joins over thirty European NGO's, federations and networks building a comprehensive society and representing the social dimension of the European Union.

Its members represent thousands of organizations, as associations and volunteer groups on the local, regional, national, and European level, standing for the interests on the broad field of civil society. Its members carry out campaigns to topics like social justice, displaced persons, lifelong learning, health and racism.

S.P. understands as its objective to build a network of European citizen to certain topics and to relay information of EU activities and policies to the national level of various countries.

The Social Platform seeks to develop the dialogue between the European NGO's and the European institutions.

The Social Platform wishes to constitute the following aims of the European social policy:

- the development of a comprehensive and cohesive society
- the implementation of fundamental rights serving to
- the enhancement of the society based upon equal rights of genders and of all persons, free from any form of prejudice and discrimination
- to share the high standard of living in order to improve the well being of all.

These aims can be achieved through:

- **Good steering:** an open broadly structured dialogue upon a legal basis
- **Supreme aims:** commitment to achieve measurable social objectives
- **Positive actions:** not only letters of intent, but efficient political handling
- **Deep penetration:** the main trend of social and political key targets
- **Coming together:** the approximation of social and economic policies

The Social Platform is an independent democratic alliance of European societal NGO's. Its work complements the activities of its members, making use of their specific knowledge and skills.

The Social Platform defends its ideas by drafting common positions, promoting them at the political decision makers, and namely through statements, campaigns, press releases and promotions in the media, participation in conferences and seminars and regular meetings of institutional representatives. The working structure uses working groups that are open to all members. The working groups can establish ad hoc teams in order to develop some partial issue.