



## Recommendation 1074 (1988)<sup>1</sup>

### Family policy

Parliamentary Assembly

The Assembly,

1. Noting the profound changes which have occurred in family structures over recent decades, characterised by greater life expectancy, a sharp drop in the birth-rate, a decrease in the number of marriages and remarriages, an increase in the divorce rate, a proliferation of single-parent families, an increase in other forms of communal life such as cohabitation, and the evolution of the role of women ;
2. Observing that other factors, such as alterations in working conditions, the persistence of pockets of structural poverty, the increase in unemployment, illicit drug use, violence and delinquency, and economic migration, have increased tensions within the family ;
3. Emphasising none the less that the family has stood up better than other institutions to economic, social and demographic upheavals and, in spite of everything, remains popular for millions of young people ;
4. Recognising that the changes which have occurred also have positive aspects such as the replacement of the former marriage-alliance by the marriage-partnership with an improved social, economic and intellectual balance between the partners and, consequently, give hope for the future ;
5. Believing that the family is still the place where human relationships are most intense and rich, and the best place for bringing up children and providing care for its elderly, lonely or sick members ;
6. Considering that the family with its daily problems and needs is essentially a concrete reality, that it shares in society's economic and cultural life, adapts and evolves with society and that, consequently, any concept of the family as frozen in time would be unrealistic ;
7. Convinced, similarly, that the role of the state with regard to family policy is not to give hard and fast replies based on ideology, but to create the circumstances necessary for the establishment of a family unit in which the individual can develop in safety, solidarity and respect for fundamental rights ;
8. Recalling that, in this respect, both the European Commission and the European Court of Human Rights have repeatedly held that, under the European Convention on Human Rights, the family life of both "legitimate" and "de facto" families has to be respected ;
9. Realising that any family policy today must face the new situation resulting from the emancipation of women and its impact on maternity, and must bear in mind two principles : first, the democratisation of the family which implies equality among its members and respect for the rights of each and, secondly, the exercise of free choice by the partners ;
10. Believing strongly that the integration of women in economic and professional life and the creation of a climate favourable for child-bearing and bringing up children are not irreconcilable objectives, provided that the value of housework and child-rearing is recognised ;
11. Convinced that, to be effective and coherent, specific family policy measures must be co-ordinated and complemented, particularly on the broader scene of social, fiscal and employment policies ;

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1. Assembly debate on 3 May 1988 (3rd Sitting) (see [Doc. 5870](#), report of the Social and Health Affairs Committee, Rapporteur : Mr Pini). Text adopted by the Assembly on 3 May 1988 (3rd Sitting).



12. Noting that certain sectors of modern life such as social security are in some cases based on an outmoded concept which seems unaware of women's new status, excludes divorce and perpetuates "indirect rights", while tax legislation in many countries continues to discriminate against married couples ;

13. Drawing attention in this context to its earlier work, particularly [Recommendation 751 \(1975\)](#) on the position and responsibility of parents in the modern family and their support by society, [Recommendation 915 \(1981\)](#) on the situation of migrant workers in the host countries, [Recommendation 1051 \(1987\)](#) on labour market flexibility in a changing economy, and [Recommendation 1071 \(1988\)](#) on child welfare—Providing institutional care for infants and children ;

14. Referring to the position adopted on the role of the family in the report by the Colombo Commission and by the Secretary General of the Council of Europe in his report on social cohesion ;

15. Noting the results of the 20th Conference of European Ministers responsible for Family Affairs, held in May 1987, endorsing one of its proposals, for a study on the causes of divorce and its effects on children, but regretting that the conference does not wish to co-operate with the Assembly ;

16. Welcoming the fact that the Council of Europe medium-term plan of activities includes several topics on the family, distributed among various sectors such as social, legal and cultural,

17. Recommends that the Committee of Ministers invite the governments of the member states to base their preparation of family policy on the following proposals :

*a.* Legislation

1. To affirm the pressing need for a general coherent family policy for all families, and to enact laws to ensure its application ;
2. To bring into force national and international legal instruments to consolidate equality between the sexes in the family and the protection of children's rights and, for the latter, particularly by speeding up preparation of the United Nations draft convention ;
3. To pay particular attention to the problems of spouses of different nationalities, such as transmission of nationality, residence permits, divorce and the custody of the children ;
4. To deliberate on questions such as adoption, artificial insemination and surrogate motherhood as they affect family life and particularly the interests of the child and, if appropriate, to prohibit certain practices ;
5. To revise criminal and civil legislation concerning violence in the family, and to encourage psychological and other measures of assistance to the victims and perpetrators of violence, without prejudice to the legal procedures concerning the latter

*b.* Working life

1. To strike a better balance between professional activities and family life, particularly by introducing greater flexibility for working time, part-time work and the age of retirement ;
2. To ensure that "parental leave", which is widely accepted in principle, becomes a reality ;

*c.* Taxation

1. To abolish laws and regulations on the aggregation of family incomes, and to accept the principle of separate taxation for spouses ;
2. To introduce a flat-rate child allowance for all children instead of tax reductions ;
3. To introduce tax deduction for costs related to the care of children until they reach school age ;

*d.* Social security

1. To recognise the principle of placing a value on housework and education by persons who stay at home for the particular purpose of raising their children ;
2. To examine the possibility of introducing a minimum guaranteed income to assist families in need ;
3. To set up a system of individual rights rather than indirect rights because of the increased risk of family breakup ;

4. To examine the possibility of crediting the periods spent on bringing up children or caring for other dependants (the elderly, the handicapped, etc.) to periods of insurance for the purpose of acquiring old-age and sickness benefits, and for calculating the amounts of such benefits ;
5. To ratify the European Convention on Social Security, if they have not already done so, and to ratify the revised European Code of Social Security as soon as it is adopted by the Committee of Ministers, since certain provisions of these instruments have an impact on family welfare ;

*e.* Housing and urbanisation

1. To take into account the needs of young families with limited means, and to aim at improving the financing of housing for large families ;
2. To enable children to develop in favourable housing conditions and a favourable environment, through a different approach to urbanisation with the aim of adapting the infrastructure of towns to the needs of people ;
3. To enable generations to live together if they so wish ; the return to the family of elderly persons would of course require social infrastructure in order to alleviate the tasks of families for daily needs ;

*f.* Education

1. To recognise that the prime responsibility for the upbringing of the child lies with his family ; this presupposes a permanent, constructive dialogue between parents and the education authorities ;
2. To guarantee equality of opportunity for children, specifically through special measures for children from economically deprived homes, handicapped children, children of migrant workers, children from ethnic minorities and gifted children ;
3. To set up a system, separate from fostering and adoption, which might be called educational To improve opportunities for family associations to express themselves as a group and as users of goods and services, by establishing local, regional and national consultation machinery ;
4. Migration To grant migrant workers, by legislation and in administrative procedures, the right to have their families (wives and children) join them in the host country, for example by abolishing visa requirements for spouses and children who are minors.