COMMISSION OF THE EUROPEAN COMMUNITIES

NATIONAL FAMILY POLICIES IN EC-COUNTRIES IN 1991

EUROPEAN OBSERVATORY OF NATIONAL FAMILY POLICIES

W. DUMON

with the collaboration of T. NUELANT and experts from members States: M.-Th. MEULDERS-KLEIN, J. FIERENS, V. PRUZAN, P.S. JORGENSEN, M. WINGEN, E. STUTZER, H. SYMEONIDOU, J.A.F. CORDON, J. COMMAILLE, M. VILLAC, G. KIELY, V. RICHARDSON, G.B. SGRITTA, A.L. ZANATTA, M. NEYENS, C. PRESVELOU, C. DE HOOG, A.M. BRAGA DA CRUZ, M. WICKS.

DIRECTORATE GENERAL FOR EMPLOYMENT, INDUSTRIAL RELATIONS AND SOCIAL AFFAIRS
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VOLUME II

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EUROPEAN OBSERVATORY ON NATIONAL FAMILY POLICIES 1991

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CHAPTER I. THE FAMILY DIMENSION OF THE FISCAL SYSTEM

BELGIQUE - BELGIE

In late 1988, radical fiscal reforms were introduced in Belgium, affecting the 1989 tax year (Act of 7 December 1988). The reform had two major goals : a) to bring down tax on personal income and b) to make the taxation system more sensitive to concerns for the family. Regarding the family dimension, four main components may be identified :

1) An end to cumulative imposition, i.e. *for fiscal 1990* (1989 earnings) and following, a husband's and wife's earnings would be taxed separately.
2) The introduction of "family parts", i.e. if a spouse has no income, or low income, 30% of the household's income are payable to him/her, with a ceiling set at 270,000 BEF.
3) Tax-exempt income levels were gradually raised as the number of dependant children increased. The rates are as follows : 35,000 BEF for the first child, +55,000 BEF for the second, +112,000 BEF for the third, +125,000 BEF for the fourth and following children. These amounts are automatically index-linked, which is a totally new departure.
4) Expenses for child care up to the age of 3 years become partly tax-deductible (80% of charges paid), with a ceiling set at 345 BEF per child per day.

Impact.

1) The main effect of the reform has been to reduce taxation on dual-income families. Owing to the incremental nature of the fiscal system, the net benefit of the reform has been substantial.
2) Furthermore, the new system has proved an incentive for both spouses to join the labour market as there is a tax reduction for child care.

3) Thirdly, these incentives are balanced out with the "family parts" system, or partial sharing. It is worth noting that it is the middle-income group which benefits most, i.e. earners in the 775,000-900,000 BEF bracket. Formerly, sharing was applicable even for income below 775,000 BEF; now, the ceiling has been set at 900,000 BEF (not index-linked). In fact, this has simply meant that the amount has been increased to keep up with inflation. Here, single-income families (read : husband in employ, wife not employed) benefit most.
4) In addition to favouring marriage by abolishing the discrimination between married couples and unmarried couples living together, the reform is beneficial to children in that tax-deductible amounts for children have been increased considerably and in such a way that the value thereof remains stable. This is even more important than linking them to the index.

Changes in 1991. No significant changes occurred in the area of direct or indirect taxation. However, harmonisation of VAT rates in the EEC brought about changes in Belgium applicable from 1 April 1992. This will probably have an impact on family consumption. It is too early to make any definite assessment on this.

DANMARK

In Denmark it is the individual who is taxed, not the families. No distinction is therefore made in tax matters between various forms of family relationships for the individual taxpayer. Thus families with children and other families pay taxes according to the same rules and generally the composition of the family is of no significance taxwise - for instance, whether there are one or two breadwinners or whether the children or parents are studying. Yet, not utilized tax reduction will be transferred between spouses.
In continuation of this concept children are taxed separately. However, children under 18, who are not or have not been married, have a lower personal deduction than individuals over 18.
Denmark has no special tax deductions for families.

Changes in 1991. In 1991 there were no changes.

DEUTSCHLAND

The Federal Republic of Germany has a long tradition of taking the costs of children into account as part of its fiscal system, through the mechanism of the so-called "kinderfreibeträge", i.e. a certain amount of income is tax free, pro child, and this from the first child on. Except for a period starting in the mid-seventies, till the early eighties, in which this system was suspended (being substituted by changes in the family allowances) it restarted in 1983, and the amounts were gradually raised.

Changes in 1991. The law on tax changes which came into effect on 1.1.92, raised the tax free allowance for each child from 3,024 DM to 4,104 DM per year. This additional reduction in the basic amount on which tax is calculated represents an increase of 57 DM a month take home pay for an average married wage-earner with two children (total monthly earnings : 3,900 DM). These improvements relate to two decisions in the 1990 judgement on the federal constitution, which required the minimum subsistence level for children to be kept tax free. A further decision which will be announced in the course of the first half of 1992 will affect the allowance of every adult tax-payer. Here again, a minimum subsistence level is to be tax free.

HELLAS

The basic framework for the taxation of income currently in force dates from 1955 (Law 3323/55). The various and diverse measures of tax reductions for families have been codified in 1988. The provisions related to the status of both the spouses and the children.

1. If both spouses have income, they are taxed separately. The tax corresponding to net income after the deduction of social security contributions is calculated (T_1) using the tax schedule provided by law. The system of allowances is based on setting tax-exempt sums. These amounts are summed up and the tax corresponding to the total allowance is calculated (T_2). The final tax liability is the difference ($T_1 - T_2$).
2. A progressive scale of allowances for the non-working spouse and dependent children has been established. 160,000 drachma for the spouse, an additional 160,000 drachma for each of the first and second children,

260.000 drachma for the third child, 400,000 drachma for the fourth child and 480,000 drachma for the fifth and each subsequent child.

3. In a family with two wage-earners, a tax-free sum of up to 390,000 drachma is allowed for documented household expenses, including the cost of clothing, the purchase or repair of motor cars, housing repairs, books, education, etc. This sum is increased by 130,000 drachma for each child (cost of education, child care and additional expenditure on the items listed above).
4. For each child in military service, the tax-exempt sum is raised by 65,000 drachma, and for each handicapped child to 470,000 drachma.

In Greece, cohabitation is not recognized, and so there are no relevant tax provisions.

Changes in 1991. No changes were observed in 1991. All the changes concerning 1991 were implemented in December 1990 (Law 1914/90). These changes were not related to the status or age of children and other dependents or to family composition, but concerned solely the tax-exempt amounts.

Impact. Because of the tax-from-tax deduction system (that is: the relief is applied after income has been taxed and the tax on relief deducted), tax relief of this kind is not of any great significance.

The only improvement in the situation concerned large families (with more than three children), while the real disposable income of other families was very little affected.

According to the most recent available (but unpublished) data from the Ministry of Finance (for 1988), the total amount paid out in family allowances was 13.8 billion drachma, while tax allowances for disabled tax-payers amount to 9.2 billion drachma.

ESPAÑA

Updating of fiscal benefits. The tax reform in Act 18/1991 of 6 June on taxation of natural persons' incomes ("Ley del Impuesto sobre las rentas de las personas físicas") will be implemented for the first time for 1992 (tax return of May-June 1993). No major changes have occurred in fiscal policy. Family tax deductions have not been altered and therefore remain at the 1991 levels.

Family tax deductions (Pta)

Grounds for reduction	1991 and 1992
Tax-payer aged 65 years and over	15,000
Dependant child	20,000
Supplement for disabled dependant child*	50,000
Dependant ascendant	15,000
Dependant ascendant aged 75 years and over	30,000
Supplement for disabled dependant ascendant*	50,000
Ceiling for child-care deductions	25,000
Ceiling for rent deduction	75,000

* In addition to other deductions

The only change made in 1992 was the stipulation concerning dependants' maximum yearly incomes, which in 1991 amounted to 681,000 Pta, an amount lower than the MIS (Minimum Interprofessional Salary) increased this year to 787,920 Pta, on a par with the 1992 MIS. Tax deductions and the other income restrictions were not updated for 1992. The maximum net income giving entitlement to child-care deductions is 2,000,000 Pta for separate income-tax returns, and 3,000,000 Pta for a joint return. The conditions for entitlement to the rent deduction are the same as for 1991: net incomes may not exceed 2,000,000 Pta for separate tax returns or 3,000,000 Pta for a joint return, insofar as the amount paid in rent does not exceed 10% of net income.

New tax-return rules. In 1991, married couples for the first time were able to choose between a joint tax return and separate returns. In the joint tax return, the cumulative earnings of both spouses are declared, but the tax scale is different in order to compensate for the increased amounts.

FRANCE

The fiscal schemes to help families stem from a period of implementation, 1938-1939 then 1945, of a genuine public family policy.

Thus the *family quotient* scheme was instituted in 1945. It involves breaking down taxable income (family benefits are not taxable) into the same number of shares as there are dependants :

- each parent is entitled to one share;
- each dependent child (1) half a share or a whole share if the parent is single, widowed or divorced;
- the third dependent child and subsequent ones are entitled to a full share each (however, the resulting tax benefits have a ceiling in some cases);
- widows and widowers with dependent children benefit from a further half share.

To the "family quotient" system various other deductibles on income are aggregated, *inter alia* :

- alimony which for the payer gives entitlement either to one share or deductibility of the alimony paid in cases where it is compulsory to do so;
- child care expenditure for children under the age of 6 years (single parents and couples in which both spouses have a job) : 25% of expenses paid with a ceiling of 15,000 FF.

Changes in 1991. For 1992, the Finance Act (Act n°91-1323 of 30 December 1991), applicable to tax *on income received in 1991*, provides for an increase of the income-tax slices proportionate to the price increases forecast for 1991, i.e. 3%. This proportion is also applicable to the ceiling on the tax benefit produced by the family quotient (ceiling raised by 3% and increased from 12,180 FF to 12,550 FF for each half share). Similarly, the abatement for each married child comprised in the parents' household has been increased from 21,450 FF to 22,100 FF.

As from 1 January 1992, any individual employing a wage-earner at home would be entitled to an income tax abatement of 50% of expenditure which has a ceiling at 25,000 FF per year (i.e. a maximum benefit of 12,500 FF per year). All households already employing or which will employ a wage-earner declared to the URSSAF may avail themselves of this advantage, whatever be the nature of the work done in the home (housework, child care, assistance to the elderly or the disabled ...). This further tax reduction may be aggregated with the present reduction for child care outside the parents' home (nurseries, kindergarten teacher ...). For the expenses comprised in this tax abatement, in addition to the amounts paid for employing a wage-earner working at the tax-payer's place of

(1) The following categories are considered to be dependent children : any child under the age of 18 years; single unmarried children over the age of 18 and under the age 25 years if they are studying; children of whatever age if they are handicapped; children doing their military service.

residence, the following are also taken into consideration : the amounts paid either to an approved association providing home-help services, or a non-profit home-help organisation, qualified for social work or recognised by a social-security agency.

Impact. The French family quotient system is the subject of much debate, even in France : emphasis is placed on the novelty of this scheme as compared to most of the other OECD countries (and also Luxembourg). It is either applauded for advocating horizontal fairness, particularly for families with average or high incomes with children, or, it denounces what would appear to be some of the drawbacks (for example, major benefits for large families already enjoying some form of assistance).

IRELAND

Changes in 1991. In keeping with the Government's policy of gradually reducing the rates of taxation to reach 25% for the standard rate, the standard rate and the top rate were reduced by 1%. This brought the standard rate down to 29% and the higher rate to 52%. In addition, the first tax band was increased by £ 400 for a couple and £ 200 for a single person (i.e., the amount of taxable income at the lower rate was increased). There were small increases ranging from £ 50 to £ 100 for some tax-free allowances.

The nett cost to the exchequer of these changes was IR£ 70.9 million (Budget 1991 p. 104). The benefits of these changes are greater in real terms for families with high incomes, as can be seen by the examples cited in Budget 1991, i.e., a married couple with an income of IR£ 16,000 will gain up to £ 137; while a married couple with an income of £ 20,000 will gain up to £ 254. The Budget estimated, however, that the income taxation changes combined with wage agreements in the Programme for National Recovery would result in a 4% increase for PAYE (Pay as you earn - i.e. income tax deducted at source by employer) workers on the average industrial wage, and that proportionately, low paid workers with families would benefit most (Budget 1991, p. 29).

Tax exemption limits were increased from amounts of £ 150 to £ 200. This included increasing the amount for third and subsequent children from £ 300 to £ 500. These changes are of real value as they now mean, for example, that a married couple under 65 years (the rates increase for people over this age) with

three dependent children have a tax exemption limit of £ 7,900 per annum (IR£ 152 per week). (A couple on long-term unemployment assistance with three dependent children would receive £ 156.70 per week.)

Extra allowances were introduced for widowed people with dependent children, in the three years following the death of a spouse. These allowances are in addition to one parent allowance and consist of £ 1,500 in the tax year after the death, £ 1,000 in the next year, and £ 500 in the third year.

ITALIA

Fiscal benefits for family members are regulated by the *Testo Unico delle imposte sui redditi* (Income Tax Code), approved by decree of the President of the Republic (December 22 1986, n.917).
Two types of benefits can be distinguished : tax allowances (i.e. reduction or discount of the taxation) and fiscal deduction (i.e. earned income and/or benefits which are not subject to taxation).
Tax allowances are provided for dependent members of the family. One is considered as "dependent" if during the previous year one's annual income has not exceeded the gross amount of 4 millions lira. In 1991 the amount of tax exemption for a dependent spouse equals 719,336 lira. The amounts for dependent children vary according to family situation and parity (rank of the child). In two-parent families tax exempt income amounts to 83,107 lira for each child.
In one-parent families the tax exemption amounts are substantially higher. They equal the amount of the dependent spouse plus the double of the amounts for dependent children (minus the amount for one child). The formula reads : AnCop = AS + 2(nAC-AC)*.

The tax allowances provided for dependent children is granted simultaneously to both parents (even if separated or divorced). In specific situations the fiscal detraction is allotted to one of the parents only, however, the amounts are then doubled.
As dependent children are considered the minors and the children up to the age of 26 (if they are students) or up to any age for permanent disabled children.

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* A = amount; n = number; C = children; Cop = Child in one-parent family, S = spouse.

As to *fiscal deductions*, they consist of all expenditures which one is entitled to deduct from income. These deductions normally relate to profession linked expenditures. They ordinarily extend to other family members if they concern health expenditures (for specialised medical treatment) and education expenditures (from secundary senior school on).

Changes in 1991. In 1991 there were no substantial changes in the system of fiscal provisions. Only the amounts were changed (Decree of the President of the Council of Ministers, 30 September 1991, art. 2). The amount of the income threshold in order to be considered as dependent was raised from 4 millions lira (1990) to 4.8 millions lira; the amount of the tax deductions for dependent children was raised from 48,000 lira yearly to 83,107 lira (6,925 lira per month); the amount of tax deduction for every other dependent person in the family was raised from 101,856 lira (1990) to 115,093 lira.

Impact. The Italian expert in the Observatory characterizes the economic impact of the measures as marginal. This assessment is based on the disproportion between the exemption granted and the real costs of children.

GRAND-DUCHE DE LUXEMBOURG

The new legislative measures of December 6th, 1990 have largely modified the Luxemburg fiscal system. This change was effected under the explicit objective : that marriage no longer should be discriminated compared to other forms of cohabitation; secondly that female employment should be encouraged and thirdly, that tax relief for dependent children should be focused on modest income families.
The new legislation distributes tax payers over three classes, according to marital situation and age. Taxes are progressive, i.e. tax allowances or tax exemptions are higher for married couples than for singles or demarried persons. The classes are grouped as follows : Class 1 encompasses singles, divorcees and separated persons below the age of 65; Class 1a : the same groups having dependent children and/or aged over 65. Class 2 encompasses married couples; they are taxed collectively.

The collective tax was introduced in Luxemburg in 1913 and has been maintained ever since. However, in 1967 the system of splitting (or "quotient conjugal") was introduced with factor 2, i.e. that income of one spouse or incomes of

both spouses are added up and then divided by two. The new law has maintained this system, although the Economic and Social Council has advised otherwise by advocating an individual taxation system. In order to counter the criticism and in order to ease the discrimination of two-earner families versus one-earner families, an extra professional tax allowance was introduced. This allowance amounts to 180,000 F.Lux. There is not any disposition granting fiscal allowance for the dependent spouse, e.g. for a spouse staying home to take care of the children.

Tax allowances for children. Tax allowances for children are granted according to three criteria : a) whether or not the child lives at home; b) according to the income group of the parents and c) according to the composition of the family (one-parent versus two-parent family). A child is a dependent person up to the age of 21 or up to any age if still in training or education; before the reform the age limit was 27.

For children living at home and in modest income families, the tax allowance amounts to 225,000 F.Lux per child. As modest income families are considered : one-parent families with an income below 768,000 F.Lux and two-parent families below 1,467,000 F.Lux. It means that these families are tax free by having 3.5 and 7 children respectively. For all other income groups the tax allowance amounts to 67,200 F.Lux per child (i.e. 5,600 F.Lux a month).

For children not living at home, all extra costs relating to maintenance and education can be deducted from taxable income, up to a ceiling of 135,400 F.Lux (i.e. 11,283 F.Lux a month).

Impact. 1) Due to the splitting the tax system is favourable for one-income families. 2) As far as children are concerned, the lower and the higher income groups are favoured over the modest and middle incomes (between 60,000 à 145,000 F.Lux a month). Since tax allowances are fixed amounts, whereas taxation scales are progressive, the higher the income, the higher the profit. The French demographer Calot has documented that the highest income group are relatively the least disadvantaged. 3) However, in general, one can state that the fiscal reform has increased the disposable income for most families. In order to counterbalance for charges due to dependent children, the reform should be complemented by an upgrading of the child allowances, more particularly so for families who did not benefit from the fiscal reform.

NEDERLAND

As of January 1, 1990, important changes have come into effect regarding tax on earned and unearned income. All previous tax allowances have been discontinued. The new system divides tax payers into six categories based on two criteria : a) household situation, b) income. The individual income is the base for taxation. In principle any income earner gets a *tax free allowance*. In 1992 : H.Fl. 5,225. A married person can transfer tax-free allowance to his/her spouse/cohabitee under special conditions (when the other spouse/cohabitee has no income or earns an income below the tax-free allowance). The same provision is applied to cohabitees subject to some additional restrictions regarding, for example, duration or cohabitation (one year at least), and age limits.

One-parent households benefit of an additional tax-free allowance if they support a child below the age of 27. If the income-earner is employed and supports a child younger than 12 years he/she is entitled to additional tax-free allowance equal to 6% of the earned income cealed up to H.Fl. 4,180. The annual maximum free-tax allowance of one-parent families when all entitlements to deduction are added may amount up to H.Fl. 13,585 (1992).

Tax deductions to families/households. Tax deductions related to family situations are as follows :

- alimony to the former spouse(s) (woman or man);
- high expenses due to sickness, diability, adoption or childbirth if these are not refunded by health insurance or other insurance scheme. Deductions are linked to income. In 1991 deductions varied between H.Fl. 2,485 and H.Fl. 10,353 depending on income bracket (or a percentage of the income);
- the taxpayer (his/her spouse or partner) is attending school or is receiving professional training;
- the taxpayer contributes to the subsistence costs of own children under 27 years for whom no child allowance is due (for example, when children are staying with former spouse), and the child is not entitled to receive a study grant provided under the 18 years or more Study Financing Act. Deductions are granted only if contribution to child subsistence costs amount to H.Fl. 56 or more per week insofar that this payment can be prove;
- the taxpayer can prove the remittance of money to nearest relatives to cover subsistence costs of these. As nearest relatives are considered :
  - children aged 27 or more (from own marriage, step children and foster children). Deductions depend on age and vary between H.Fl. 440 (for

children younger than 6 years) to H.Fl. 1,875 (for children between 18 and 27 years)
- grandchildren or greatgrandchildren
- parents (also stepparents or foster parents)
- grandparents
- brothers and sisters and their wives and husbands
- half-brothers and half-sisters and their wives and husbands

(Ministry of Finance, 1991).

In 1991 parents are allowed to donate an amount of H.Fl. 6,999 each year to their children in the age bracket 18-35 years. In addition an amount H.Fl. 34,996 once-only, tax free, is allowed.

Changes in the 1990-1992 period. In 1992 no correction due to inflation is given to taxpayers. The tax-free allowance was raised from H.Fl. 4,568 (1990) to H.Fl. 5,225 (1992).

Impact. The main objective of the 1990 tax reform was simplification. But the tax system in the Netherlands is still complicated. The tax deductions are disproportionally affection some higher income groups.

PORTUGAL

In 1989 the fiscal policy of Portugal drastically changed under the style of the necessity to harmonize the fiscal policy with the European Community. Two categories are distinguished : a) individual persons, b) households. Families are narrowly defined as husband and/or wife with or without children. Children are regarded as dependent if they are below the age of eighteen, having no income or having income administrated by the head of the family. For handicapped children there is no age limit, provided that they are incapable of finding means of existence and/or that their income remains below minimum wages.

Tax allowances amount to 25,500 $ (escudos) for each non-married individual; 19,000 $ for each married individual and 14,000 $ for each dependent person. Moreover, from taxable income one can deduct all costs for health (individual) as well as for dependents. Other expenditures relating to education, institutional care for aged and housing, are tax deductible, with a ceiling of 120,000 $ for singles and 240,000 $ for families.

Impact. The new fiscal law aimed at consolidating all taxable income, whether earned or non-earned, was not primarily family focused.

UNITED KINGDOM

At the beginning of the 1990-91 tax year, new provisions for the taxation of husbands' and wives' incomes came into force. These were primarily intended to give wives greater independence in their tax affairs. The income of husbands and wives began to be taxed separately. Husbands and wives became entitled - like unmarried people - to a personal allowance which in 1990-91 was £ 3,005. Unlike the old wife's earned income allowance this could be set against earned and/or unearned income. In addition, married men are entitled to a "married couple's allowance" (£ 1,720 in 1990-91) which effectively means that they are still entitled to the equivalent of the old married man's allowance. If this allowance is higher than the husband's income, the excess can - on a claim by the husband - be set against the wife's income.

Changes in 1991. The Budget of March 1991 froze married couple's allowance and additional single parent's allowance at their 1990 rates (i.e. £ 1,720). For pensioners, personal allowances and married couple's allowances were both increased in line with inflation.

In terms of policy debate, the Centre For Policy Studies recommended a gradual introduction of child tax allowances and/or the scrapping of married couple's allowances.

CHAPTER II. FAMILY BENEFITS

I. FAMILY ALLOWANCES

BELGIQUE - BELGIE

Family allowances are paid for all children. However, the amounts depend on the employment status of the parents (i.e. their social security scheme). The main inequality, which still exists even in 1991, is for the first child: the allowance is 2,200 BEF per month for wage-earners as opposed to 325 BEF for the self-employed.

Family allowances vary as a function of the child's status: they increase with the child's age group, its family ranking and in cases where the child is officially recognised as being disabled, or is an orphan. Finally, the amounts vary as a function of the beneficiary's status (increased allowances for the children of unemployed or retired parents).

The Act of 22 December 1989 made entitlement to family allowances and the competence of allowance funds quarterly. This scheme enhanced continuity of payments, even if the beneficiary's status changed. Guaranteed family allowances, however, were excluded from quarterly entitlements.

Changes in 1991. Since 1 July 1990, the amount granted for a second child, in the self-employed scheme, has been aligned on the amount payable under the wage-earners' scheme.

	1990		1991	
	Wage-earners	Self-employed	Wage-earners	Self-employed
Ordinary allowances				
1st child	2,264	659	2,451	714
2nd child	4,190	3,891	4,535	4,535
3rd and following children	6,255	6,255	6,791	6,791
Orphan's allowance				
Per child	8,698		9,416	
Allowances for the children of disabled workers				
1st child	4,744		5,135	
2nd child	4,905		5,308	
3rd and following children	6,381		6,907	
Supplementary allowance for disabled children				
Per disabled child :	10,186			
0 to 3 points			11,026	
4 to 6 points			12,069	
7 to 9 points			12,093	
Allowance for the children of unemployed* and retired parents (as from 7th month)				
1st child	3,293	1,208	3,699	1,444
2nd child	4,905	4,906	5,308	5,308
3rd and following children	6,381	6,379	6,907	6,907
Age supplements				
Child aged 6-12 years	787		852	
Child aged 12-16 years	1,164		1,301	
Over 16 years				
1st child	1,209		1,372	
2nd and following children	1,411		1,591	

* Applicable only under the wage-earners' scheme.

The allowances payable for disabled children used to be the same whatever the type of disablement. Now the allowances have been adjusted as a function of the seriousness of the disablement and the care required for the child. Pathologies not included under the former law (e.g. cystic fibrosis) have been added. The extra amount will vary between 10,809 BEF and 12,649 BEF per month. The new Act came into force on 1 April 1992. It affects 25,000 children.

The amount of 375 BEF per month and per family withheld (instituted by Royal Decree n°228 of 9 December 1983) was done away with under the Act of 20 July 1991. However, the amount withheld has been converted into a supplementary social-security contribution the percentage of which may not exceed 0.7%. However, in excess of gross earnings of 53,371 BEF per month, the 0.7% contribution does exceed 375 BEF.

The possibility of linking the entitlement to the very status of the child as a dependant, without referring to the beneficiary, is still pending. However, it appears unlikely that any reforms will be implemented in the near future.

DANMARK

In 1987 a *special benefit* for families with children was introduced. This benefit is given to all families with children and is graduated according to the child age group (0-6 or 7-18). This allowance is unrelated to income and taxfree. In 1991 the annual benefit amounted to Dkr. 7,500 per child (0-6 years) and Dkr. 5,700 per child in the age group 7-18 years.

Changes in 1991. The family benefit was debated on a political level in April 1991. A political agreement was reached concerning family benefits and the maintaining of this benefit as a fiscal and not a social measure (against graduating the family benefit according to income). The explanation is that families with children are less able to pay taxes than families without children. This viewpoint is still dominating. Changes have been taking place with reference to age criteria and amounts.

DEUTSCHLAND

Statutory child benefit (as direct payment) was first introduced after the war in 1955, initially for third and subsequent children only, and gradually over subsequent decades for the second and first children. In the beginning these payments were financed in the main by earnings-related contributions from the economy. However, when payment for the second child was introduced in 1961, this was paid for out of the general domestic economy. Shortly after this, the entire child allowance was borne by the federal fund. The administrative arrangements (with the exception of public agencies) set up child allowance funds, under the auspices of the federal ministry for work and its regional offices.

As of 01.07.1990, the increase in child benefit for the second child agreed in 1989 came into effect. Parents (either parent may avail of the legal right to the child allowance, depending on individual choice) receive 130 DM a month for the second child (this is earnings-related; regardless of income, a basic sum of 70 DM is paid) instead of, as previously, 100 DM (similarly earnings-related, with a basic sum of 70 DM). The child benefit for the first child rises from 50 to 70 DM a month and the child supplement for claimants on low incomes, who cannot benefit from the tax allowance for children, is raised from 48 DM to a maximum of 65 DM a month.

The following are the current regulations for child benefit (31.12.1991).

1st child : 70 DM
2nd child : 130 DM (earnings-related, with a basic sum of 70 DM)
3rd child : 220 DM (earnings-related, with a basic sum of 220 DM)
4th and subsequent children : 240 DM (earnings-related, with a basic sum of 140 DM).

HELLAS

Family allowances were introduced in 1959. In the public sector allowances are paid until the child reach the age of 18 years or, if she/he continues in full-time studies, until the age of 24 years. The benefit is calculated in relation to the income grade:

	grade 13 (40,000 drachma)
- first child : 5%	2,000 drachma
- second child : 5%	2,000 drachma
- third child : 10%	4,000 drachma
- fourth child : 13%	5,200 drachma
- fifth and each subsequent child : 20%	8,000 drachma

The Workforce Employment Agency Allowance (OAED) is paid to employees in the *private sector*, with children under the age of 18 years, prolongued untill the age of 22 years if the child continues in full-time studies. The amounts vary according to the income-groups.

- annual family income between 0-1, 150,000 drachma first child : 920 drachma, second child : 2,250 drachma, third child : 3,750 drachma, fourth child : 1,080 drachma;
- annual family income between 1,150,000 - second child : 1,750 drachma, third child : 4,000 drachma, fourth child : 1,000 drachma;
- annual family income between 1,450,000 - 1,750,000 drachma : first child : 625 drachma, second child : 1,425 drachma, third child : 3,790 drachma, fourth child : 580 drachma;
- annual family income more than 1,750,000 drachma : first child : 625 drachma, second child : 1,425 drachma, third child : 1,870 drachma, fourth child : 1,420 drachma.

Allowances are taxed in Greece.

For each child after the fourth a sum of 1,500 drachma, without restriction, is added to the allowance paid for each income category.

As of 1 January 1991 (Law 1892/90, art. 63) two new family allowances were introduced. These are the allowance for the third child and the allowance for large or single-parent families (with three children). Such allowances are usually paid to the mother.

The allowance for the third child consists of a monthly payment of 34,000 drachma paid for all the children in the family (of Greek nationality) until the third child reaches the age of three years. It was intended that this allowance should be of a sum equal to the minimum wage for an unskilled worker, and this was indeed the case for 1985, when the measure was proposed by the Society for Demographic Studies. Today, however, the montly wage of an unskilled worker

is 83,000 drachma, and consequently the allowance has fallen far behind its target.

Mothers officially classed as having 'large families '(i.e., whith more than four children) and unmarried, widowed or divorced mothers with at least three children, receive a montly allowance equal to one and a half times the daily official minimu wage of an unskilled worker (1990 : 4,677 drachma) multiplied by the number of unmarried children aged less than 25 years, and continue to receive this allowance until they cease to have unmarried children under the age of 25 years.

These allowances are paid to mothers by OGA regardless of other allowances, wages, pensions, salaries, fees, compensation, etc. they may receive.

Since 1.1.1972 (Law 1153/72), OGA has held authority from the Ministry of Health, Welfare and Social Security to grant family allowances for demographic reasons. However, these allowances have remained at very low levels (500 drachma per month for the third child, 750 for the fourth and 1,000 for the fifth and each subsequent).

ESPAÑA

The family-allowance scheme for dependant children was completely overhauled by the Act on non-contributory allowances of 20 December 1990 (*Ley 26/90 de Prestaciones no contributivas*) which came into force in 1991.

It is worth recalling that this Act introduced several novel regulations. It extended entitlement to an allowance for dependant children to all legally recognised residents in Spain (workers whether registered or not with Social Security) and made payment subject to a means test (maximum income 1,000,000 Pta in 1991 and 1992), varying according to the number of children (15% income ceiling increase per dependant child). The amount of the benefit, now 36,000Pta per dependant child, was multiplied by twelve, to compensate for the freeze on benefits which had lasted some twenty years. When earnings before benefits exceed the maximum set as a condition for entitlement, although not reaching an amount equivalent to the aggregate maximum earnings and allowances to which the number of children would give entitlement, the total benefits paid are reduced to the difference between the two (to every dependant child there corresponds an average per child of the amount paid).

Income ceilings for the payment of dependant-child allowances (in 1991-1992)

Number of dependant children	Maximum income (full allowance)	Maximum income* (partial allowance)
1	1,000,000	1,036,000
2	1,150,000	1,222,000
3	1,300,000	1,408,000
4	1,450,000	1,594,000

* Incomes for which no payments are due.
Allowances below 3,000Pta unpaid : thus, this maximum is in fact lower.

In addition, there are also the benefits for disabled children not subject to any means test.

It is worth noting that only allowances for disabled dependant children aged over 18 years have been altered. The allowances for dependant children under the age of 18 years have, in real terms, gone down owing to the fact that the increase in the cost of living forecast for 1992 is 5.7%.

Incapacitation	< 18 years	> 18 years	
	1991 and 1992	1991	1992
< 33%	36,000	0	0
33% to < 65%	2 x 36,000	0	0
65% to < 75%	ditto	8.66 x 36,000	10 x 36,000
75 and +	ditto	ditto	15 x 36,000

FRANCE

Stemming from a genuine public family policy instituted in the years 1938-1939 and then 1945, *family allowances* (allowances paid for children) are calculated as a function of the "monthly basis for family allowances" (BMAF) up-rated twice a year (the BMAF amounted to 1,905.20 FF as on 1 January 1991 1,920.44 FF on 1 July 1991). Family allowances are granted without any means test *as from the second child* and they increase with the number of children. They also increase

with the child's age (from 10 to 15 years and 15 years and over). The allowances are paid until the age of 18 years or 20 years, in the event of continuation of studies, vocational training or an apprenticeship, a serious infirmity or when a girl devotes herself to housework and the upbringing of a brother or a sister in cases where the mother is unable to do so. On 1 July 1991, the monthly family allowances were :

- 615 FF with 2 dependant children
- 1,402 FF with 3 dependant children
- 2,189 FF with 4 dependant children
- 787 FF per additional dependant child.

The increases amount to :

- 173 FF for children between the age of 10 and 15 years
- 307 FF for children over 15 years of age.

Entitlements in addition to the family allowances under the "ordinary scheme" are granted :

- for single parents : *single parent allowance* subject to a means test, designed to complement in full or in part the resources of a person who is single, widowed or separated, and alone to assume the burden of one or more children, or a pregnant woman with no dependant children in order to provide them with a minimum family income. The amounts on 1 July 1991 were :
  . 3,841 FF for a woman alone with one child
  . 4,801 FF for woman alone with 2 children
  . 960 FF for each extra child
  . 2,881 FF for a pregnant woman with no children.
- in the event of the child, including the first child, being a partial orphan (of only one parent : 432 FF per child) or a total orphan (of both parents : 576 FF per child) or the child of a single parent : *family support allowance*
- in the event of the child, including the first child, being disabled physically or mentally : *special education allowance*, the amount of which varies according to the degree of disability. On 1 July 1991, the amount was 615 FF for a disabled child; 1,383 FF (supplement for continuous assistance); 461 FF (supplement for partial assistance).

Family entitlements also comprise a *"family supplement"* which is granted after a means test (1) to families with at least 3 dependant children all aged over 3 years. The monthly amount is set at 41.65% of the BMAF, i.e. 800 FF as on 1 July 1991.

To these entitlements, should be added the allowance for infants (see relevant heading), the allowance for the new school year (see relevant heading), the parental upbringing allowance (see relevant heading), housing allowances (see relevant heading), the allowance for home child-care (see relevant heading), assistance for a family employing a qualified infant assistant (see relevant heading). All of these entitlements are non-taxable.

IRELAND

The childrens allowance scheme (called child benefit in Ireland) was first introduced in 1944 and payable to third and subsequent children on a means tested basis. The allowance was subsequently extended to first and second children and no longer means-tested. For a period up to 1974 the allowance was subject to tax. Now family allowances are tax free and given for all children. There is a supplement for the fifth child and additional allowances exist for multiple births and for handicaped children.

Changes in 1990. The rates of payment for child benefit were increased by 5% in 1990. This was the first increase in these rates since 1986.
In 1989 the Government announced its intention to means test this allowance, but there was strong public reaction which resulted in the Government dropping the idea. There was no further official move to do this in 1990. Public debate on

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(1) Income ceilings on 1 July 1991 :
- for a household with only one occupational income or for a person alone : 135,768 FF (3 children), 158,396 FF (4 children), 22.628 FF (for each additional child)
- for a household with two occupational incomes : 166,084 FF (3 children), 188,712 FF (4 children), 22,628 FF (for each additional child).

In the event of resources exceeding these ceilings to certain extents, it is possible to be granted a differential supplement.

the issue is on-going and includes the issue of taxing this benefit. There appears to be little public support for the idea and the Trade Unions in particular are opposed to it.

Changes in 1991. There was no increase in the rates paid in child allowance, except to pay the higher rate of £ 22.90 per month to the fourth and subsequent children, from October 1991. Up to that date the higher rate applied only to fifth and subsequent children. There was no significant or new debate on child allowances in 1991.

Impact. Although the level of benefit is low, child benefit is of real value especially to less well off large families. The benefit also provide an independent income for mothers.

ITALIA

The system of family allowances operates actually in two different ways, according to the category of the subjects involved. On the one hand, dependent (or salaried) workers; on the other, self-employed workers (if retired or farmers; only in the autonomous Regions Sardegna and Sicilia they are extended also to the craftsmen).

In general, the function of the family allowance system is to adjust a salary, pension, or other social security allotment (e.g. unemployment benefits, annuities, salary adjustments) by a sum linked to the number of family members and overall family income. This system, along with the fiscal (tax) detractions for dependents, implements the policy of economic assistance for families. For almost all private enterprise employees and retirees, the family allowances are handled by INPS (National Social Security Pension Scheme), the largest social security agency, through a special Family Allowance Fund. The employees of the public administration receive their family allowances directly from their respective employers (e.g. State, public agency, etc.).

Up until the beginning of the 1980's family allowances were paid out at a fixed amount independently of family income levels (19 760 lira a month for every dependent child). Laws passed in 1984 and 1986 then changed the system so that families most in need received larger amounts and coverage was progressively reduced to the point of termination once certain income levels were

exceeded. These limits are re-evaluated every year in relation to the "programmed" rate of inflation. These limits are different (more favourable) in specific family situations, like - for instance - widowhood, legal separation, disability of one of the members of the family, etc.

The family-allowance system is somewhat different according to the position of the head of the household :

- for the *self-employed* the amount of the allowance is 19 760 lira a month for every dependent child, but it is allotted only to the self-employed who are retired and to the category of the farmers. Its amount has remained unchanged since many years. Family allowances are allotted for the spouse (whose own income, as stated above, does not suprass a certain level) unless legally separated; for children and the like (brothers, sisters, etc. of the head of the household) up to 26 years of age if university students; for parents and the like (whose income does not exceed a certain level).
- as to *salaried workers*, since the reform of the 1988 (art. 2, law n. 153, 13 May 1988) they have been granted the so-called *benefit for the family nucleus* (assegno per il nucleo familiare). The amount of this benefit varies according to the number of family members and to the family income of the previous year. Children with more than 18 years of age are not considered as dependent.

Changes in 1991 : none as regards the system in itself; some adjustments as regards the amounts of the benefits for the family nucleus.

Impact. All else being equal, the amount of the benefit for the family nucleus is more favourable in respect to the number of family members and the amount of family income. The income of the family, however, has to be composed - at least for the 70% - of salaries.

As to the *assegno per il nucleo familiare* (for salaried workers), it must be said that the new system has certainly introduced some amelioration in relation to the previous situation, especially for families with many children and for families with an income comprised between 12 and 20 millions lira. It is generally accepted, however, that the transfer benefits provided through these channels to the family are relatively meager. Moreover, since 1988 it has lost its previous universalistic character and has been paid only on the basis of income, thereby becoming a welfare assistance measure, albeit one which is a little more generous. For families just above the income threshold established for the

allowance (benefit), this represents undoubtedly an income loss. Another limit of the benefit for family nucleus is that it is granted only to the relatives of salaried workers or retired workers (previously salaried), exclusing therefore the relatives of family-heads who are disabled, social (assistance) pensioners, unemployed or self-employed.

Economic analyses of the monetary transfers granted to the family, either as fiscal detractions or as family allowances, have undoubtedly demonstrated the *penalizing* character of these transfers especially with respect to larger families. It may be questioned if the present systems of family allowances and family nucleus benefits cover adequately the needs of these families.

In any case, there is a deep gap between the "spoken policy" of the political representatives and the real attention that policy programmes lend to the family. In these conditions, it is not a surprise if in its *Second Report on Poverty in Italy* (1) the Poverty Commission revealed that in the last years (1983-1988) the proportion of poor families increased from 10.8% in 1983 to 13.9% in 1988 in families with four members, from 16.8% to 19.1% in families with five members, and from 24.3% to 25.4% in families with six or more members.

GRAND-DUCHE DE LUXEMBOURG

Since the 1985 reform, *children* have been entitled to family allowances. However, until the children's majority, the family allowances are paid to the parents if the children are brought up in the common household or to the father, mother, natural person or legal entity who/which has custody.
It is worth noting that family allowances are tax-exempt. They are not included in the parents' taxable income or for social security subscriptions.
Family allowances, as is the case for other family entitlements, are tied to the cost-of-living index.

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(1) Commissione Nazionale di Indagine sulla Povertà e l'Emarginazione, *Secondo Rapporto sulla Povertà in Italia*, Angeli, Milano, 1992, tabl.1.17, pag. 49).

The monthly amounts payable for family allowances at the present time are as follows :

- for one child	1,988 FL
- for a group of two children	6,062 FL
- for a group of three children	13,336 FL
- for each subsequent child	5,965 FL

The increases amount to : - 100 FL (n.i.100) i.e. 484 FL for children between the age of 6 and 12 years; - 300 FL (n.i. 100) i.e., 1,454 FL for children over 12 years of age.

There is also a *special allowance*, granted in addition to the other allowances, for *disabled children*. It amounts to 1,988 FL per month. It is granted to any child aged less than 18 years of age having a disability of at least 50% involving a permanent deficiency or reduction in physical or mental capacity.

Finally, the *child-rearing allowance* has two purposes :
- to grant parents in the home minimum income compensation to bring up one or more children until the age of 2 years;
- to grant financial assistance to low-income parents, particularly for single-parent families.

The child-rearing allowance amounts to 9,699 FL per month, however many children there may be in the household. The allowance may not be cumulated with the maternity allowance.

The child-rearing allowance may be claimed by any person who :

1) is domiciled in the Grand-Duche of Luxembourg and actually resides there;
2) is bringing up in his/her home one or more children aged under two years, for whom the applicant or his/her spouse living with him/her in the same household receives family allowances as long as they fulfil the conditions relating to family allowances;
3) is principally involved in rearing the children in the home and has no professional activity;
4) or does not enjoy any substitute income, or who, while exercising some professional activity, has, jointly with his/her spouse from whom he/she is not separated or the person with whom he/she is living in a domestic community, an income, less the social security subscriptions, not exceeding :
   - 3 x the minimum reference wage if he/she is rearing one child,
   - 4 x the same reference wage if he/she is raising 2 children, and
   - 5 x the same reference wage if he/she is raising 3 or more children.

Changes in 1991. An Act of 24 April 1991 raised the family allowance age limit from 25 to 27 years of age.

As family allowances are tied to the cost-of-living index, the amounts are increased (the cost-of-living index was 484.97 at November, 1st, 1991).

Impact. With the fiscal reforms published in December 1990 and applicable to 1991, some people not paying tax were unable to take full advantage of the reforms or even not at all.

Many opinions were expressed on this subject when the 1991 budget estimates were under discussion.

The "Finance and Budget Commission", in its report dated 28 November 1990 on the Bill on the State's revenue and expenditure for fiscal 1991, noted that :
"As regards material aid for families, the Commission recalled that the available income of a large proportion of households would increase as from 1 January 1991 on account of the tax reforms. It is obvious that the middle- and high-bracket income families will enjoy the greatest benefit (in absolute figures) from the fiscal measures, whereas the low-income families, paying little or no tax will only benefit slightly. (...) Owing to the fact that the tax reforms, especially the fact of taking account of dependent children, only partially met the Government objective of helping modest wage-earners, the Commission (...) *is of the view that a major and selective adaptation of family allowances* (depending on income and age bracket) *should be achieved as soon as possible*, all the more so as the National Family Benefits Fund has the requisite financial assets (p. 94 and 95 of Parliamentary doc. n° 3430,3).

In a Cabinet declaration on the economic, social and financial state of the country, the Prime Minister, speaking in Parliament on 18 April 1991, said : "The recent fiscal reforms have made it possible to increase the available income for most families. These reforms will now have to be complemented by *an increase in family allowances* of benefit *inter alia* to low-income families with dependent children".

Despite these statements, no major changes occurred in 1991 in respect of national legislation on family allowances. The year 1992 will certainly be a family policy year regarding family benefits.

NEDERLAND

Households with children up to 17 are entitled to receive child allowance. Above the age of 17 child allowance is payable under certain conditions for unemployed school-leavers till the age of 21; for children aged between 16 and 25 carrying out domestic work and for students till the age of 25 if they are not entitled to student grants.

Child allowance is paid quarterly. The amount due depends on the age of the child, the size of the family, the living place (at home or away) and the living condition.

In the Netherlands the question to increase considerably child allowance is still debated. The increase for 1992 was 2.65%, in July 1992 new increases will take place. The additional quarterly allowance will be maintained, increases of this allowance are also possible. However these various adjustments of child allowance did not follow the inflation rate of 1991 (4%).

Changes in 1991-1992. In the 1991-1992 period an additional allowance has been paid to all beneficiaries. In 1992 claimants get automaticly this payment, a quarterly application form is not necessary any more.

Child allowances per quarter (as of 31/12/1991)

Families with	Age of the child			
	0 to 6 70%	6 to 12 100%	12 to 18 130%	Extra allowance per quarter
1 child	268.67	383.81	498.95	22.61
2	322.00	460.00	598.00	45.22
3	339.77	485.39	631.01	55.64
4	372.18	531.69	691.20	66.06
5	391.62	559.46	727.30	76.48
6	404.56	577.94	751.32	86.90
7	413.84	591.20	768.56	97.32
8	430.20	614.57	798.94	107.74

Source : Social Insurance Bank, 1991.

PORTUGAL

Family allowances, like all family entitlements, are adjusted to the cost-of-living index each year. All school-aged children, up to the age of 24 years if they are angaged in further education, are eligible for *family allowances*. In 1991, the montly amount is 2,000 $ (escudos) for each child. The allowance for the third child is 3,000 $ (escudos) if family income is lower than one-and-a-half times the national minimum wage.

UNITED KINGDOM

The child allowance is paid to the mother, regardless of her marital status, for any child under 16, or until 19 if he or she is pursuing studies or professional training. This benefit is increased for disabled children and for orphans.

Changes in 1991. Following a three year freeze on child benefit rates, the Government announced in October 1990 that, as from April 1991, the child benefit rate for the first child would be increased by £ 1 per week, bringing child benefit for the first child to £ 8.25 and for the second and subsequent children to £ 7.25. This was the first time that a distinction had been made between the first and subsequent children. In March 1991 these rates were increased again (with effect from October 1991) adding a further £ 1 for the first child and 25 p for subsequent children. Rates currently stand, therefore, at £ 9.25 for the first child and £ 7.50 for the second and subsequent children.

The Chancellor of the Exchequer announced that in future the level of child benefit would keep pace with prices.

In a debate in the House of Commons on 27th February 1991, the Secretary of State for Social Security reinforced the Government's insistence on seeing child benefit in the wider context of other social security measures :

> "Historically, there has always been a link between child benefit and other benefits for children... We therefore propose to make further regulations to be laid before Parliament in due course to ensure that the general principle, that benefit rates for children should be based on the overall level of child support, continues to apply. We propose that benefits payable under the Social Security Act 1975 in respect of children be adjusted where the

child in question is one for whom the increased rate of child benefit is payable" (Hansard, HC, 27/2/91, column 988).

The continuing existence of child benefit, alongside other benefits such as Family Credit, was then outlined again in a Parliamentary debate on the subject on June 25th. The Opposition Labour Party argued that although rises in child benefit were to be welcomed, in real terms levels had not risen sufficiently to overcome the three year freeze.

II. OTHER ALLOWANCES

1. Birth allowances

BELGIQUE-BELGIE

Regarding birth allowances, the amounts are the same for both the self-employed scheme and the wage-earners' scheme.

	1990 (in BEF)	1991 (in BEF)
1st birth	31,914	33,205
2nd and following births	24,012	24,983

Some local authorities grant their inhabitants a supplementary birth allowance.

DEUTSCHLAND

The payment of a "family award" of DM 1,000 for each birth is currently being put forward in political discussions. So far, no income limits are being considered for payment of this award. Nor is this family award to be offset against supplementary benefit. These considerations must be viewed in the context of a reform of paragraph 218 section B (termination of pregnancy), with the family award being designed as a state support to avoid social hardship.

HELLAS

Under art. 31 of Law 1846/51, the *Social Security Foundation* (IKA) is obliged in the event of childbirth by an insured woman to provide the necessary obstetric care or, otherwise, to grant a lump sum birth allowance equal to 30 times the minimum wage for an unskilled labourer (1990 : 4,677 drachma). This is the tactic normally used by IKA. The conditions for reciept are that the insured woman must have worked for at least 200 days during the two years prior to the probable date of birth. In the case of salaried employees who are not insured, the level of birth allowance is determined in accordance with the provisions applicable to the sector in which they work.
Working women insured with the *State Pension Fund* (Royal Decree 665/62) recieve an allowance of 27,500 drachma for a normal birth. In exceptional cases of women insured on the highest contribution scale the birth allowance can reach 44,500 drachma.
Under Law 1541/85, *OGA* pays women who are insured with its health branch an allowance of 50,000 drachma. In the case of multiple births, the allowance is increased by 25,000 drachma for each child.

Impact. The allowances listed above are very low by comparison with the current cost of childbirth (the obstetrician's fee alone is usually 100,000 drachma).

ESPAÑA

There are no birth allowances paid by Social Security. The Mutuality for Central Administration Officials (MUFACE) until 1991 paid a very small allowance (3,000Pta in 1991). However, this was done away with in 1992 and now public servants are covered by the Social Security family allowance scheme. Some professional orders pay allowances of this type to their members and some collective agreements include them among social benefits.

FRANCE

There is an allowance for infants (APJE) paid without a means test for 9 months (5 months before the birth). Amount : 882 FF per month (in 1989), i.e. 45.95% of the Monthly Basis for Calculating Family Allowances (BMAF).

This allowance continues to be paid subject to a means test as from the fourth month of the child's life until its third birthday. The income ceiling varies as a function of the household's aggregate income, the rank and number of the dependant children (resource ceiling as in 1990 : for 1 child : 94,283 FF; for 2 children : 113,140 FF; for 3 children : 135,768 FF; for 4 children : 158,396 FF; for each additional child : +22,628 FF; tax deductible amount for double activity : +30,316 FF).

IRELAND

Any woman entitled to a medical card can claim a Maternity Cash Grant of £8 after the birth of the baby. This is paid by the Local Health Board.

Impact. The amount of the allowance is so small that it is mostly symbolic.

GRAND-DUCHE DE LUXEMBOURG

Child-birth allowances are broken down into three slices : the prenatal allowance, the child-birth allowance proper and the post-natal allowance. The amount paid for each entitlement amounts at present to 17,400 LF, i.e. a total of 52,200LF.

Changes in 1991. The only change is the increased amount as a result of the index-linkage.

PORTUGAL

Child-birth allowances are paid as a lump-sum for each live birth. In 1990, the allowance amounted to 19,090 $ (escudos).
No changes occurred in 1990.

UNITED KINGDOM

A birth allocation of £ 100 is paid to families on low income i.e. receiving income support.

2. Allocation at reopening of the school year

FRANCE

Families with moderate incomes and with children between the age of 6 and 18 years are entitled to the new school year allowance (resource ceiling as in 1990 : for one child : 86,614 FF; for two children : 106,602 FF; for three children : 126,590 FF; for four children : 146,578 FF; per additional child : + 19,988 FF). The allowance amounts to 20% of the Montly Basis for the Calculation of Family Allowances, i.e. 384 FF for the 1991 new school year.

IRELAND

The allocation at reopening of the school year exist in Ireland under the name of "Back to School Clothing and Footwear Allowance". This allowance is means tested and administered by the Department of Social Welfare.

GRAND-DUCHE DE LUXEMBOURG

This allowance is a supplement to family allowances paid once a year (August) for school-age children.

The allowance amounts to :

for a child over the age of 6 years	1,892 LF
for a child over the age of 12 years	2,838 LF
for a group of 2 children	
for each child over the age of 6 years	3,785 LF
for each child over the age of 12 years	4,731 LF
for a group of 3 children and more	
for each child over the age of 6 years	6,150 LF
for each child over the age of 12 years	7,570 LF

3. Marriage allocation / Marriage benefit

HELLAS

Marriage allowances are paid monthly by the employer. In the *public sector*, they amount to 10% of the basic salary. In the *State-controlled sector*, such allowances are usually 10% of the basic salary, but they vary as a function thereof. In the *private sector*, it is a fixed amount paid by the employer either as a function of the salary or as a function of collective agreements.

GRAND-DUCHE DE LUXEMBOURG

Within the public-service sector, public servants in addition to their salary are awarded a "family allowance". The *Act of 12 December 1990* increased the allowance from 7.2% to 8.1% of public servants' emoluments. However, it may neither fall below nor rise above a certain amount.

The collective contract for State workers of *30 November 1990* decided upon by the Cabinet meeting of 7 December 1990, provides for an increase of these scales for manual workers.

It is worth noting that collective labour agreements in the various private sectors have no such provisions.

PORTUGAL

The *marriage allowance* is paid once to each of the benefitting spouses, if an explicit request is put in up to one year after the marriage. In 1991 the allowance amounted to 15,870 $ (escudos).

III. INDIRECT ALLOWANCES / REDUCTION ON THE PUBLIC TRANSPORTATION SYSTEMS

BELGIQUE - BELGIE

A reduction for large families (3 children) is granted for all train journeys throughout the country as well as on sea crossings to the United kingdom.

The reduction, some 50% - there is an additional contribution to administrative expenses - is granted subject to the following conditions :
- being a national from an EC Member State;
- residing in belgium;
- having parents with, or having had, at least three children;
- being under 25 years of age and receiving family allowances.

The parents of such children also benefit from the same reduction.

Special regulations apply to the Brussels public-transport network which grants further reductions on school season tickets for children meeting the same conditions.

Regarding transportation by bus, reductions are not made for each journey but on a purchase of a "Z Card", sold to holders of a large-family card.

Changes in 1991. There have been no significant changes. However, it is worth noting that since 1 September 1991, children from large families (at least three children) can benefit from a 50%-reduced school season ticket, viz. 2,850 BEF instead of 5,700 BEF. The season ticket is valid for a 10-month period, from 1 September 1991 to 30 June 1992. It may be used seven days a week.

DEUTSCHLAND

In the German Federal Republic families with children get a reduction on the public railway transportation system (Deutsche Bundesbahn). Families with one or two children can buy a family pass (Familienpass) at the price of DM 130 a year; families with three or more children are entitled to such a pass for free. With this pass the reduction on the fare amounts to 50% for parents, 50% for children aged 12 over, 75% for children in the age bracket 4 to 12, and children below the age of 4 travel for free.

The communal transport systems often grant reductions to families with several children. Since it relates to autonomous decisions by each commune, the reductions vary from commune to commune.

HELLAS

Large families and their children receive discounts of 50% on urban transport, with the exception of Olympic Airways.

ESPAÑA

Children under the age of twelve years only pay 50% of the fare on airlines (IBERIA) and the railways (RENFE).

Large families enjoy reductions on basic fares and special extras on the railway and on land, sea or air inter-city passenger transport lines. Reductions of 20% are made for Category 1 large families (from four to six children), 40% for Category 2 (seven to nine children) and 50% for Category 3 (ten or more children). Airlines grant extra reductions for journeys between the Peninsula and the Balearic Islands, the Canary Isles, Ceuta and Melilla and on all routes when at least three members of the family are traveling together.

RENFE, the national railway company, also issues Family Cards. These cards, issued only to households comprising at least three persons, entitle holders to the following reductions on any route exceeding 100 km on a "blue" day :

- first adult (person aged over 18 years) : no reduction
- other people accompanying the first : 50%
- children between the ages of four and eleven years : 75%.

RENFE also offers a special accompaniment ticket for Wagon-Lit travel, initially announced as a spouse's ticket.

There are other reductions provided for the elderly, children and young people.

FRANCE

Families with at least 3 children aged under 18 years, families which have had at least 3 children and where there remain one or 2 children aged under 18 years, the fathers and mothers who have had 5 children or more living at the same time are eligible for the SNCF (National Railway Company) large-family card. In order to obtain it, suffice it to be French or an EC Member-State national or the national of a State placed under French rule on 22 March 1924 or any country having reached a reciprocal agreement with France.

On the SNCF suburban network (RATP) card-holders are entitled to a 50% reduction. On the SNCF network as a whole, families with at least 3 children under the age of 18 years are entitled to a 30% reduction for 3 children under the age of 18 years up to 75% reduction for 6 or more children under the age of 18 years. The fare reductions are applicable to the parents as well as to each of the children under the age of 18 years.

IRELAND

Transport reductions for families : Bus Eireann has family fares on all services. A family is defined as husband, wife and three children under 16 years of age. Iarnrod Eireann (Irish Rail) has reduced family fares. A family is defined as two adults and four children under the age of 16 years. Free travel is provided for parents with children in long stay institutions.

ITALIA

The Public Railway Service (Ferrovie dello Stato) provide many types of benefits related to the family situation.
Any family is granted a reduction of 30% on the cost of the ticket, provided that it buys the so-called 'family card' which costs 10 000 lira for three years. This benefit is granted to families with at least three members. There are also reductions for children and persons aged 60 and over.

GRAND-DUCHE DE LUXEMBOURG

As from 1 January 1991, on the basis of a ministerial regulation dated 30.11.1990, new rates on the national public-transport passenger network came into force. Large families, the members of such families domiciled in the Grand Duchy with, or having at some time had, three or more dependant children, where at least one child is still entitled to family allowances are granted a 50% reduction.

NEDERLAND

The Dutch Railways grant ticket reduction to the young and to the elderly. As to "families" : During the summer months (July and August) one or two persons may acquire a travel card(s) at a reduced price of H.Fl. 79; H.Fl. 99. This card allows unrestricted family travelling during 3 days within a 10-day period. However the so-called *family travel card* disappeared in 1992 in the Netherlands.

Besides the Dutch Railways, other public transport companies, including some airways companies, grant travel reductions to young children (up to 11 years) and to teenagers (12 to 18 years).

IV. NON-FINANCIAL BENEFITS

1. Exemption from military service

BELGIQUE - BELGIE

Military service *deferment*, involving call-up being deferred to the following year, or *exemption*, applicable to military service in peace time, may be granted under various conditions both to servicemen and conscientious objectors.

Deferments and exemptions for family reasons :

a) May obtain five deferments (to the age of 23 years), any man who is indispensable on a farm, in a commercial or industrial concern where he is working for himself or for *his parents*. Exemptions are granted to any man

managing such a farm or concern *for his parents* provided he is an orphan of either father or mother.

b) Any man whose father or mother is aged over 60 years or is deceased, or deemed to be lost for the family, is considered to provide support indispensable for the family, and on this account may obtain deferments until the age of 23 years or an exemption after these deferments or after the age of 23 years. This is also applicable if the aggregate resources of both mother and father do not exceed the ceilings set by the law or if his resources are indispensable to ensure maintenance of the family.
c) The members of a large family may obtain exemptions as from the age of 18 years if the family comprises at least 6 children still living and as long as no brother has already benefitted from such exemption.
d) Any man with a dependant child, wether legitimate or the equivalent thereof, before his 24th birthday and before 1 January of the year of his call-up or any man whose support is indispensable for the household may be exempted as a young father.
e) Exemptions may be granted to widowers with one or more children.
f) Any man who at the presumed time of joining the armed forces has a brother in arms, or a brother being called up at the same time, may request deferment until the age of 32 years.

Any man with two brothers who have done their military service or who are doing it, or any man who has a brother who has done his military service or who is doing it, may request exemption.

HELLAS

Fathers with at least three children receive a parental leave of 15 days during their military service, which counts towards the period of compulsory service (Law 1911/90).

ESPAÑA

The new Act governing compulsory military service was extended on 20 December 1991 (Ley Orgánica 13/1991 del Servicio Militar). Under this Act Spain has adopted a mixed armed-forces model comprising conscript-army and professional-army personnel. The goal, for which no date has been set under the Act,

is gradually to increase the proportion of professional soldiers to a level of some one half of strength.

The duration of compulsory military service has decreased from twelve to nine months. Women are still exonerated from military service as they were before.

Exonerations may be obtained for reasons of family obligations of an exceptional nature. An initial period of three years' deferment may be obtained when a conscript is supporting his family (e.g. a son of a widow). If a second deferment of this type is allowed, total exoneration is granted (Articles 11(1a), 14(1) and 14(4) of the Act).

HELLAS

Married fathers with at least 3 dependant children (together with divorced fathers with at least 2 children) are henceforth called up for a period of 6 months' military service, whereas fathers with 2 children and those with a single dependant child do military service for 15 to 23 months.

ITALIA

According to the Circolare n.768 *of November 11, 1990* of the Ministry of Defence (*Gazzetta Ufficiale*, December 1, 1990) are exempted from conscription, among others : orphans of both parents if they are heads of household with minor dependent brothers or sisters; first-born children if either the father or the mother cannot work or do not have the necessary means for subsistence; children of parents who have other five dependent children, when the leaving of the conscriptor will leave the family without the necessary means for subsistence; conscriptors with children, even though the birth of the child happens during the service; etc.

NEDERLAND

On the grounds of 'personal indispensability' young men are exempt of military service. This is the case of, for example, a farmer's son or the son of a small retailer who is the main earner of the family income.

Also is exempt of military service the third son whose two brothers have already accomplished their service.
Married men are also exempt of military service if they can prove that they are the sole income earners of their family. Temporary exemption for one year is granted; a definitive exemption follows there after.
The principle of sole income earner is also applied to the man of cohabiting couples. The beneficiary receives a three-year exemption from military service. During this period he should prove that he is a cohabiting partner and earns the family income. A definitive exemption follows there after.

PORTUGAL

There are exemptions from military service in certain family situations: a) Postponement of military service for those who have a brother fulfilling military service; b) Exemption of military service for those whose father or brother died while fulfilling military service; c) Exemption for those who are considered to be the unique economical provider for the family. In the latter case one can opt for fulfilling military service and be compensated by an amount varying according to the economic situation.

2. Preference in job allocation

HELLAS

The parents of large families in civil service posts may not be transferred or seconded, and they may hold two civil service posts up to a certain salary level.

FRANCE

Regarding the assignments of staff employed in the public sector, consideration is given to the situation of the family (e.g. assignment of the spouse).

ITALIA

The family situation allows the granting of some benefits to persons looking for paid employment. In the public sector (public administration) the mere fact to be married allows to increase the age limit beyond which the citizen cannot take part any more to the open competition from 35 years to 40 years. To have dependent children allow the citizen to occupy a better position in the pass-list with respect to other candidates. Further, the family situation is taken into account even in the case of a request of occupational or geographical mobility within the public administration.
As to the *private occupational sector,* in order to look for a paid employment it is necessary to be registered at the employment exchange. Among the criteria that are taken into consideration for the compilation of the waiting list the family situation of the unemployed person is included.

V. PRIVATE TRANSFERS : CHILD SUPPORT

BELGIQUE - BELGIE

An Act of May 1989, followed by an enforcement decree dated 14 August 1989, introduced into the Act on Public Social-aid Centres, a restricted system of advances on alimony due to children. The conditions are fairly restrictive, and in particular the amount of the advance is limited to 2,000 BEF per month per child.

Changes in 1991. Since 1 January 1991, the means-test ceilings, enabling the obligee to assert his/her entitlement to the advance, have been increased, while the maximum advance has been increased to 4,000 BEF per month per child.

Impact. In 1990, the number of children for whom part of the alimony had been advanced, amounted to 342 for the country as a whole. For the period from January to November 1991, the figure increased to 923. Naturally, this figure is still derisory in comparison with the number of non-recovered alimony debts.

Most observers agree that the CPAS advances system is unsatisfactory. Frequent reference is made to setting up an alimony-debt fund. Mrs. Jacobs tabled a Bill along these lines (*Parl. Doc.* Lower House, 1990-1991, n° 1488).

DANMARK

The act on advanced payment of maintenance allowance (bornebidrag) dates from June 4, 1986 (act. n° 350) and is settled in the act on childrens' rights. In this act it is established that when a maintenance allowance is not paid on the time of payment, then the public authorities will pay the allowance to the person who is entitled to receive the allowance. The amount is paid according to application. It can be paid in advance until the child is 18 years old and the highest amount corresponds to the special child allowance : Dkr. 7,920. When the maintenance allowance is paid in advance the public authorities have the right to collect the amount from the person who is the debtor. The administration responisble for the act on advanced payment of child maintenance is the municipality and the social welfare committee.

DEUTSCHLAND

Guaranteed assumption of responsibility guaranteeing that for subsistence expenses for natural children or the children f divorced or separated parents, is organised under the law on advanced payments against subsistence expenses (orphans are also entitled to an advance on alimony if certain conditions are met). The law stipulates that a parent bringing up and maintaining a child alone, is entitled to advanced payment of alimony by the State, should the other parent fail in his/her maintenance obligations. The monthly amount paid by the State varies from 165 DM to 304 DM as a function of the place of residence and the age of the child. It is independent of the income and property of the claimant. The amounts paid in advance by the State are recovered from the alimony debtor.

State payment of alimony at the present time is only provided for children aged 6 years and under for a maximum duration of three years.

Changes in 1991. An amendment to the law already adopted on 20 December 1991, provides for the maximum age to be increased to 12 years and maximum

State contributions to be increased to 6 years as from 1 January 1993. There is, therefore, a tendency towards improving the economic situation of single-parent households, and especially for mothers bringing up their child(ren) alone.

HELLAS

Under art. 1442 of the Civil Code, if one of the former spouses is unable to maintain him/herself out of his/her own income or property, he/she is entitled to seek maintenance from the other spouse, in the event, inter alia, of the spouse with insufficient income having the custody of an under-age child and being unable, for that reason, to practice a suitable occupation or of the award of maintenance being necessary for reasons of clemency at the time of issue of the divorce.
Under article 1443, the maintenance payment is made in advance, in cash, each month, or - in exceptional cases - as a lump sum.
Article 1444 lays down that the right to maintenance is lost only if the spouse receiving it remarries or cohabits in a free relationship with a permanent partner.
In order to ensure that these provisions of the civil Code are implemented, the Parental Courts and special committees provide protection. Under article 358 of the Criminal Code, "any person who maliciously infringes the obligation to provide maintenance imposed upon him by law and recognised, even provisionally, by the courts in such a manner as to cause the beneficiary to suffer deprevation or to compel the beneficiary to receive help from other sources shall be liable to imprisonment of up to one year".
The law also recognise children born outside wedlock who have been lawfully acknowledged.

ESPAÑA

In the event of the obligees not paying, there exists no machinery to guarantee payment of alimony. The Madrid Community Assembly recently adopted a motion requesting the Spanish Government to create a public fund to guarantee payment of alimony by the husbands of separated or divorced women.

Impact. It is difficult to predict whether or not this request will be met, but it does show some sensitivity among the public and in political circles, which might

augur well for a forthcoming solution, all the more so as the Ministry of Social Affairs has already raised the issue.

FRANCE

The various provisions enacted with a view to seeking redress in the event of default on payment of alimony are as follows :

- *Criminal offence of deserting one's family* (Art. 357-2 of the Penal Code). Defaulting on payments of alimony for over two months is liable to aggravate the breach of law and lead to a prison sentence ranging from 3 months to 1 year or a fine of 500 to 20,000 FF.
- *Direct-payment procedure* (Act of 2 January 1973). The creditor may turn directly to the debtor of the alimony debtor, e.g. to his/her banker or employer. Notice to the third-party debtor is done through a bailiff.
- *Public recovery of alimony* (Act of 11 July 1975). An application for public recovery is to be addressed to the Director of Public Prosecutions of the Court of Higher Instance. It is the Public Revenue Department which is directed to institute recovery proceedings.
- *Advances and aid for recovering alimony provided by bodies paying family benefits* (Act of 22 December 1984). This Act complemented existing legislation by providing for recovery of alimony by bodies which pay family benefits. An orphan's allowance is changed into a family-support allowance (ASF). This benefit may be granted particularly when one of the parents defaults on his/her obligation in respect of maintenance or is unable to do se or fails to pay the alimony as directed by the court decision. In the last-named case, the allowance is paid in the form of an advance, and the family-allowance fund sues the alimony debtor to recover the amounts advanced. ASF allowance as on 1 January 1991 : 429 FF-572 FF. In addition, the text stipulates that the beneficiaries of alimony set by a court ruling, with no entitlement to ASF (e.g. because of remarriage or concubinage) may ask the funds to recover their alimony claim.

The other alimony possibilities are limited as under the ceilings for compulsory relief between concubines. The deserted concubine, therefore, is not liable to payment of alimony. However, in case law, it has been accepted that there is a natural obligation between concubines, particularly when one of them is sick or in need. A physical obligation may not form the subject of enforced performance except when it becomes a civil obligation. This is the case every time the concubine spontaneously pays alimony or is enjoined to do so.

There is also the case of subsidies owed to a child whose filiation has not been established but who has been awarded a ruling against the obligee on the basis of proceedings for support. The purpose of proceedings for support is not to establish paternal filiation. It is an alimony action based on a mere possibility of paternity on account of the sexual intercourse between the mother and the defendant during the period of conception recognized under the law. The effect of the action is to order the "possible father" to pay alimony during the child's minority and even beyond if he/she is in need. The payments take the form of alimony for the child's maintenance and upbringing.

IRELAND

In Ireland the Department of Social Welfare has powers under the Social Welfare Act (1989) to secure child support payments (maintenance) that are due. The scheme is called the *Liable Relatives Scheme*.

Introduction of the scheme. Part III of the Social Welfare Act 1989 provides that men and women are liable to maintain dependent spouses and children and where as a result of their failure or neglect to do so, payments have to be awarded under the lone parents or deserted wife's schemes or the supplementary welfare allowance scheme, the liable relatives are required to contribute towards the cost of such payments. The provisions were commenced on 29 November 1990.

Provisions contained in the Social Welfare Act 1992. The Social Welfare Act 1992 widens the scope of the Liability to Maintain Family provisions and strengthens powers of collection and enforcement. The 1992 Act provides, inter alia, that orders made by the court shall be deemed to be instalment orders under the Enforcement of Court Orders Act, 1926, thus relieving the Minister (or Health Board in case of supplementary welfare allowance) of the need of returning to Court, where a liable relative fails to comply with a Court order. Provision is also made for attachment of earnings orders and these provisions are broadly similar to Part III of the Family Law (Maintenance of Spouses and Children) Act, 1976 which deals with attachment of earning orders in family cases. More stringent income assessment procedures are also being applied in determing the ability of liable relatives to pay regular contributions.

Impact. The Liability to Maintain Family provisions contained in the Social Welfare Act, 1989 were commenced on 29 November 1990. Up to the end of March, 1992, a total of 952 cases have been assessed or are in the process of

being investigated. The identification of these 952 cases involved a first phase elimination of almost 5,000 other cases, where it was established that liable relatives were untraceable or had insufficient income to make maintenance contributions. Seven liable relatives have strated to make a contribution towards their spouse's Deserted Wife's Benefit or Allowance or Lone Parent's Allowance. Legal proceedings are being considered in a number of cases that have failed to comply. There are, currently, 19,051 claimants in receipt of a deserted wife's payment or Lone Parent (Separated Spouses) Allowance from the Department of Social Welfare.

ITALIA

In case of separation or divorce, parental authority is held by the spouse to whom custody of the children is given by the judge. The judge establishes too the amount of money the other spouse must pay to contribute to children support (new family law : act 19.5.1975 n. 151; divorce laws : acts 1.12.1970 n. 898 and 6.3.1987 n. 74). This contribution (the so-called "*assegno de mantenimento*") is discretionally determined by the judge in proportion of the income and the working performance of the obliged spouse. The judge may order to the obliged parent to give suitable legal guarantees for the payment of the amounts due.
The most important legal guarantee is the right to *exact the sums due from the employer of the obliged spouse* : by order of the judge in case of separation; in case of divorce, the order of the judge is not necessary.
Law provides for the automatical adjustment of the amount due to the index of monetary devaluation.

Natural children recognized by one or both their parents enjoy the same rights as legitimate ones. However, in case of separation of cohabitees, natural children aren't protected like legitimate ones, as separation of cohabitees is not regulated by law. Hence, in the majority of cases, the conditions of separation and of the children support are decided by the couple, without any intervention of the judge.

In case of conflict about children, parents (or one parent) can ask the Juvenile Court to decide about regulation of parental authority, custody and support of children.

GRAND-DUCHE DE LUXEMBOURG

The Act of 26 July 1980 introduced a system for advancing and recovering alimony through the National Solidarity Fund (FNS), a state concern under the Ministry of the Family in Luxemburg law. This is a new form of social aid. The FNS can pay an advance and recover any alimony due to a spouse, and ascendant or a descendant. The FNS can pay arrears up to 6 months. Naturally, the FNS can attack the alimony obligee. In the event of the Fund acting, the alimony beneficiary forfeits any right to sue and is obliged to inform the Fund of the place of residence of the obligee if it is known to him/her as well as any change in situation. The Fund may take action whereby creditors take advantage of all the rights and courses of action of their debtor.

The amount recovered by the FNS is increased by 10% to defray the Fund's recovery expenses while the costs of the lawsuit are payable by the obligee. In order to ensure that the alimony paid is refunded, the real estate belonging to both the beneficiary or the obligee are placed under a statutory lien. In principle, the FNS stops its advance and recovery activities as soon as the obligee has paid the Fund regularly for 12 months.

NEDERLAND

The amount and other aspects of child alimony is regulated by law. The Child Care and Protection Boards have among their tasks to collect child alimony. The Minister of Justice is proposing to abolish from 1994 this form of service to families, to reduce costs. The Child Care and Protection Boards, on the other hand, are suggesting to set up a seperate foundation to continue this service to families. Both proposals are still under discussion.

Impact. In 1991, about 25,000 dependent children were concerned by their parents' divorce. In 80% of the cases, the care of children was given to the mother. In only 9% of all divorces the ex-wife receives alimony.

PORTUGAL

The duty of assistance between spouses incorporates the duty to pay alimony. In cases of divorce by mutual consent, the spouses have to agree on payment of alimony to the spouse in need. If the obligee fails to pay within 10 days of the due date, the mother (or the father) may request the court to apply compulsory payment by notifying the obligee's employer to make a deduction at source out of salary, productivity bonuses, pensions, grants, commissions, percentages, gratifications, etc., future pensions or pensions in arrears. Failing to obtain payment in this way, criminal proceedings may be initiated against the obligee under pain of imprisonment for up to 3 years or a fine up to 200 days after a complaint has been made to the police.

UNITED KINGDOM

Changes in 1991. In October 1990 the Government published the White Paper "Children Come First" (Cm 1263, Vols I and II, 1990). This led to The Child Support Bill, published in February 1991, which became The Child Support Act in July.

The Act sets out a formula for establishing a maintenance bill for all children, alongside regulations for how this maintenance is to be paid and by whom. A new body, The Child Support Agency, was established to assess, collect and enforce maintenance. The Act is an attempt to ensure that parents honour their responsibilities to their children whenever they can afford to do so. Maintenance payments are often irregular or non-existent after divorce and the Act is designed to make payments secure enough to reduce dependence on Income Support. It is estimated that some 200,000 more lone parents are likely to receive maintenance after the Act and between 50,000 and 75,000 leave Income Support.

Under the Act, parents can contact the Child Support Agency, via solicitors or the Citizen's Advice Bureau, where a "liable relative" officer will establish the income and circumstances of an absent parent (where possible) and work out how much they will need to pay. Payments will be monitored and non-compliant parents will be contacted via computer files and face mandatory payments, fines or imprisonment if they fail to pay. At least one judge, however, has already

criticised this latter ruling insisting that imprisonment for debt is an outdated measure.

Another controversial area of the Act is that lone parents on Income Support may be investigated by the Agency and penalties of decreases in benefit may be levied if recipeints refuse to cooperate with details of the absent parent.

The Child Support Agency is not expected to be fully operational until 1993. As an interim measure, the Government has introduced The Maintenance Enforcement Act which aims to improve the recovery methods in private law cases. The main premises of the Act are "that family responsibility should be actively encouraged and that it is much better to avoid default occurring, than to take action once it has occurred" (per Earl Ferrers, Hansard, HL, vol 523, col 1073, 29 November 1990).

CHAPTER III. FAMILY AND LABOUR MARKET POLICY

I. PROTECTING PREGNANT WOMEN IN THE JOB MARKET

1. Maternity leave

BELGIQUE - BELGIE

The protection of pregnant women in the job market has been remarkably improved in the course of the year 1990. The dispositions of the so-called program laws of December 22, 1990 and the social provisions of the law of December 29, 1989, have transformed the existing system of protection by extending the pre- and postnatal period and by the innovation of the maternity insurance.

The maternity leave has been extended from 14 to 15 weeks, by adding one week to the prenatal leave. The interdiction to work starts the seventh day preceding the expected day of child birth and runs, as in the past, till the end of a period of eight weeks after the day of child birth. The remaining period of prenatal leave which has not been taken before child birth, can be taken up after child birth. Yet, in case of premature birth, the latter period is reduced with the number of days the mother was working in the seven days' period preceding the birth. If the newborn is to stay in the hospital for a period of at least eight weeks after delivery, the period of extended postnatal leave can be postponed till the baby comes home, in order to secure a minimum adaptation period at home for mother and child. If the child dies in the year it is born, the employed mother keeps her rights to take advantage of this period of prolonged interruption of work. The conditions under which this leave can be transferred into a paternity leave, in case of hospitalisation or decease of the mother, have to be set by royal

decree. In this case the father will be the beneficiary of the maternity allocation, normally granted to the mother. The period of maternity leave can be prolonged by the provisions regulating the so-called career-interruption, which can be taken up either by the mother or the father.

The new legislation creating a maternity-insurance is geared at stimulating female labour participation.

Changes in 1991. Due to the changes in 1990 (program law of December 22, 1989 and the law of December 29,1990), no changes or modifications have been applied in the period under observation.

DANMARK

The laws governing the protection of pregnant women in the job market date from 1989 and no amendments occurred in this area in 1991.
Under the existing rules pregnant women are entitled to maintenance allowance from 4 weeks before the expected date of birth provided the work is of such nature that the foetus is at risk. The work hazard must be traceable to the nature of the work and not the woman's health.
Hazards linked to the nature of the work include such elements as the arrangement of the workplace, technical equipment, substances and materials. A precondition is that a given hazard cannot be quickly eliminated through occupational hygiene measures or shifting the pregnant woman to other work. A guide issued by the Directorate of Social Services in *March 1990* contains examples of a number of conditions that may be hazardous. These include several chemical agents which have been widely used in industry.
In Denmark there are no special rules applying to women who work overtime or at night.
Dismissal in connection with pregnancy and birth or both confinement is forbidden in Denmark. After the maternity leave, the woman and the man (if he is the one on maternity leave) both have a right to return to their previous job with the same employer. Under Danish rules, women who are dismissed owing to pregnancy or birth may demand reemployment or up to 78 weeks' wage compensation. These cases carry a reverse burden of proof: it is up to the employer to demonstrate that the employee was not dismissed on account of pregnancy or birth. The 1990 collective bargaining agreements ensure a more

rapid treatment of appeals cases in this area before an industrial arbitration court.

As a result of the *collective bargaining agreement in 1990* amendments were made in *maternity leave* regulations. These changes, which affect only a proportion of the families having a baby, are aimed at equalizing the fathers' and mothers' opportunities for benefitting from the maternity leave. Present maternity leave regulations were introduced in 1980 and amended in 1984 and 1985. Today the rules entitle the mother to maternity leave from 4 weeks before the expected date of birth to 24 weeks after the baby is born. The father is entitled to two weeks maternity leave after the baby is born or comes home. He is entitled to utilize this right any time he wants in the first 14 weeks after birth of the child. Parents also have the option of letting the father take over part of, or all of the last 10 weeks of the maternity leave from the child's 15th to 24th week.

DEUTSCHLAND

The protection of pregnant women and mothers is regulated by the law of 18 April 1968 and its modifications of 30 June 1989.
During pregnancy and in the first four months after confinement, women cannot be dismissed except in very exceptional cases. For employees taking the so-called "educational leave" (*Bundeserziehungsgeldgesetz*) this employment protection is extended until 18 months after the birth of the child. From 1 January 1993 on, this protected period (*Kündigungsschutz*) is extended to 3 years.
Work conditions of pregnant and breastfeeding mothers have to be accommodated to the effect that they are sufficiently safe for mother and child. Pregnant women are protected by these regulations from 6 weeks before until 8 weeks after confinement (in case of premature confinement or multiple birth, extended to 12 weeks after).
In the 6 weeks pre-natal period pregnant women only can work if they explicitly make a statement to that effect. This decision can be revoked at any time. During the 8 week post-natal period the interdiction to work is obligatory; after this period the mother can either regain work or take parental leave (*Bundeserziehungsurlaub*) until 18 months after child birth.

HELLAS

As part of the framework for the parental welfare obligation (Civil Code, Article 662), employers are obliged to assign pregnant women to less fatiguing work than that agreed upon and, if necessary, to alter the type of work so as not to threaten their helath. There are also a number of special arrangements to protect pregnant women, such as: provisions to cover exposure to lead and compounds of its ions during work (Presidential Decreee 94/1987), a ban on night work as part of the general prohibition on night work for women (Law 3924/59), and a ban on employing pregnant women as computer operators.
As for work itself, it is forbidden for any employer to terminate the labour relationship of a female employee during the course of pregnancy or for a period of one year after childbirth, or for a longer period if the woman is absent from work becase of illness as a result of pregnancy (Law 1483/84, Article 15).
Pregnant women who work for the State, legal entities under public law and local government are entitled to 60 days' maternity leave before birth and 60 days after birth (Presidential Decree 611/77). The total duration of maternity leave in the private sector was fixed by Law 1849/89 at 15 weeks: 52 days of compulsory leave before the probable date of childbirth and 53 after childbirth.

ESPAÑA

Protecting women at the workplace runs counter to a concern to prevent any discrimination based on sex.

For *dangerous or unhealthy work*, a decree issued in 1982 prohibits pregnant women or those of child-bearing age from being employed in jobs where they are exposed to radiation in excess of 1.2 rems per year. Furthermore, some collective agreements have incorporated the recommendations of ILO Convention 136 which bars women who are pregnant or breastfeading from working with petrol. At the present time work underground, in mines and quarries are closed to pregnant women.

Night work is only prohibited for minors of either sex, whereas the ban on women was done away with by virtue of equal opportunity legislation.
New legislative measures (law of March 3, 1989) have extended the 14 week pregnancy leave into 16 weeks. The new provisions go far beyond a mere extension of the duration of the period. Two new features are of particular impor-

tance : a) the right of the employed mother to special treatment and b) the extension of some benefits, more particularly caretaking of children, to the husband/father. The special treatment copes with the handicap maternity represents as to the professional career of women.
The possibility of taking optional leave of absence up to 3 years, in order to take care of the child, now has been extended to the effect that during the first year of leave one preserves the right to maintain the job position without any loss of seniority. This law applies also in case of adoption. Secondly, if the two spouses are employed, the last part of maternity leave (last four weeks) can be taken up by the husband/father, except if regaining work would constitute a health risk for the mother. Moreover, the leave for breastfeeding, representing one hour a day during the first 9 months of the baby, can be taken up either by the mother or the father.
The new law also clarifies an issue that had not been solved previously, in establishing the part of the maternity leave to be taken up after child birth to a minimum of six weeks. In case of adoption the period is set at eight weeks if the child is younger than 8 months, and at six weeks if it is in the age-bracket 9 months up to 5 years.

Impact. Next to their actual importance, the new measures have a symbolic value in that they express the irreversability of the evolution towards gender equality and actually provide incentives to that effect. They can be characterized as opposed to those measures inciting women to stay at home to take care of their children. In 1990 the Community of Madrid launched an information campaign in order to inform the population on the opportunities offered by the law and promoting the role to be taken up by fathers in child care.

FRANCE

The initial acts of 1909 and 1913 guarantee "women in confinement" the right to a period of rest which may not be sanctioned by loss of remuneration or employment.

Half a century later, the Act of 1966 for the protection of pregnant women's jobs, applies to the full duration of the pregnancy and the 3 months subsequent to confinement.

Upon recruitment, a female applicant for a job is not obliged to inform her future employer that she is pregnant and the employer is not allowed to seek information in this respect. Therefore, he may not in principle question the woman about her present condition or her plans. Pregnancy, even visible, may not serve as a pretext for refusing to recruit.

Any female wage-earner at work is not under obligation to announce that she is pregnant as long as she does not request any specific measures to take consideration of her state in carrying out her duties. Pregnant wage earners' jobs are protected for the full duration of the pregnancy and the legal ante- and post-natal leave. However, the prohibition on dismissing personnel is only applied strictly during the sixteen weeks of maternity leave. Before the period of leave, a serious misdemeanour, unrelated to the pregnancy, or the employer finding it "impossible" to maintain the employment contract, may justify a dismissal.

A change of duties or assignment may take place at the initiative of the wage-earner or the employer after the labour doctors' opinion has been sought and if the woman has been employed in the company for at least a year. Such a change may not bring about a decrease in salary. After the period of leave, the woman is entitled to join her former job upon resuming work.

For the leave itself, the female wage-earner is entitled to suspend her employment contract for the 16 weeks of maternity leave (for the first and second children, no account being taken of leave for medical reasons) whereas the employer is prohibited from putting a pregnant woman to work during the 2 weeks preceding the child-birth or the 6 weeks following it. This means that these 8 weeks are the fixed period of the leave, whereas the other weeks of ante- and post-natal leave may be taken at the discretion of the wage earner.

A reduction in the hours worked daily, usually half an hour, is applicable from the fourth month or subsequent. The daily reduction may, in certain cases, be accumulated for a week or a month. To this may be added the possibility of arriving and/or leaving five minutes later or earlier respectively in most cases to prevent pregnant women from being jostled in crowds of wage earners. These hourly reductions sometimes take the shape of time credit (industrial textiles, for example).

Breaks during the day's work are less frequent. They are only applicable as from the fourth month of pregnancy.

In regard also to the conditions under which work is performed, several collective agreements in the industrial sectors (food, textile, iron-and-steel, clothing industries) have suggested ways of changing duties without losing remuneration (a proposal taken up in the Act of 11 July 1975). However, doing away with piece-work is applied in only very rare cases and then later on in the pregnancy (5th month).

Medical pregnancy monitoring is favoured by certain texts which grant authorization for absences for compulsory ante-natal consultations, with no loss of earnings. However, although much more seldom it is true, the time off required for child-birth-preparation sessions is granted and remunerated.

Finally, a certain number of contractual provisions offer scope for extended maternity leave in addition to the legal duration. Here, the service sectors (banks, insurance companies) appear to be much more clearly in favour of maternity when compared with industrial sectors, and they increase the normal leave by 4 weeks. Often these sectors are put forward as examples by the social actors concerned : pregnant women, doctors or welfare workers.

Changes in 1991. Maternity leave for State employees : female State staff, not paid a monthly salary, after 10 months of service are entitled to maternity or adoption leave. This is also applicable to male staff whose salaried, or equivalent, working spouse has forgone her entitlement. Those concerned are paid their full salary for the whole duration of the leave period as established under the legislation of the general social security scheme. (Decree n°91-1279 of 17 December 1991, Official Gazette of 21 December 1991).

Impact. Although it may be considered that the formal French posture in this field is a quality one, difficulties nonetheless arise when it comes to applying it :

- problems informing the pregnant wage-earning women about their rights;
- protection better assured in the public sector than in the private sector;
- practical problems a pregnant woman at work often runs up against :
  * obtaining a change of job often forms the subject of a case-by-case negotiation, to be repeated;
  * lighter time-tables are applied in a variety of ways;
  * it is extremely frequent for there to be no restplace;
  * it is very rare for the company to organize any medical consultations;
  * job protection during pregnancy as guaranteed under the law is not systematically applied in fact;

* distribution of work load is not always given consideration by employers;
* maintaining salaries during maternity leave is not always in fact done: some women fail to receive the bonuses during their 4 to 5 months of absence.

IRELAND

The Maternity Protection of Employees Act 1981 is the most recent legislation in the field of women's rights in employment. Under Part II of the Act female employees are entitled to a period of maternity leave of at least 14 weeks, if notice is given to the employer at least four weeks before the expected confinement, together with a medical certificate establishing the fact of pregnancy. The exact dates of the maternity leave can be chosen by the employee but the period must cover the four weeks before and the four weeks after confinement which can be extended if the birth is delayed. An additional 4 weeks unpaid leave may be taken after the end of statutory maternity leave without loss of entitlements.

During the period of maternity leave the employment relationship is suspended and there is no break in the continuity of service. The employee is entitled to return to her job after the birth, to the same employer and on the same terms as before. If the employer is unable to do this he must offer the employee alternative employment which must be suitable and appropriate and in that instance the terms and conditions of the new contract of employment must not be substantially less favourable to her than those of the old contract. There are no regulations or legislation governing the kind of work a pregnant woman may or may not undertake. Once she returns to work a woman has no legal right to time off for breastfeeding although some employers do make such arrangements in individual cases.

The legislation relating to maternity leave and the protection of women does not apply to women who are adopting a child. However, the practice appears to be that women in state and semi-state employment are given maternity leave under the same conditions.

Disputes under the Maternity Protection of Employees Act 1981 go to the Employment Appeals Tribunal which hears the majority of cases involving individual employment rights other than under the employment equality legislation.

The Unfair Dismissal Act 1977 (Section 6(2)(f)) protects women from dismissal which results wholly or mainly from "the pregnancy of the employee or matters connected therewith". However, if the employee was unable to "do adequately the work for which she was employed" and an offer of suitable alternative work was made and the offer was turned down by her, the protection under the above section of the above Act does not apply.

Changes in 1991. The Worker Protection (Regular Part-time Employees) *Act 1991* extended protective labour legislation to part-time workers. Consequently the Maternity (Protection of Employees) Act 1981 was extended to cover part time workers. Before 1991 employees working less than 18 hours per week were not covered by the Maternity Act 1981. Regular part-time workers may now qualify if they work at least 8 hours per week.
It was announced in the 1992 Budget that a new scheme will be introduced later in 1992 which will give adoptive mothers 10 weeks leave and they will be eligible for the equivalent of maternity allowance for the ten weeks. It is understood that conditions will be similar to those for maternity allowance.

Impact. The Department of Labour estimated that approximately 20,000 employees would benefit from the Worker Protection (Regular Part-time Employees) Act 1991. Since it is estimated that 79-80% of part-time employees are women, the extension of the maternity protection legislation to cover part-time workers is of considerable importance. The plans to extend protection to adoptive parents brings them into line with other parents.

ITALIA

According to Act nr. 1204/1971, employed mothers (in the public and private sector and in home work) cannot be dismissed during the period from the beginning of pregnancy up to the first birthday of the child.
Working women cannot be assigned to dangerous, fatiguing and unhealthy jobs during pregnancy and up to seven months after the delivery. In the same period women cannot be engaged in night work.
The compulsory period of maternity leave includes the two months prior to the delivery and the three months afterwards. During the periods of compulsory and optional leaves, working mothers continue to enjoy full job securities.
During the first year of life of the child, working mothers have the right to enjoy two periods of rest during the day, for taking care of the child, and providing for

nursing and breastfeeding. These periods last one hour each, they are considered as working time from an economic point of view and entitle mothers to get at from the working place. These periods last half an our each, when a day nursery is available inside the working place.

Changes in 1991. A recent and important decision of the Constitutional Court (61,8.2.1991) established to complete nullity of any dismissal of a working mother in the period from the beginning of pregnancy up to the first birthday of the child i.c. the dismissal has no effects at all. Before this decision, the effects of the dismissal were postponed after the period of leave of absence. Consequently, the protection of working mother has become more effective in Italy.
In 1991 a bill was presented at the Parliament by the Democratic Left Party (ex-Communist), with the purpose to extend optional maternity leaves and other benefits to time-contract working mothers. The bill is over, becase of the conclusion of the Legislature (1992, April).

Impact. Nowadays there is a wide political debate on the issue of providing for social and economic support to the family, related mainly to the dramatic problems of the decrease in fertility and the population aging. A number of bills were presented at the Parliament in the period 1988-1990 by Christian Democratic Party, Socialis Party and Democratic Left (ex-Communist) Party.
Even if in different ways, they all pursue the common aim of strengthening family policy and to extend maternal and parental leaves of absence and benefits.
There is a general agreement on the opportunity of making the rights of working fathers to take leaves more effective and wide and on the opportunity of increasing the duration of parental leaves.
The left parties also aks for the payment of maternity allowances to all working and not working mothers.
The Ministry of Labour is revising current legislation on the protection of working mothers, with a view to incorporating the innovations arising from Constitutional Court decisions and to granting the father major rights relating to child care and extending parental leave to families in difficulty.

GRAND-DUCHE DE LUXEMBOURG

On 16 April 1991 (request 6 March 1991), one opposition party proposed a bill (parliamentary document No 3504) to lengthen the post-natal leave period pro-

vided for under Art. 3 § 2 of the Act of 3 July 1975 concerning the protection of maternity for women at work, etc. The proposal seeks to increase the post-natal leave period from 8 to 12 weeks for a normal confinement and up to 16 weeks for a premature confinement or multiple-child birth. However, this period would be increased by 12 extra weeks for either of the two parents who warns his/her employer at least 4 weeks before the end of the above-mentioned periods. Finally, it has been proposed to extend protection against dismissals of pregnant women (or women having been in confinement) up to 28 weeks after the birth.

While accepting the cogency of the proposal, the majority sent the proposal back to the working group pending a more all-encompassing Government bill of a broader nature to replace the proposal.

NEDERLAND

During pregnancy working women cannot be made redundant. The prohibition to lay off the expectant mother lasts until the twelfth week after birth giving. However, it is allowed to refuse employment to a woman who is expecting. Currently the issue whether a woman is obliged to reveal her pregnancy during a job interview is under debate.

Pregnancy and paid work may sometimes create health problems for the expectant mother. A law from 1920 stipulates that (pregnant) women working in shops may require extra rest time. The labour inspection advises the employer not to oblige women after the 20th week of pregnancy to work longer than 4 uninterrupted hours. This is an advice but not a legal obligation.
According to a 1920 Labour Act women need not to perform heavy work such as lifting or carrying objects of 5 kg or more during pregnancy and the three months after child birth.
On the basis of legal dispositions pregnant women may request work conditions and rest-time adapted to their situation.
Likewise, women, holding jobs emitting nuclear radiation (A-category jobs) should receive alternative jobs from their employer.
Working in B-category jobs (röntgen appliances, etc.) is allowed. Great caution is however requested for jobs related to chemical substances and materials that may provoke infections.

In the event of pregnancy the females receive at least 16 weeks maternity leave. In the Netherlands 40 per cent of pregnant women work until the start of the pregnancy leave of absence (8 weeks before childbirth). The majority of working women that are pregnant end employment either permanently or by obtaining illness insurance benefits. If a women was pregnant prior to employment she may be refused sickness allowance. If a woman resigns from her job during pregnancy she may be entitled to pregnancy allowance - depending on the company's social security scheme and agreements.

After the pregnancy leave of absence ends the employer is not under the legal obligation to offer a part-time job to the female employees some employers (especially in jobs of the central government) do this however.

Breastfeeding. On the basis of the 1919 Labour protection Law the employer is legally obligated to allow women to breastfeed their children. In contrast with other European countries, the Netherlands sets no time limit to each breast-feeding. A woman can thus undisturbed and without haste breastfeed her child. No salary reduction is permitted on account of the time spent in breastfeeding. Travel expenses to reach the child or to fetch the child for breastfeeding are generally not paid by the employer. Some employers however cover these expenses. About 13 per cent of mothers breastfeed their children at the work-place.

Impact. In spite of all laws and measures of social protection, childbirth remains for women a very important cause of modifying their profile of paid work. Many women abandon paid work after childbirth or they work part-time. Less than 10% of all women work full-time.

PORTUGAL

Dismissal in connection with pregnancy or birth is forbidden. Women are entitled to a 90-day maternity leave, 60 days of which must be taken after the birth of the child and the remaining 30 before or after confinement as the mother wishes. In the event of life being in danger, the period may be increased by 30 days. In the case of the mother's physical or psychic inability or if the mother is attending training and if her prolonged absence may affect it, the other days of the maternity leave period than the compulsory 30 days are allocated to the child's father.

Every worker (man or woman) adopting a child under the age of 3, is entitled to a 60-day period of leave after the adoption.

Breastfeeding. Pregnant women are allowed time off work for medical consultations and women who breast-feed are entitled to two separate periods of maximum 1 hour each every day, without any loss of earnings, during the suckling period and for the first year of the child's life.

UNITED KINGDOM

Protection of Health. Women who do dangerous or illegal work in pregnancy or those who cannot do their work properly because of pregnancy, have a right to move to another job within the same firm. They are entitled to move to suitable alternative employment if they have been with the same employer for
i) 2 years if employed full-time (more than 16 hours a week)
ii) 5 years if employed part-time (8-16 hours a week).
Employers must offer women alternative employment on similar terms and conditions to their original job if there is one. They can only be fairly dismissed if no suitable alternative is available.

Employment Protection. Two laws protect pregnant women from unfair dismissal : the Employment Protection Act and the Sex Discrimination Act. Individuals who have not been employed long enough to be covered by the Employment Protection Act (2 years full-time, 5 years part-time) may still be protected by the Sex Discrimination Act.
Some women have the right to return to their own or a similar job up to 29 weeks after the baby is born. To qualify for maternity leave, they must fulfil the following conditions : to have worked for the same employer without a break for the last two years by the end of the 12th week before the week the baby is due. For part-time workers, the time condition is five years, without a break, for the same employer.

In order to qualify for State Maternity Pay, an employee must have fulfilled the continuous service requirement; their last job must have been with an employer eligible to pay Class I National Insurance; they must have been in work during the "qualifying week" (i.e. the 15th week of before the expected week of confinement) and they must have stopped working. Women in the armed forces were not entitled to SMP until legislation was introduced in August 1990.

Employees who have worked for 2 years full-time/five years part-time are entitled to 11 weeks leave before the baby is due and 29 weeks after.

Return to work. Women are entitled to return to their job or employers may provide alternative work. This must be suitable and appropriate work and must be on similar terms and conditions to their previous job. Maternity leave does not break years of service, therefore periods of work before and after maternity leave are added together when calculating, for example, pension rights.

Changes in 1991. In a 1991 survey (McRae, 1991) it was found that 50% of women in work during pregnancy wanted improved childcare facilities to enable them to return to work, 26% wanted improved maternity rights and 20% called for flexible working hours.

There were no changes in legislation in 1991. The U.K. rejected the proposition for a directive of the Council, which would have given women the right to 14 weeks maternity leave on full pay with no qualifying conditions and forbade employers from dismissing women or passing them over for promotion on grounds of pregnancy.

Impact. There has been a large amount of discussion and research in this field. It has been found that 85% of women in work during pregnancy, whose employment did not end prematurely, experienced no change at all in their jobs. A minority moved to cleaner or lighter work. Employers in the public sector were substantially more likely to have arranged alternative work for a pregnant employee than employers in the private sector (McRae, 1991, p.xxix). Over 80% of women who had been in work on a full-time basis took time away from work for antenatal care. The proportion of women who met the statutory requirements for reinstatement increased from 54% of women employers in 1979 to 60% in 1988. (McRae, 1991, p. xxxv).

References :

McRae, Susan (1991) *Maternity Rights In Britain: The PSI Report On The Experience Of Women And Employers*, PSI.

2. Maternity Benefits

BELGIQUE - BELGIE

The Act of 22 December 1989 complemented by the Royal Decree of 10 January 1990 instituted the maternity insurance. This new regulation was designed to prevent child birth being an obstacle to recruiting a female worker and to have maternity expenses supported by all employers whether they employ female workers or not.

Work-incapacity indemnity beneficiaries are also entitled to maternity benefits. During the maternity rest period, the beneficiary is given a "maternity indemnity" for every workday or work-day equivalent. The benefit is calculated in reference to emoluments lost, the calculation for which is governed by the National Institute for Sickness and Invalidity Insurance. During the first 30 days of the period of maternity leave, the benefit amounts to 79.5% or 82% of the emoluments lost, with or without a ceiling, depending on the beneficiary's qualifications. At present, the income ceiling is set at 3,095 BF/day. As from the thirtieth day, the amount is set at 75% of the lost and ceiled emoluments. Beyond the fourteenth week, the benefit is reduced to 60% of the lost and ceiled emoluments.

For the beneficiary of controlled full unemployment benefits, the indemnity breaks down into a basic amount and a complementary amount, the rates of which are set by Royal Decree. Article 227 (6) of Royal Decree of 4 November 1963, amended by the Royal Decree of 10 January 1990, sets out how the indemnities are calculated. The basic indemnity amounts to 60% of the unemployment allowance which the beneficiaries might have laid claim to if they had not been on maternity leave. The complementary indemnity amounts to 19.5% of the emoluments lost for the first 30 days and 15% thereafter.

Spouses helping the self-employed and self-employed women may receive a maternity allowance amounting to 31,212 BF as from 1 November 1990, subject to their forgoing all professional activities for an un interrupted period of three weeks starting from the day after confinement.

The new maternity insurance scheme is financed through the payment of a social-security contribution collected by the National Social Security Office. The amount to be subscribed is set at 0.12% of emoluments. Consequently, the

employer's social security subscription for sickness and invalidity insurance has increased from 2.20% to 2.32%.

DANMARK

Maternity leave entitles a person to a special benefit, normally on condition that the parent is affiliated with the job market and has been so for the last 3 months before the birth. Maternity benefit is based on the hourly wage which the wage-earner would otherwise have received, with the same 90% ceiling, however, that applies to unemployment benefits. Thus the maximum allowance per week is Dkr. 2,457.

The 1990 collective bargaining agreements in the public sector and part of the private sector provided for full compensation during the maternity leave. As a result, more parents will probably want to use their right to maternity leave.

DEUTSCHLAND

Pregnant women who stop working due to the endangering work conditions are compensated for loss of earnings by the employer. Within the period of pre- and post-natal maternity leave, the mother receives motherhood money (*Mutterschaftsgeld*). Motherhood money is paid to women who, in the period of 10 to 4 months before child birth, were covered by social security health insurance or were covered by employment contract.

For employed women the amount of motherhood money amounts to the level of the average wage of the last three months. It is ceiled at 25 DM per calendar day (according to the length of the month : maximum 700 up to 750 DM a month). In case the average earnings exceed these amounts, then the employer is obliged to make up for the difference, to the effect that the mother receives the full equivalent of her (average) wages.

Women who are not employed but are covered by social security (e.g. self-employed) receive motherhood money to the amount of the sick insurance payments. Pregnant women who are covered by social security, but not by sick insurance, receive a lump sum to the amount of 150 DM. If they are not covered by social health insurance or are covered by private health insurance, they receive motherhood money up to the amount of 400 DM.

Motherhood money, as other family allowances, is tax exempt and free of social security contribution. During maternity leave women are covered by social security without having to pay contributions. However, the amount of motherhood money is deducted from the money one receives for parental leave (*Bundeserziehungsgeld*). If the amount of the motherhood money exceeds the parental leave money, then one does not receive the parental leave money. Actually this means that for mothers who were employed the educational money (*Erziehungsgeld*) only is paid for 16 months instead of for 18 months.

It should be noticed that, next to motherhood money and stay at home money (*Bundeserziehungsgeld*) pregnant women also can apply to a government foundation "Mother and Child" (*Bundesstiftung Mutter und Kind: Schutz des ungeborenen Lebens*). This foundation is aimed at giving support (including financial) to pregnant women in conflict or need situations. It concerns individual assistance conform to the need of the person and can cover costs related to pregnancy, child birth and rearing of the child.

HELLAS

Working women who are either not covered by any insurance or, although covered, do not have the necessary prerequisites for an entitlement to benefit, are eligible to receive 40,000 Drs in 2 equal parts. The first one is paid to them before the delivery, and the second one after childbirth.

ESPAÑA

There are two types of maternity entitlements in Spain. Health assistance during pregnancy, confinement and *postpartum* is applicable to nearly all women through the social security schemes or through public charity services. Maternity leave indemnities are paid for a maximum of 16 weeks and amount to 75% of the basic contribution. These entitlements are granted to women who have been affiliated to the Social Security for at least nine months before confinement and who have contributed for at least 180 days in the year preceding the beginning the period of leave.

FRANCE

In collective agreements based on the Act of 11 July 1975, the most frequent clause referred to in this sphere concerns the 100% remuneration of maternity leave, with the employer paying the difference for daily indemnities paid by Social Security or recovering them after full payment of the monthly salary of the pregnant woman.

IRELAND

Insured women who are working and who plan to return to work after their maternity leave are entitled to claim Maternity Allowance to a maximum of 70% of their salaries. Some employers make up the additional 30% in lost earnings but they are not obliged to do so under the 1981 Act.

Changes in 1991. Some changes occurred in 1991 relating to maternity benefits. *The Social Welfare Act 1991* abolished the general maternity allowance scheme under which women could qualify for a maternity allowance for twelve weeks based on social insurance contributions. The Maternity Allowance scheme for women in employment remains as before. In order to qualify applicants must have 39 contributions in the year immediately before receipt of the allowance. However, a small number of employed women were not entitled to any maternity allowance because they did not meet the conditions for the Maternity scheme for women. These women were those who worked more than 8 hours per week but earnt less than 25 £ per week. It was announced in the 1992 Budget that the Maternity Scheme is to be amended to allow such women to qualify for maternity allowance.

ITALIA

For employed mothers there has been no change in the last years as regards the benefits granted by the law n. 1204/1971. This law provides economic protection of the working mothers linked to periods of compulsory and optional leaves of absence. The benefit amounts to 80% of the salary. The outstanding 20% is ordinarily covered by the employer as stipulated in individual sector labor contract. For certain categories (e.g. public administration) total coverage is guaranteed by the employer. The compulsory period of leave includes the two

months prior to delivery and the three months afterwards. The length of the period prior to delivery may be anticipated in some specific circumstances (difficult pregnancies).

From the fourth to the ten months after delivery (in total six months) the working mother may ask for a period of optional leave of absence; in this case, the allowance allocated is limited to 30% of the salary.

It has to be emphasized, however, that whereas the benefits granted to employed mothers vary in relation to the salary received at the moment of the compulsory leave, the benefits granted to *self-employed* mothers (farmers, craftswomen, tradeswomen) is granted only within the period of the compulsory leave of absence (i.e. two months before and three months after the delivery). This latter benefit, introduced only recently with the law n. 546/1987, is fixed at an amount linked to a conventional salary defined at the beginning of every year. The benefit for craftswomen increased from 31,848 lira a day in 1990 to 34,048 lira a day in 1991; that for tradeswomen from 27,896 lira a day in 1990 to 29,824 lira a day in 1991; and that for farmers from 29,872 lira a day in 1990 to 31,816 lira a day in 1991.

Bill n.82/1990 has been accorded maternity benefits also to independent professional mothers. The benefit covers the period from the two months prior to the delivery until the three months afterwards. Its amount is equal to 80% of the 5/12 of the income earned by the woman two years before the delivery (fiscal declared income). This benefit, however, cannot be less than 80% of the conventional minimum daily salary of the employees multiplied for 5 month's salaries.

GRAND-DUCHE DE LUXEMBOURG

Maternity allowance. This allowance may be given to any woman, it is a universal allowance. However, it may not be cumulated with other entitlements (*inter alia* the pecuniary compensation for sickness and maternity) or other substitute income.
This allowance amounts to 3.879 LF per week and is allocated for 8 weeks before and 8 weeks after confinement if the mother can draw no other welfare benefit or other substitute income (i.e. a total of 62.076 LF).

Pecuniary sickness and maternity indemnity (Article 13 Welfare Insurance Code).
The indemnity is paid to the pregnant wage-earning woman or woman having given birth during the period indicated below. In the event of the woman dying in confinement, the amount is paid to the person who assumes responsibility for the care of the child. Since the Act of 14 March 1988 creating a hospitality leave period for private-sector wage earners, the pecuniary maternity indemnity is also payable when a child is adopted.
The indemnity is paid for two months preceding the confinement and two months after it. When the birth takes place after the theoretical date indicated on a medical certificate, entitlement to the indemnity is extended to the actual date of confinement.
An advance on the maternity indemnity is paid by the Sickness Funds. It is a payment chargeable to the State which refunds the Sickness Funds.
Under a Luxembourg regulation of 29 June 1988, pecuniary indemnities for sickness and maternity were to be paid in advance to workers by the employer for the duration of the month in which the sickness occurs and, if need be, for a maximum of three months thereafter. The employers are subsequently refunded by the workers' Sickness Funds. This measure was proposed in order to ensure that an indemnity was paid for the sickness just as the salary is, thus avoiding a period without income.
The amount of the indemnity is equal to the pecuniary sickness indemnity which in its turn is equal to the insured's gross salary. However, it may not exceed one 12th of the maximum emoluments liable to private-sector employees' contributions. (In the event of premature confinement, the pre-natal portion is reduced in the same proportions).

Changes in 1991. No significant changes were made in this respect in 1991. It is worth recalling that entitlements are indexed and that they have kept up with the cost of living.

Impact. It is estimated that the maternity allowances was granted to 2,131 women, i.e. a total amount of 132 million frames in 1991.

NEDERLAND

During the 16 weeks maternity leave sickness benefit will be paid at 100% of the daily wage.

PORTUGAL

In the public sector, during maternity leave, workers are entitled to receive their full salary. For private-sector workers as well as the liberal professions, protection of maternity takes the shape of a maternity, paternity or adoption benefit to compensate for loss of income. The benefit may not be less than 50% of the average salary in the relevant sector of activity.

UNITED KINGDOM

Employees who have worked for 2 years full-time or five years part-time are entitled to 18 weeks maternity pay at 9/10 of salary for the first six weeks, then Statutory Maternity Pay (£44.50) for the next 12 weeks. If an employee has moved jobs or is self-employed, however, they are entitled to Maternity Allowance at £40.60 for the latter 12 weeks. The total estimated cost for maternity benefits in 1990-91 was £ 395 million - £ 340 million on Statutory Maternity Pay, £ 34 million on State Maternity Allowance and £ 21 million on Social Fund Maternity Payments. 110,000 women claimed State Maternity Pay. The estimated cost to industry resulting from the right of employees to return to work after maternity absence was approximately £ 200-300 million p.a. (Hansard, HC, 19/3/91, c 65-66w). An average of 370,000 employees become pregnant each year and their estimated average weekly earnings are £ 177 (Hansard, HC, 17/6/91, c 74w).

Impact. 80% of women in employment during pregnancy received some form of maternity pay, generally Statutory Maternity Pay (65%) or Maternity allowance (14%). A very small number of women received only maternity pay due under their contract of employment. 20% of women in work during pregnancy received no maternity pay, largely due to insufficient National Insurance contributions (McRae, 1991, p. xxx).

References :

McRae, S., *op.cit.*

II. FLEXI-TIME

BELGIQUE - BELGIE

Belgian legislation on working-time organization has, over the last ten years, undergone major changes. However, most of the changes were based on economic constraints with a view to improving the response to productivity requirements and work-sharing constraints with limitations imposed on overtime. The so-called "*positive flexibility*" has scarcely been reflected in Belgian regulations at all except for the collective work agreement No 45 of 19 December 1989 reached in the National Labour Council, instituting leave for "imperious reasons", rendered compulsory by the Royal Decree of *6 March 1990*. This agreement establishes the workers' right to stay away from work for imperious reasons. Such absences, however, are unpaid. The aggregate number of absences may not exceed 10 working days per calendar year. An "imperious reason" is defined as follows : "any unforeseeable event, unrelated to the workplace requiring the urgent attention of the worker and his/her attention only, insofar as under the employment contract this is not allowed". Examples of imperious reasons are quoted in the agreement : sickness, accidents, hospitalization of certain relations or close acquaintances as well as serious material damage to the worker's property. Finally, it is up to the employer and the worker to decide on other events to be deemed imperious reasons.

The regulations on *part-time work* were totally overhauled in 1990 and 1991. There is, however, no explicit reference to the family.

Changes in 1991.
- The duration of an absence for family events ("*petit chômage*") was increased to three days for fathers on the birth of a child (Royal Decree of 7 February 1991).
- The 1991 Government agreement states that : "The Government shall devote its greatest attention to the value and the fundamental roles of the family in society's equilibrium and development. In this context, a balance between family life and work shall be promoted".

Impact. The new measures are designed to dissuade employers from increasing the number of part-time posts. By contrast, the aim is to enhance part-time workers' right to obtain full-time jobs.

DANMARK

The question of extending the use of various types of flexitime arrangements for parents in particular has been under consideration for some time. In 1989 the issue was taken up by the Government's Inter-Ministerial Committee on Children and discussed with the unions' and employers' organizations with the aim of harmonizing working life and family life. In August 1989 this initiative was followed up by a memorandum from the Minister of Finance to all his ministerial colleagues in which they were asked to promote flexitime systems for employees with children.
In March 1990 the Ministry of Finance issued a directive on flexible working hours for families with children. This directive requests the public sector to plan the working day with due regard for the families' shifting needs for spending time with their children.

Impact. It is still too early to assess the possible effect of that request. A study completed in 1990 and issued in 1991 (O. Gregersen : *Flextid. For hvem? Til hvad ?* The Danish National Institute of Social Research, Report 91 : 2, 1991) shows that 28% of wage-earners have flexitime arrangements whereas for another 28% the length of the workday varies greatly in relation to regular working hours. Surprisingly enough, the question of flexitime or no flexitime is *not* linked to the family situation, but to the wage-earner's position in the job market. Thus 59% of the salaried workers have flexitime arrangements as compared with 15% of the skilled and unskilled workers. Besides, flexitime systems are also more common among persons with a high income and among persons who work more than the normal working hours. The study also shows that more men than women have flexitime and that parents who do not have small children have flexitime to a greater extent than others.

DEUTSCHLAND

Recently the issue of family-friendly flexibility of work schedules has come in focus of attention in the socio-political debate. Yet, no policy measures are being taken into consideration for legislation. Beyond the general rules regulating labour conditions including working schedules, social partners and business corporations can introduce innovations regarding these matters. The agreements on time schedules, as concluded in the metalurgy, *April 1990*, deserve attention. On his own demand the employee can make extra time and put it on a

time-account (*Zeitguthabenkonto*), instead of receiving additional and extra payment. Later, the accummulated time put into this account, can be taken up as paid leisure time. Subject to certain conditions the employee becomes more autonomous as to use of his/her time. Next to this arrangement one can observe a lot of new measures being taken concerning flexibility of time schedules on corporate level. One can regard this as an attempt to increase labour efficiency, yet, the corporate interest in maintaining female employees constitutes a crucial element.

Impact. At least to some extent, business and family interest seem to overlap. Yet, as to the measures referred to above, concerning the metalurgy, no evidence is available yet, documenting the real impact.
As far as part-time work is concerned, no legislative measures have been taken. Actually, in Germany, part-time work almost exclusively is taken up by women. A figure of 93% has been put forward.
According to the German correspondent, the demand for part-time work largely exceeds the part-time jobs available. This situation has been criticized for some time now in the debate on family policy measures.

HELLAS

After maternity leave, employed mothers enjoy the right to reduced working hours. In the private sector, working mothers are entitled to finish work one hour earlier per day during the first year after the birth of child, while mothers working in the public sector, the banks and state-owned enterprises, are entitled to a special reduced working day which is decreased by 2 hours per day for the first 2 years and by one hour per day for a further 2 years.

Until 1990 there was no legal arrangement to cover part-time work. Flexitime was introduced by Law 1892/90, Article 38, which laid down matters relating to the selfguarding of the rights of those on flexitime in terms of minimum wages, annual paid leave and, in general, the implementation of the provisions of labour legislation. Article 39 of the same law dealt with matters relating to the social security of flexitime employees.
Side by side with this arrangement, one can see the introduction of new measures concerning flexibility of time schedules on the corporate level in an attempt to increase labour efficiency.

Article 40 of the same law (Law 1892/90) introduced the 'fourth shift' system, whose purpose was to increase employment levels and the number of employees. Article 42 removed the restrictions on the opening hours of shops.

The following points should be made in relation to another flexitime arrangement aimed specifically at working parents with family commitments (Law 1483/83) : apart from introducing general parental leave (see Section 3), this law also lays down that each working individual with a dependent child or other family member is entitled to paid leave of six days per year if and when these dependents fall ill or suffer from chronic illness or disability. This leave entitlement is increased to eight days for working people with two children and ten days for those with more than two children. The parents of handicapped children are entitled to a reduction of one hour in their working day to allow them to devote more time to the special needs of such children. In addition, parents are granted four working days' leave each calendar year for visits to their children's schools.

Impact. According to recent statistics produced by the workforce survey of the National Statistical Service of Greece (NSSG), out of the total workforce of 3,999,826, part-time work was being done by 154,164 persons (3.9%). Of part-time workers, 35% are men and 65% women. Part-time employees represent 6.7% of the female workforce and 2% of the total male workforce.
There has been some debate over whether flexitime working is "profamilistic" or "antifamilistic". The Greek Society for Demographic Studies is in favour of flexi-work. Women's organizations are against it arguing that women will tend to concentrate in the flexi-work category.

ESPAÑA

Reductions in working hours. Parents (one or the other) of *children under the age of nine months* are entitled to two half hours of leave per day to feed them. Alternatively, the employee may prefer a reduction by half an hour of the day's working hours for the same purpose. Such a choice may appear surprising. Interpreting it is giving rise to inconsistent case law.
People with legal guardianship of a *minor aged under six years* or a physically or psychically disabled person, not engaged in any lucrative activity, are entitled to a reduction in the day's working hours ranging from one third to one half of the full-time hours forfeiting a proportional amount of salary.

Part-time work. Part-time work does not play a very prominent part in Spain which, together with Italy, is one of the European countries where it is applied least. Women are much more concerned than men (11.5% of women in part-time employment in 1990 as against 1.55% of men). In recent years, this type of work has slightly decreased, both for men (1.89% in 1987) as well as for women (12.06% in 1987). Therefore, there is no such thing as either a policy to encourage it or a strategy among women to make work and family compatible by using such means. At the very outside there may be observed a downturn in the "impossible to find full-time work" cause, given as a reason for working part time, whereras the proportion of women deliberately having chosen this type of employment has increased, indicating an upward trend.

Temporary work. Temporary work, in recent years, has developed a great deal in Spain for reasons of economic policy, particularly the fight against unemployment. Women are more affected by these developments, which is felt are part of a process whereby the precarity of employment increases or not as a positive contribution to work-time solutions.

FRANCE

The Senior Council for the Population and the Family in 1987 worded recommendations for diversifying work timetable organizations and developing part-time work (1).

Although it may be considered that the matter of reconciling occupational activities and family life is increasingly becoming a concern shared by most social partners (2), the development of part-time work and re-organizing work

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(1) Haut Conseil de la Population et de la Famille, *Vie professionnelle et vie familiale, de nouveaux équilibres à construire* (Working life and family life : building new balances). La Documentation Française, Paris, 1987.

(2) For example, the publication in 1989 by the Senior Council for Equal Opportunity of a report on the "Management of companies and consideration of family responsibilities", the national inter-occupational agreement of 23 November 1989 on occupational equality between men and women the purpose of which was to ensure that salaries were in line with professional egality offering incentives for employment sectors to conform.

timetables (flexitime, modular or made-to-measure timetables) has not met expectations or provided a response to the relevant recommendations.
Extending part-time work for women, at a peak between 1980 and 1986, has continued much more slowly since then. However, the extension has taken place mainly in precarious-job areas, thus in forms of labour imposed from without, not freely chosen, susceptible to precariousness and revisable (possible return to full time). Rather than an achievement of the objective of reconciling occupational life and family life, it is the logic of the "market" which appears to have won the day since part-time work is first and foremost developing as a function of companies' interests and constraints.

The same applies to jobs forming the subject of reduced timetables or special arrangements. Despite some experiments implemented by certain companies, these forms of job have not made progress. Flexitime has progressed, particularly as a function of the needs of companies anxious to respond to fluctuations and production surges thus enabling them to use their plant more cost-effectively.

To ensure that these measures are given further opportunity for development, the Senior Council for the Population and the Family has suggested getting the dialogue between labour partners under way in order to seek co-ordinated agreements with public authority incentives (legislative, regulatory, financial, fiscal) as was the case for part-time work arrangements with the national inter-occupational agreement of 21 March 1989 and the addendum to the inter-occupational framework agreement on the improvement of working conditions dated 20 October 1989. Two further negotiations in occupational areas as yet not involved by these measures. It is felt (this could lead to an agreement on regulations at the national level) that a single process should be taken up on part-time work and work subject to time arrangements.

IRELAND

There is no overall Government Policy on flexi-time and there has been no public debate on this issue. Information is only available on the scheme operated for the Civil Service employees. Flexi-time is only available for certain grades and within certain areas of Civil Service Departments and is subject to the requirements of the job.

Part-time Work. Arising out of the Programme for National Recovery (1987), the Government introduced the Worker Protection (Regular Part-Time Employees) *Act.* This legislation provides for the extension to regular part-time employees of the scope of current legislation regarding minimum notice, maternity leave, redress for unfair dismissal, worker participation, redundancy and insolvency payments protection and holiday entitlement. Regular part-time employees are defined as those who have worked at least 13 weeks for an employer and work a minimum of 8 hours per week.

Changes in 1991. The Worker Protection (Regular Part-time Employees) Act 1991 was enacted.

Impact. The Department of Labour estimates that approximately 20,000 employees will benefit from this legislation and the extension of statutory holiday entitlement, which had been restricted to those who worked at least 120 hours per month, will benefit about 40,000 employees. Women workers are likely to be the major beneficiaries. The two main Banks and the major Building Societies employ a large number of married women in a part-time capacity. The Department of Labour (Annual Report for 1990) estimates that 80% of part-time workers are women.

ITALIA

In recent years also in Italy *policies of flexibility* in work schedule have been adopted, due to the impact of technological innovations and of national and international economic competition on one hand, and to an effort to reduce unemployment and to supply work facilities to young people, women and retired persons on the other. Pro-familistic purposes aren't expressly mentioned or are not the most important ones.

Flexi-time policy is regulated by law and by contracts and agreements between employers and trade-unions.

In the last years several steps have been taken to make employer-worker relationships more flexible : these include *job training contracts* (fixed-term contracts valid for a maximum of two years, but convertible into permanent contracts) for young people between the ages of 15 and 29 selected from the jobless registre, and *part-time contracts*.

While employment did increase as a result of these steps, the overall result was modest and made no impact on the current unemployment trend.

Part-time work regulation was introduced in Italy mainly to cope with increasing unemployment (Act n. 285/1977 regulating juvenile employment; Act n. 863/1984 providing for part-time in the private sector, and Act n. 554/1988 for the public sector).
Also collective contracts and agreements between employers and trade-unions deal with part-time work, according to the specific characteristics of each branch of economy.
These contracts regulate the work schedule; the number of workers to be admitted to a part-time regime, as a percentage of all workers; what kind of jobs or qualifications are requested for.
A number of them provide that priority in part-time work is given to workers (men or women) with children aged up to three years or for other family reasons.

Impact. It is a matter of fact that women avail themselves of part-time much more than men, but it is also true that, differently from other European countries, only a small minority of women work part-time (10.9% of working women, and 3.1% of working men). Their percentage, however, has been increasing in the last years.
The major obstacle to the diffusion of part-time work is due to the fact that it is less convenient than overtime work for employers.
Moreover it should not be forgotten that some of the weaknesses of the female labour force have been strenghtened through the increased flexibility of women's role within their families and their continuous employment. A particular example is the way in which the woman's remuneration is no longer regarded as just a supplement to the man's wages.
In fact, the principle of wage parity is laid down in law (in the Constitution and Act 903/77 on equality), and women's wages have in practice become vital to the fundamental aspirations of the nuclear family: in most cases, only families in which both partners work have a satisfactory standard of living.
What is more, in many one-parent families - the number of which is increasing because of the rising divorce and separation figures - the woman's wage is the main financial resource of the family, while the maintenance paid by the father plays the "supplementary" role traditionally played by the women's remuneration.
The same situation is found in the second family, where the woman provides the main financial support, as the man's contribution is decreased by the amount which has to be paid to his previous family.

Hence the debate in Italy as to whether it is really possible for large numbers of women to reconcile employment and family life by working part-time; it is generally felt, in fact, that part-time working is only useful for brief periods of a woman's life, as demonstrated by the fact that very limited numbers of women work part-time and that they commonly apply for their contracts to be converted to full-time.
Women's organizations and trade unions are concentrating more on general reductions in working hours without corresponding wage cuts, which would entail not just an increase in employment, but also a fairer distribution of family responsibilities.

GRAND-DUCHE DE LUXEMBOURG

At the present time, Luxembourg has no really effective laws on flexible working hours, except in the public service. Indeed, Article 5 of the Grand Duchy Regulation of 13 April 1984 sets the duration of normal working hours and lays down particulars for flexible working hours in Government departments. It is estimated that some 40% of all public-service workers take advantage of the flexible working-hour system.
Nationally, the trade unions (e.g. OGBL on 27 September 1990) or the political parties (e.g. the Social Christian Party in early February and at the end of October 1990) discussed flexible working hours and reconciling family life and occupational life. Several women's organizations, such as Socialist Women, *OGBL Fraen*, Planning Familial, *MFL*, *RSP-Fraen*, *Greng Fraen*, *Union des Femmes*, *FNC-Fraen* and *Femmes en Détresse*, adopted a stance against flexible working hours, favouring a 35-hour week without loss of salary or other benefits (early March 1990) in the framework of the theme : "*35-Stonne-Woch direkt statt eng Flexibiliséierung*", at the 1990 international women's day.
Aware, on the one hand, of technological developments and the need to adapt working hours to the requirements of the labour market, but, on the other, of the need to reconcile family life and occupational life, the Government tabled a set of Bills with a view to attaining these objectives.

In his 1991 state-of-the-nation address, the Prime Minister re-iterated the Government's determination to achieve progress in this sphere : "*Nationally, the government is pursuing a policy to adapt the laws governing labour relations at a time when it is confronted with new forms of work organization, so-called atypical forms, taking account of the need to protect companies' flexibility and providing*

wage-earners with the requisite guarantees". The Prime Minister also referred to the Bill on temporary work and labour loans, the Bill on voluntary part-time work, which "*is designed inter alia to do away with certain obstacles liable to deter employers from offering part-time jobs, while providing guarantees comparable to those given full-time wage-earners*".

Part-time work has been becoming increasingly important in recent years. At the present time, over 15,300 people work part-time, accounting for over 8.5% of aggregate salaried jobs in Luxembourg. This major upward trend continued between 1990 and 1991 (August), with the creation of over 2,000 part-time jobs. However, this is something which occurs more frequently in the service sectors (sectors with a greater proportion of female posts) than in the industrial sectors. In some sectors, part-time work exceeds 10% of overall salaried jobs (for the non-profit-making services sector, the percentage is as high as 18.2% (August 1991).
This induced the Government to giving precedence to the Bill on voluntary part-time work (Parl. doc. 2671, filed on 18 January 1983).
This Bill has a twofold objective : on the one hand, to avoid deterring employers from offering part-time jobs, although there is a real need to be met and, on the other hand, to give such workers a status comparable to that of full-time salaried personnel. After a series of consultations, the Government has just tabled an amended Bill (early March 1992).

NEDERLAND

Some 54% of working women in the Netherlands work part-time. This is noteworthy because the Netherlands have almost the lowest percentage of working women and the highest percentage of women with a part-time job. The fact that 80 per cent of part-time jobs are done by women also illustrates the problem women are faced with in combining a job with housework and looking after children.
The wide disparity between how people think men and women should share responsibility for unpaid work in the home and what happens in practice, is another reason explaining the high proportion of women working in part-time jobs. A majority (65%) of the Dutch took the view that men and women should divide household duties equally but the actual picture is quite different (SZW, 1989).

Changes in 1991. During the 1991 wages negotiations between employers and employees the issue of reduction of worktime did play a role. The central government considers that flexitime policy is a matter for the social partners to debate and decide upon.
In 1991 the question of the opening hours of shops which until now is fixed by law was debated in the Parliament. Partly through labour market policy considerations an effort was made to render opening hours of shops more flexible. Most resistance came from the trade unions, the main argument being disturbance to family life that new measures could create. Here we see in fact a paradoxical situation. On the one hand, flexible worktime can contribute to a higher work participation; on the other hand, flexible worktime may bring about disturbances in the family life of the employed.

Impact. Flexible worktime schemes may be reviewed and reassessed when the work career is under consideration (retirment age, VUT arrangement, etc...). But they may also be reviewed in the case of the work year (for example, for determining legal summer holidays, number of days off the job in place of payment of wages, etc.), per week (duration of work hours), even per day. The existing variety of schemes shows clearly that it becomes extremely difficult for a family to decide which measure is the most favourable for its needs. Also, flexible worktime when measured its effects on everyday family life shows a certain overcharge of the homemaker's tasks.

PORTUGAL

The most important new change came in 1988 when two new types of working-hour schemes were introduced : "flexible schedule" and "continuous day". These two new schemes were designed with a view to helping workers with children under the age of 12 years or with disabled children. Under the "flexible schedule" scheme, the parents can choose a timetable better suited to the needs of family life. Under the "continuous day" scheme, workers are given the possibility of concentrating their work in a single half-day.

Changes in 1991. In 1991, no further changes were introduced.

Impact. In 1990 7.9% employed women worked part-time (employed men : 2.9%).

UNITED KINGDOM

"...little overall change in access to flexible working arrangements since the 1979 PSI survey, except where a new type of arrangement had been introduced such as career break or retainer schemes. Part-time working arrangements remained the most commonly reported facility for flexibility" (McRae, 1991, p. xxvii, *op. cit.*).

There is no national policy on flexible working arrangements. The amount of discussion on workplace policies, particularly with reference to European legislation and the role of women, continues to increase. Much of this discussion registers the rise of part-time work.

Robert Jackson, Under-Secretary of State for Employment stated: "While recognising that returning to work must be a matter of personal choice for the woman concerned, my colleagues and I take every opportunity to encourage employers to adopt working practices to make it easier for employees to combine work and family responsibilities" (Hansard, HC, 30 January 1991, c 521).

The Government urged employers on several occasions to offer employees more flexible working arrangements including job-sharing, career breaks and other "family friendly" schemes but did not follow this up with new legislation.

Opportunity 2000 was launched in October 1991. This is a campaign set up by Business In The Community under Lady Howe, with the Government's blessing, to increase "the quality and quantity of women's participation in the workforce".

The Conservative Family Campaign (comprised of back bench MPs) argued that women should not be encouraged into the workplace, particularly at a time of high unemployment. They advocate a return to child tax allowances and the refusal of funding for workplace creches.

A survey by the Chemical Industries Association suggested that chemical companies have "generally failed to anticipate the range of training provision required" to allow for flexible working practises.

J. Sainsbury, the supermarket group, began to offer "term-time only" working for women with children at school and also child care vouchers. They stated that flexible working schemes had cut staff turnover from 40% to 20% in 18 months.

The Opposition Labour Party suggested a new Sex Equality Bill is needed which would combine and strengthen the Equal Pay and Sex Discrimination Acts; simplify procedures for making an equal pay claim; ensure that employers set equality goals for all levels of their organisation; extend the role and power of the Equal Opportunities Commission. This was not put before Parliament.

The Equal Opportunities Commission (EOC) took the Government to court to challenge the law which prevents part-time workers from receiving the same protection from redundancy and dismissal as full-time workers. Part-time workers are denied redundancy payments, the right to bring a case for unfair dismissal and the right to claim compensation for unfair dismissal. The High Court ruled that the Government was "objectively justified" in continuing with its policy.

The EOC also launched an Equality Agenda in November 1991 advocating the need for equal pay for equal work, better vocational training, further protection and pensions for part-time workers, improved pregnancy provision and paternity leave and adequate nursery care.

Reference :
McRae, *op.cit.*, p. xxvii.

III. PARENTAL LEAVE / (TEMPORARY OR PARTIAL) CAREER BREAKS

BELGIQUE - BELGIE

On 22 January 1985, within the framework of a remedial law containing labour provisions, Belgian legislation implemented a novel mechanism to suspend performance of an employment contract entitled "*interruption of occupational career*" (Section 5 of Chapter IV of the "Employment and Longevity" Act). The purpose of this was to enable workers to suspend performance of their employment contract either totally or partially. During the period of temporary discontinuity of contract performance, workers are entitled to receive so-called "interruption" allocations payable by the unemployment insurance if such a worker is replaced by a fully-indemnified unemployed worker or equivalent. When the legislation was enacted, the reason for requesting the breakor reduc-

tion was not taken into account as the Act made no provision for workers having to justify their request. This measure proved to be a great success. However, *it is mainly women who request application of this measure, owing to reasons relating to family needs*. This tendency to use career-break schemes caused debate between the different social and political schools on the advantages and disadvantages of the schemes.

The measures introduced by the Minister of Labour in 1990 should be evaluated in the context of this controversy.

- Although the minimum career break is in principle 6 months, this is reduced to 12 weeks when the break is requested by a female worker *for the birth of her child, while the male worker may also benefit from such provisions*, provided that direct line of descent is established (Royal Decree of 7 May 1990).

- When workers discontinue their careers for a minimum period of 36 consecutive months, the "interruption" allowance is increased by lump-sum of maximum 5,000 BEF subject to the workers proving that they have agreed with their employers to take a 2-week minimum re-insertion programme course organized by their employers in the final month of the period of temporary discontinuance (Royal Decree of 13 August 1990).

Positive measures were adopted for "*re-entering persons*", i.e. those wishing to rejoin the market : "the category of job seekers who wish to return to the labour market after having stopped their occupational activities to devote themselves to : 1) either rearing their children, their spouse's children or the children of the person with whom they live; 2) or take care of their father and/or mother, those of their spouse or the person with whom they cohabit".

Career breaks have recently been subsumed into actual work periods in the unemployment regulations. The Royal Decree of 16 November 1990 on the granting of unemployment allowances in the event of agreed early retirement provides for the requester of early retirement having to give proof that he/she has worked for 25 years (or equivalent days) as a salaried worker. The Decree means that the following categories are to be counted as work days :
- occupational career breaks by virtue of the provisions of the Remedial Act of 22 January 1985;
- the periods during which the worker temporarily discontinued his/her wage-earning activities to raise a child under the age of 6 years.

DANMARK

None of the regulations in this area have to do with family relationships.

DEUTSCHLAND

Parental leave has been institutionalized in Germany from 01.01.1986 by law. This parental leave (*Erziehungsurlaub*) is part of the parental allowance introduced in 1986 (*Bundeserziehungsgeld*). Children born after 01.07.1990 give right to an extended period of three months which brings the total parental leave from that day on up to 18 months.

There exist many measures going far beyond the provisions as set in the law on parental leave. E.g., in civil service one can take a career suspension up to 12 years for family reasons.
There also exist extra-legal provisions for parental leave on the level of individual enterprises in the private sector. They are likely to be found in large companies, rather than in middle or small businesses. The leading role is played by the industrial enterprises, the non-industrial branches lagging behind.

HELLAS

The time limit set for (unpaid) parental leave is 3 months for each parent until the child reaches the age of 2½ years (Law N° 1843 of 1984). An absolutely personal and non-transferrable right to parental leave is created for the father so as to enable him, too, to share in the child's upbringing. Under this system, if either of the parents fails to make use of the leave to which he or she is entitled, this period cannot be transferred or added on to the leave to which the other parent is entitled. In cases of divorce or separation parental leave is the entitlement of the parent who has the custody of the child or children and its duration is increased to six months by the addition of the three months previously allocated to the other parent. This provision also applies to unmarried mothers.
In 1988 (Presidential Decree 193/88), the parental leave law was extended to cover the private sector as well as the legal persons under public law and local government. This law applies only to firms which employ over 100 people. Only working people who have been employed at least one year by the same firm are eligible for parental leave, and the spouse must also be in work. Employees

receive no wages while on parental leave and they are obliged to pay their own social security contributions together with the employer's contribution.

Impact. These laws suffer from a number of constraints which mean that only a small proportion of the workforce are entitled to benefit from them. For reasons connected with the structure of the Greek economy, there are comparatively few such firms in Greece : in 1984 the total number of firms amounted to 144,463 of which 123,962 employed up to four persons (*Statistical Yearbook of 1987*). A survey conducted in 1988 by the General Secretariat for Equality of the Two Sexes showed that in 244 firms only 482 men and 908 women had taken parental leave. Figures for the parental leave granted in the State sector are incomplete.

ESPAÑA

Act 3/89, amending the status of workers, introduces the possibility of benefitting from parental leave without pay of a maximum duration of three years upon the birth or adoption of a child. The first year of this period of leave maintains entitlement to resume the job and does not involve any loss of seniority. Such leave may be taken by the mother or the father.

Act 26/1990 has complemented this legislation by including the first year of leave without pay to a period of actual social security contributions, with all rights maintained.

Impact. Act 3/89 of 3 March, modifying the status of workers, introduced a major change of outlook by switching from legislation protecting women with family responsibilities to legislation protecting family responsibilities regardless of the person (man or woman) assuming them. Leave without pay, time off for feeding and maternity leave are no longer reserved exclusively to women but, are, with some restrictions, shared between the spouses.

FRANCE

The possibility of suspending occupational activities to take care of one's child in France comes in the form of "*parental child-upbringing leave*" which may be taken for a maximum duration of 33 months (until the child's thirty-fifth month) either by the mother or the father if they are wage earners (in a company with more than 100 employees), there being a guarantee that their job will be maintained.

Impact. Although no quantitative assessment is at present available, it would appear that this measure is used to only a small extent. If it is used, it is used chiefly by women in the intermediary professions category particularly in the public sector.

The lack of success of this measure, on which hopes for an improved reconciliation of occupational life and family life had been based, a measure to ensure greater equality between men and women when it came to caring for their children, may be explained by a number of hindrances :

- the parental child-upbringing leave is not remunerated;
- parents who might resort to it are ill-informed as to its existence;
- many companies are reluctant to have their employees use this measure;
- there are insufficient guarantees for resumption of the suspended job concerning status, remuneration, education possibilities for promotion after a long period of suspended occupational activities.

To make this measure fully effective, consideration could certainly given to :

- extending the benefit to employees in companies with fewer than 100 employees;
- provide at least partial remuneration;
- design measures to facilitate the return to the former job.

The prospect for developing this "*parental child-upbringing leave*" should, however, not disregard what appears to be an aspiration among many young mothers to *stopping work temporarily.* In an inquiry, it appeared that 85% of the parents of infants are in favour of a financial-aid incentive to allow mothers of infants to stop working temporarily.

Changes in 1991. Anyone resuming work after parental education leave or expiry of the period of a parental allowance, for three months from this date enjoys health insurance which was available to them before the period when they were paid a parental education allowance or started a period of leave. Such maintenance of the entitlement to health insurance was provided for in the Act of 18 January 1991 (Decree n°92-17 of 2.1.1992).

Reference :

G. Hatchuel, *Accueil de la petite enfance et activité féminine,* CREDOC, Paris, 1989.

IRELAND

There is no overall Government Policy on this issue other than that relating to the Public Sector. Private sector arrangements are a matter of individual arrangements between employers and employees.

Public sector. Since 1984 the public service has operated a scheme of career breaks and job sharing. When the scheme was set up such arrangements could be made for work, domestic or educational reasons. In 1988 these were restricted to educational and domestic reasons only. *Since October 1990* travel abroad has been included as a basis for granting career breaks because this is one reason which was increasingly given as the purpose for the career break. These schemes were introduced primarily as a means of reducing overall numbers employed in the public sector rather than part of a pro-familistic policy. There has been very little recrutment in the public sector over the past six years and staff on career breaks have not been replaced.
Granting of job-sharing and career breaks is discretionary. However, the policy is that all jobs are shareable unless it can be shown that they are not. Career breaks are not granted to highly specialised personnel such as computer specialists and tax inspectors. Since 1984 there has been a gradual increase in the numbers availing of both schemes.

Impact. In 1990 in the civil service there were a total of 2,548 people on career breaks of which 766 were men and 1,782 women. The majority were aged under 30 years (2,012), 500 were between 30 and 50 years, and 27 were over 50 years of age.

Reasons for Career Breaks in Civil Service 1990	
Travel and jobs abroad	1,194
Jobs/own business in Ireland	237
Care of young family	*446*
Other domestic reasons	*354*
Study	286
Other reasons unspecified	31
Total	2,548

Source : Departement of Finance 1991.

Career breaks initially were for three years, but have now been extended to 5 years. The return rate from career breaks has been 15-16% and where they do return the majority of the women take up job sharing to facilitate domestic schedules.
A scheme for career breaks for teachers was introduced in 1985. Domestic responsibilities is one of the main purposes for which career breaks are taken. During the academic year 1990/1991 405 primary school teachers availed of career breaks and in 1990/1991 it fell to 405. Maximum length of five years per career break may be taken.

Job Sharing. In the civil service in 1990 there were 902 people job-sharing of whom 885 were women and 17 men. The highest percentage of these were in the lower grade jobs.

Impact. It is clear that career breaks and job sharing are mainly taken up by women and the majority of them do so to undertake the care of a young family or for domestic reasons.

ITALIA

In public employment a temporary unpaid suspension of career is provided, expressly for family purposes ("*aspettativa per motivi di famiglia*"). This special leave may last no more than one year; job and position security are assured. There are no similar provisions in the private sector.

Act 903/1977 providing for parity between men and women in labour matters, lies down two important principles :

- working parents, who have adopted children or have got children in placement in view of adoption, are enabled to enjoy the same compulsory and optional leaves recognized to natural parents, when the child is no more than six years old at the moment of adoption or placement.
- Fathers are entitled to take leave instead of the working mother : a) in the case of optional leave (for a six-month period during the first year of child's life; b) in the case of child illness, for an unlimited period up to the child's third birthday.

The father is however only enabled to take temporary leaves when the mother gives up her right by a formal act of renouncement, followed by a declaration of her employer.

It is easy to understand why, due both to the complicated procedures provided by law and to the traditional sexual division of labour, actually in very few cases fathers avail themselves of this opportunity.

A decision of the Constitutional Court (n. 1, 14.1.1987) gives working father the right to compulsory leave for a three months period after the birth, in the event of the death or serious illness of the mother. According to the Court opinion, infact, compulsory leave is provided not only for protecting mother's health, but also the relationship between child and his/her parents.

GRAND-DUCHE DE LUXEMBOURG

A Bill has been in existence since 1982 the purpose of which is to introduce parental leave. During deliberations on Bills to lengthen post-natal leave, as well as special leave to be taken in the event of children being sick, the need to introduce parental leave was underscored by nearly all the political parties. Similarly, an idea was put forward to introduce paternal leave to enable fathers to take care of their infants while the mothers are in confinement as also during a rest period for the mothers. However, up to now, no actual Bill along these lines has been put forward.

Indeed, following maternity or adoption leave, *private-sector wage earners* are entitled to a year's unpaid leave but without any real right to be taken on again by the company. *Public-sector staff* are entitled to a year's unpaid leave; they are entitled to reintegrate their jobs, and the period of leave counts as a period of work (which is not the case in the private sector).

Public-service employees are also entitled on request to *half-time work leave* following maternity leave, adoption leave or even unpaid leave. The half-time work holiday is granted to "rear one or more dependant children under the age of 6 years". The leave has to "coincide with the start of a school term".

Upon expiry of the period of unpaid leave, half-time work leave, public-sector employees may (this is not a right) be authorized to discontinue their work temporarily to rear one or more dependant children under the age of 15 years. At

the end of this period, the public-sector employee may put in a request, respecting a notice period of at least 4 months, to re-integrate his/her full-time job in the original Government department.

It is worth noting that unpaid adoption leave, half-time leave, temporary discontinuance of duties and half-time work may be taken by the female or the male staff member indifferently.

NEDERLAND

The right and conditions of *part-time* parental leave without remuneration are fixed by the *Parental Leave Law (1990)*. According to this law everyone who is employed in the Netherlands and works with the same employer one year at least, is eligible for part-time unpaid parental leave in order to take care of a child(children) under the age of four. Civil servants (and some employees in the private sector depending on the provisions in the labour conventions) are partly paid during their parental leave. The right to parental leave applies to all employed persons, women as well as men. Part-time parental leave cannot exceed six uninterrupted months; during this period the beneficiary is under the obligation to work 20 hours a week at least.
Part-time parental leave is applied to employed persons that have a "family judicial" relationship with the child. As such the law recognizes : - the mother of the child in all cases; - the father of the child from his marriage; - the person that has adopted or recognized the child.
Also are assimilated to the above all persons who have no "family judicial" relationship with children under four but who take care and raise them, provided they live under the same roof.

Impact. In addition to the legal dispositions regarding parental leave there is a large variety of rules at both the individual as well as at the sectorial levels. Within the public sector some municipal services have their own rules which determine how payment of one's salary shall continue. The same applies to private concerns. Considerable differences in parental leave derive from this system.
It should be mentioned that higher and middle school educated employees make use of the facilities. By contrast, lowly qualified employees prefer to stop working rather than make use of the facilities.

PORTUGAL

Parental leave (periods between 6 months and 2 years immediately after maternity leave) is unpaid. It would appear that such leave is not taken frequently for reasons which include the fact that such leave is unpaid, the attitude of employers and the insecurity of workers under temporary contracts. People in top jobs are not entitled to this leave.

Impact. It is not possible to state the causes for career interruptions and other relevant information. However, as regards women, it would appear that the concept of "women in the workplace" does not enjoy the same social significance in Portugal as it does in other countries. Women in Portugal have been at work for many a long year and their goal is to complement low-level family earnings. Seen as "extra" work, it takes on a variety of forms : domestic, undeclared, seasonal, precarious, temporary work, and it is mostly in threatened sectors. Long-duration adult female job seekers are not women coming back to work because their children have grown up, but women who have been "removed" from former jobs.

UNITED KINGDOM

There is no national policy for maternal or parental leave beyond the minimum requirements for the protection of women in the workplace. There is considerable interest among certain private sector employers in this area, but no consistent or uniform action.

Banks, building societies and other financial institutions have been prominent in *the private sector* among those introducing career break schemes. Although the maximum entitlement to unpaid leave is usually limited to five years or a number of shorter breaks, one insurance company allows a ten-year absence and another sets no time limit at all. Most schemes guarantee a job of the same or similar grade back at the end of the break. Employees qualifying are often restricted to higher grades or those with particular skills or experience. Boots the Chemist, for example, has career breaks of up to five years for employees at senior assistant level or above who have worked for the company for more than a year.

In the public sector, government departments, many local authorities and the National Health Service all operate schemes. Civil servants on leave may be

asked to do ten days work or training each year with their department contributing towards childcare costs.

Applicants for career breaks are overwhelmingly women, but no breakdown as to age or family situation is available.

A recent development has been concern expressed to the Trades Union Congress by the Bank workers' trade union, Bifu, that unpaid leave and school term-time working arrangements should be controlled to stop an unfair burden falling on other staff when the beneficiaries are absent. The union is especially opposed to introduction of the American system known as "V-time working" whereby employees can reduce their working time and salaries by between 5% and 30%. They are allowed to shorten their working days or take a block of unpaid leave during the year.

IV. DAY CARE

BELGIQUE - BELGIE

Child day-care, (since the State reform) has become a community responsibility. In the Flemish community, the "Kind en Gezin" (Child and Family) institution looks after day-care facilities. In the "Communauté Française", the institution responsible is the "Office de la Naissance et de l'Enfance" (Childbirth and Childhood Office).

At the present time, the following day-care amenities are available for infants :

a) *Creches* take care of children between the age of zero and three years. In the "Communauté Française", they can cater for between 18 and 96 beds. In the Flemish Community, the minimum capacity is 23. In principle, they operate 10 hours a day and 5 days a week.
Nurses' and welfare workers' wages are subsidized by the "Office de la Naissance et de l'Enfance" and "Kind and Gezin" respectively. Maintenance, kitchen, etc. staff salaries are not subsidized. Parents contribute to day-care expenses as a function of their income and dependants. Financial participation varies between 50 and 555 BF per day and per child in the "Communauté Française". In the Flemish Community, the figure is 60 to

500 BF per day and per child. Recently, provision for tax deductibility has come in. The competent public authorities argue that it is impossible to increase the budgets made available to creches.
On 31 December 1989, in the Flemish Community, there were 8,751 places available in 196 establishments. In the "Communauté Française", there were 7,886 places available in 205 establishments.

b) *Pre-nursery school facilities* take care of children from the age of 18 to 36 months. In the Flemish Community, the minimum capacity is 20 beds and in the "Communauté Française" 18 beds. In principle, these establishments operate 10 hours a day minimum.
They function in the same way as creches.
On 31 December 1989, in the "Communauté Française", there were 1,052 places available in 45 establishments. In the Flemish Community, the figure was 1,038 places in 50 establishments.

c) *Independent supervised-carer services* take in children up to the age of 10 years in the "Communauté Française" and 6 years in the Flemish Community. The supervised carers are people with no employment status (they are neither wage earners nor are they self-employed) enrolled in an independent service and working with a creche, who provide home child-care services.
A lump-sum contribution to the salary of a social nurse or welfare worker for 20 carers and 30 children is financed by the respective French-speaking or Dutch-speaking offices. Parents contribute financially to child-care expenses. The "Office de la Naissance et de l'Enfance" and "Kind en Gezin" respectively, if there is a need, make up the difference to 485 BF and 416 BF respectively. In the "Communauté Française", there are 64 services with 2,184 carers for 6,115 children. In the Flemish Community, there are 4,078 carers in 115 services.

d) *Independent carers* are people with an employment status of "self-employed" operating under their own initiative. They are under obligation to abide by the administrative regulations as determined by the public authorities. The child-care conditions are the same as for the supervised carers. However, there are no regulations governing the parents' financial contributions.
On 31 December 1989, in the "Communauté Française", there were 1,305 independent carers offering child-care facilities for 5,217 children. In the Flemish Community, there were 4,313 independent carers.

e) *Children's houses* are premises where 6 or more children are taken in care. They are fee-paying organizations under a public or private governing body. These child-care centres are not, in principle, subsidized.
The centres, however, may only take in children as long as they abide by the public-law regulations at present inforce.
On 31 December 1989, in the "Communauté Française", there were 333 day-care facilities able to take in 6,451 children. In the Flemish Community, there were 183.

f) *Other day-care facilities*, controlled little or not at all by "Kind en Gezin" or the "Office de la Naissance et de l'Enfance" : "colonies", "cures de jour", "farandolines", "halte-garderies", "maisons maternelles", "pouponnières", "bébés papotes", "bébés rencontres", etc.

g) As from the age of two-and-a-half years, the children may be taken to *schools*, in the pre-nursery school sections.

Within the framework of a research project to increase financial assets, various initiatives have got under way. As from fiscal year 1990, *expenses for infants' and small children's day-care services will be tax deductible* as follows :
- amounts paid for day-care services for dependent children,
- amounts paid to recognize institutions, subsidized or monitored by the "Office de la Naissance et de l'Enfance".

Eighty per cent of the expenses paid, with a ceiling of 345 BF per child per day of care, are tax deductible.

The Social Provisions Act of 30 December 1990 amends Article 107 of the co-ordinated laws on family allowances.
According to this Act, the *Community Amenities and Services Fund*, under the National Family Allowances Office for Salaried Workers is responsible for financing :
* amenities and services for families receiving family allowances or which have done so in their capacity of salaried-worker families;
* amenities and services, which, outside regular working hours, offer to provide care services for children from the age 0 to 3 years which, by virtue of such laws give entitlement to family allowances or which take in such children when they are sick.

For the year 1990, 375 million BEF was allocated to the Fund.

Finally, social advantages, business creches, the social status of staff, ... are being reconsidered at the present time.

DANMARK

The Danish day-care system is based on the public authorities' obligation, under Section 69 of the Social Security Act, to make available the required number of day-care facilities for children and young people. The basic principles of this law, which was enacted in 1976, are still in effect, even though some of the terms of reference have been amended subsequently, most recently in 1990-91.

The high occupational frequency of parents with small children has entailed a widespread need for day-care facilities. As a result, this sector has experienced rapid growth since the mid-60s. At present 60% of the 0-6 year-olds can be accommodated.

Public day care in Denmark falls into the following categories : community mediated day care, day-care institutions and, as of 1990, pooling systems. In addition, there are private day-care facilities. Those categories may be further subdivided as follows (number of children enrolled in 1991 in parenthesis) :

* Community supervised care : 0-2 year-olds (66,183)
* Nurseries : 0-2 year-olds (24,520)
* Nursery schools : 3-5/6 year-olds (92,396)
* Age-integrated institutions 0-13 year-olds (60,180)
* Recreation centres : 5/6-13 year-olds (31,733)
* School-based care : 5/6-9/10 year-olds (49,594)

As previously mentioned, the rate of accommodation has risen sharply in the last 20-25 years. This development is shown below for 1980-89-91 (percentage figures) :

	1980	1989	1991
1/2-2 year-olds	41	57	58
3-6 year-olds	50	66	67
7-10 year-olds	13	32	38

Thus informal day care still plays a significant role in Denmark. This is seen in a National Institute of Social Research study (O. Bertelsen : Offentlig dagpasning. Report 91 : 4, 1991), which shows the care facilities for 0-6 year-olds in 1985 and 1989 (percentage figures) :

	1985	1989
Day-care institutions	40	42
Community supervised care	15	18
Private day care	10	8
Grandparents/relatives	8	5
Young girl/domestic	3	2
Parents only	23	23
Other	1	2
Totals	100	100
Estimated number of children	380,000	387,000

Despite the solid growth in facilities, there is still a waiting list for community child care. Based on data supplied by parents, there is now a pressing need for 37,000 places (Bertelsen, ibid.).

Rates for community child care total 35% of the budgeted institutional expenses (apart from housing expenses). However, since the local councils may make exceptional grants in order to lower the rates, these will vary greatly from one community to another. In 1990 the lowest rate for a nursery school child was Dkr. 720 and the highest Dkr. 1,380. Parents may obtain a free place, provided their annual taxable income is below Dkr. 40,000.

In March 1991, however, some of the rates were changed. Thus, as of 1 August 1991 a compulsory sibling allowance of 33½% will apply to all children in community care. Furthermore, the parents' maximum share is reduced from 35% to 32%. Finally, the free place limit is raised to Dkr. 45,000 and runs until Dkr. 140,000.

The public debate in Denmark concerning day care has focused on waiting lists and on the development of a more flexible day-care system. 1989 and 1990 saw the introduction of new special regulations, enabling experimental initiatives in day care, for instance the so-called pooling schemes. These empower local councils to give each child a grant so that care arrangements can be established

in firms, interest groups, parents' groups etc. The public authorities supervise the arrangements.
The greater flexibility in the day-care sector now includes offerings that enable the child to stay overnight at the institution. For instance, at the Danish State Railways the need for such flexibility has been considerable and several facilities of this type are being developed on a trial basis.
The day-care issue is the subject of much public attention. The problem was debated in the Folketing again in March 1991, but public interest continues unabated. Further subjects of discussion, in addition to waiting lists and flexibility, are the quality of and parental role in day-care institutions.
The political settlement of May 1991 (the "Child Package") also covered an agreement on the administrative structure. As a result, boards with majority representation of parents will be established in the individual institutions. Within the competence of the board are such matters as economic decisions, pedagogical principles and cooperation among institutions.

DEUTSCHLAND

Child-care schemes operating in the Federal Republic of Germany may be distinguished as follows: 1) Creches (for children under the age of 3 years); 2) Kindergartens (for children having reached the age of three but not the compulsory school-attendance age); 3) Child-care centres (for children who have reached the compulsory school-attendance age). Recently the idea of mixed-age child care centres came out for socio-political discussion.

Child care is provided either by the local authorities or by private organizations. Generally, there is joint funding, i.e. by the organizers, the "Länder" and parental contributions.

Impact. The need for *Kindergartens* is almost totally met although the discrepancy between supply and demand is visible in certain specific regions. By contrast, there is still a notable lack of places in *creches* and *day-care centres*. For example, in 1986-1987, in the former Federal Republic of Germany, public establishments could only take in 3% of children under the age of 3 years.

At the present time, it is claimed that everyone should have a guaranteed place in a *Kindergarten* as a legal right. In some "Länder" this has already been achieved (e.g. Rheinland-Pfalzas from 1993).

As for *pre-school units*, increasingly efforts are being made by schools to provide parents with the possibility of placing their infants there. Thus, in Baden-Württemberg, for example, provision has been made for increasing day-care facilities in existing schools in order to provide the whole region with a "school day-care" system (Kinderhart an der Schule). This model provides for child-care five hours per day in pre-school centres under the ages of the local authorities.

Sensitive issue of infant care (under the age of 3 years) arises differently in the Federal Republic of Germany: in the former Länder, the problem is one of reducing the major shortfall of available places. By contrast, in the five new Länder (former DRG) where the number of available places is high, there a qualitative improvement in existing institutions absolutely must be planned.

Impact. Staff consider that salary levels are inadequate. This brings about obvious problems of recruitment of new staff while parents (particularly those who are employees) are demanding greater flexibility of day-care hours (particularly in Kindergartens) and improved harmonization.

In recent times, it has been noted that *companies* are striving more and more to institute their own day-care centres, generally Kindergartens for children from 3 to 6 years old. This trend has been given impetus by human resources management reasons accompanying the population development among the category of people in jobs. In the discussion on family policy, it is advocated to set up subsidized child-care centres in companies rather than have centres managed by the companies themselves.

In addition to the institutions with responsibility for managing child-care centres such as creches, Kindergartens and day-care centres, special mention should be made of child care entrusted to *day mothers*. This type of assistance has grown in importance since the 1970s. Children entrusted to day mothers for care generally come under private arrangements and consequently this type of activity takes on the most varied forms. In the discussion on family policy, the present debate is on implementing closer institutional ties for the day-mother function. The *Act of 1990* on assistance to infants and young people has explicit provisions in this respect. A third party may also care for a child for part of the day or the whole day either at home (day mother) or at the parents' home.

Federally, there is no information on the number of day-mothers nor on the number of children entrusted to them.

HELLAS

There are four categories of child care facilities :
a) creches for children aged 8 months to 2½ years;
b) day care centres for children aged 8 months to 5½ years;
c) nursery schools for children aged 2½ to 5½ years;
d) kindergartens for children aged 4-5½ years.

1. The *state nursery schools*, numbering 1,304 throughout the country (according to the most recent Ministry figures, for March 1992) - of which only 1,100 are operative - are supervised by the Ministry of Health, Welfare and Social Security. Of these nursery schools, 198 also have creches, but only 35 of them are operative because of staff shortages. There are also 133 state-run day care centres, of which only 14 are operative.
The Ministry of Health also supervises the 105 creches operated by the National Welfare Organisation (EOP) and the 56 run by the Child Protection Foundation (PIKPA), together with the 33 crèches of the Athens Day Care Centre Foundation, which are open primarily to the children of civil servants.
Apart from the facilities supervised by the Ministry of Health, local government has 57 nursery schools and the Workers' Welfare and Recreation Centre (supervised by the Ministry of Labour) has 41 creches. A further 36 facilities are run by various charities.
Although 73 seasonal facilities were set up in rural areas to meet the seasonal needs of the farming population, none has operated for a year because of staff shortages.
The State finances the operation of a total of 1,442 creches and day care centres.
A further 456 nursery schools, 138 day care centres and 43 creches are operated by private enterprise.
Kindergartens are under the supervision of the Ministry of Education, and they number a total of 5,338.
It is estimated that state-run nursery schools and kindergartens provide facilities for 4-5% of all children under the age of 3 years and 65-70% of children aged 3-5½ years. Private facilities account for some 2% of children aged 8 months-5½ years.
One important problem involved in the functioning of the creches is that of their opening hours (7 a.m. to 3 p.m.) which do not usually coincide with the working hours of parents. Kindergartens only function for 3.5 hours per day.

2. *Public nursery schools* are financed by the State. Parents pay a symbolic fee which is income-related. Such schools are controlled by the administration, and their boards of management consist of one employee of the Ministry of Health and Welfare, the school's director, one parent and a representative of the Prefecture.

3. There are a further 75 nursery schools set up by employers for their staff, and 39 which are intended for children whose parents are state employees (in banks, etc.).
Under Presidential Decree 193/88, Article 7, civil service departments, legal entities under public law and local government authorities which employ more than 300 persons must, when erecting buildings to house their offices, make provision for a day care centre to meet the needs of those employed there.
A pilot programme forming part of the EC NOW programme has already begun in three Athenian municipalities, with the setting up of nursery schools organised by the Centre for Child Care.

4. In the field of alternative childcare developments, the present situation involves the provision of services in the household by non-family members who receive a wage. Apart from this, there are prospects for the introduction of foster care and family help. Child-minding is often carried out by foreign nationals (from the Philippines, Sri Lanka, Poland and elsewhere) with or without work permits.

Although, as noted, parents pay only a token sum for the services of public nursery schools, the fees charged by private facilities range from 40-90,000 drachmas per month.
According to the figures of the Ministry of Health, Welfare and Social Security for 1991, the cost of running a nursery school (food for the children, salaries, rent, etc.) amounts to 2,000 drachmas per child.

Impact. According to data produced by a fertility study (Symeonidou, H.), using a sample of 6,503 women of reproductive age in the Greater Athens Area, only 10% of working women with children under six years made use of public nursery schools, with a further 13% using private facilities. The remainder of these women resorted to other child-minding solutions. In the Greater Athens area 45% of mothers are helped by another family member (usually a grandmother). The public pre-school education system does not proved extra-curricular activities. Some private pre-school facilities do have such activities.

Reference :
Symeonidou, H., *Fertility and Employment of Women in the Greater Athens Area* (in Greek), National Centre of Social Research, Athens, 1991.

ESPAÑA

The present child day-care system
There are two types of centre :

- those basically offering educational services, known as "Centros de Educacion Preescolar" (Pre-School Education Centres) which take in children between the ages of 2 and 3 years in kindergartens and children from 4 to 5 years in "Párvulos".
- Infant centres, offering day-care services for children between the ages of 0 and 5 years, but which tend to have mostly children between 0 and 3 years, particularly where there are enough pre-school education centres.

The increasing demand for child minders brought about by the massive influx of young mothers on the employment market is one of the reasons explaining why, it is generally thought, the Minister of Education felt obliged to include machinery for very young children in the general reform of the educational system.

The reforming of infant education, concerning children under the age of six years, contained in the Constitutional Act on the Organization of the Education System (Ley Orgánica de Ordenación General del Sistema Educativo-LOGSE) promulgated in October 1990, has been under way since September 1991.

According to this Act, infant education comprises two phases : the first up to the age of three years and the second from three to six years of age when compulsory education starts. Education before the age of six years is optional, but the State (Art. 7.2 of the Act) undertakes to make a sufficient number of places available to meet any demand.

Although infant education covers the full period before the age of six years, efforts to meet demand will have to focus mostly on children aged three years and under. Although the school attendance rate for children aged five years is practically 100% and four years 90%, only 25% of children aged three attend school.

Infant education centres, whether public or private, have to have the approval of the Ministry of Education or the Autonomous Community (if it has education competence) which shall verify whether they meet the conditions set out by the Act and the implementing regulations. These requirements bear mainly on the number of staff and their qualifications and minimum areas and amenities. It would appear that at the present time only a small number of infant-care centres at present fulfil the conditions to obtain ministry approval. Henceforth, the centres are granted a period of grace to adapt to the new requirements : ten years for the first phase (0-3 years) and four years for the second.

FRANCE

The French system for infant care comprises :

- Independent infant assistance (day care for children whose parents are at work - supervision by the services of maternity and infant protection which give infant assistant approval - funding by the families with financial aid from the Family Allowance Funds); side by side with the so-called "qualified" infant assistants, there are also non-qualified infant assistants;
- Family creches (day care under supervision of infant assistants grouped in a service managed by a professional - financed by the families, local communities, Family Allowance Funds);
- Collective creches (day care for children both of whose parents are working, by qualified personnel - financed by the families, local communities, Family Allowance Funds, companies);
- Parent creches (operating in the same way as collective creches but with parent participation in management and child care);
- Day-care stop-overs (temporary care, care by the hour or half-days by qualified personnel - financed by the families, Family Allowance Funds, local communities).

Impact. According to an enquiry, the number of children under the age of 3 years both of whose parents work may be assessed at about 1 million including 23% cared for by their mothers most often involved in a non-salaried job. Among the 770,000 children which are not cared for by their mothers : - 45% are in an "organized" structure (95,000 in a collective creche, 50,000 in a family creche and approx 200,000 with approved infant assistants); - the others are in "non-organized" day care (150,000 to 200,000 children at least are cared for by a "non-qualified" infant assistant whether declared or not, the others by members

of the family other than the mother (most often the grand parents), i.e. some 285,000 children (estimate).

Changes in 1991. Family aid for the employment of an approved mother's help was brought in on 1 January 1991. This form of financial aid is available for the care of children under the age of six years and a third-party payment system was instituted whereby families are spared having to advance social contributions (employer's and employee's) involved when employing an approved mother's help.

A Bill was submitted with the view to approving the status of mother's helps. The main provisions of the Bill are : maintenance of the principle of prior approval with a three-month investigative period to take in children on a non-permanent basis and six months for taking in children of a permanent basis. The minimum salary was increased to 2.25 times the hourly SMIC (74.95 FF) per day as compared with twice the hourly SMIC up to now. For mother's helps taking in on a permanent basis, the minimum salary shall be set at 50% of the monthly SMIC for the first child; training compulsory.

IRELAND

Four services can be identified :
Publicly funded child care services. While compulsory schooling begins at the age of 6 years the majority of four and five year olds attend primary schooling on a voluntary basis (55% of 4 year olds and almost 100% of 5 year olds in 1987). Less than 2% of children under 3 attend publicly-funded services attending mixed age centres (day nurseries) which take children up to 6. These services are provided by private organisations and are not available for children who's parents are working. Places are reserved for children who are 'at risk' or are deemed to be 'disadvantaged'. Between 2-3% of children aged 3-5 years go to mixed age centres. The majority of these services (85%) are provided in the Dublin area.

Privately funded child care services. The main form of privately funded provision is playgroups, children attending on average 5-6 hours a week. Most playgroups receive no public funds and those that do receive only a small amount of money. The Irish Preschool Playgroups Association does have approximately 1,700 members, catering for 22,000 pre-school children, affiliated to their organisation.

Workplace Nurseries. At the present time there are three semi-state workplace nurseries and 12 nurseries in third level education colleges for the use of students and staff. The first private sector workplace nursery opened at the end of 1990.

After-school Care. After-school care is almost non-existent. Some provision is available through the Social Employment Schemes run by FAS. These schemes result from the initiative of local groups who provide the premises and the supervisor is paid by the national training authority as are the helpers. The Eastern Health Board runs three projects in inner Dublin for children with problems. It has been estimated (McKenna 1990) that there is after-school provision for some 200 children in the Dublin area.

Changes in 1991. In 1991 the Bank of Ireland opened a nursery at its Headquarters in Dublin. The Civil Service planned to open a work-place nursery during 1991 but this has not yet occured.

Informal child care systems. There is no information available on informal child care systems although it is clear that extended families do provide considerable child care services. In addition, many working parents make private arrangements with child minders who either come into the child's home or to whom the child is taken. These arrangements are private and payment depends on individual negotiation between parent and carer. There is, therefore, no information on the numbers involved in this form of care.

Developments. The Minister for Labour's Working Group on Child Care Services has continued to meet during 1991. It was set up in 1990 with a remit to focus on initiatives which could be taken by companies and individuals, or collectively including measures that could be tackled jointly by the public and private sectors in relation to the development of child care services.

The Child Care Act 1991 (Part VII) introduced measures for the supervision of pre-schools, playgroups, creches, nurseries, some categories of child minders and other similar services for pre-school children. These measures are designed to secure the safety and promote the development of children attending pre-school services. Persons carrying on pre-school services will be required to notify their local health board (Section 51) and Section 53 requires health boards to arrange for the inspection of pre-school services. Section 58 does provide exemptions as follows where : (a) the care of one or more pre-school children is

undertaken by a relative of the child or children or the spouse of such relative; (b) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children) in that person's home; (c) a person taking care of not more than 3 pre-school children of different families (other than that person's own such children) in that person's home.

The Health Estimates for 1992 included an allocation of £3m to be made available for the implementation of the Child Care Act. (This was for all Sections of the Act not just for Part VII). The 1992 Budget provided £2m towards the phasing in of the provisions of the Act. However, Part VII is not listed as one of the areas to be implemented during 1992. The Government has indicated that they are starting a consultation process with relevant organisations with a view to drawing up guidelines for monitoring child care centres under the new Act.

Impact. The provision for regulation of pre-school services has been welcomed. However, some concerns have been expressed about the supply of services particularly in the area of child minders and private creches. Many of these services are provided on the basis of cash payments which are not declared for income tax purposes. If such carers are required to notify the Health Boards they may come to the attention of the Inspector of Taxes and such carers might then withdraw their services on the basis that it was not economically attractive to continue. If this did occur it might decrease the supply of child care services.
Some discussions in the media have taken place on the provision of tax allowances for child care expenses but there has been no Government discussion on this topic.

Reference :

McKenna, A., Child Care in Ireland 1990, in : *Childcare in Ireland*, Employment Equality Agency, Dublin, 1990.

ITALIA

Here are only treated child care provisions and measures geared at reconciling family and work role, that is : a) services which look after the child outside the family (day nurseries, nursery schools and primary schools); b) recreational activities for children.

Services which look after the child outside the family

Day nurseries (for children aged up to three years).
Main legislation : Act 1044 of 6.12.1971 relating to the five-year plan for the creation of municipal day nurseries with State assistance; several regional laws.

Public and private services. Public day nurseries managed by municipalities have been set up in accordance with the plan laid down in Act 1044/71. In addition, some firms provide day nurseries as a social service (major firms and certain ministries), and there is a fairly number of private day nurseries.

Municipal public day nurseries are not part of the school system, but figure under the maternity section of the health service. Recent information and figures are not available. According to the most recent figures (1986), the total number of day nurseries are 1,964; most of them are public (1,903, that is 96.9%); places available are 92,226 (89,591 of them in public nurseries, that is 87.1%).

Though the number of day nurseries and of places available is increasing from 1976 to 1986, they are very few with respect to children aged up to three years; in 1986, only 5.2% of them are cared for in nurseries (5.1% in public ones and 0.1% in private ones).
There are also marked differences among geographic areas : children take care of are 9% in the North; 6.9% in the Centre, and only 1.8% in the South.

Financing. Public day nurseries are funded not only by the State and local authorities, but also by firms, which pay extra sums, on top of their wage-based contributions to the social security system for compulsory social insurance. Regional legislation based on the principles laid down in Act 1044 defines criteria for the location and operation of these nurseries.
Users' fees fund private day nurseries; firms which provide day nurseries are themselves responsible for funding.
In the period from 1971 (when act n. 1044 came into force) up to 1984, national funds devoted to public day nurseries institution and operation amounted to about 585 billions lira.

Organisation and management. Municipalities are directly responsible for the organisation of day nurseries. Every day nursery has one supervisor for every seven or eight children. Indoor and outdoor space totalling 40 m^2 per child is

the minimum standard. Each day nursery is under the control of a management committee, on which the municipal council, parents, staff and social groups are represented.
This committee is responsible for drawing up psychological and educational guidelines, defining criteria for the acceptance of children and determining the nursery's term dates and opening hours.

Users. Day nurseries are open to all. However, as applications for entry outnumber the places available, criteria for priority (laid down in regional legislation) have to be applied. Family income is a factor, in that priority is given to children from low-income families, and preference is also given to children from one-parent families, those with parents who both work, those who are handicapped and those from immigrant families.

The latest legislation encompasses changes since the original draft of Act 1044, which regarded day nurseries as a social service for the family, enabling women to work. Day nurseries are now regarded as socialising agencies charged with the task to rectify family deficiencies and overcome social difficulties. Hence new criteria for priority which specifically cover disadvantaged children.

In principle, families are asked only to make a modest financial contribution proportionate to their income, but the service may be used free of charge by children from families in the lowest income groups.

Nursery schools (for children aged 3-5 years)

Main legislation. Act 444 of 18.3.1968, which introduced State nursery schools; Act 517 of 4.8.1977 on the integration of handicapped children into schools and the abolition of differential classes; Act 270 of 20.5.1982, relating to support teachers; Act 477 of 30.7.1973 and the relevant legislative decrees.

Public and private nursery schools. Prior to the adoption of Act 444/68, nursery schools were either municipal or private (mainly run by parishes). Act 444/68 asserted the right of every child to attend nursery school; this led to the establishment of State nursery schools, which spread into every area without municipal establishments. What is more, the State subsidises private nursery schools in order to ensure that every child has this right even in places where there are no public nursery schools (State or municipal).

Differently from the case of day nurseries, the percentage of children attending nursery schools is very high and has been increasing in the last years (81.9% in 1981-82; 90.5% in 1990 to 91.6% in 1991 : Censis, 1991). Geographic differences exist, but aren't so strong (about 95% in the North and 85% in the South in 1990). In 1987 (last figures available) State nursery schools covered 53.9% of the totality of children, municipal and other public schools civered 16.8%, and private ones were attended by 29.3% (National Council for Minors, 1990).

Informal child care. In Italy informal child care systems are probably the most used by the families.
Research evidence (ISTAT, 1985) shows that intra and interfamily network is fairly developed : the majority of children aged up to ten years, when they aren't with their parents or at school, are usually looked after by cohabiting or not cohabiting relatives (50.5% of children up to ten years and 54.6% of children up to two years); among relatives, the major support to child care is given by grandparents (41.2% of children aged up to ten; 45.5% of those aged up to two).
But it's very impressive that in a great number of cases children aren't looked after by any adult person (35.4% of all children up to ten years and 30.2% of all children aged 0-2 years).
This occurs more frequently in big cities and in the southern regions : in southern cities with more than one hundred thousand inhabitants, children aged 0-2 years with no adults taking care of them are 44%. This situation is clearly due more to the scarcity of day nurseries and other child care services (as said above) than to a choice by the families.

Reference :
Indagine sulle strutture e sui comportamenti familiari, Roma, ISTAT, 1985.

GRAND-DUCHE DE LUXEMBOURG

There are 2 distinct types of day-care centre according to the mode of funding : 1) *agreement day-care centres*, i.e. those whose management has signed up an agreement with the State whereby it undertakes to abide by a certain number of obligations and standards (qualified staff, etc.); by contrast, the Ministry for the Family participates in the financing and enjoys a *droit de regard* as well as certain inspection rights on the activities which take place in the centre. At the present time there are 34 agreement day-care centres, accounting for 31% of total available places. (*Pro memoria*, in 1986, there were 19 agreement centres offering

places for 480 children). 2) *Non-agreement day-care centres*, i.e. day-care centres under the responsibility of management which may be a local authority (10 centres), an international organization (European Communities : 3 centres), a public body, etc.

In Luxembourg, there are, therefore, some 68 day-care centres with an estimated capacity for 2,500 children (in 1988, the estimated capacity was 1,900 children).

The types of centre are as follows :
Creches for children between 0 and 2 years old.
Kindergartens for children between 2 and 5 years old.
Child centres for children between 5 and 12 years old.
Open-door centres for children from 6 to 12 years old.
Open-door centres for adolescents from 12 to 18 years old.
Child-care centres for different categories of children between the ages of 2 and 6 years.

At the present time there is no relevant general legislation. The Government was obliged in the late 1970s to propose agreements to managers who, on a voluntary basis, accepted abiding by certain quality criteria and, in return, received financial support from the State. In agreement establishments, quality has always taken precedence over quantity. By virtue of the State agreement, parents are only under obligation to contribute in accordance with official scales appended to the agreement. For 1992, the authorities are proposing the present scales be amended.

Since 1979, day-care has been organized in nearly all major localities throughout the country on a regular basis. Today, more than in the past, the State has undertaken to ensure a regional balance and meet needs. *In 1990*, the Ministry for the Family announced that a national programme in this respect would be drawn up. The programme has not yet been made public, but in 1991 some elements are present.

In the regulated "open-doors" day-care centres, a pilot project has been started in the area of community social work and facilitation to be monitored by an evaluation team. It focuses more particularly on day-care centres in the poorer districts where, through the children, one can gain access the problems experienced by their parents.

More than in the past, the State is looking for support from the local authorities in setting up day-care centres.
Regarding regulated day-care centres, the following developments are worth noting :

- in the North : two extensions or increases of capacity for existing centres; the start of building operations for new centres (opening in 1992); a new regulated infant centre (1991); a project for a day-care centre.
- in the Centre : the opening of a new centre (1991) and, for 1992, two new centres, increased capacity for three centres, a project for a new centre.
- in the East : one new centre opened, three centre projects.
- in the South : one new centre (1992), two building or alteration operations for new centres, two projected day-care centres, and a business creche project (Hôpital Esch-sur-Alzette); negotiations with three borough authorities.

In 1990, the State thus participated to the tune of 174 million LUF. The amount has been increased and 1991 the State's financial participation rose to 239 million LUF. For 1992, the forecast figure is 329 million LUF. To this figure should be added some 180 million LUF for amenities, modernisation operations, assistance, consultations and training.
The average cost of a place in a State-regulated day-care centre is some 33,000 LUF. In early 1991, there were State-regulated day-care centres offering an aggregate capacity of 666 places. The present figure is 37 centres and 743 places. This denotes a (relatively) sharp increase in the number of day-care centres.

A private association (the Centre for the Training of Women, Families and Single-Parent Families, a subordinate body of Association of Women in Distress) has set up a service called "Krank Kanner Doheem" (Sick Children at Home). This service is part of a project to get some parents back home, particularly single parents resuming work who, in order to do so, receive specific training. It is worth noting that demand almost doubled between 1990 (77) and 1991 (134 applications). Seventy families, including 35 single mothers, have made use of this service.

The hourly rate varies as a function of parent's income. The normal maximum cost is 250LUF per hour. The service takes between 2 and 132 hours. The greatest call for this service is between April and July. The children's ages were between 4 months and 10 years. In 1991, aggregate services amounted to 3,140 hours.

NEDERLAND

Several kinds of child care facilities are to be found. They function either on municipal, neighboorhood or workplace level and are run by trained staff or by parents.

- *Child daycare centres* : they are open on working days on an average of 9 hrs a day; are subsidized by the government; are available to children between 0 and 4 years. In some cases, school going children till 12 years are accepted. (They are public facilities).
- *Mini- or parent-run creches* : they are organized by parents in their neighbourhood; they are not subsidized. They count small groups (from 2 to 8) of children. (They depend on private initiative).
- *Outside school-hours child services* : are addressed to school going children between 4 and 12 years; are organized by schools or by neighbourhoods. The majority of them receive subsidies.
- *Company daycare centres* : are services set up by companies for their staff. (They depend on private initiative).
- *Joint ventures* : these child care centres combine aspects from the child day-care centres and from company-run day centres. Companies hire the services of subsidized daycare centres. Through this arrangement, subsidized child care facilities become less dependent on State subsidies.
- *Host-parent projects* : they combine features of public and privately run child services. One to two children are cared for by a private person in her home.
- *Other forms of child care* include services rendered by private persons, such as, for exemple, paid baby-sitters, exchange of baby-sitting services among neighbouring families, informal baby-sitting through family members, friends (NGR,1992).

At the end of 1988 the government declared that the Netherlands lags far behind other Western European Countries on appropriate and sufficient day-care facilities for children. Therefore it agreed to provide means for child care facilities. In 1991, Dfl. 187.5 millions was made available to further increase facilities for children aged 0 to 13 years. In 1992, the financial means will increase to attain Dfl. 227.5 millions. The objective is to create 24,000 new places for child care. The implementation of the plan rests on municipal level. 652 municipalities out of a total of 672 make use of the 1990 encouragement regulations established by the government.

The amount of Dfl. 5,000 per child is made available for the day care facility by the government to the municipalities. It is expected that business concerns and parents will make additional contributions to meet the costs.

Impact. In the early 80s, child daycare services in the Netherland were aiming at the child's development (Pot, 1990). In the middle of the 80s the objective changed to a service for improving the situation of children in financially vulnerable groups. Meanwhile, child care facilities were linked to women's labour participation. This policy is nowadays decentralized. Between employers and employees there is a conflict on this issue. Employees accept a decentralized implementation of policy but insist on centrally formulated rules for problems linked to access, quality and financing of child services. Employers, on the other hand, are especially watchful over the price and hence the costs of child care facilities, and ask for higher subsidies for each care centre. Municipalities want to formulate as few central rules as possible. No solution satisfactory to the involved parties has been found as yet.

PORTUGAL

In the private sector, child care is the responsibility of IPSS (Private Institutions for Social Solidarity) : co-operatives, companies; in the public sector, child care is the responsibility of CRSS (Regional Social Security Centres) and local authorities.

Child-care schemes are as follows :

a) "creches" for children aged 3 months to 3 years (the parents contribute financially to care costs as a function of their income and the number of dependants)
b) "Jardins de Infância" for children aged 3 to 6 years.

Impact. Between 1985 and 1990, in State-supplied services, there was an increase 56,533 places. Services for the under-three-year-olds increased by 40%; kindergartens and pre-primary school by 25%.
Private State-funded services also increased.
In-company services decreased : 6,373 in 1985 and 400 in 1988. Such services are costly and no tax deductions are allowed. In the private sector, there was a 50% increase for nurseries, a drop in the pre-primary sector and also a decrease for kindergartens : 14,424 in 1985 and 5,445 in 1988.

The 1986 Education Act provides for pre-primary education for all children over the age of three years. The goal is to achieve 90% school attendance by children aged 5 years and 50% among those aged 3-4 years, in pre-primary schools or kindergartens.

UNITED KINGDOM

"UK government policy towards childcare provision for employed parents remains largely that of parents making and paying for their own childcare arrangements" (Cohen, 1990, p 35). This was still effectively the situation in 1991 although the level of debate continued to increase. In particular, the potential for private employers to establish their own facilities was further examined, although the Government took no further measures to enable them to overcome the expense of setting up childcare arrangements. A MORI Poll, carried out in early 1992, found that 29% of people "tended to agree" with the statement "Women with young children should not go out to work but stay at home to look after them". 23% "tended to disagree".

There are now approximately 425 workplace nurseries compared to 220 in 1990. In the U.K. 30-40% of 3 to 4 year olds are in publicly funded education or child-care. 7.8% of under-fives are in regulated provision. 0.9% are in local authority day nurseries, 1.1% in private and voluntary day nurseries, 5% with registered childminders, 0.8% with nannies (figures from Institute Of Public Policy Research, quoted in the *Financial Times*, 13/1/92). Most nursery schools offer only half-day sessions, lasting 2 to three hours, for a limited school year. The current provisions for parents wishing to work full-time, therefore, are extremely restrictive.

Changes in 1991. The 1990 Budget had extended tax relief for childcare facilities situated at the workplace. The Campaign For Tax Relief On Childcare called, in 1991, for the extension of this relief to <u>all</u> legal employer-assisted childcare schemes, not only those situated at the workplace. The Government rejected this (Hansard, HC, 9/7/91, c299).

At the launch of Opportunity 2000, the scheme established by Business In The Community, backed by the Government, John Major stressed that part-time working and career breaks were preferable to childcare provisions to enable women to combine work with a family.

The Department of Health provided some support (approximately £ 3 million) to the development of after school play facilities in selected areas.

The North West Leicestershire Council For Voluntary Services established a scheme whereby family members or registered childminders became eligible for a £ 15 voucher for each child they cared for. Training and advice was also made available. At present only lone parents who take up Employment Training placements are eligible for comparable childcare allowances.

It would seem that current debate within Government Departments is split between extending tax relief on workplace nurseries - to cover provision not located on company premises - and simply raising Child Benefit. There is some suggestion that raising Family Credit for low income families and Family Premium for those on Income Support is also being considered.

Reference :

Cohen, Bronwen (1990) *Caring For Children: The 1990 Report*, Family Policy Studies Centre / Scottish Child And Family Alliance.

V. AT HOME WORK

1. Paid work in the home

BELGIQUE - BELGIE

Paid work at home seems to be a relatively restricted phenomenon in Belgium. In order to protect people working this way, legislation has been introduced to require they be subject to social security (Art. 3,4°, of the Act of 27 June 1969). However, in practice, monitoring is extremely difficult. Work at home is often paid for "under the counter."

DANMARK

In Denmark there are no signs of development in an area which might be termed paid work in the home. Even though something like this was predicted several years ago in connection with visions about the consequences of the revolution in technology, the soil for such a decentralization of production appears to have been quite barren.
Hence, there has been no discussion of such an eventuality and the labour market organizations have not expressed their views in the public forum.

DEUTSCHLAND

Traditional homeworker activities were not particularly important in the Federal Republic of Germany in 1991 either. Consequently the creation of homeworker employment was hardly discussed in the political forum. Nevertheless we feel that it is interesting from a family-policy perspective to refer to the introduction of new information and communication technologies with regard to the creation of home workstations. For instance, a new labour-management contract was signed by a major industrial concern, whereby second workstations could be set up for employees in their homes. These employees would then have a workstation on the company's premises and also an "external workstation". Approximately 350 of such second workstations are to be set up by the end of 1992. The company is hoping that the flexibility of work location will increase productivity and is expecting better compatibility between family and employment for its employees.

HELLAS

Research conducted in Greece into paid work done at home (and other forms of informal employment) has been limited in extent and is relatively recent. Most of it has formed part of the debate over the 'black economy'. The phenomenon began to attract the attention of state policy and experts only when the degree to which it was spreading brought about a conflict between the interests it serves (those of business and those of men as a social category) and the interests of the State (loss of taxes and social security contributions). Even this conflict was far from acute, since the various 'concessions' made over the payment of tax and social security contributions are one of the major foundations on which the pros-

perity of the middle class relies - a class which, over the past decade, has seen its political significance increase. The State has taken a tolerant attitude towards such informal labour involving work at home and - in the short term, at least - favouring the accumulation of wealth.
The union organisations (and other social agencies) would have an interest in revealing the extent of this diffusion of production and the terms on which it takes place so as to improve working conditions for a large number of working people and also in order to strengthen their own negotiating position vis-à-vis employers and the State. Nonetheless, they have only recently acknowledged the phenomenon and begun to investigate it, promoting the statutory safeguarding of such forms of employment (including social security cover).

ESPAÑA

Official work at home is very infrequent in Spain. There are forms of piece-work, particularly in the unofficial economy, and more especially in the toy and textile industries, and in certain regions in Spain (particularly the Levante zone) which relies on work done at home, particularly among women. However, it is difficult to assess the volume of such work.

FRANCE

In France, work at home has not formed the subject of any incentive policy on the part of the public authorities. Any developments in this form of labour on the part of certain companies, even if they may meet the wishes of certain families to make for an improved reconciliation of occupational and family lives, do not appear to have been given the active support of the social partners (there is marked reluctance on the part of the trade unions and feminist movements).

References :

Michel Lallemant, *Marges du salariat et flexibilité du travail. Le cas du travail à domicile dans les pays industrialisés*. Thesis, University Paris I, Paris, 1988.
Monique Haicault, "La flexibilité du travail à domicile", *Avis de recherches*, January-March 1989, n° 16.

IRELAND

The Government, in setting up the second Commission on the Status of Women in 1990, included within its remit a request to pay special attention to the needs of women working in the home.

Moreover the Department of Labour has set up a programme of Positive Action in Training to promote actively the elimination of traditional patterns of occupational segregation by encouraging more women to enter non-traditional areas of work and particularly to encourage more women in craft apprenticeships and other non-traditional specific skills. Such skills which *could be home-based* are also to be encouraged.

ITALIA

At home work is regulated by law (Act n. 877/1973 and subsequent Acts), aiming to give guarantees both to homeworkers and employers and to avoid abuses. Supervision and inspection are provided for by central and local public Boards. Social security (Social insurance and family allowance) and safety and health measures are assured.
Wages of homeworkers are regulated by collective agreements between employers and trade-unions at sector level.
In certain labour-intensive sectors, such as clothing, textile and leather industries, collective agreements provide the opportunity to promote regular home work.

Like other employed mothers, homeworkers cannot be dismissed during the period from the beginning of pregnancy up to the first birthday of the child.
Homeworkers are enabled to enjoy the compulsory period of maternity leave of absence (the benefit amounts to 80% of the salary).
They aren't entitled to take optional leaves, daily periods of rest during the first year of the child, leaves in case of child illness up to the child's third birthday.

Impact. Given the difficulties to make clear distinction between home-workers and other categories of workers it is not surprising that in Italy like in many other countries, information on the extent of homework is practically non-existent. There are additional difficulties in estimating the extent of at-home-work due to the fact that such activities are quasi invisible and/or clandestine.

GRAND-DUCHE DE LUXEMBOURG

Work at home is developing in Luxembourg as in the other industrialized countries particularly owing to the development of new technologies (data processing and telecommunications, etc).

Statistically, however, this form of work is still insignificant and little known, particularly in regard to the implications for, and impact on, the family. The trade unions have adopted a cautious, if not unfavorable, approach towards these forms of work especially because of the risks of abuse which are greater than for "conventional" work which is better regulated and better protected.

NEDERLAND

The Netherlands have not formulated an explicit (official) policy about the developments of new technologies in relation to the family (labour market, education, etc.). Important funds to stimulate projects in industry and the administration on new technologies were made available in the past by the government. But because of the high degree of penetration of new technologies within the Dutch community, these funds have decreased considerably in 1991.
A few prescriptions have been formulated for those working with computers, and refer to matters such as the number of hours one should work in front of computerscreens.

PORTUGAL

Work at home is developing in Portugal as new technologies burgeon and also with the renewed impetus of craft work stimulated by tourism. It is estimated that this type of work accounts for 5% of Portuguese labour but it is difficult to assess and the implications on family life are ill-known.

Changes in 1991. Act-Decree 440/91 of 14 November established the legal framework for work at home. The aim is to achieve a balance between reasonable flexibility in the employment market and the requirements of workers and undertakings with a view to protecting the gains of economic and social objectives. Employment contracts are adapted to certain contractual principles which are seemed to be highly diverse. The purpose is to protect minors, safeguard

security, health and the working environment, establish a proper balance between work performed and remuneration, create machinery for monitoring the rights and duties of all parties concerned, etc.

UNITED KINGDOM

There is evidence during the period of increased 'economic activity' at home, but no policy statements or obvious developments.

2. Home-based business

The widely publisized but not well documented emergence of home based businesses in the US seems not to be parallelled by a similar development in the member states. One of the characteristics of home based businesses, is that they tend to be female headed. In some countries, such as the Netherlands, incentives are given to stimulate female headed enterprises which, however, do not have to be home-based. Some elements of family dimension in the Dutch policy can be identified, such as that measures are being prepared which will enable women entrepreneurs to be covered by paid maternity leave.

CHAPTER IV. FAMILY AND CARETAKING POLICY

I. (RE)EVALUATING OF HOUSEHOLD WORK

BELGIQUE - BELGIE

Household tasks as such are not remunerated. However, the introduction of the marital quotient via the fiscal reform of 7 December 1988, brought in obvious financial consequences.

The Act of 5 January 1976 and 22 December 1989 instituted socio-didactic allowances. But, the Royal Decrees to implement them were never issued. (Depending on a means test, the child's age, and subject to there being entitlement to family allocations in a wage-earner scheme, the socio-didactic allowance should be paid to the natural person who in fact raises the child, unless it has been placed.)

DANMARK

Now and again the demand is heard for equalizing women who choose to stay at home and mind their children with women who have jobs and place their child in community day care.
The starting-point for such a discussion is often the question of economic equality, since the sizeable public grants given to day-care institutions benefit only those women whose children are minded there.
A political proposal has therefore been made to replace the present system by a public grant per child that would enable parents to choose for themselves the kind of care they prefer - including the option of staying home and minding the child themselves. There is far from being a political majority for such a

proposal, nor has the public debate on the issue been very intensive. This lack of support for privatizing day care is probably related to the high occupational frequency in Denmark among mothers with small children and among women in general (80-90%). Many mothers with a full-time job may desire a reduction in their workday while not wishing to give up their job and stay at home. Consequently, they do not want privatization of day care.

DEUTSCHLAND

The economic recognition of domestic work (*Familientätigkeit*) is expressed in paid parental leave and in the fact that staying at home to take care of children entitles to a pension or is even contributing to a higher pension scale. Currently the birth of a child is counted as the contribution of one year. In 1990 the measure was taken that from 1992 on the benefit would be extended to three years for each child birth.

HELLAS

The Ministry of the Interior is studying the possibility of setting up a working group to investigate this subject.
The only specific policy implemented so far (Law 1892/90, art. 63) consists of granting to mothers of large families a life pension equal to four times the minimum day-wage of an unskilled labourer, on condition that they have ceased to be eligible for the monthly allowance referred to.

ESPAÑA

The trend towards equality of the sexes *within the family* is being supported by the public authorities which, in 1987, approved an Equal Opportunity Plan drawn up by the Women's Institute, a body reporting to the Ministry of Social Affairs. This Plan is already realized. A Second Plan (1992-1995) is worked out at this moment.

FRANCE

As in many other industrial countries, feminist movements developed the notion of "domestic production" or "non-salable production" designating the range of tasks carried out mainly by women within the family. The idea, now classic, is that domestic tasks produce value, a claim disputed by a large number of economists who are of the view that the productions are of an immediate nature with their value in usage and are not goods which come into the trade network. However, feminist movements have stressed that most of the services supplied in the home can be found in the marketplace (family cooking, or prepared dishes, home child-care or creches, laundering in the home or in specialist establishments, etc.) and consequently have much deplored the fact that national accountancy continues to ignore this "production" and continues to classify women's contribution to the production of goods and services sold in the marketplace as family self-production.

IRELAND

There has been no development and no significant debate in 1991. There is no clear government policy on this.

ITALIA

In Italy too, for a long time, there has been an heated debate on the need to recognize the caretaking and home-making functions of housewives. As to the governmental policy in this respect, there are many *proposals* to recognize the domestic work as a work in itself, and consequently to extend to this work the benefits which are granted to the extra-domestic work (pension, health insurance, etc.). The large majorit of these proposals were presented in 1987. Among them, Bill n. 275 (*Democrazia Cristiana*) on the extension to housewives of the compulsory insurance (invalidity, old age, survivors); Bill n. 748 (*Democrazia Cristiana*), as above; Bill n. 209 (*Partito Socialista Italiano*) on the recognition of "housework"; Bill n. 1165 (*Movimento Sociale Italiano*) on the granting of a monthly allowance (900,000 lira) as a recognition of the social and economic function of housework.

More recently, 1991, the Socialist Party (*Partito Socialista Italiano*) presented the Bill n. 5738 on the allottment of the "social pension", independently from the requisities of age, to housewives. The Bill provides a re-evaluation of the amount of the existing pension insurance for housewives, a benefit introduced by Law n. 389 (March 5, 1963); however, the number of housewives covered by this proposal would be very small indeed : about 1,700.

GRAND-DUCHE DE LUXEMBOURG

The "status" of parents at home raises problems particularly in regard to the household's level of income and its social-security level, without mentioning either the social role or the absence of other benefits (e.g. leisure activities, holidays, etc.) which people in a wage-earning context enjoy.

For a long time now, Luxembourg legislation has been endeavouring to take account of such situations (at least partially), particularly for annuities (e.g. derived entitlement to a pension for a daughter taking care of the household of a widowed parent, etc.). It is only recently that the law has gone further by creating a number of specific entitlements and by making positive amendments to the systems relating to social security (Act of 24 April 1991).

NEDERLAND

For a long time there has been an ongoing debate in the Netherlands regarding the position of the housewife. Regularly, the question of a housewife salary is raised by women's emancipation movements. Due to financial restrictions this proposal does not find a repercussion among government policy makers.

In 1991 the Netherlands Family Council (N.G.R.) and also some political parties (D'66, PvdA) and other policymaking institutions (WRR) developed new plans of child benefits. The plans of the N.G.R. consist to cover allmost all costs of children at a minimum level. D'66 is speaking about caretakers-reward. In those plans especially the one parent families are coming in a better financial position. For financial reasons the government did not implemented those plans in 1991.

PORTUGAL

One cannot observe any policy to that effect in Portugal. Yet, in 1990, an NGO, AMEC (Association of homemakers) was created. Such association already existed in all member states.

UNITED KINGDOM

There is no great interest in the UK in this issue. Yet, time spent away from employment in order to make on "caring" tasks, helps to entitle an individual to a pension.

II. FAMILY AND CARE OF THE ELDERLY, HANDICAPPED AND OTHER DEPENDENT PERSONS

BELGIQUE - BELGIE

Ever since the eighties, the national and regional governments have increasingly paid attention to home care. This was due to the demographic trends (aging of population) on one hand, and by the concern of control government expenditures. At the national level, the provisions were laid down in the law of August 1, 1985, granting a lump sum to patients opting for at home care. This was explicitly granted to defray the arising costs, up to then not covered by the social sick insurance.

The organisation of home care belongs to the competence of the communities in Belgium. The Flemish Community took two initiatives in this domain. a) The governmental decree of July 6, 1988, changed the national provisions in vogue and stimulated the so-called family activities of the services for at home care. b) The most important step was taken *December 21, 1990*, regulating the coordination and the support (financial support) of the at home care. This decree stipulates the procedure for recognition and financing coordinating initiatives in the realm of at home care. It initiates a new function, that of care broker, whose task it is to provide council to patients and family members and the informal care givers (family members). It establishes a High Council for Home Care.

DANMARK

In recent years the problem of elderly care has been the subject of public discussion in Denmark. In this connection doubts have been expressed about the elderly policy pursued hitherto and formulated in the strategy "As long as possible in your own home". That is because many elderly are then left to fend for themselves although they are greatly in need of help.
In 1988 the number of elderly above the age of 65 totalled 791,000 and those above 70 totalled 548,000. Less than 10% of the elderly live in some kind of old people's home, nursing-home, sheltered housing, etc. Of the remaining 90% just over one-half live alone while the other half live with their spouse.
At the same time the trend, as noted above, has been towards a growing number of women being affiliated with the job market - at present 90%. These families lack the resources for minding the elderly and handicapped.
The government's elderly policy has focused on increasing the capacity of this age group to remain at home as long as possible. Many local councils are seeking to promote a principle of help to self-help by using home helps employed by the social services departments.
The Act of Social Assistance entitles a person to payment of the necessary extra expenses due, for instance, to lost earnings from having to maintain handicapped children and adults. The idea is to help the latter to remain in their home and to enable families to live as normal lives as possible despite the handicap.
The amendments passed in this area in 1990 were all aimed at securing the abovementioned objectives regarding the elderly and handicapped. Assistance may be granted, for instance, to cover lost earnings in connection with holidays.
Under the Act of Social Assistance, as amended, parents with seriously sick children under the age of 14 may receive compensation.

Impact. The Danish National Institute of Social Research has just completed a study of the policy for the elderly in the local communes under the title : "From nursing home to own home". The title reflects the tendency found in the study that closing down of many geriatric nursing homes (since 1987) and the increasing number of old people has led to a growing need for housing-arrangements adapted to old people.

Reference :

Platz, M., *From nursing home to own home* (in Danish), Report 92 : 2, 1992.

DEUTSCHLAND

The demographic situation in Germany is to the effect that families by themselves cannot any longer take care of the aged and other family members in need of care. On the other hand the solidarity and care-taking function of the family cannot be totally substituted for.

In recent times, in the socio-political debate, very intensive thought has been given to the idea of instituting a "care insurance". In addition to the other branches of social security, this component should shortly complement the existing scheme while at the same time constituting an independent branch. The outcome of the discussion on instituting a "care insurance" is still impossible to predict. At the present time, several models are up for discussion. Indeed, the need for, and the urgency of, a specific regulation are no longer seriously questioned today in the ongoing socio-political debate. An Expert Panel, which drafted the Fourth Report on the Family, explicitly drew attention to this matter, thus stressing the fact that the present inadequacies in the realm of care had become a life-cycle risk for everyone.

Generally speaking, care insurance is considered to be the most humane solution for care required for members of a family, in the home, with the assistance of a qualified professional.

HELLAS

The position adopted by the State towards this issue is that, like the handicapped and other dependent persons, the elderly ought not to be institutionalised but, on the other hand, there is no state control over the thousands of privately-run homes.
One positive endeavour in this direction was the institution of the Open Care Centres for the Elderly (KAPI). The purpose of the KAPI's (set up by Law 1828/89) is to keep elderly people in the home and at the same time encourage them to be active, independent and equal members of the community. The KAPI's are run by local government, which has constantly increased its demands for the financing of additional units in all parts of Greece. In 1991, there were 239 KAPI's in Greece; however, they can only provide facilities for elderly people who are capable of looking after themselves and have no particular health problems. No provision is made for the support of families who are

caring at home for a person with special needs. Only in the case of paraplegics is there a special disability allowance, granted after examination by a Prefectural committee and paid to the person who cares for the paraplegic.

ESPAÑA

The burden which the *elderly* constitute for families is taken account in the form of a tax rebate of 15,000Pta per relative in the ascending line, increased to 30,000Pta for relatives in the ascending line aged over 75 years.
When the tax-payer him/herself is aged 65 years and over, he/she is granted a 15,000Pta tax rebate.
If there is a *disabled person* in the family, who is an unmarried descendant or relative in the ascending line, whatever be the person's age, a special 50,000Pta deduction is granted.
These deductions are only allowed if the income of the dependant people is lower than the minimum inter-professional salary.
There are also family allowances for dependant disabled children the amount of which varies according to the age of the child and the percentage incapacity. These allowances, if applicable, are in addition to the ordinary family benefits (the amounts shown are yearly) :

- up to 18 years and with over 33% incapacity	72,000Pta
- over 18 years of age and over 65% incapacity	312,000Pta
- over 18 years of age and more than 75% incapacity requiring assistance from a third part	468,000Pta

In contrast to ordinary family benefits, these benefits are not subject to a means test.

In addition, the presence of dependants, whether elderly or disabled, is taken into account when calculating means for entitlement to the payment of a non-contributory pension (guaranteed income for the elderly), the explicite purpose of which is to encourage such people to be maintained in their families.

FRANCE

Generally speaking, public family policy comprises a number of measures on family care for the elderly, the disabled or dependants, *inter alia* :

- *free subscription to old-age assurance* in the general social security scheme, as long as the person's resources or those of the household do not exceed the family complement ceiling, for a person and for a couple one or other of its members : with a disabled dependant child not boarding in an institution, whose permanent disability is at least 80% and who has not reached the age beyond which the special child-rearing allocation is not paid; assuming responsibility in the home for an adult who is disabled and whose permanent disability is at least 80% and whom it would be preferable to maintain at home;
- *special child-rearing allowance* for families with a dependant disabled child. The dependant child must be aged at least 20 years and may not benefit from resources in excess of 55% of the national minimum salary (SMIC) (calculated on the basis of 169 hours, i.e. 2,968.83 FF as on 1 December 1991). The dependant child must have a permanent disability of at least 80% or between 50 and 80% under certain conditions. The allowance amounts to 32% of the Monthly Basis for Family Allowances (BMAF), i.e. 610 FF as on 1 January 1991 (plus the supplement for continuous assistance : 1,372 FF; plus the supplement for partial assistance : 457 FF);
- *home hospitalization* for certain sick people (serious pathologies : cancers, hemiplegia, etc.), under certain accommodation conditions (possibility of moving in hospital equipment) and with a family or neighbourhood environment allowing for such support. All expenses are covered. The social security scheme covers these cases using the same rules as for hospitalization.

The Act of 23 January 1990 extended to elderly people living with members of their family an exoneration for employers social security contributions for using a home help.

The Act of 10 July 1989 on individuals taking in elderly or handicapped adults into their homes for remuneration has been complemented by various implementation texts. Home-care services are available to the elderly who are at least 55 years of age, who receive a pension, annuity or allowance under the general social-security scheme and whose income does not exceed 9,000 FF per month per person living alone and 13,500 FF per month for a couple. The benefit amounts to 25FF per hour, with a ceiling at 7,200 FF per month. It is payable for maximum one month, renewable once in the same year.

IRELAND

Government policy in recent years has been towards a greater reliance on care in the community. This in effect has meant a greater responsibility on families for the care of the elderly and other family members in need of special care. Various bodies such as the National Council for the Aged have criticised the Government for not making sufficient resources available to back up this policy. One of the results of this policy has been an increased burden on families and particularly on women, who end up as the carers.

An important change in 1990 was the introduction of a new Carer's Allowance (Social Welfare Act 1990). This allowance of £ 45 a week is payable to a person who lives with and provides full-time care to a pensioner over 66, who is so incapacitated as to require full-time care and attention and receiving any social welfare payment. It also applies to those receiving invalidity or blind pension, regardless of age. The allowance is means-tested and paid to the carer. This new allowance can be paid to a spouse, so many women already in this role of carer are likely to benefit. The allowance replaces the existing Prescribed Relatives Allowance which was paid to the person cared for.
The Government allocated an additional £ 5 million in 1990, towards improving health services for the elderly. This was to help strengthen home nursing and home help services, to provide more facilities for increased day care and additional nursing home places for the relief of families who are caring for people at home who require constant attention (Budget 1990, Government Publications).

Impact. The number of families receiving the carer's allowance in 1990 was 1,240 (Statistical Information on the Social Welfare Service 1990). This is less than the numbers expected and there has been some criticism of the restricted means-testing applied in order to qualify for the allowance.

Changes in 1991. The Social Welfare Act (1990) made provision for the extension of the Carer's Allowance to carers and recipients of Disabled Persons' Maintenance Allowance. This came into effect in October 1991.

ITALIA

The economic-social crisis which, since the beginning of the mid-seventies, affected all European welfare states, caused the Italian government to review its programs of social intervention and to introduce corrective measures. Accordingly, there has been a tendency to assign new responsibilities to the family for meeting the needs of its dependent members. As a consequence, increasing inadequacy of public services to adjust supply to the variety of consumers' demands, let alone needs, required a compensating or substituting action by the family. As a matter of fact, in the area of maintenance, assistance and care of dependent people, the family still remains primarily and predominantly responsible for meeting individual needs.

Especially in this area, policy-makers acted with uncertain coherence. On the one hand, there has undoubtedly been an attempt to create the conditions so that the increasing number of elderly living alone (mostly women: 75% of persons living alore are women with more than 60 years of age) could enjoy adequate economic and health security; to this orientation belongs, for instance, the policy of local municipalities aimed to extend the home assistance service to the non-selfsufficient elderly. On the other hand, the decision taken in 1988 to build up or to recover residencial institutions for the age would seem to lead in a completely different direction. (Law n. 67, March 11, 1988, which provides a pluriannual program of investment - from 1988 to 1997 - for the realization of 140,000 places in residential institutions). In the same direction goes also the introduction in 1988 (Law n. 508, May 21, 1988 : updated in 1990 : Law n. 289) of the attendant allowance ("*indemnità di accompagnamento*"), a benefit granted on a monthly basis to the elderly with more than 65 years who requires constant personal assistance. The benefit is independent from the income level of the disabled person, and is provided for as an alternative to the institutionalization.

As to the assistance of *elderly people* there exists two forms of benefit :

- social pension, granted to all those over 65 years of age who do not have their own income or have earnings whose total amount is less than that of the social pension, and who do not exceed - when adding their income to that of their spouse - a limit set by law (around 9 million lira a year);
- special assistance, handled by the local authorities and intended to provide the vital minimum or to cover the difference between income and that level. Designed in particular to ensure family cohesion and to avoid the placement

of members thereof in institutions, their beneficiaries can also be the elderly who are in a temporary situation of financial hardship.

If there are *handicapped children* in the family, then the head of the family are granted given benefits: the handicapped person will be considered as dependent on the family independently of his/her age; the income threshold for the calculation of the family allowance has to be increased; etc.
Under the same heading may be classified also the home assistance service for the handicapped. This service has a more specific feature in comparison with the assistance provided to the non-selfsufficient elderly. In addition to the traditional forms of help (i.e. personal hygiene, feeding, etc.) also included are services such as attendance when outside the home and support at home geared to promote greater personal independence and integration in the local community. Local authorities approve the application for this type of assistance only if the level of income is below a certain limit.

GRAND-DUCHE DE LUXEMBOURG

Care allowances. These allowances came in under the Act of 22 May 1989. Their purpose is, *inter alia*, to provide an incentive to care for the elderly at home as long as possible. In fact, the major concern is to remunerate people, replacing health-care personnel, who take care of the old-aged. It would be difficult to imagine not indemnifying members of the family or other people who, with devotion and often at the expense of their own free time and health, continue to care for those living in their homes.

Finally, the care allowance was designed as a complementary measure for the necessary period of waiting before being admitted to a health nursing home or a home for the elderly. The allowance is discontinued for any period of stay in excess of 1 month in a nursing home or a retirement home, etc.

Although this entitlement is means-tested (less than 2.5 times the minimum national reference salary), it does not come under the National Solidarity Fund but is within the sphere of competence of an inter-ministerial commission which includes the Ministry for the Family and the Ministry of Health.

The allowance amounts to 2,288 F.Lux (national index 100) per month, i.e. the same amount as the special allowance for the seriously handicapped.

When old-aged pensions were recently revised, (Act of 24 April 1991), legislation took due account of such people by introducing into the social insurance code a provision stipulating that the period of cover includes periods after the 31 December 1989 during which a person covered by insurance before the age of 65 years receives the care allowance as provided for under the Act of 22 May 1989.

NEDERLAND

The Ministry of Welfare, Health and Cultural Affairs is concerned with a wide range of services designed partly or wholly for the elderly. They include :

1. *Primary care* : care of the elderly as part of family health care, home nursing and general practioners' services and personal services. In 1991 the first steps are made to cooperation between the various institutions. This policy aims at improving the capacity and quality of support in the environment of the home. A further objective is to encourage people to take a greater share of responsibility for themselves and those around them i.e. self-help and support for neighbours and relatives.
2. *Non-institutional psychogeriatric services and coordinated care of the elderly.* The coordinated care is based on cooperation in such areas as the provision of meals, the organisation of physical fitness and social and cultural activities, all with the objective to increase the self-reliance of elderly.
3. *Institutional care.* The demand for intensive nursing and other care is expected to grow. Nevertheless the government accords priority to domiciliary services.

PORTUGAL

In 1989, a new allocation, the purpose of which was to provide protection for family life, was introduced to remunerate home care of the disabled and dependants. The monthly amount in 1990 was 6,250 $ (Escudos) (34.72 ECU).

UNITED KINGDOM

The schedule for implementing the recommendations of the 1989 White Paper - *Caring for People : Community Care in the Next Decade And Beyond* - is still in its early stages and is experiencing delays. Furthermore The Audit Commission has

reported (in *Community Care : Managing The Cascade Of Change*, HMSO, 1992) that many social services officials have not understood the proposed changes and feel that their effect will be superficial. Other social services officials have warned of chaos unless the Government back up the proposals with more financial support (see The Independent, 30/1/92).

In recent years there has been a rapid expansion in private residential and nursing home care but only 5% of the aged and disabled are cared for in institutions. One of the objectives of the White Paper was to enable people to remain as long as possible in their own homes, or some other domiciliary setting. Other objectives included making practical support for carers a high priority; good case management and proper assessment of need; promoting the independent sector, both private and voluntary; clarifying the responsibilities of agencies; cost effectiveness. These objectives are to be expressed in community care plans produced by each local authority by April 1992.

It is expected that because of the delays in implementing the White Paper there will be no new support for carers at home and the cost of supporting people in private residential and nursing home care will continue to escalate.

Changes in 1991. In reply to a Parliamentary Question (Hansard, HC, 4/3/91, c. 22w), Stephen Dorrell, Parliamentary Under -Secretary of State for Health, stated :

> "The Government's policy for elderly people comprises two main aims : - the first is to provide services which enable people to maintain their independence for as long as possible and, after any period of hospital care, to return to their homes or to homely settings in the community as soon as possible; the second is to provide care and treatment appropriate to the individual patient - this may involve community nursing at home, domiciliary social services, acute hospital care, rehabilitation or long stay medical or nursing care.

Invalid Care Allowance is the benefit specifically designed for carers and is available to anyone who has foregone the opportunity of full-time work in order to provide regular and substantial care to a severely disabled person. It is not, however, normally available to people after they reach pension age but, subject to the overlapping benefit rules, it can be payable beyond pension age to people entitled beforehand. In April 1991 the basic rate of Invalid Care Allowance was increased to £ 31.25.

Carers Premium was introduced in October 1990 as part of the income-related benefits, Income Support, Housing Benefit and Community Charge Benefit, for those receiving, or with an underlying entitlement to, Invalid Care Allowance. This was increased in 1991 to £ 10.80.

III. FAMILY HELP

BELGIQUE - BELGIE

The broad notion of legal social aid (Act of 8 July 1976) makes it possible to obtain a whole variety of forms of aid from the Public Assistance (CPAS), e.g. assistants for household tasks.

However, since 1979 the different language communities are competent and responsible for "family and elderly help". Family and elderly help is a system providing domestic help by performing domestic tasks in the home (including house cleaning) to (i) families, (ii) elderly persons requesting it and being eligible for it due to temporary unavailability of one of the partners/parents, as to families, as to elderly, due to inability to perform the tasks themselves. Yet, all of the services are geared at maintaining and increasing self reliance of families/elderly persons. The services are performed by private organisations being heavily subsidised (up to 100%) for costs of their personnel and organisation. Families are requested to pay some contribution according to their financial situation.

DANMARK

To ensure that the elderly, handicapped and seriously ill can *remain in their home as long as possible*, various forms of practical assistance may be granted in the home. The purpose of these schemes is to reduce the need for nursing-home facilities and hospitalization.
Under the Social Security Act the local councils must provide trained home helps who can offer the necessary assistance in the following areas :

- home help on a permanent basis to persons with a chronic affliction or infirmity, of whom the vast majority are above 67; the help has been free of charge since 1989
- temporary home help due to, e.g. illness and *childbirth*; payment for help is fixed on the basis of *income and family relationship (single/married)*
- occasional relief, for instance, of handicapped persons
- payment to a person's own domestic help
- care for the dying
- visiting nurse.

It is the duty of the local council to provide a staff of home helps and visiting nurses. However, it is up to the council to decide on the level of assistance in each case. At present 68% of the councils maintain a 24-hour service.
Public expenditures on home help and visiting nurses totalled Dkr. 5 milliard in 1987, Dkr. 7 milliard in 1990.
No major changes were made in this area in 1991.

DEUTSCHLAND

1990 was marked by major legislative measures securing the care of children in case of difficult family situations. The new legislation will be implemented from *1 January 1991* on. The legislation is to the effect that, in case of unavailability of the care-taking parent - e.g. illness - the other parent will receive help in order to take care of the child as well as for household work.
If the care-taker is unavailable in a one-parent family, the child is to be taken care of in the parental home, if, and for the period it is needed.
Next to these provisions, stipulated in the new legislation on assistance to children and adolescents, there are other measures in the realm of the legal health insurance (part of social security), providing for temporary financing of a family help.

HELLAS

The draft law to be brought before Parliament on the 'introduction of new institutions of social protection and other provisions' contains the basic principle that state intervention to provide social protection for the family is to be exercised only when requested by the family or if the family members are at risk.

Special emphasis is given to the need for flexible forms of social protection and for social assistance for individuals at home by means of 'social helpers'.
For the time being, home help programmes are run by only three agencies : the Hellenic Red Cross, the Metaxas Diagnostic and Therapeutic Institute of Piraeus and the Ayii Anargyri Hospital, Kifisia.
Some attempt is being made to provide family help, though on an experimental basis. The new law on health, which has been tabled in Parliament, introduces family help as an institution.

ESPAÑA

There is a Domiciliary Aid Service, available in principle to all citizens, but which is first and foremost designed for the old-aged and for needy families.

This service undertakes to do housework that the beneficiaries cannot do themselves. The aim is to allow them to stay at home and to make life more pleasant for them in their usual environment.

In addition to performing the conventional household task, the Service offers companionship at home and can take care of errands that beneficiaries cannot them selves carry out.

The Service is managed by the local authorities but there is also a national network, managed by INSERSO, a body which reports to the Ministry of Social Affairs.

FRANCE

Provision has been made for several home-help measures, *inter alia* :

- *home medical assistance* for any person requiring care who does not have adequate resources (the situation is assessed in reference to the requesting party's resources and the assistance that might be provided by those owing alimony within the framework of compulsory alimony);
- *household assistance*, in cash or in kind, designed to help the elderly under certain conditions to deal with household tasks thus enabling them to be maintained at home. Assistance is granted within a monthly ceiling of 30 hours.

Beyond these pin-point measures, in France there exist a number of professional home-help schemes, under federations or in national association groupings (such as UNAF), estimated at some 90,000 (the full-time equivalent of which would exceed 8,000 family helps (1), 60,000 households helps). In addition to the help provided specifically to the elderly, help for families in general serves to provide a solution for :

- problems relating to confinement;
- health problems (e.g. hospitalization of the mother);
- problems resulting from the break-up of family life (death, departure of mother or father, ...).

IRELAND

Over the past decade the trend towards Community Care has continued to increase. However, allocation of resources has not matched the demand this placed on families.

The two main services available to carers at home are a home help service and a public health nursing service. In some areas a limited home maker service exists for families in crisis. These services are all provided through the Regional Health Boards. A home help service is available to low income families caring for elderly relatives and to families when they have difficulty with parenting either because the parents are absent or unable to cope. The Eastern Health Board also has a pilot service called Community Mothers Scheme. The service provides trained volunteers to assist with families in the development of parenting skills.

The public health nursing service provides nursing care for families with children under the age of 3 and a limited nursing service at home for the frail elderly.

Impact. The public health nursing service is an important service to families caring for the elderly but it needs to be extended. The nursing service to families with young children is particularly important as a preventative service. The

(1) Family helps are welfare workers who have been specifically trained to assist, replace, or totally stand in for the mother of a family if required. They may also provide assistance for the old aged, the infirm or the disabled.

home help services are inadequately funded, and increasingly rely on contributions from the family. There is a need for standardization as the service varies between Health Boards. Policy about the provision of a home maker service needs to be developed nationally.

ITALIA

Services for partial and part-time professional help in the household are provided for the frail elderly, the handicapped, and some other cases. The philosophy underlying the service is the same : Supply *domestic assistance* in order to limit recourse to placement in institutions (even though that is still a frequent solution, especially when the elderly or handicapped person live alone and is not self-sufficient). In fact, a recent survey has shown that the handicapped's family is mainly composed of one person, i.e. it constitutes frequently the so-called non-family household. (Non-family households which include a blind person amounts to 19.2% of all households in which there is a blind person; deaf-mute 19.7%; deaf 23.4%; mentally handicapped 3.8%, physically handicapped 18.5%.) At this type of family, i.e. non-family household, amount to 17.7% of all family type in Italy, it means that, with the sole exception of non-family households which include a mentally handicapped person, in all other cases families with an handicapped person are always *over-represented* with respect to the country's families distribution (cfr. *Indagine sulle condizioni di salute della popolazione e sul ricorso ai servizi sanitari: 1986-87*, Istat, Rome; and *Caratteristiche strutturali delle famiglie nel 1983 e nel 1988*, Istat, Notiziario, 13, 1989).
This type of assistance is ordinarily managed at the local level by the Commune, the Local Health Board (USL), or jointly by both parties. Normally the service is sub-contracted to cooperatives, and at times to cooperatives which include members who are handicapped themselves. In addition to social workers and home assistants, these services also include physicians, psychologists, therapists, and nursing personnel. The home assistant maintains practically daily contacts with the elderly and/or the handicapped person in order to provide all the services included in that person's programme. The local character of these services gives rise to a large variation in the operating of the services throughout the country, let alone in the amount of population covered by the programme.

Impact. Many research evidence on the functioning, quality and impact of these services on the beneficiaries. But given the differentiation of the service, they will hardly be summed up. With some caution, however, it can be said that the

general opinion is that the present situation is anything but satisfactory. Suffice to note that according to the results of the National Survey *Indagine sulle strutture e i comportamenti familiari* (Istat, 1983) the proportion of elderly population (over 55 years) who have the opportunity to receive this kind of service ("home help") is very limited : 0.54 per cent!
The cost of the service depends of course on the wideness of the programme as well as on the activities provided for.

GRAND-DUCHE DE LUXEMBOURG

Description of the system. An application is put into the association by a) the people themselves, b) their families or c) a welfare worker. After analysing the position of the applicant and the beneficiary of the aid, a professional (home helper, etc.) is sent in to help the person to carry out household tasks. The State provides financial support for such activities. Usually the charge is 250 L.F./hour, but a large number of people pay a reduced price : the average price is around 136 L.F./hr. Typically, home help is provided for any given household for 2 or 3 weeks.

A drop in the number of families requiring home help has been observed (16 households less in 1990 than in 1989). The reasons given by the professionals are *inter alia* : 1) a reason of paramount importance which is the change in household tasks, becoming more automated and easier to carry out; 2) another major reason put forward is the in-depth change of image of women, who are fully integrated into the outside workforce, and the increasing number of community amenities involved in childcare : day care, child care centres, school canteens, family placements. In addition, many families have higher incomes, with their two salaries, enabling them to take on a private home help (in Luxembourg, there are many immigrant women seeking such work).

NEDERLAND

Home help services are provided by local and regional agencies. A number of agencies varying considerably in size operate in most large cities, while regional agencies service several municipalities, most of which are relatively small. Home help services are accessible throughout the Netherlands (WVC, 1985).

In principle home help is available to all households (families with or without children, people living alone, one-parent families, the elderly, the chronically ill and the disabled people). In recent years there has been a substantial shift in the categories of persons requiring service while the service itself has improved considerably. The increase in the number of very old people and of elderly people living alone, together with the fact that policy is geared toward reducing the need for placement in nursing homes and homes for the elderly, has led to an increasing demand for more continuous home help and more specialised services. It has therefore become essential for agencies to restructure their programmes and improve collaboration with other domiciliary services such as district nursing (WVC, 1985).

The government and home help service agencies have been endeavouring to bring services more closely in line with the needs of the public. The original provision of help for five days a week has evolved into a system offering a far wider range of options. Life styles and role patterns have changed dramatically, families and houses are now smaller and equipped with modern household appliances and as a result, most recipients need assistance for only a few half-days a week. Home helps may visit clients several times a day if necessary, for periods ranging from fifteen minutes to two hours. Recently it has also become possible to obtain home help outside normal business hours, during the evening and at weekends.

A wide spectrum of services is thus available geared to individual needs and provided as and when required.
The range of options includes flexible service hours, community-based projects for the elderly, community-based home help schemes, and emergency standby schemes. All are essentially flexible and/or designed to provide a specific service. A responsive service tailored to the needs of the client is particularly important to people requiring intensive support.
Other available services are :

- Domestic help scheme for housekeeping tasks only.
  Providers of services are not engaged by home help service agencies but arrange their terms of service directly with the client who is therefore also the employer. Agencies may recommend domestic help and acts as intermediary when arrangements are being made. Clients, who are generally older people, may obtain service under the provisions of the programme for a maximum of 12 hours a week on not more than 2days;

- Family Care Centres.
  They are strategically located in districts, towns and cities and their principal task is to provide support and care for children.
- Host family schemes.
  These enable children to spend a few hours a day or, in some cases, whole days with a family which has offered to look after them (WVC,1985).

The most important changes that the government set to bring about *in 1991* were the amalgamation of the Caretaking to families and the Home Nursing sectors, and the implementation of a basic insurance covering caretakingservices available to all.

PORTUGAL

In *December 1990*, home help was given explicit existence in a Portuguese Act with two major objectives : "Maintain the Elderly, Invalids and the Disabled in their Families" and "Maintain Family Life in the Event of Family Members Responsible for such Family Life being Sick".

Home help is provided through a network of technicians (generally coming under Private Social Solidarity Associations - IPSS) with training specifically designed for this type of work, and through a network of volunteer workers, much better accepted by society in 1991 and enjoying an enhanced image.

UNITED KINGDOM

Central government confers powers on local authorities to provide personal social services for the elderly, children, young people, families, people with mental illnesses or with physical or mental handicap, young offenders, and other disadvantaged people and their carers. Services include : social work, residential care, day care, and domiciliary services. The cost is met by a local community charge, but local authorities also receive substantial grants from central government.

Local authority domiciliary services consist of home helps and meals delivered to the home, known as, meals on wheels. These services are mainly to assist elderly people remain in their own homes, and avoid institutional care. However, home helps can also be used to assist young families in difficulty.

As with care for specific groups such as the elderly or disabled, voluntary groups play a major role in the provision of services for families.

Changes in 1991. In response to a Parliamentary Question (18/12/90, Hansard, HC, c. 153w), Virginia Bottomley (Minister for Health), stated that the Government had no plans to establish a register of home carers in the United Kingdom.

Impact. A report from the Social Services Policy Forum, entitled *Great Expectations...* (published in January 1992) stated that social services in the U.K. have developed unevenly and vary widely from one local authority to another. Access to services has become a "game of geographical chance".

The number of over-75s receiving home helps per 1,000 of the population varies from 90 in Surrey to 273 in Buckinghamshire.

CHAPTER V. INSTITUTIONALIZATION OF FAMILY LIFE (FAMILY LAW)

I. MARRIAGE AND COHABITATION

BELGIQUE - BELGIE

The Act of 19 January 1990 amended several items of legislation relating to marriage. Marriageable age was set at 18 years for both boys and girls. The Youth Tribunal may grant exemptions for serious reasons. In such a case, the Tribunal rules on any refusal on consent by father and mother.
The legislation relating to *caveats* as well as *nullities* were also slightly amended by the same Act.

A Bill was submitted by the Liberal parliamentarians with a view to preventing *simulated marriages*. The Bill seeks to empower the registrar to refuse to celebrate a marriage when there exists serious circumstantial evidence that there exists a cause of absolute nullity.

DANMARK

The rules governing marriage and alimony are found in marriage legislation from 1969. In Danish law there is no overall provision for regulating conditions surrounding cohabitation, the so-called paperless partnership. Such rules are restricted to special legislation, for instance housing legislation.
In 1989 amendments were passed extending marital rights to new categories. The Act on Registered Partnerships enabled two persons of the same sex to have their partnership registered. Both partners must be Danish citizens and live in

the country. With certain exceptions this registration has the same legal effect as a marriage contract. Exceptions are :

1. A couple - registered partnership - can not adopt in common.
2. A couple - registered partnership - can not have custody in common. No transfer of custody from one partner to the other in case of death.
3. Provisions in international treaties do not apply to "registered partnership" unless the contracting parties decide so.

The law occasioned a certain amount of publicity at the time but not much opposition, a circumstance reflecting the fact that the law enjoyed broad majority support in the *Folketing*.

DEUTSCHLAND

A judgment by the Federal Constitutional Court (March 1991) relevant to family policy concerns the right to the use of a name on marriage. The Federal Constitutional Court has established that it is unconstitutional that the man's name automatically becomes the married name if the married couple cannot agree on a joint married name. The previous ruling required a married couple to have a common married name (which would then also be given to the couple's children) and that they would have to decide between the name at birth of the husband or the wife. The partner giving up his or her name could form a double-barrelled name with his or her own birth name. If the married couple failed to agree on a married name, then the husband's birth name was used as the married name. According to the Federal Constitutional Court this ruling contravenes the constitutional principle of equal rights for men and women. It was considered that the previous ruling led to discrimination against the woman, since her name would only become the married name if she could persuade her husband to make the relevant declaration, while the man was in no way obliged to try to come to an agreement since his name, in the event of any conflict, was automatically used as the married name. The Federal Constitutional Court has issued a transitional ruling until the matter is clarified by legislature. According to this the husband and wife must be able to retain their respective birth names in the event of a dispute. The parents are to decide on the name of the child and in the event of a dispute, the child is given a double-barrelled name.

HELLAS

Since the *Family Law of 1983*, no changes have come about with respect to marriage and there has been no debate over issues connected with cohabitation, communal living or residential graps.

Since 1984 (Law 1438/84) marriage has not resultated in the automatic acquisition or loss of nationality.

Cohabitation is not formally recognised in Greece, and there is no debate on the subject.

No concept of *rape within marriage* has been introduced by law or court decision. The only action the Greek Government has taken in this respect is to sign the 'Solemn Final Declaration on Physical and Sexual Violence against Women' at the first conference of European Ministers on this subject, held in Brussels on 14-15 March 1991. For the purposes of that conference, physical and sexual violence against women was taken to mean "all forms of physical violence (maltreatment) and of sexual violence (assault, rape) perpetrated on women by persons known and unknown to the victim inside or outside marriage or family without the women's consent".
Following this step, the General Secretary for Equality submitted a proposal to the Ministry of Justice in 1991 for the formation of a committee and for rape within marriage to be subsequently declared, by statute, to be a criminal offence.

ESPAÑA

Marriage. In *October 1990*, Parliament approved Act 11/1990, entitled "In application of the principle of non-discrimination for reasons of gender", amending the Civil Code on questions relating to the effects of marriage, divorce and separation, as well as altering or doing away with provisions deemed to be discriminatory for reasons of gender.
From the enactment of this Act, the effects of marriage, in respect to the personal relations between spouses and the economic system, will no longer be automatically governed by the personal law of the husband, a provision deemed to be discriminatory, but by rules which are not gender-dependent, such as provisions common to both sexes, in force at the time of marriage or, be they different, a free choice of law applicable to one of the two spouses.

Women are no longer obliged to change their residence upon marriage when they marry someone living elsewhere. Furthermore, a transitional provision in the Act allows women having lost their residence as a consequence of their marriage to recover it within a year after the enactment of the Act, on a simple declaration to the registrar.
Side by side with these reforms, which are the most important ones, the Act amends some of the articles in the Civil Code deemed to discriminate against women, by, for example, replacing the terms "wife" or "woman" by spouse.

Cohabitation. From a sociological point of view, what is striking is the apparent lack of importance attached to this phenomenon. According to an investigation by the Centre for Sociological Research (CIS) conducted in 1990, only 1.27% of the population aged over 18 years were living in a contractual union, representing 2% of all unions. It is true that this type of union in practice hardly affects people aged over thirty years. The highest percentages are among the youngest and increase as age diminishes. In the 25-29-year bracket, de facto unions affect 8.5% of couples. In the 20-24-year bracket, the figure is 11.3% and 25% in the 18-19-year bracket.

Legislation is increasingly tending to treat de facto unions in the same way as marriages. The purpose of such recognition is to protect the interests and the rights of the children of such unions and the right of the de facto spouses to basic social protection. This meets the needs of the sections of the population most given to de facto unions.

In order to grant a widow's/widower's pension, the social security administration requires the person to be married, or to have been married, legally, to the deceased worker. If death occurred before Act authorizing divorce (1981) came in, the pension may be paid in the event of there being cohabitation without marriage, or if marriage had been impossible for legal reasons (one or other of the spouses already married, there being no possibility of divorce). In the event of separation or divorce, the pension may be shared between the spouse at the time of the death and the former spouse(s).

By contrast, health care is granted to the unmarried spouse of the insured, subject to proof of cohabitation for the year preceding the application for the benefit being produced. Health care is also granted to the children of the de facto spouse, dependants of the beneficiary, after a six-month waiting period. Furthermore, entitlement to health assistance is maintained for the non-

benefitting spouse, whether separated or divorced, subject to his/her having been a dependant at the time of separation or divorce.

In some major areas, there is no recognition of a contractual union. The Act on taxation and revenue, for example, confines the concept of family to married couples. This prevents unmarried couples from making a joint tax return which is the best solution when only one of them is earning money.

In fact, the effect of this limitation is not very great since the traditional model of the couple where the woman does not work is more widespread among the older section of the population where de facto unions are few and far between. The same applies to the none-recognition by the social security administration of entitlement to a widow's pension of de facto widows. This concerns only a very small number of cases which can be solved by granting a none-contributory pension, in force since 1991. Younger women, who, in the future, might be more greatly affected by this measure, will increasingly be exercising their own entitlement to an old-age pension through their own work. However, legislation will doubtless to be revised in the future if de facto unions become more common.

FRANCE

The sphere of *partner relationships*, like other areas of French family law, is characterized by the idea that the most important aspects of the requisite reforms have been achieved. This was particularly the case in the period from 1964 to 1965. It is therefore considered that from now on new legislation should be formulated with much greater circumspection.

Although concubinage is the subject of formal recognition in the Civil Code as a mode of couple forming it has become legal. The Act of 3 January 1972 on filial ties already granted children from "natural families" almost all the same rights as legitimate children. More recently, the Act of 22 July 1987 instituted joint parental authority if needed for those living in concubinage when jointly so requesting the judge responsible for guardianship. Similarly, the Acts on rents of 22 June 1982, 23 December 1986 and *6 June 1989* concede more and more place for those living in concubinage and their families when it comes to renewing leases and taking leases over. They may also have recourse to artificial

insemination in order to have children providing the concubinage is "a well-known fact".

The gradual legal condoning of *concubinage* cannot be shown better than in case-law. Consideration given to concubinage for selling off commonly-owned property on the basis of the *de facto* company, paying damages with interest to the party surviving a fatal accident incurred by the partner. The rulings of the Supreme Court of *13 June 1989,* disallowing homosexual concubines to benefit under the Act "because concubinage could only refer to a couple formed by a man and a woman living as if they were married", in fact constitutes true legal recognition of this type of couple forming owing to its validity in law.
However, people living in concubinage remain fiscally distinct and in France there is still debate over the possibility of such couples being able to adopt just like married couples or, more broadly speaking, to ascertain whether or not concubinage should be given proper status through an overall reform of civil law.

In the area of the *functioning of couples*, the issue of equality between spouses in matrimonial regimes was settled by the Act of 13 July 1965 and subsequently by the Act of 23 December 1985.
The latter act also comprises a provision on the possibility of each spouse using the names of their respective fathers and mothers (though the text, to date, appears to be totally ineffectual).

By contrast, despite the public-opinion inquiries which have shown that reforms in this area would be highly favoured, the status of the surviving spouse continues to be denigrated : the surviving spouse is not an heir entitled to a compulsory portion. It has been envisaged to give the surviving spouse entitlement to property constituting his or her living environment. However, there is still resistance to change, particularly on account of the wish to maintain property within families.

In regard to *rape between spouses*, French penal law leaves the possibility of penalization open. However, in the actual administration of the law, the courts are highly reluctant although there does appear to be an incipient trend which has been developing over the last ten or so years (punctuated by recent ruling by the *Chambre Criminelle de la Cour de Cassation of 5 September 1990* confirming the interpretation whereby Article 332 of the Penal Code does not exclude rape between persons united in the bonds of marriage). In fact, cases taken to the

courts have up to now usually been ones of rape after divorce proceedings have been started and rarely ones of rape between spouses still living together.
The preparatory work on the new Penal Code appear to be leading towards greater emphasis on the penalization of rape between spouses.

Changes in 1991. A socialist proposal suggests "Entering into a civil union contract with another natural person of whatever sex".

References :
J. Rubellin-Devichi, *Les concubinages*, 4 tomes, Ed. du CNRS, Paris, 1986-1990.
J. Rubellin-Devichi, "Changements familiaux, changements juridiques" in *La famille, l'état des avoirs*. La Découverte, Paris, 1991.

IRELAND

Changes in legal provisions. There have been no changes in the legal provisions re age of marriage. Persons of 16 years can marry provided they have the consent of their parents or guardian. This consent is required up to the age of 21 years. However, this consent is directory and not mandatory (Marriages Act 1972 S.7). Marriages of persons under 16 years requires the permission of the President of the High Court (Marriages Act 1972 S.1(2) and 1(3)).

Mis-use of marriage. Formal marriage in order to obtain nationality has not been an issue in Ireland.

Legal rights of cohabitees. The Constitution of Ireland recognises the Family as the 'natural primary and fundamental unit group of Society' (Article 41.1) and pledges itself 'to guard with special care the institution of Marriage, on which the Family is founded' (Article 41.3). Cohabitees, therefore, have no such protection under the Constitution and no legal rights similar to spouses in Ireland. They are not protected under the law in relation to family violence, property, maintenance or inheritance other than legal rights as citizens. There has been no debate concerning legal rights for cohabitees.

Legal provision concerning alternative household formation. There has been no introduction of legal provision concerning alternative household formation or lifestyle in Ireland.

Provisions re relationships within the family. 1) The Criminal Law (Rape) (Amendment) Act 1990 was passed on 12th December 1990. The Act abolishes the marital exemption in relation to rape. However, criminal proceedings can only be initiated in such cases with the consent of the Director of Public Prosecutions. In relation to consent, the Act states that failure or omission to offer resistance does not of itself constitute consent to the act. 2) Homosexuality: The Report on Child Sexual Abuse (L.R.C. 32-1990) (para 4.29) recommended that the Offences against the Person Act, 1861 (S. 61 and 62) and the Criminal Law (Amendment) Act 1885 S.11 which render criminal acts of buggery and gross indecency between male persons should be repealed and that consensual homosexual activity should be lawful and that the age of consent should be the same as for heterosexual activity. This recommendation has given rise to some general public debate and the organisation Family Solidarity, which would represent a very small percentage of the population, has taken up the issue as it regards such changes in the legislation to be an attack on family life.

Anulment. Nulities in Ireland come under Section 13 of the Matrimonial Causes (Ireland) Amendment Act 1870. Nullities are based on void or voidable marriage. The grounds on which it can be void are :
a. lack of consent/duress;
b. lack of capacity;
c. failure to comply with the formalities;
d. where both parties are of the same sex.

In 1991, F v C (High Court ILRM 1991) Keane J refused to grant a nullity on the basis of the respondent's promiscuous homosexuality although in the case of F v F (unreported judgment Hight Court 22nd June 1988) such a decree had been granted. Keane in his judgment said that no such ground existed in the law of nullity and urged an appeal to the Supreme Court for clarification. In an appeal to the Supreme Court it was held that in granting of nullity the case did not have to depend on psychiatric illness alone and that the grounds of inability to tenter into and sustain a normal marital relationship was extended to encompass emotional immaturity and sexual orientation so the comment of Barrington J in RSJ v JSJ was authorised by the Supreme Court.

ITALIA

No recent changes concerning legal provisions about marriage. Family law (1975) established that people younger than 18 years cannot get married, even with the parents' consent. Only Juvenile Court can allow minors older than 16 years to get married, in case of serious reasons.

In Italy there is currently much debate on the issue of the legal and social recognition of de facto families.
Recently two proposals of law were presented at the Parliament by the Socialist party (1988) and by the Left Democratic Party (ex-communist) in 1990.
Although there are some differences, both projects recognize the necessity to regulate cohabitation by law, especially as regards some civil and economic rights of the partners and the custody of the children in case of the dissolution of the union.
De facto, in some cases, unmarried couples enjoy the same rights and social support as married ones. For example :

- registration in municipality offices is possible for every type of family and household, cohabiting couples included;
- cohabiting couples too can avail of a specific service offered to families, which provides social, psychological and health assistance : it's the so called "consultorio familiare" (family advice service);
- the right of working mothers (whether married or not) to enjoy leaves in the first three years of child's life is also recognized for the father (in place of the mother). As the law doesn't reserve this right to married parents, we can assert that it belongs to unmarried ones too (of course, if they have recognized the child).

If the Italian law doesn't regulate cohabitation, in several cases the Courts have recognized some rights to cohabiting partners : for example, the Constitutional Court established the right to succeed the partner in a rented house, in case of death (7.4.1988); other Courts recognized the right for a partner to have damages awarded, in case of the other partner's death; the right to alimony, in case of the dissolution of the union, if the partner is needy.

For a long time a large political debate has been developing about a stronger penal protection against rape. Many proposals of law were presented at the Parliament. According to the most recent one, presented in May 1986, the

punishment of the rape of spouse/partner was introduced; however, this proposal has not yet been approved by the Parliament.

In the late 60s, the Constitutional Court depenalized women's adultery (Decisions 19.12.1968, n. 126; 3.12.1969, n. 147).

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Bill on the protection of young people. On 8 July 1991, the Government tabled an amendment to Article 372 with a view to raising the age from 14 to 16 years and abrogating Article 372bis of the Penal Code (this article sanctions indecent exposure, committed with neither violence nor threats, by a person aged 18 years or more, in respect of a minor or with the help of a minor of the same sex aged under 18 years).

Consequently, it became necessary to amend Article 144 of the Civil Code : "Men before reaching the age of 18 years and women before reaching the age of 16 years (at present 15 years) may not enter into a marriage contract". This Bill was discussed in Parliament on 2 April 1992.

Rape. There was some jurisprudence which in the past had accepted that rape between spouses was not possible, as spouses are under an obligation to cohabitat and this involves having conjugal relations. However, since that time, case law has tempered this principle of jurisprudence not supported in legal texts. Today, there is no doubt that forced sexual intercourse may be termed rape if the other relevant elements exist. Since the authors of the Luxembourg Penal Code (*inter alia* Nypels and Servais) considered rape as indecent assault with aggravating circumstances, this is no longer a view accepted today when a whole range of practices should be censured and, therefore, the notion of rape extended. In the draft Bill on the protection of young people, there are proposals to amend the relevant articles.
The new definition (drawing inspiration from French law) is worded as follows :
"*Any act of sexual penetration, whatever its nature, committed on another person, with the use of violence or threats, or by guile or cunning, or by abusing a person not able to consent freely or to resist, constitutes rape and shall be sanctioned by imprisonment*".

Although this general definition had been accepted, it proved impossible to enact the Bill in April 1992, owing to there being differences between the definition of rape of a 14-year-old minor (see children's rights on this item) and the general definition here. Once again, the Council of State was requested to give an advisory opinion so that a new proposal with a uniform definition could be put to the vote.

There has been no discussion on the rights of people cohabiting outside the bonds of marriage. Furthermore, there are no reliable figures in this sphere.

NEDERLAND

Since 1984, the legal age to contract marriage is the same for men and women, namely 18 years.

In *1991*, a parliamentary discussion on homosexual relationships and marriage took place. The government pointed to the impossibility to modify the law in short time. However some municipalities have offered the possibility to homosexuals to register as partners. This represents a symbolic gesture and bears no legal or other consequences.
There is also a general discussion about the possibilities municipalities have to register heterosexual partners who are not married. In this case some municipalities have also offered to register these partners.

PORTUGAL

In Portugal, there are two types of marriage (Catholic or civil) at the spouses' choice. In Portuguese legislation, cohabitation covers individuals who live a *de facto* union,but such a union does not give rise to family relationships, with the same consequences as a *de jure* marriage.

Cohabitation. Article 2020 of the Civil Code provides for entitlement to alimony to be paid out of the inheritance of someone who, without having been married, has lived in analogous circumstances to those of marriage for over 2 years, as long as the person applying for alimony has no other means of subsistence.

Impact. This provision, enacted in 1977, gave rise to much discussion and confusion.

Decree-Law 321 - B/90 dated 15 October makes it possible for a lease to be transferred after the death of the lessee to the person cohabitating with the lessee for more than 5 years under conditions analogous to those of a spouse, if the lessee was not married or was legally separated.

Rape between spouses. Article 201 of the Penal Code no longer contains a reference to the illegal nature of copulation. Theoretically, this means that rape between spouses is possible.

UNITED KINGDOM

Regarding *marriage* the only important ruling affecting law was in the case of Cossey vs the U.K., which went before the European Court of Human Rights. The Court backed the U.K. Government in its judgement that the marriage of a male-to-female transsexual to a man could not be regarded as legally binding.

The Government announced plans for a White Paper outlining a greater flexibility in the form of civil marriage ceremony and the choice of venues where such ceremonies could be conducted.

Concerning the issue of marriage and immigration, it is estimated that 25,000 overseas nationals apply each year to remain on the basis of marriage. Very few cases are investigated thoroughly. Although the Home Office pledged to increase the number of interviews, no corresponding legislation was brought in.

Cohabitation. On June 11th 1991 Theresa Gorman MP presented a 10-minute Rule Bill before Parliament dealing with the enforcement of contracts made between cohabitees, with particular reference to property ownership, pensions and other provisions on death. There had been much concern about the break up of cohabiting couples, and the rights of partners regarding inheritance, where legal arrangements had not been made adequately. The Bill provided for contracts to come to an end upon marriage. A major problem with the Bill was the difficulty of defining the term "cohabitee". The Bill was denied a second reading.

II. DIVORCE AND SEPARATION

BELGIQUE - BELGIE

The *eligible age for divorce by mutual consent*, for the spouses, was lowered to the age of 20 by the Act of 19 January 1990. Previously, the age was 23 years.

For a number of years, in Belgium, there has been talk of a general reform of legislation on divorce, particularly in regard to the *protection of children* within the framework of the mutual-consent divorce proceedings. Bills along these lines are regularly submitted (cf. proposal by Mr Cerexhe amending Article 1288, 3°, of the Judicial Code, *Parl. Doc.*, Senate, 1990-1991, n° 1077).

Changes in 1991. On *8 January 1991*, a Bill was introduced to insert in the Civil Code the *right for grand-parents to visit their grand-children* (*Parl. Doc.*, Chamber, 1990-1991, n° 1412). Today, case-law recognizes this right in principle, but no legal text actually sanctions it explicitly.

An Act of 8 May 1989, followed by an executive Decree of 14 August 1989, had introduced into the law on public social-aid centres a limited system of advances in the rules on *alimony* for children. The criteria are relatively restrictive. The amount of the advance, more particularly, is limited to a maximum 2,000 BF per month and per child. Since *1 January 1991*, the debtor resource ceilings, making it possible to claim entitlement to the advance, were raised and the maximum amount of the advance was increased to 4,000 BF per month and per child. Most observers agree that the CPAS advances are unsatisfactory. Preference is also given to the creation of an alimony debt fund. Mrs Jacobs introduced a Bill along these lines (*Parl. Doc.*, Chamber 1990-1991, n° 1488).

Despite commitments from previous governments, no noteworthy change has been made to the legal proceedings for divorce and separation. A Government agreement states that the Government "shall foster the modernisation of civil and family law (e.g. distraint law, debt management, copyright, the humanising of divorce law, co-ownership)".

DANMARK

In 1989 minor amendments concerning separation and divorce were made in the Matrimonial Act. At the same time a limit was imposed on the period during which a person is obliged to pay alimony. These amendments have been subject to debate, for instance in the legal committee of the *Folketing*. At issue in particular was the danger that such a phasing-out of alimony would aggravate the situation for many women.
This development must be viewed as a step towards greater independence and equality for married and cohabitating couples in social legislation and other legislative areas. In 1987 the *Folketing* passed a resolution requesting the Government to promote equality and "to ensure the implementation of a continuous, automatic rule simplification by introducing the principle of individuality in all future legislation relating to family welfare and whenever normal procedure is not followed, then to state the reasons for it".

DEUTSCHLAND

Legislation re divorce was fundamentally reformed in 1976. The principle of fault divorce was totally abandoned and replaced by the principle of no-fault divorce under the style of irremedial disrupture of the relationship. In 1991 there were no changes in the divorce legislation.

HELLAS

The new Family Law of 1983 introduced significant changes related to the dissolution of marriage, such as divorce by mutual agreement and the granting of permission to both spouses to claim a share of whatever property is acquired during the course of marriage. No further changes have been made since 1983.

ESPAÑA

Act 11/1990, amending the Civil Code to alter or do away with provisions deemed discriminatory for reasons of sex, also changes some provisions on the effects of divorce, legal separation and marriage annulments.

It is now possible, within the rulings on separations, divorces or marriage nullities, to determine alimony for children over the age of eighteen living at the family domicile without income on their own. In this way, children having reached their majority are not obliged to start procedures to request assistance from their parents after divorce when they are unemployed or still students. A single ruling thus settles all of the economic problems for children after a procedure has terminated a marriage.

The Act also amends the article in the Civil Code which stipulates that children under the age of seven years are, except in very exceptional circumstances, entrusted to the care of their mothers after the parents have separated. The Act deletes any reference to the mother and allows the judge to choose freely to which parent children who are minors will be entrusted. The judge is now compelled to hear children over the age of twelve years before reaching any decision as well as the children under twelve years of age if they are endowed with sufficient reason.

FRANCE

The only legal provisions in this area were introduced well before 1991 : Act of 22 December 1984, stipulating the recovery of alimony by the bodies paying family allowances and instituting the *family support allowance* (see the chapter on alimony); Act of 22 July 1987 instituting the possibility of joint parental authority over the children in the event of the parents divorcing (research in progress at the Family Law Centre, Université Jean Moulin, Lyon, should stress the tremendous heterogeneousness of practice regarding the use made of this measure by the courts).

It is also worth noting that there has been a very major development of mediation in settling family conflicts following initiatives by the courts, associations and the professionals. A Bill *legally sanctioning mediation* has been pending for many months.

IRELAND

During 1991 there was increasing discussion in the media on the introduction of divorce in Ireland. The Government is currently preparing a White Paper on

Marital Breakdown the publication of which has been promised for early in 1992. It is likely that with the publication of this White Paper there will be heated public debate on the subject of changing the Constitutional ban on divorce.

The Family Studies Centre held a Conference in June 1991 entitled 'In and Out of Marriage" in an attempt to contribute to the debate on divorce in Ireland. The papers from this Conference have been published (Kiely, G. (ed.), *In and Out of Marriage*, Family Studies Centre, Dublin, 1992).

ITALIA

In Italy divorce was introduced in December 1970 (Act n. 898). Italian law, unlike that of other countries, specifies separation rather than divorce as the fundamental point in the legal treatment of the marital conflict. For the couple to obtain a divorce, there must be a legal separation for a minimum of five or seven years according to the 1970 law and three years according to the recent reform law of 1987. No change of divorce law occurred in 1991.

In case of separation or divorce, parental authority is held by the spouse to whom custody of the children is given, while the other spouse is entitled to supervise the upbringing of the children and to be consulted on major decisions relating to the children's future.
The recent reform law on divorce (1987) regulates what is called alternative custody (custody of a child given for a limited period to each parent) and joint custody (custody of a child shared by the parents); this provides for parental authority to be maintained by both parents and allows the child to live with each parent in turn.

The matter of alimony is regulated by the new family law (1975) as regards separation and by law n. 74/1987 as concerns divorce : the economically weaker spouse (usually the wife) is entitled to receive from the other spouse such an amount of alimony as related to her/his needs and to the standard of life of the obliged spouse.
A recent important decision of the Supreme Court (4 April 1990 n. 2799) established that, in case of divorce, the weaker spouse has the right to receive such an amount of money ("*assegno di divorzio*") as to allow her/him to maintain the same standard of life enjoyed during the marriage.

In case of separation or divorce, law provides guarantees for the payment of alimony and other sums due by the obliged spouse to the economically weaker spouse, in the amount established by the judge. In these cases, the spouse enjoy the same guarantees granted to children. The most important guarantee is the right to extract these sums from the employer of the obliged spouse directly (in case of divorce : act 6 March 1987 n. 74) or by order of the judge (in case of separation : family law 15 May 1975 n. 151).

Separation of cohabitees isn't regulated by law. In case of conflict about children, Juvenile Court decides about their custody and the regulation of parental authority. Currently there is a political and legal debate about this subject and some projects of law were presented in Parliament in order to regulate cohabitation and separation of cohabitees.

GRAND-DUCHE DE LUXEMBOURG

A Bill is now before Parliament on certain articles of the Civil Code relating to divorce, which are to be amended. The intention of the Government was to simplify some articles, and in 1989 it tabled a Bill. The Council of State gave its advisory opinion on 20 June 1989. On 18 May 1990, the Legal Commission of Parliament put forward certain amendments to the Government. There were, on the one hand, amendments relating to the prior compulsory reconciliation procedure before allowing divorce proceedings and, on the other hand, amendments relating to compulsory alimony.

1. Procedure prior to divorce. The Commission intends doing away with the preliminary reconciliation procedure : under the proposal, the spouse putting in the application will no longer be obliged to put in his/her request for divorce in person to the President of the District Court, with a view to starting the preliminary reconciliation procedure.

2. Amendment to the obligation to register the divorce. The Bill proposes that any mention or transcription of the divorce decision be entered into the margins of the marriage certificate and the birth certificates of the former spouses at the request of the Public Prosecutor's offices and not of a solicitor of the party having obtained the divorce (Art. 265 of the Civil Code) or of the party him/herself in the event of divorce by mutual consent (Art. 292 of the Civil Code). Both the Council of State and the Legal Commission came out against

the proposal and the present procedure, therefore, will be maintained (Parl. doc. n°3359, 1992).

3. Amendments in respect of compulsory alimony.

a) The Government proposes amending Act 267bis consecrating the competence of judges sitting in chambers for decisions on "provisional measures" to be made during divorce proceedings. Following a ruling by the Supreme Court of Appeal of Luxembourg on 20 December 1984, this amendment had become necessary.
Indeed, the new provision is designed to maintain the competence of the judges sitting in chambers, even if a second application for divorce is still pending before the courts to assess the responsibility of one of the former spouses in causing the marriage break-up, whereas an initial court case has already pronounced the divorce.
Secondly, provisional measures decided during divorce proceedings (inter alia alimony obligations) are not at the present time refundable (however the dispute finally may be solved), for according to the Court, payment of alimony during divorce proceedings is based on the spouses' duty to provide mutual help and assistance during the marriage, by virtue of Act 268 of the Civil Code (Art. 212 of the Civil Code). Once the divorce pronouncement has been made, this article may no longer serve as a basis for any alimony obligations between the spouses, whereas the obligation to provide alimony for children continues even after the marriage has terminated (Art. 267 of the Civil Code). It is for such cases that the new proposals attempt to provide a new legal basis.
Moreover, in order to take account of the wrongs pronounced against one of the spouses having received alimony, the new text makes provision for repeating the alimony thus received.

b) The Legal Commission of Parliament is proposing to amend alimony granted in cases of divorce by mutual consent, and to do away with the principle of the immutability of agreements reached between spouses in the event of divorce by mutual consent.
The Council of State is resolutely opposed to this amendment and is requesting an in-depth study to be conducted by the Ministry of Justice to ascertain whether such modifications are really necessary. The same applies to the Legal Commission's second proposal regarding alimony.

c) At the present time, for divorces pronounced against both parties, the court, in setting the amount of alimony, has to take account of the seriousness of the wrongs pronounced against the spouse paying the alimony. Yet the proposal by

the Legal Commission is intended to make alimony revocable or revisable and suggests doing away with any reference to wrongs.
The Council of State is against this amendment.

NEDERLAND

End of 1990 the Lower House of Parliament reviewed a draft of Bill regarding the legal dispositions related to the divorce proceedings. The two most important elements of the Bill are : a) the process in case of divorce by mutual agreement should be simplified; b) if both spouses are Dutch citizens, none has a minor child, no claim for alimony has been filed, and there is agreement about the legal provisions regarding rent subsidy, the two parties do not need to be legally represented at the court by a lawyer.

A large number of amendments of legislation on family law are currently being prepared to limit alimony payments and to regulate parents' visiting rights to children after divorce.
Amendments are also being prepared to change pension rights after divorce, parental care of minor children, visiting rights.

Impact. The number of fathers requesting the right to keep and care for their children is increasing. As a consequence of divorce, a "right of access to the child" is granted to :
- the legal parents;
- the biological parents, if family life does exist;
- the persons introducing a demand to the judge proving they do have a family life.

The consequence of these rules are that neither the biological nor the sperm donnors have right of access if they do not have family life. There is no public debate on this jurisprudence.

PORTUGAL

No change is to be observed since the legislation of 1977.

UNITED KINGDOM

The Law Commission Report, *The Ground For Divorce*, was published in 1990. The current law seeks to reinforce the idea of saving marriages where possible and dissolving others painlessly. It also adds the objectives of regarding responsibilities towards children both at the time of divorce and in the future. The Law Commission has found, however, that these principles are not always realised in practice. More often the law is discriminatory, provokes bitterness and hostility, harms children and does not help couples to plan for the future. The Commission recommended that *irretrievable breakdown* of the marriage should remain the sole ground for divorce. One or both partners would swear a statement that their marriage had broken down, thereby initiating a one year period for "consideration and reflection" before a divorce is granted. The five existing grounds for divorce - three of which are based on fault - should be replaced.

Changes in 1991. A great deal of support was seen for the Law Commission's report but according to Lord Mackay (The Lord Chancellor) there was a feeling in some quarters that they "did not recognise sufficiently the need to strengthen the institution of marriage" (FPSC Bulletin, December 1991, p. 8).

Reform proposals for a "no fault" divorce system, therefore, were unlikely to be introduced without significant alterations. Furthermore Lord MacKay would not publish his own recommendations for divorce law reform before a general election, suggesting that this area of family law could be seen as among the most controversial. The Attorney General stated in April: "The Government recognise the valuable contribution made in the area of family law by the conciliation services" and went on to say that conciliation was under review alongside all other aspects of divorce law.

The Children Act 1989, which began to be *implemented in 1991*, did away with the concepts of custody and access in divorce cases, allowing parents the freedom to make their own arrangements. Courts now have the power to make "residence" and "contact" orders stating where the children will live and who they will see. This could include other relatives as well as the parents. Grandparents can also apply for contact orders in cases where the parents are still married and living together. In all cases the interests of the child are paramount.

III. CHILDBIRTH AND FERTILITY

1. Control of fertility (contraception and medical assisted fertility)

BELGIQUE - BELGIE

Control of fertility and contraception have not up to now formed the subject of any legal measures, excepting Article 318, para. 4 of the Civil Code added by the Act of 31 March 1987. This provision stipulates that any application to contest the fatherhood of the mother's husband may not be processed if he gave his consent to artificial insemination or any other act the purpose of which was procreation, unless the conception of the child could not be a result thereof.

DANMARK

In 1990 few changes were made in the laws governing contraception and artificial insemination.
In recent years some hospitals have offered *egg transplant surgery*. However, the admission to and terms of such treatment are not formulated in any regulations. In practice, the doctors involved have laid down their own guidelines for when treatment is indicated.

DEUTSCHLAND

In 1990, a law came to effect for the protection of embryos. It contains penalty clauses against abusive use of procreation techniques or abusive use of human embryos. Thus experiments with human embryos or cultivation of these are liable to punishment.

In B.R.Germany legislation on adoption contains penal provisions, in order to prevent surrogate motherhood. According to this law mediation by surrogate mothers is forbidden and liable to punishment. Moreover, according to this law for the protection of embryos, which came into effect *the 1st of January 1991*, medical doctors helping to establish conditions for surrogate mothership are liable to punishment, whereas the woman lending the embryo goes free. These new legislative regulations in fact result in a total ban on surrogate motherhood.

HELLAS

Family planning was introduced for the first time by Law in 1980. The State then organised a series of training seminars for health professionals in order to staff the three Family Planning Centres already in operation and the 16 which were in the process of foundation. This was followed by the legislation setting up the National Health Service (1983). Article 22 of this Law abolished all of the earlier law on family planning, which was now placed within the exclusive competence of the Ministry of Health.

Today, amendments have been proposed so as allow family planning to be performed by non-governmental agencies and by doctors in private practice. It should be noted that the legal framework for contraception is still unclear and is confined only to certain techniques. The pill is available in Greece without a prescription.

There are no reliable data for *artificial insemination* or *vitro-fertilisation*, nor is there any legislative framework in this regard.

ESPAÑA

In this sphere, Parliament rejected a bill to authorize the marketing of contraceptive RU 486, the so-called "next-day pill" or the "abortion pill".

FRANCE

The abortion pill, RU 486, is 80% refundable. The price has been set at 263 FF. It is made available in strict compliance with the Veil Act (decree of 18 June 1990), under medical control, in the 793 centres authorized to perform induced terminations of pregnancy.

The development of biological sciences, especially in the field of reproduction techniques or "*assisted procreation*" has induced the French State to set up a national Ethics Committee, still with a purely advisory capacity.

In the wake of a report on bio-medical ethics, three Bills on bio-ethics are being reviewed. Among the proposed provisions, worth quoting is a prohibition on "surrogate mothers" (the Supreme Court, in a ruling dated 31 May 1991, deemed

that any agreement between a couple and a surrogate mother was illegal), improved protection of children from artificial insemination with an anonymous donor (prohibition of any questioning of fatherhood when the husband, even if he has consented to his wife being inseminated, might wish to bring such an action to court).

IRELAND

The Health (Family Planning Amendment) Bill 1991 (N° 29 of 1991) was introduced in July 1991. The purpose of the Bill is to provide for:

a. an increase in the range of outlets permitted to sell condoms and certain spermicidal preparation;
b. reduction in the age at which persons may buy condoms and certain spermicides without prescription from 18 years to 17 years;
c. removes the anomali whereby pharmacies which were Limited Companies were legally prohibited from selling contraceptives.

Health Boards are to be given powers to approve premises where condoms may be sold and such premises will be registered by the Health Board. Premises will be licenced to sell condoms provided that the purchaser is over 17 years of age, the vendor is over 18 years of age and sale is not by vending machine.

The Bill was placed on the Orders Paper but was not discussed. It has remained on the Order Papers where it can remain indefinitely. It has not proceeded any further. There was a lot of public discussion on the measures outlined in the Bill, particularly in relation to the age and how young people would be expected to prove their age, the powers of the Health Boards and the possibility of variations accross Health Boards, and the places likely to receive licences. Since the publication of the Bill there have been two changes in the Minister of Health and each has indicated their intention to make amendments to the Bill to take account of public debate. No amendments have yet been published.

Medical Assisted Fertility. There has been no change in legislation concerning provisions re medical assisted fertility during 1991. One voluntary agency (The Well Woman Clinic) provides a service for artificial insemination, but there is no hospital provision. The Rotunda Hospital provides an in vitro fertilisation service. There is no provision for surrogate motherhood in Ireland.

ITALIA

In Italy there isn't yet a legal regulation of artificial fertility (medical assisted or not).
The 13th Congress of the International Association of Juvenile and Family Court Magistrates and Judges held in Turin (Italy) on 16-21 September 1990 approved the following recommendations :

- States are requested to regulate artificial fertility by law, under the jurisdiction of the Juvenile or the Family Court.
- Public control must be provided for certifying the suitability of the couple to avail themselves of artificial fertility practices and that of the institutions/agencies to supply the service.
- Artificial fertility must be available only if strictly necessary (if it is impossible for the couple to conceive a child in a natural way).
- International Agencies are demanded to draw up conventions and recommendations in order to equalize national laws.

GRAND-DUCHE DE LUXEMBOURG

This year has seen discussions on the compulsory nature of an AIDS/HIV examination within the framework of antenuptial medical examinations. The AIDS Monitoring Committee in January 1992 gave its advisory opinion on screening the HIV virus while refusing any compulsory tests (except for donors of blood and organs). It deemed that the volunteer policy implemented in Luxemburg was most successful, as Luxemburg is one of the countries which has carried out the most voluntary tests (i.e. 20,428 tests, plus a further 28,564 tests carried out within the framework of blood donations).
The National Advisory Commission on Ethics for the Life Sciences and Health is at present being consulted by the Government on this issue.

- Regarding *contraception*, the Secretary of State for Social Security answered a parliamentary question on 6 December 1991, saying that Luxemburg social security funds did not provide refunds on contraceptives since present legislation only grants benefits in the event of sickness (Art. 8, para. 1 of CAS).
- Answering another parliamentary question on the marketing of the *RU 486 abortion pill*, the Prime Minister on 6 November 1991 replied that the pill had not yet formed the subject of an application for permission to put the pill on the Luxemburg market. However, as in any event it acted only after

fertilization and the creation of an embryo, it could in any event only be prescribed under Art. 348 and 353 of the Penal Code, amended by the Act of 15 November 1978 on sexual information, the prevention of clandestine abortions and the regulating of the "voluntary termination of pregnancy".

NEDERLAND

In 1988 the government sent a statement to the Lower House of Parliament on "Artificial insemination/in vitro fertilisation etc., and surrogate motherhood". The premisses of the government's position are namely: the child's interest; technical know-how should be considered as a medical treatment in the case of infertility; upholding the present legal system in cases of surrogate motherhood.

In vitro fertilisation. Costs are not covered by the social security package. However, hospitals that provide this facility may be eligible for subsidies.
Artifical insemination is practiced for several years now in the Netherlands. In the discussion regarding paternity, hospitals practicing artificial insemination are in favour of upholding the donor's anonymity.
Surrogate motherhood is a more complicated judicial matter in the Netherlands. The woman who bears the foetus is automatically the legal mother of the child. If the sociological father is also the sperm donor the legal recognition of fatherhood may be requested. In agreement with the Child Care and Protection Board solutions to the problem of surrogate mother vs legal mother can be found and arrangements made. The child should be then adopted by the sociological mother. A bill forbidding the commercialisation of surrogate motherhood is in preparation.

Changes in 1991. In 1991 the costs of in vitro fertilisation are still in discussion. During 1991, the anonymity of sperm donors came under scrutiny. The House of Representatives voted a motion according to which children have the right to know what is their genetic origin, and that, consequently, rules should be elaborated so that the Convention regarding the children's judge be abrogated in the interest of the child, and the principles of anonymity ceases. The Minister of Justice disagreed with this notion. In the Netherlands only the judge can decide which issue is of importance in the interest of the child. It is obvious that this question will be further discussed. Another question raised by this discussion, is whether sperm donors would be still available if the principle of anonymity is abrogated.

PORTUGAL

The Constitution of the Republic states (Art. 67d) that the State, using the requisite means, is to promote the dissemination of information on family planning and set up the legal and technical structures favourable to planned parenthood.

Family planning has been incorporated into health services since 1976 (Dispatch of the Secretary of State for Health, 16 March 1976).

Act 3/84 of 24 March - "Sexual Education and Family Planning" (Doc. n°18) and regulation 52/85 of 26 January (Doc. n°19) of the Ministry of Health, form the legal framework for family planning.

It is up to each individual to choose between the various contraceptives and methods. All citizens are guaranteed free access to family planning consultations and contraceptives. The consultations and the contraceptives are free of charge.

In 1987, a report was submitted to the Ministry of Justice in regard to legislation on the *new technologies* used in assisted procreation, including three Bills : the use of assisted-procreation techniques; regulations for assisted-procreation centres; and a national council on bio-ethics.

Act 14/90 of 9 June (Doc. n°20) instituted the National Council on Ethics for the Life Sciences.

Discussion on medically-assisted fertility is beginning to emerge in Portugal - legal, medical, philosophical, ethical aspects. In 1991, there were ever more conferences and symposia.

UNITED KINGDOM

There was much debate about the introduction of the RU 486 "Abortion" pill into the U.K. A product licence was granted for it *on July 1st 1991.* The Department of Health and The Committee on Safety of Medicines were fully reassured as to the safety of the drug.

2. Abortion

BELGIQUE - BELGIE

The Act of 3 April 1990 amended the provisions of the Penal Code on *abortion*. This event led to the King refusing to sanction the adopted text, an unprecedented act in the constitutional history of the country. It was observed that it was temporarily impossible for the King to reign.
In principle, abortion remains punishable under the law. However, there is no infringement when a pregnant woman in a distressing situation requests a doctor to terminate the pregnancy, the abortion being conducted under the following conditions (new Article 325 of the Penal Code) :

1. a) Termination must take place before the end of the twelfth week after conception;
b) The operation must take place in proper medical conditions, be performed by a doctor, in a health-care establishment where there is an information service which will receive the pregnant woman and provide her with all relevant information, *inter alia* on the rights, aid and benefits guaranteed by the law as well as decrees related to families, mothers, whether single or not, and their children, as also on the possibilities available for adopting the child to be born and who, either at the request of the doctor or the woman, will grant the latter assistance and provide advice as to how she will be able to solve the psychological and social problems raised by the issue.

2. Any doctor requested by a woman to terminate her pregnancy must :
a) Inform the latter of any present or future medical risks she runs on account of the termination of the pregnancy;
b) Remind her of the various possibilities for adopting the child to be born and, if need be, call in the staff from the service referred to under 1.b) of the present article in order to provide the assistance and offer the advice mentioned;
c) Ensure that the woman is resolved to have her pregnancy terminated.
The pregnant woman's evaluation of her resolve and state of distress, leading the doctor to accept operating, is the overriding criterium as long as the conditions contained in the present article are respected.

3. The doctor is only allowed to conduct the termination of the pregnancy as from 6 days after the first consultation set and after the pregnant woman has

expressed her resolve to go ahead with the operation, on the day thereof. This statement is to be consigned to the medical files.

4. Beyond a period of twelve weeks, in compliance with the stipulation provided for 1.b), 2. and 3., voluntary termination of pregnancy may only be performed if continuing the pregnancy seriously endangers the health of the woman or if it is a known fact that the child to be born will be affected by a particularly serious disease, recognized as being incurable at the time of the diagnosis. In such a case, the doctor concerned will ask for a second opinion from another doctor, whose advice will be consigned to the medical file as well.

5. The doctor or any qualified person in the health-care establishment where the operation has been performed must ensure that the woman is provided with information on contraception.

6. No doctor, no nurse, no medical auxiliary is obliged to be involved in a termination of pregnancy. The doctor asked to perform the operation is obliged to inform the woman concerned, at the first visit, if he refuses to operate.

The Act of 13 August 1990 institutes a *Commission to evaluate the Act of 3 April 1990 on the Termination of Pregnancy*. This Commission comprises nine women and seven men, including eight doctors, four professors of law or barristers, four from the welfare or counselling environment for distressed women. The doctor who performed the termination of pregnancy must draft a report and submit it to the Commission mentioning, *inter alia*, the age, marital status, number of children of the woman who requested the termination of pregnancy, a summary description of her state of distress leading the doctor to perform the termination of pregnancy, and, if applicable, the serious threat to the health of the woman or the serious and incurable disease which would have affected the child when born. This document also has to show what methods were used to terminate the pregnancy. The health-care establishment where the termination of pregnancy was performed also has to submit a report to the Commission drawn up by it mentioning the number of requests for terminations of pregnancy received, the number performed either on the basis of Article 350, § 2 of the Penal Code or on the basis of Article 350 § 2, 4° of the Penal Code and the number of requests refused. The Evaluation Commission is directed to draw up for Parliament a statistical report on the basis of the information drawn from the documents referred to above, together with a detailed report assessing the extent to which the law has been implemented and how it is evolving, and, if need be, draft

recommendations with a view to introducing a legislative initiative and/or other measures likely to contribute to reducing the number of terminations of pregnancy. The first report will be drawn up in August 1992 and will be discussed by members of Parliament before March 1993.

DANMARK

Regulations on abortion date back to 1973. They allowed free abortion before the foetus' 12th week. Since then the abortion figure has been relatively high, with about 22,000 abortions annually, compared with a birthfigure of about 65,000, that is, an abortion rate that is higher in Denmark than in the rest of Western Europe. At present every fourth pregnancy in Denmark is terminated by induced abortion.

DEUTSCHLAND

In the former Bundesrepublik Deutschland abortion is based on the so-called "*Indikationsregelung*" i.e. based on certain indications (also social indications for over 85% of all abortions). In the five former *Bundesländern* (former Eastern Germany) regulation according to duration of pregnancy is still applied, even after unification of the two Germanies, and will be so until the end of 1992. Very intensive discussions are taking place at present in order to realize common regulations.

Reference :

R. Beckmann, Die Rechtswidrigkeit notlagenindizierter Schwangerschafts-abbrücke. *Medizinrecht*, 8(1990)6, 301-309.

HELLAS

Law 1609/86 legalised abortion and lays down that it is permitted on certain conditions. Ministerial Decision 103/87, however, determines that abortion is permitted in all circumstances up to the 12th week of pregnancy, while in some cases (e.g. rape) it may be performed after the 12th week. In the case of underage girls, the parent's consent is required. However, despite the legality of abortions, and although the cost is covered by the social security funds, insured women tend not to make use of their rights, either because they are unaware of

them or because they prefer to use doctors in private practice so as to avoid the bureaucracy involved in obtaining the benefit from their social security fund.

According to the figures produced by the EKKE fertility study, the number of abortions performed per 100 women in the Athens area was 72, with one woman in two having undergone an abortion. In the rest of Greece the number of abortions was 41/100, with one woman in five having undergone an abortion.

ESPAÑA

In 1991, some debate on abortion went on as to how to revise its present status. It should be remembered that at the present time abortion in three specific cases is no longer a punishable offence : when there is a risk for the physical or psychic health of the mother, rape and malformation of the foetus. It would appear difficult to choose between the two ways in which the legislation could be relaxed : cease to consider abortions performed within a given time after conception (*Ley de Plazos*) or add a fourth case to take account of the mother's social and economic situation. The preliminary bill to reform the Penal Code, submitted by the Government in February 1992, has resulted in no clear position, and the question has been referred to further negotiation in Parliament. The failure to reach agreement at the present time on the question of extending depenalisation is indicative of intense debate to come and makes the outcome uncertain.

The draft reform of the Penal Code referred to above does bring in a very slight alteration to one of the three cases for depenalisation by replacing the reference to rape by reference to "crimes against sexual freedom". This change will make it possible to include abduction of minors and incest which should, in the event of the bill being approved, provide a modest extension to the cases of abortion depenalisation.

FRANCE

The Decree of 20 February 1990 amends the Decree of 3 November 1988 regarding the pricing of health care and hospitalization for abortion. The prices of health care and supervision for abortion have now been set depending on whether the abortion was by instruments or medication.

Rates for abortion by instruments have remained unchanged, and for abortion by medication, a decision has been reached. The lump sum for an abortion by medication - comprising biological examinations, three medical consultations, three tablets of RU 486 and subsequent verification of the abortion - is set at 1,407FF, i.e. a price considerably higher than for abortion by instruments.

At the present time, the performing of abortions in France is being called in question (anti-abortion operations in hospital), which the public authorities have taken measures to counter.

IRELAND

The Eighth Amendment to the Constitution Act 1983 resulted in the insertion of a new section (Article 40.1.3) in the Constitution which provides :

> "The State acknowledges the right to life of the unborn and with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable by its laws, to defend and vindicate that right."

Non-directive abortion counselling is illegal in Ireland, including the giving of information about abortion services outside the Jurisdiction (Attorney General & SPUC v Open Door Counselling Ltd. 1988 IR 593 1988). An application was lodged with the European Court of Human Rights in 1988 on the basis of violation of Article 10 (Open Door Counselling Ltd -v- Ireland European Commission of Human Rights App 14234/88 and Dublin Well Woman Centre Ltd & Others -v- Ireland App. 14235/88). A preliminary hearing was held in 1990 and in 1991 the European Commission of Human Rights drew up a report on the facts of the case. In 1991 the Irish Government filed a Memorial. Written comments were submitted by SPUC and Article 19. On 24th March 1992 a full hearing of the case was held in Strasbourg. The Judgment is not expected for approximately a year.

In the absence of abortion in Ireland increasing numbers of women giving Irish addresses undergo termination of pregnancy in England and Wales. In 1990 the total number of women who gave Irish addresses at clinics in England and Wales was 4,063. The latest available figures are for the quarter July-September 1991 when 1,079 women giving Irish addresses had abortions in England and Wales. This was an increase of 67 on the previous quarter. Approximately 75% of the

women are unmarried. In the quarter July-September 1991 there were 192 women under 20 years of age, 740 were aged 20-34 years and 147 were aged over 35 years (British Office of Population Censuses and Surveys 1990, 1991 and 1992). It is generally believed that these figures represent only a fraction of the true number of Irish women having abortions in England and Wales.

Until January 1992 no restrictions had been placed on women travelling to Britain to obtain a termination of pregnancy. However, in February 1992 the Attorney General brought an application in the High Court seeking an Injunction to restrain a 14 year old girl from going to England for the purposes of having an abortion. In his judgment (17th February 1992) Costello J found in favour of the Attorney General. The case was appealed to the Supreme Court where the Injunction was lifted on the grounds that there was a serious danger to the life of the mother should the pregnancy continue.

Impact. In his Judgment, Costello J held that under Article 8 of Council Directive 73/148 EC that Community law did not preculde the court from making the Order since the Eighth Amendment to the Constitution was a clear declaration of public policy. The Supreme Court did not over-rule this part of the Judgment. These Judgments have raised issues of European Community Law and the right of citizens to travel to another member state to obtain services and have reopened the public debate on the introduction of abortion services in Ireland, the need for another Constitutional referendum, the right to travel to another member state and the right to non-directive counselling and information on abortion. The Judgments are now seen as affecting the Protocol to the Maastricht Treaty which was inserted to ensure protection of the Eighth Amendment to the Constitution and the Irish Government is now trying to address this issue.

ITALIA

In 1978 legal abortion was introduced by law n. 194. According to this law, the motives leading to permission to obtain a free abortion can be very broad (i.e. psychological or social disturbance can justify such a request) and the woman has the power to ask and decide by herself, without the consent of her partner. Abortion can be practised in public and private hospitals; the latter must be authorized by Regions.

Impact. According to the most recent data available (1990), abortion rate (per 1,000 women aged 15-49) goes on decreasing (from 11.4 in 1989 to 11.1 in 1990 : I-STAT).

GRAND-DUCHE DE LUXEMBOURG

In a parliamentary question (230) on 21 February 1990, a member of parliament asked what the "positive measures" to be taken with a view to preventing abortion would be. The Minister for the Family replied by referring to a Government programme whereby the Government undertook to support all measures for effectively preventing abortion and positive solutions to foster motherhood and infants, referring to the relevant activities of agreement associations (17 in all).

NEDERLAND

In the Netherlands abortion is, since 1984, regulated by the law. It is requested by the law a five-day period of rethinking and reconsideration between filing a request and effectuating abortion.

When abortion takes place in a private clinic costs are covered by the AWBZ (General Health Insurance); when it occurs in a hospital costs are paid by the social security package.

In 1991, 30,000 abortions were registered in the Netherlands. Of these, only 2/3 concerned women having the Dutch nationality. The abortion rate of Dutch women is the lowest in the world.

PORTUGAL

Act 6/84 of 11 May - "Exclusion of unlawfulness for certain cases of abortion" - sanctions abortion with a sentence of 2 to 8 years imprisonment, excepting for certain circumstances or before certain deadlines, to prevent danger of death or serious and irreversible effects on the health of the mother : when there are reliable reasons to presume that the child to be born will suffer incurably from disease or malformation; when the pregnancy is due to rape.

In any event, the abortion must be carried out by a doctor, in an official hospital or one that is officially recognized, with the consent of the pregnant woman. The law recognizes the right of the doctor to conscientious objection.

Impact. In the course of a recent congress (March 1992) of the Family Planning Association, it was stated that 397 voluntary terminations of pregnancy had been performed in 17 hospitals, 86% of which had been carried out in central hospitals. It was also stated that there was a greater demand for abortions among women with less education.

UNITED KINGDOM

The Human Fertilisation and Embrology Act 1990 altered the upper time limit for abortions from 28 weeks to 24 weeks except where doctors are satisfied that an abortion was necessary to save the life of the mother, to save her from becoming a permanent invalid or to save her from carrying a grossly abnormal baby to full term.

3. Adoption

BELGIQUE - BELGIE

The "Communauté Française" youth-aid decree of *4 March 1991* provides for a Government department to *identify abandoned children*, throughout the "Communauté Française" area, particularly in homes and boarding schools.

The *adoption texts* have been approved. The Flemish Community had adopted a Decree in this respect on 3 May 1989, which came into force at the beginning of 1990. Although there are no official statistics, some speak of 30% of adoption failures, i.e. cases where the child has to be placed in another family.

DANMARK

Regulations governing *adoption* have not been amended in the last few years. In 1989 the Government was empowered to seek agreement with other countries concerning the differences between Danish adoption regulations and foreign legislation in that area.
Except for family adoptions most adoptions in Denmark involve children coming from a developing country. The total number per year is 500-600 children on average, mainly girls and mainly children from Korea. Prior to the adoption order the family is examined by the social services department (in consultation with the county social services centres). An adoption order is issued only on the presumption that it will benefit the adopted child.
The media have taken an interest in different aspects of this issue such as the size of fees for adopting foreign children, the possibility of increasing the number of foreign children adopted in Denmark, the right of various groups to adopt, including single persons, persons receiving social security benefits, persons with various diseases, homosexuals and persons who have contracted a registered partnership.

DEUTSCHLAND

Adoption laws have not changed in 1991. Special agencies, appointed by law, take care of adoption regulations. The law on adoption having come into effect December 1989 also contains penal provisions for prevention of trading children (*Kinderhandel*). These new regulations especially are aimed at preventing and suppressing the trade of children from Third World Countries being transmitted against payment of relative great sums of money. Sanctions are being made stricter for commercial agencies dealing with adoption.

Furthermore, only married couples can adopt a child, without making a distinction between adoption of German or foreign children. As yet the demand for adoption is higher than the supply.

HELLAS

Until 1966 there was no separate legislation to deal with the adoption of minors. All adoptions, whether of adults or minors, were covered by the same provisions of the Family Law in force and were in effect private affairs settled between the prospective adoptive parents, the person to be adopted and his parents or guardian.
The first law on the adoption of minors up to the age of 18 years was passed in 1966, amended in 1970 and has remained in force since then. In 1973 a Presidential Decree was added "concerning the specification of recognised agencies and organisations to work together in conducting adoptions, and determination of the manner in which adoptions by foreign nationals shall be prepared". In 1980 the Greek Government ratified the European Convention on the adoption of children.

Changes in 1991. Law 610/70 refers to the adoption of Greek children by foreign nationals, and not the reverse. A draft bill in preparation on adoption contains provisions dealing with the adoption of foreign children by Greek parents.

ESPAÑA

In Spain, adoptions are governed under Act 21/1987 which completely changed the former situation.

The purpose of the Act was to remedy the defects and deficiencies of the prior legislation (which prevented adoption fulfilling its social role satisfactorily) by basing it on two fundamental principles : making of it an instrument to enhance family integration, benefitting those in the greatest need and giving precedence to the interests of the adopted child over any other legitimate interest, while respecting a necessary balance.

The defects to be remedied mainly concerned, on the one hand, the absence of control over acts prior to adoption, making the selection of adoptive parents inadequate and even enhancing trafficking children, and, on the other, the treatment for abandonment of minors, the rigidity of which hampered desirable adoptions, and finally the extensive possibilities for adopting persons having reached their majority. Generally speaking, the authors of the new Act were of

the views that the former system did not emphasize the necessary primacy of the interest of the adopted person.

Under the new Act, adoption is confined to minors, except in very rare circumstances. Side by side with the adoption, which creates filial ties between the adopted child and the adopted family, just as, at the same time, with the exception of certain cases, it does away with the legal ties between the adopted child and its former family, a new particular is introduced : family care. This means that a person or a family receives the child in care on a temporary basis, in order to enable it for a time to enjoy life in a family replacing or complementing its natural family. Family care may be seen either as a stage towards adoption or as preparation for a return to the child's natural family.

The principle of the primacy of the child's interest has meant that, as from the age of twelve years, for adoption or family care, the child's consent is sought.

International adoption has also formed the subject of amendments doing away with discriminatory provisions on account of sex and which make it clearer to regulate and easier to apply. As in any filial relationship, adoption is governed by the personal law on the adopted child. In constituting an adoption, a distinction is made between those carried out in Spain, in all cases by a judge, which are generally governed under Spanish law. However, when the adopted child habitually resides outside Spain, or, while residing in Spain does not acquire Spanish nationality by virtue of the adoption, it is the national law of the adopted child which is applied to consent and capacity. Adoption made outside Spain can be performed either by the Spanish Consul, who has the same attributes as a Spanish judge, or if the adoptive family is Spanish, by a competent foreign authority, in which case it is the adoptive family's law which applies to consent and capacity.

FRANCE

It was the Act of 11 July 1966 that for France instituted the major basic principles for adoption such as they still exist today : a distinction between full adoption (conferring upon the child filial ties substituting the original line of descent) and simple adoption (the adopted person maintaining his/her rights in the original family while acquiring the same rights in the adoptive family). The

Act of 22 December 1976 merely introduced greater flexibility in the conditions allowing access to adoption (particularly regarding age).

In France, adoption is no longer truly at the centre of any social debate except, from time to time, when reference is made to the excesses of international adoption (in 1988, this led to the formation of a "Inter-Ministerial Mission for International Adoptions" and instituting, through the Decree of 10 February 1989, a clearance system for any organizations involved in the adopting of foreign children) or the obstacles to easier access to adoption or the more effective functioning of the instruments of adoption (cf. the "draft advisory opinion" of the Economic and Social Council of 26 September 1990, by way of an example).

The problems raised recently have arisen, more than anywhere else, in case law :
- a judgment by the Supreme Court of 21 January 1990 in fact amounts to validating the possibility of adopting a foreign child whose national legislation does not recognize this institution;
- the judgment of the Supreme Court of 30 May 1991 considered that an adoption by a sterile female spouse of a child born to a surrogate mother and recognized by the father was invalid.

It is worth adding that the International Convention on the Rights of the Child should mean revising the texts concerning the true role of the child and its representation in adoption procedures.

IRELAND

The Adoption Act 1991 came into effect on 30th May 1991. This Act was introduced to regularise and recognise adoptions made outside Ireland. The Act lays down certain minimum conditions to ensure that there is a valid foreign adoption. The main conditions are :

a. the adoptions must have been carried out in accordance with the law of the country where it took place;
b. any person whose consent was required under the other country's law must have given that consent or have had it validly dispensed with;
c. adoption in the other country must have the same legal effect as regards the ending of parental rights and duties as an adoption order granted in Ireland;
d. there must have been an inquiry into the adopters, the child and the parents or guardians;

e. the law of the other country must give due consideration to the interests and welfare of the child;
f. the adopters must not receive or give any payment or other reward in return for the adoption.

The Act extended eligibility for adoption to single people if the Adoption Board consider it to be desirable. In addition an applicant(s) must have a home study report undertaken by a registered adoption society or health board in Ireland before they may adopt a child in another country and meet the eligibility requirements to adopt under the Adoption Acts 1952-1988.

Impact. There was an enourmous increase in foreign adoptions in 1990 and 1991 particularly from Romania which were being undertaken without any control over the suitability of the couples or the procedures for procuring a child in Romania. This Act has regularised these adoptions in order to safeguard standards and the welfare of the children. Health Boards have employed extra staff to provide a speedy service to deal with the large numbers of couples awaiting Home Assessment Reports.
Once the foreign adoption is recognised in Ireland couples will be eligible for any of the financial or support measures provided for families who have their own children or who adopt in Ireland.

ITALIA

In 1991 a Parliamentary Commission (Commission II, Justice, the Chamber of Deputies) drew up an inquiry about adoption (Session 22.12.1991), pressing Government to take the following measures :

a) *International adoption.* The Italian Government should invite the United Nations Organisation (UNO) to draft a convention about the adoption of foreign children, aiming to give a more adequate protection to children and their families in the countries of origin, to limit and control international adoption and to fight against illegal adoption.

b) *National adoption.* Taking into account several proposals of modifying act n. 184/1983 regulating adoption and foster, placement the Commission suggests Government the necessity opportunity to reform the law according the following main principles :

- to strenghten legal protection of the family of origin of the minors;
- to reduce the discretionary power of the Juvenile Courts (for exemple, defining more objective criteria for the declaration of child abandon).

Nowadays a Governmental Commission is at work acccording to the criteria suggested by the Parliamentary Commission.

Impact. Up-to-date figures show an increasing in the dramatic gap between the number of italian children placed in care with a view to adoption and that of foreign children : in 1990 foreign ones are far more than the double as italian ones (see the table below).

Italian and foreign children placed in care with a view to adoption (1984-1990).

	1984	1985	1986	1987	1988	1989	1990	Tot.
Italians	1234	1295	1183	1126	1155	978	833	4092
Foreigners	770	1150	1536	1541	1796	2161	2159	7657
Total	2004	2445	2719	2667	2951	3139	2992	11749

As concerns the place of origin of the foreign minors the most recent data (1990) show that the number of children coming from East Europe is steadily increasing (from 89 in 1989 to 400 in 1990) : they are now the second numerous group following children coming from Center and South America (see table below).

Foreign children's areas of origin (1986-1990).

	1986	1987	1988	1989	1990	Tot.
Center/South America	1132	1252	1682	1934	1740	7740
Asia	336	252	281	246	234	1349
Europe	47	55	54	89	400	645
Africa	39	43	61	62	41	246
North America	-	-	-	1	4	5
Total	1554	1602	2078	2332	2419	9985

GRAND-DUCHE DE LUXEMBOURG

Demand for adoption on the part of Luxembourg residents has always been strong. Failing adequate numbers of children in Luxembourg, despite the practice of anonymous confinement, the great majority of applicants for adoption find children in other countries, particularly in South America, but also in Central and Eastern Europe. The legislation on adoptions was altered by the Act of 13 June 1989. This legislation provides for special rules regarding international adoptions. Despite these provisions which are highly favourable to international adoptions, it appears that there are major practical difficulties due for the most part to the authorities in the countries of origin of the children. Thus, at the end of 1991, it was estimated that over 60 couples were waiting for children from Romania, for whom procedures, according to the new rules established by the authorities in that country, can only be taken up after a waiting period of 6 months. Moreover, Luxembourg is to set up a central adoption body.

Impact. It has been observed that the result of the new law has had a major impact by increasing adoptions. However, it is too early to ascertain any permanent effect. It is certainly a fact that these figures show that the new law is being anticipated.

Adoption statistics.

Year	Applications	Adoptions	Simple	Full
1988	107	103	26	74
1989	122	116	27	89
1990	155	170	37*	134

* including applications put in before.

NEDERLAND

Only a married partner has the right to adopt a child. A request for adoption by an unmarried man or woman is not accepted by the court. Adoption is pronounced by the judge. The most important precondition for adoption is the interest of the child. The child to be adopted must be a minor, and must not be a grand-child of the adoptive parent. Adoptive parents must be between 18 and

50 years old (in case of a minor adoptive mother, she must be older than 16 years). In addition, adoptive parents must be married for 5 years at least. The judge opens hearings with the child's parents, the guardian and co-guardian of the child and the Child Care and Protection Board. The child's opinion is also heard by the judge, when the child to be adopted is 12 years and older.

For the adoption of foreign children an assessment by the Minister of Justice is, in addition, required. The Office for International Adoption assists adoptive parents. More than half of adoptions concern foreign children.

Adoption, 1989, the Netherlands.

Total of children for which a request for adoption is filed		1,427
Total of adopted children by age at adoption*		1,218
0 - 1 year	704	
2 - 4 years	218	
5 - 9 years	218	
10 years and older	78	

* including children whose age is unknown.
Source: CBS, 1991.

Changes in 1991. In the Bill on re-examination of the rules regarding the adoption of a child by step-parents (TK 1990-1991) two articles were added. The first one is that children 12 years and older may give their own opinion on this matter. The second addition is that the judge may decide about adoption instead of the former parent who was found guilty.

Impact. Discussions continue on the following points :
- There is a tendency to give a larger meaning to adoption so that others than married couples may be eligible to adopt. The rule still remains that the adopting parents should be of different sex.
- Some consider possible adoption by homosexuals.
- Adoption by one person is according to some acceptable.

PORTUGAL

A new law on adoption is anounced, but not yet published.

UNITED KINGDOM

The number of adoptions fell from 22,500 in 1974 to 7,300 in 1988. There has been a decline in adoptions since 1975, mainly because of a provision in the *Children Act 1975* which requires court dealings with adoption applications for children of divorced parents to dismiss such applications where a legal custody order would be in the child's best interest.

Nature and Effect of Adoption was the first of a series of documents published by the Department of Health as part of a major review of adoption law by interdepartmental review groups. Other papers were scheduled including one on inter-country adoption.

IV. STATUS OF PARENTS / STATUS OF CHILDREN

BELGIQUE - BELGIE

In its judgment of 21 December 1990, the arbitration court declared that Article 319, para. 3 of the Civil Code, was incompatible with the institutional principle of equality, in that it makes consent by the mother a condition for recognition of a non-emancipated minor by the man whose fatherhood is not questioned. On this account, various Bills were tabled, sometimes with the intention of maintaining the mother's recognition as a condition for authorisation.

Mr Van Vaerenbergh, on 8 January 1991, put forward a Bill for the inclusion in the Civil Code of the grand-parents' right of access to their grand-children. Currently, this right is in principle recognised in case law, but no actual written law explicitly enshrines it.

DANMARK

Parental authority is maintained until the child is 18 years old. But in case of divorce the child has a right to be heard from the age of 15. In *1991/92* there has been a public debate concerning this issue, i.e. the right of children to seek the public authorities for help even if they were below the age of 18.

DEUTSCHLAND

A judgment by the Federal Constitutional Court (June 1991) has improved the position of illegitimate children and strengthened the position of cohabiting parents. In the past a civil code regulation which has been declared partially unconstitutional has hindered parity of treatment of the illegitimate child with the legitimate child in cases where the parents wished to remain unmarried. For instance, where the parents were unmarried, either the mother or the father would have custody of the children. The father could be given custody if he had the child declared "legitimate" with the mother's consent, as a consequence of which the child would also have an unrestricted right of inheritance and maintenance. However, this meant that the mother would lose custody and therefore the ability to make legally binding declarations on behalf of the child, for example in the event of hospitalisation or when signing a contract of apprenticeship. Joint custody was not possible even if this was the wish of the unmarried parents. According to the Federal Constitutional Court this exclusion is in contravention of the basic law in cases where the parents live with the child and both are prepared and able jointly to assume parental responsibility for the child and where this is also in accordance with the child's well-being.

This decision further reduces the distinction between legitimate and illegitimate children in law. Consequently the difference between cohabitation and marriage is also diminishing.

Far-reaching importance is assigned to the decision of the Federal Constitutional Court with regard to the interpretation of the principle of equal rights.

HELLAS

Since the new Family Law in 1983 there has been no change.

ESPAÑA

Although the 1978 Spanish Constitution does not dwell at any great length on childhood, it does do away with the discrimination which existed until that time in respect of children on account of their descent. All children are entitled to the same protection from their parents, and the public authorities have a subsidiary responsibility to provide total protection for children in general.

Acts 11/1981 and 30/1991 substantially altered parental authority, descent and the relationship between spouses, in order to implement the principle of equality proclaimed by the Constitution. As regards rights, the Civil Code at present makes no distinction between matrimonial descent and non-matrimonial descent. Parental authority, the full set of parents' rights and duties, is exercised by the father and the mother in respect of non-emancipated minors.

Other laws have subsequently been brought in to modify the Civil Code on this issue: Act 30/1981, authorising divorce, Act 31/1983 on guardianship, Act 21/1987 on adoption, Act 11/1990 on reforming the Civil Code by applying the principle of non-discrimination on grounds of sex, and Act 18/1990 on nationality.

FRANCE

The Act of 22 July 1987 institutes possible joint parental authority over the children in the event of the parents divorcing.

The Act of 3 January 1972 institutes equality between children whatever may be the status of their parents.

IRELAND

The relevant legislation is the Status of Children Act 1987. The Act abolishes the legal discriminations which existed between children whose parents were married and those whose parents were not. The Act equalised the rights under the law of all children whether born within or outside marriage in respect to guardianship, maintenance and property rights. The father of a non-marital child has the right to apply to the Courts for joint guardianship of his child.

Guardianship will be granted by the Court if it is in the best interest of the child. Separate applications for custody and access must be made.
There has been no change in the legislation since that date.

ITALIA

Natural children who have been legally recognized by their parents (or by one of their parents) enjoy the same rights and status as legitimate ones. The reform of the family law carried out in 1975 has equalized the condition of children born out of wedlock to that of legitimate children. There is a particular provision for parental authority to be held by parents (or parent) who have recognized the children and live with them.
The provision of the new family law concerning the rights and duties of parents apply to cohabiting partners who have recognized their children.
The child receives the family name of the parent who recognizes him first; if the acknowledgement is done at the same time by both parents, the child receives the father's name.

GRAND DUCHE DE LUXEMBOURG

Under Luxembourg law, parental authority is governed by Livre I - "*Des personnes*" ('On people") and, more particularly, Title IX - "*De l'autorité parentale du Code Civil*" ("On parental authority in the Civil Code").

Recent reforms, such as the Act of 6 February 1975 on parental authority, the Act of 13 April 1979 on descent and the Act of 13 June 1989 on adoption, introduced the notion of equality of the parents in respect of their children and, in principle, equality of the children themselves. However, the legitimate family is still the yardstick for the lawmakers.

NEDERLAND

Parental authority is exercised jointly. No difference in parental authority between men and women is recognized by the Dutch law. In case of dispute the child judge decides.

Illegitimate is the child that does not have the status of legitimacy i.e. is born out of wedlock. The illegitimate child receives at birth and through the mother the status of legitimate child. The illegitimate child obtains the status of legitimate child through the father's official recognition established by him.

PORTUGAL

Decree-Law 496/77 of 25 November, which came into force on 1 April 1978, introduced changes in respect of family law in the Civil Code.

The spouses exercise joint authority. In the event of divorce or legal separation, only the parent who is given custody of the child exercises parental authority in respect of personal matters.

If the parents are not married, parental authority is exercised by the parent who has custody of the child. The law presumes that the mother has custody. If the unmarried parents are cohabiting, they have joint custody of the child.

Children's rights do not depend on whether or not their parents are married. There is no legal discrimination against children born out of wedlock.

UNITED KINGDOM

Under *The Children Act 1989*, which came into force in 1991, both natural parents are deemed to have responsibility for a child if they were married at the time of its conception. Otherwise, the mother alone has parental responsibility, unless the father aquires it by court order or an agreement. This latter "parental responsibility agreement" is a new item introduced by the Act. It is designed to allow unmarried parents dual responsibility without resorting to going to court. The agreement can only be brought to an end by a court order, which may be brought by one of the parents or the child him/herself, should they be judged to have sufficient understanding of the application.

A person who otherwise would not have parental responsibility for a child but who had care and control or custody of a child under an existing order is given parental responsibility under The Children Act, while that order lasts. This may apply, particularly, to unmarried fathers.

V. CHILDREN'S RIGHTS

BELGIQUE - BELGIE

The *Convention on the Rights of the Child* was ratified under the Act of *25 November 1991*. At the present time, it is difficult to observe any changes to domestic law brought about directly by the ratification of this treaty.

In *October 1991*, the French-Speaking Community published an *Infants' Charter*. This Charter was drawn up in conjunction with representatives of parents and workers in the field. Its goal is to attain an Infants' Pact. The Charter falls within the ambit of the Children's Rights Convention. However, it is confined to children from 0 to 12 years old. Their overall development and the situations they experience are the subject of the Charter. The Charter attributes to children and their parents a series of precise rights. It grants pride of place to the family, but stresses the responsibility of the State in receiving them. Among parents' rights, the first stated right is the right for any person to bring up his/her child in living conditions where human dignity is respected. Among the orientations designed to have more of these rights implemented, the following proposals are worth recalling :

- entitle children to family allowances independently of the occupational activities of the parents, taking account of the situation in which the child and its family find themselves;
- encourage the public authorities to implement an energetic policy to control poverty and ostracisation. Such a policy, comprehensive and forward-looking, shall ensure that people's right to live in families is respected, by ensuring that children are healthy and safe;
- incorporate parents as educational partners in all areas where the child is being looked after.

The Charter also seeks consultation at every level in working out children's policies.

On 1 November 1991, in the French-Speaking Community, the post of Delegate General for Children's Rights, similar in many respects to an ombudsman for children, went to Mr Claude Lelièvre. The youth advisers and directors were appointed as from 1 December 1991 (cf. Decree of 28 March 1990).

Following all the controversy in the wake of the imprisonment of minors, the Government agreement states : "Pending a fundamental reform of the law on the protection of juveniles, the Government shall propose specific solutions to cope with delinquency on the part of minors, especially by relaxing the rules on referring the case to another court. In the event of serious and repeated juvenile delinquency, placing society in danger, provision shall be made for placement in specific closed centres".

A statement elsewhere is that the Government shall request Parliament to deal with the Bill on children's work as a matter of urgency.

DANMARK

Denmark has ratified the *Convention on the Rights of the Child* in *July 1991.* The Ministry of Social Affairs has during the first months of 1992 implemented as special program for informing children about the convention. This program received a grant of 1 mill. Dkr. Every schoolchild received a copy of a popular version of the Convention.

DEUTSCHLAND

The rights of children and adolescents are based mainly on the new Children's Welfare Act which was passed by the German parliament in 1990 after many years of preparation and came into effect on 01.01.1991.

Raising the child to be a personally and socially responsible individual. This aim is derived from the basic law of the Federal Republic of Germany. The new law reinforces the individual, original, subjective legal position of the child in the process of its upbringing. Altogether a clear change in the perception of the child's welfare is discernible and in future it will take the whole family into account.

Changes in 1991/1992. Germany has ratified the *Convention on the Rights of the Child* in February 1992.

HELLAS

Greece signed the *Convention on the Rights of the Child* on 20 November 1989, but no legal framework for protection of children's rights has yet been introduced.

ESPAÑA

The Congress unanimously authorised ratification of the *Convention on the Rights of the Child* in October 1990. Some initiatives have got underway in relation to ill treatment, exploitation and corruption of minors.

The promulgation of Act 21/87 relating to adoption does more than make a mere change to family law, and heralds in the beginning of a modern childhood protection system. The most important feature of this reform is that the protection of minors has been removed from the judicial sphere to be made a responsibility of the social services. Judicial competence has been transferred from the juvenile courts (*Tribunales Tutelares de Menores*) to the Judge of First Instance or the Family Judge, if there is one. A new major concept introduced by Act 21/1987 is abandonment (*desamparo*), a state in which a child has neither the moral nor the physical support to which he/she is entitled. If such is observed to be the case, the minor is automatically taken into care by the proper public authority. Implementation of this system has required major efforts on the part of the Autonomous Communities, which have been attributed jurisdiction over the protection of minors and, at the present time, they are developing a complete set of regulations on the issue.

The Penal Code has also formed the subject of amendments under Constitutional Decree 5/88 relating to exhibitionism and sexual provocation in respect of minors, Constitutional Decree 1/88 of 24 March on drug trafficking, Constitutional Decree 3/89 which - and this is a novelty - concerns a range of criminal offences such as child rape, violence within the family, the exploitation of minors for begging, ...

A Bill to reform the Act on Juvenile Courts (*Ley de Tribunales Tutelares de Menores*) was tabled in Parliament in September 1991 by the Government, following a decision by the Constitutional Tribunal in the same year, stressing the need for urgent reforms in this legislative area. The purpose of the reforms is to

alter the logic focusing on the sanctioning of existing legislation to adapt it to the purposes of child protection. In accordance with the Bill tabled, the juvenile courts will be able to make rulings on the misdemeanours and criminal offences, which are contained in the Penal Code, committed by children between the age of 12 and 16 years. Children under the age of 12 years will be put at the disposal of the administrative institutions with responsibility for the protection of minors. The legislation has at present concerned all minors aged under 16 years, and sanctions non-penalised situations (vagrancy, licentiousness, prostitution, ... among minors), tending to result from abandonment of the minors, requiring protection from the public authorities rather than some form of punishment. This Bill completely alters the procedure in order to increase guarantees for minors. Among the improvements introduced, it is worth quoting : compulsory assistance by a solicitor, something which was expressly prohibited previously; a greater role for the Director of Public Prosecutions, who previously played no part at all, in order to protect the independence of the judge, and greater opportunity for the judge to close the case to the benefit of the minor. Sentences involving confinement will no longer exceed two years, whereas under the previous legislation there was upper limit. The Bill is at present up for discussion before the Senate, and it would appear that the Senate has introduced amendments further strengthening those aspects which deal with the protection of minors.

FRANCE

The Act of 2 July 1990 authorises ratification of the *International Convention on the Rights of the Child.*

A Bill is under consideration on laws of succession, with a view to fully aligning the laws of succession of illegitimate children on those of other children, and there is also a Bill, at present up for review in Parliament, "on the family and children's rights", containing the following main provisions :

- it is required to have the consent of any child over the age of 13 years for the parents to add to his/her name the name of the mother or father if his/her mother or father failed to convey it to him/her;
- the parents of a so-called natural child are compelled jointly to nurture, maintain and raise the child in the same way as a legitimate child;

- disappearance of the notions of "legitimate child" and "natural child", to be replaced by the notion of "child born of married parents, child born of unmarried parents";
- under certain conditions of recognition, parental authority is vested in both parents, including for children of unmarried couples;
- the institution, within courts of greater instance, of a judge in charge of family cases likely to be making a ruling alone on the problem of divorce, compulsory alimony, parental authority and, more generally, on all matters concerning the protection of children's interests.

Impact. In France, the Convention was much in the headlines insofar as there appears to be ever greater centralisation of State interventionism and child institutions, and a major shift of the definition "a child = object under the law" to "a child = subject under the law" and future citizen (experimental creation of municipal Children's Boards, an increase in "civic" rights of children in their school surroundings : Decree of 18 February 1991, containing provisions for the conditions under which the freedom of expression of opinions of pupils in school establishments may be exercised, either alone or in groups - including the secondary-school groups - and the rights of associations).

IRELAND

Ireland manifested its intention to ratify the United Nations *Convention on the Rights of the Child.* In November 1990 the Council for Social Welfare held a conference to raise awareness and initiate discussion on the measures needed to be taken before Ireland can ratify the agreement. It is clear that Ireland will need to introduce changes in the juvenile justice system, reduce the level of child poverty and introduce formal provision for human rights teaching in schools. Teaching material has been produced by the Irish Commission for Justice and Peace and the Irish Council of Churches, but at present there is no provision in the curricula for such teaching.

The Law Reform Commission report on Child Sexual Abuse recommends that a child should have the right to be heard in care proceedings relating to him/her, except where it appears to the Court that this would not be in the child's interest. In addition, provision should be made for the appointment of an independent representative for the child where it appears to be necessary in the interests of

the child. They also recommended that a child should be given the right to seek a barring order on its own initiative.

ITALIA

Italy has ratified the International *Convention on the Rights of the Child* gone into force on September 1990 (Act 27.5.1991). Furthermore, in the session of *17.12.1991*, Senate approved the bill for the ratification of the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (Luxembourg, 20 May 1980) and the Convention on the Civil Aspects of International Child Abduction (La Haye, 25 October 1980). However, the end of Legislature (April 1992) prevented the Parliament from the full ratification of the Conventions mentioned above.

GRAND DUCHE DE LUXEMBOURG

International Convention on the Rights of the Child. On 21 March 1990, Luxembourg signed the International Convention on Children's Rights adopted by the General Assembly of the United Nations on 20 November 1989, thus marking its determination to ratify the Convention. The Minister of the Family, in October 1990, was directed to prepare an explanatory memorandum for this Bill. This work was completed in December 1990. In January 1991, an inter-ministerial group was formed to finalise the Bill, after having analysed Luxembourg legislation and also after having submitted a draft Bill to the Government.

Throughout the past twelve months, there has been some lobbying to have the Convention ratified. The major parties took up the issue : thus the Social Christian Party (one of the two majority parties) held a symposium on the theme "What Rights for Children ?" on 15 April 1991.

The fight against pornography. On 16 April 1991, an opposition member of Parliament tabled a Bill on the production, propagation and utilisation of pornographic images. The proposal was finally rejected although it involved no criminal sanctions, rather civilian sanctions, thus calling its effectiveness into question. It was referred back to the working committee.

Rape of a minor - with consent - no presumed irrefragability. The Bill on the protection of young people was amended in 1991 following a major judicial decision.

Indeed, a decision reached by the Appeal Court for Criminal Cases, on 11 March 1991, confirmed the judgment of acquittal of a party accused of rape without violence nor threats, committed against a child under the age of 14 years. Art. 375 para. 2 of the Penal Code only considers the victim's age to be an aggravating circumstance, but creates no irrefragable presumption as to non-consent in favour of the child aged at least 14 years.

The proposed text reads as follows : "*A rape is considered to be an act against any person whose status bars free consent, if there is sexual penetration, of any kind whatever and by any means whatsoever, committed against a child not having reached the age of fourteen. In such a case, the guilty party shall be sentenced to hard labour for ten to fifteen years*".

In the course of the parliamentary debates, it became apparent that the new text put forward contains a definition of rape which is not identical to the definition elsewhere. The legislators, therefore, suggested introducing this amendment which delayed voting on the Bill.

Minors' right to speak in the course of judicial proceedings. In its third further opinion of 22 October 1991, the Council of State adopted the opinion of the prosecution of 16 April 1991 stressing the need to enact the principle that any child capable of discernment may express an opinion on any matter relevant to him/her and that he/she may therefore be heard in person during judicial procedures.

NEDERLAND

Legal majority begins at the age of 18 years. Minors may receive certain rights through the judge. Hence, a minor in the Netherlands is allowed to be "emancipated" from parental authority without imposition of a new authority.
When the question of legal guardianship is examined the judge must hear the child 12 years and older.

The Netherlands have ratified the *Convention on the Rights of the Child* on January 16, 1990. There was no public debate on this subject.

PORTUGAL

In September 1990, the Assembly of the Republic approved and ratified the *International Convention on the Rights of the Child.*

The problem of minors aged 14 years working in Portugal has made national and international public opinion sensitive to the problem. It is something which occurs mostly in the north of the country, a rural environment - semi-industrialised, in small textile-industry plants and shoe-production units and in work at home.

UNITED KINGDOM

Changes in 1991. In December the U.K. ratified the UN *Convention on the Rights of the Child.* The U.K. opted out of the Convention on the issues of immigration, employment of under-18s, and committing young offenders to adult prisons. 16-18 year olds are still to be regarded as adult for employment purposes and young offenders will still be sent to adult jails where there is "a lack of suitable accommodation" or where mixing children and adults is deemed mutually beneficial. Virginia Bottomley (Minister for Health) stated that 13 of the 40 main articles in the Convention were already included in the Children Act 1989.

The Children Act 1989 came into effect from October 1991. This is a major piece of legislation which will affect many areas of family law. The main provisions of the Act are as follows:

* Children have the right to be heard before legal decisions are made about them. Parents are under an obligation to be jointly responsible for a child's future.

* Grandparents and other relatives have a right to take part in proceedings where a child may be put into care or to ensure contact in the case of divorce.

* Training programmes will establish a new court structure which will be, in effect, a family court for children's cases.

* Local authorities have a new duty to provide greater support to families in need before consideration is given to imposing a court order to remove a child. Orders must only be made if they are in the child's interest. The idea of custody in divorce cases is no longer relevant.

* Greater emphasis is put on parents, relatives and local authorities reaching solutions together rather than having solutions imposed on them by courts.

* The orders of custody, care and control and access are replaced with new flexible orders such as residence, contact, specific issues and "prohibited steps".

* Local authorities can no longer remove a child into care through wardship proceedings. The 28-day place of safety order is abolished.

* An eight-day emergency protection order (subject to court review if challenged by interested parties within 72 hours) is introduced.

The Children Act was widely welcomed but it was feared that local authorities would lack the resources to take on its extensive recommendations.

CHAPTER VI. POLICIES DEALING WITH FAMILY INADEQUACIES

I. VIOLENCE IN THE FAMILY

BELGIQUE - BELGIE

The Secretary of State for Social Emancipation in February 1991 announced that co-ordination groups in the sphere of violence against *women* were to be set up in the nine provinces. Each of the groups was to assess needs, exchange information and ensure proper consultations between doctors, members of the police force, magistrates and welfare workers.

DANMARK

There are no aid programmes for battered families, but the general provisions of the 1976 Social Security Act make the support of members of such families possible. If there are *children* in the family, various relief measures may be initiated under the general provisions. Practical, pedagogical and other forms of assistance may be granted at home. The child may be offered a place in a day-care institution and short-term relief arrangements may be instituted. If the problems are larg· term, the child may be placed outside the home. *Adult family members* are offered counselling and cash benefits if they feel compelled to leave the home. Over the past 13 years several crisis centres for women have been established and by December 1991 a total of 32 such centres were operating. These centres provide women and their children who have been victimized or threatened with violence round-the-clock assistance. The principle is help to self-help. Crisis centres for women are run in different ways. A few operate

under the institutional provisions of the Social Security Act, but most of them are independent institutions that may receive grants from county and/or local authorities or from women's organizations. The majority of crisis centres are staffed with a nucleus of volunteers plus a small number of paid workers (1).

DEUTSCHLAND

Violence against children. The civil code prohibits the use of "degrading disciplinary measures" which include "unreasonably severe corporal punishment". Nevertheless, hitting a child is still tolerated as an appropriate aid to parental discipline. Corporal punishment in schools has been banned in all federal states since 1977. However, this legal prohibition was not extended to families. In cases of serious physical abuse parents can be deprived of custody.

Although educationalists and therapists have been engaged in academic studies aimed at reducing child abuse, their findings are still not taken sufficiently into account when devising practical methods to prevent violence and to support families at risk. Advisory activities to protect children against abuse and neglect are carried out mainly by the German Society for the Protection of Children (*Deutscher Kinderschutzbund*) with its local branches, refuge centres for children and medical advice centres as well as youth welfare departments.

Numbers involved. As far as child abuse is concerned, we can assume that there is a large number of unreported cases. Estimates indicate that each year up to 450,000 children are abused in the (old) Federal Republic of Germany. In addition, there are probably 150,000 to 300,00 cases of sexual abuse, of which approximately 15,000 cases per year are registered with the criminal investigation department. It is pointed out in the literature on this subject that girls are predominantly affected, that approximately 95% of the offenders are male, and that in 80% of cases the offender is known to the children. Often, apparently, children are abused by their father or stepfather.

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(1) A study of 394 children at the crisis centres for women was conducted by E. Christensen in 1990 (Christensen, E., Levekar. En undersøgelse af omsorgssvigt i relation til bφrn og unge i familier med hustrumishandling, *Nordisk Psykologi*, (1990) 42).

Violence within marriage. Battered wives increasingly turn to women's refuges where they can be looked after with their children for short periods. Without exception, every place in these refuges is taken, a fact which illustrates the extent of violence against women. According to estimates issued by the Federal Ministry for Women and Young Persons, there are currently about 250 women's refuges, of which around 50 are located in the new federal states. The costs for the home and the staff caring for the occupants are met by the local authorities, federal states and private organisations. Social welfare benefits (subject to the usual conditions of payment) pay for the maintenance of women in refuges. Since these are temporary emergencies, it means that the benefit has to be repaid or that the parents or the husband can be asked to repay the amounts involved. The only real ways of escaping from violence in the long term are divorce or reporting one's husband for assault. Many battered wives still seem to shy away from taking such action.

Numbers involved. According to academic research, acts of violence against women within marriage or a partnership can be found in all age groups and all social strata. It is very difficult to estimate the statistics for the incidence of violence, since a large number of such cases are not reported. It is assumed in estimates that up to 4 million women are abused each year; the Federal Criminal Police Office estimates that each year approximately 160,000 wives suffer rape within marriage. It should be pointed out in this context that marital rape is not a punishable offence. A woman who has been raped can only report her husband for assault or coercion. Discussions are currently taking place with regard to a federal ruling to address this problem.

HELLAS

Cases of *child* abuse are reported to a wide range of agencies, but the problem is the absence of any common method of dealing with child abuse. Abused children aged 0 - 3 years can receive care at the *Metera Babies' Centre* as part of the programmes operating. It is oriented more toward fostering and adoption than towards systematic support for families in chronic or acute crisis. The following agencies provide support for individuals and families in psychosocial crisis :

a) the newly-formed Athens Juvenile Police, which deals with delinquents and more rarely with minors who are the victims of sexual abuse;

b) the telephone life-line operating by the Mental Health Centre;
c) the Association for the Prevention of Child Abuse and Neglect.

Numbers involved. Given that the reporting of cases of abuse is not compulsory under law, the exact magnitude of the problem is impossible to determine.

As for measures to deal with violence against *women*, the General Secretariat for Equality has since October 1988 been running an advice bureau for abused women which provides legal services, psychological support and information. The bureau is visited by about 250 women per year.

A refuge for battered women opened in the spring of 1992 and will be able to cope with up to 10 women, with two children each. The budget for the hostel is 40,000,000 drachmas.

Elderly people who are abused or violated can turn for support to the KAPIs (Open Care Centres for the Elderly) and to the Adult Social Hostels (of which there are currently three in Athens).

ESPAÑA

The Directorate General for the Protection of Minors in the Ministry of Social Affairs two years ago set up an action plan to deal with the mistreatment and abandonment of *children*. The purpose of the plan is to implement a series of actions which, if properly co-ordinated, would make it possible to put theory into practice and enhance knowledge of the reality of the phenomenon in Spain, as well as to contribute to developing effective action and prevention strategies. The plan comprises the following projects: public-opinion awareness, the training of professionals, studies and research, experimental programmes and the development of association life. Among the action plans, the experimental programmes are of special interest to us, as they provide for prevention in situations where there is a risk and for family therapy where the mistreatment is occurring. These are joint programmes, presented by the Autonomous Communities, who pay at least half the costs.
In Spain, there are 52 reception centres for *women* who have been mistreated. The greater proportion of them (some 60%) come under the public authorities (local authorities, regions), while a certain number belong to private groups.

Numbers involved. In 1991, there were 15,462 police reports on husbands mistreating their wives, 4,527 (29.3%) for physical cruelty, 4,432 (28.7%) for psychic mistreatment and 6,503 (42%) for physical and psychological cruelty. In 1990, the same number of cases had been recorded (15,654 in all). It is generally felt that the number of cases reported is far below the number of actual cases, owing to the psychological and cultural barriers preventing women from denouncing family violence. Violence against women is beginning to attract the attention of the public authorities and there is greater awareness among the public at large.

FRANCE

The public authorities in France are showing increasing interest in the issue of intra-family violence. Action in respect of *children* is the responsibility of the Ministry of Social Affairs and Integration. Action for *women* is the responsibility of the Secretary of State for Women's Rights. A large number of bodies are given financial support by these institutions. What is particularly worthy of note is the implementation of the Act of 10 July 1990 instituting a phone-in service for ill-treated children, the so-called "green number", which may be called free of charge. This is a structure funded by the State and the Councils General.

Numbers involved. The statistical assessment of the year 1990 for the "Ill-Treated Children" green number makes it possible to gain knowledge about the number of calls and their places of origin. In 1990, 115,500 telephone calls were recorded. Out of the total, 14,000 were followed up.

IRELAND

The *Child Care Act* was enacted in July 1991. The purpose of the legislation is to update the law in relation to the care of children, particularly children who have been assaulted, ill-treated, neglected or sexually abused or who are at risk. The Act broadens the grounds for children to be admitted to care where it is anticipated that the child will be physically or sexually abused. The Act gives health boards responsibility to promote the welfare of children who are not receiving adequate care and power to provide child care and family support services. The emphasis is on providing support and assistance so that children

can remain at home and only in exceptional cases are children to be taken into care. Thus, the Act provides for a new form of intervention : supervision orders which will allow a child to remain in his or her own home under the supervision of a social worker.

Costs. It is planned that the implementation of the new provisions in the Act will be gradually phased in. Full implementation will take an enormous injection of financial resources and increased staffing. The Government has given no commitment on the timing of implementation but has made financial provision in the Health Estimates for 1992 of £ 3m and announced a further £ 2m in the Budget Statement 1992 to enable developments to take place.
The Child Abduction and Enforcement of Custody Orders Act 1991 came into force on 1st October 1991.

Numbers involved. McKeown and Gilligan (1991) report that in 1987 there were 1,646 referrals for child abuse of which 763 cases were confirmed. Child sexual abuse accounted for 929 of the referrals and of these 456 were confirmed cases.
The Family Law Act 1981 provides a system of barring and protection orders for the benefit of spouses and children whose safety or welfare is put at risk by the conduct of the other spouse.

Numbers involved. On 31 December 1991 there were 4,033 applications for Barring Orders in the District Courts compared to 3,522 in the year ending 31 December 1990. On the 4,033 applications made 1,513 were granted. This represents 37.5% of the total compared to 44.8% of the total applications which were granted in 1990 (Figures supplied by the Courts Division of the Department of Justice).
The Criminal Law (Rape) (Amendment) Act 1990 was passed on 12th December 1990. The Act abolishes the marital exemption in relation to rape. However, criminal proceedings can only be initiated in such cases with the consent of the Director of Public Prosecutions. In relation to consent, the Act states that failure or omission to offer resistance does not of itself constitute consent to the act.

Refuges for women are provided mainly by voluntary agencies with part State Funding. In the 1990 Budget the Government announced a special allocation of £ 0.5 million for Programmes for women.

Reference :
McKeown and Gilligan, 1991.

ITALIA

The Italian Penal Code envisages and expressly punishes a series of offences committed by a person against those persons who are part of his family : children, wife, parents and other relatives. Among these offences, one, in particular, assumes considerable importance, namely "maltreatment in the family" (art. 572 Penal Code). This consist in continued forms of physical, moral and/or psychological violence. For *juveniles* abused in the family, there is a legal system of protection falling within the competence of the juvenile courts. These can limit or suppress parental authority, order the placement of the child in foster care or, in very serious cases, name a tutor or declare the child available for adoption. Parallel to this legal system, there is a system of social assistance for juveniles which is entrusted to the Local Authorities : Provinces, Communes, Family Advisory Centres (*Consultori familiari*), and Local Health Boards (U.S.L.). To these interventions voluntary initiatives should be added.
The general and priority objective of social policies for juveniles at risk is that of de-institutionalisation and placement in family - like structures. In this context, the most innovative intervention is that of foster care (Law n° 184, 4 May 1983).

Numbers involved. A research project carried out in 1991 on a sample of 948 cases in 60 Italian courts on behalf of the Ministry of Justice on violent offences against juveniles provides partial data. The results of the research are that the offences against juveniles most frequently reported and prosecuted are those of sexual and physical violence. Fathers were accused in 30% of the cases while mothers were accused in only 6.3%. Analogously, accusations against step-fathers (2.3%) were greater than those against step-mothers (0.6%).

Public intervention in favour of *female* victims of violence within the family is very limited. Most initiatives come from private voluntary associations. Debate and intervention on the problem of violence against women is taking the direction of the creation of places of reception and hospitality for maltreated and raped women. In June 1991, about 120 centres of this type were counted. More detailed information was available on 56 of them. Almost all these centres offer a telephone service, a legal consultancy service and psychological and social assistance. A small number of them offer temporary hospitality to women who have been victim of violence (also including any children) and there are plans for the extension of this service.

Reference :
Labos, *Le caratteristich quantitative e qualitative della violenza ai missori in Italia* (The quantitative and qualitative characteristics of violence against juveniles in Italy), Roma, 1991.

GRAND-DUCHE DE LUXEMBOURG

In 1991, the main focus was on sexual violence against *children*. At the end of 1991, a working group was formed to prepare an awareness campaign which was run from 17 to 24 January 1992. The group consisted of representatives from the Ministry of the Family and members of AFP and Planning Familial, which had compiled a brochure on sexual violence against children, published in January 1992. In the same context, Planning Familial set up an internal working group on the theme "Incest and sexual abuses against children".

Numbers involved. There are no official statistics. However, the various interested parties have attempted to draw up figures. Thus, Planning Familial reported 30 rapes in 1984, including 11 of minors and 4 incests, and in 1990, 129 cases of rape including 105 minors (among them 13 boys for the first time) and 59 cases of incest. Until 31 August 1991, Planning Familial had noted 115 cases of rape including 84 minors (comprising 14 boys) and 49 cases of incest. All in all, over 140 consultations took place at Planning Familial in 1991.

Violence towards *women* may typically take on two forms, viz. physical violence and sexual violence. The associations which manage reception centres are regulated by the Ministry of the Family. Operating overheads and salaries are paid by the State. *Budget* for the State's financial contribution to women's reception centres : 46.7 million LUF in 1991, 68.8 million LUF in 1992.

Numbers involved. In 1990, there were 24 rapes against adults disclosed in the course of family consultations; in 1991, 31 cases of rape against adult women. In 280 cases a complaint was lodged. The data from the Planning Familial consultation centres in 1986 tell us that in 32 cases, victim and perpetrator do not know each other and in 42 cases, the perpetrator of the offence was the husband or the ex-husband, an ascendant or a collateral.

NEDERLAND

In *1991* the government sent a so-called policy letter to the parliament about child abuse. In this letter prevention and care-taking are the two ways of the governments' policy. The government gives Dfl 2.6 million extra to extention and to the creation of new coordination-networks.

Prevention by information. A number of organisations has a joint plan for an integrated national information campaign aimed both at *children* who are (potential) victims of abuse and at their friends and classmates. Parents and teachers also form an important target group in this campaign.
The Society against Child Abuse pursues the prevention of child abuse through the multi-media spread of information and through research. The aim is to break down taboos surrounding child abuse, removing obstacles to prevention and assistance, and to increase knowledge and understanding of the phenomenon (WVC, 1989a).

National Coordination Centre on Incest. The National Coordination Centre on Incest (LCCI) was set up on the initiative of the Ministry of Welfare, Healt and Cultural Affairs. The aim of this centre is to bring about improvements in the quality of existing facilities for assistance to children and young people, and in particular to optimize the help given to children who have experienced or are experiencing incest in their natural or foster family, to other members of the family and to the offending individual(s) (WVC, 1989a).

Confidential Medical Officers for the Prevention of Cruelty to Children. These centres, operating since 1977, operate in the first instance as reporting agencies (open 24 hours a day) for cases of (suspected) child abuse, they also function as a link between those seeking help and those providing it.

Child hotlines were set up in 1980. Since then 21 have been incorporated into the national child hotline scheme (the National Scheme for Emergency Telephones for Children). The Dutch government covers the costs of organization and staffing.

Violence against women. Some time ago in the Netherlands women started setting up neigbourhood centres and facilities for women and children who are the victims of sexual violence, such as "Don't Touch Me" Shelters, "Women

against Rape", "Against Her Will" and "Keep Your Hands to Yourself" associations. Women took these steps because the existing facilities were inadequate. Sexual violence is a serious problem and the government has been concerned with it since the early 1980's.

In the first instance policy focused on protecting women which implied stimulating the creation of proper facilities and guidance. The government is also subsidizing information programmes.

Government measures include :

- An information project on sexual violence implemented in several secondary schools, funded by the Ministry of Social Affairs and Employment;
- Vocational training courses (intended for example for the police and the army) will focus on the roles of the sexes and contact between the sexes;
- The Riaggs' (Regional Institutes for Ambulatory Mental Health Care) are running prevention programmes connected with sexual violence. They range from providing schools, clubs and neigbourhood centres with information to setting programmes which teach professionals.

PORTUGAL

The issue of violence against *children* is much debated. The Institute for Child Support has a telephone line : "SOS Children". The information and legal counselling service operating within the ambit of the Commission for Equality and for Women's Rights takes in many *women* who are victims of violence, both physical and psychic. Ill-treatment within the family may form the subject of a complaint lodged with the authorities and then they are punishable under the law. Ill-treatment may also give grounds for divorce. There are no official support structures for women who are the victims of violence in the family. Some private institutions take in women under such conditions and there are also residential communities. Act 61/91 of 13 August guarantees that female victims of violence will be properly protected whenever the reason of the criminal offence stems from discriminatory attitudes, including the cases of sexual offences and ill-treatment between spouses, kidnapping, sequestration and corporal punishment.

UNITED KINGDOM

Towards the end of 1990, The Home Office distributed a circular to all Chief Constables of the police encouraging them to take more action on domestic violence.

In the past year a number of controversial cases have been brought to the public's attention. The controversy usually derived from inconsistent and seemingly biased sentencing procedures. The two most infamous cases, often contrasted, are those of Sarah Thornton, who was jailed for life for killing her violent husband, and Rajinder Bisla, who was given 18 months for manslaughter (reduced from a charge of murder) for killing his "nagging" wife. The Home Office have claimed that judgements on domestic violence are not discriminatory and that around half the number of women charged with murder also have their charges reduced to manslaughter.

No policy or legal changes came about in 1991, but the Law Commission called for a review of the law which compels wives to testify against husbands in domestic violence cases (thereby, potentially, putting them at risk).

II. FAMILY THERAPY

BELGIQUE - BELGIE

Family mediation, a strictly private initiative in Belgium, seems to be steadily gaining ground.

The "Maisons Vertes", founded by Françoise Dolto, have been threatened with closure owing to a lack of subsidies. In the French-Speaking Community, ONE infant consultations, with the reception and socialization amenities they offer, might soon become infant resource centres.

DANMARK

Family therapy is not specifically mentioned as a relief measure in the Social Security Act. But both the general public and politicians have taken a great interest in the question of improving preventive work with children and their families. In October 1990 a committee of experts issued a report on the legal terms of reference for the work with children and families ("*Graversen Committee*"). The Committee's proposals for intensifying the commitment included the creation of a legal basis partly for family treatment or some other form of treatment in the home and partly for establishing residential care for the parents, the child or young person and other family members.

In *1991* Parliament has decided to give a yearly grant of 5 million Kroner covering a large part of the yearly costs of the running of a large semi-voluntary organization giving counselling aid to mothers.

DEUTSCHLAND

The German system with regard to family policy in the wider sense also provides for marriage, family and general counselling, including specifically educational counselling. This is done by grants, primarily at regional and local authority levels (while essentially only model projects can be supported at the federal level). A central part in all these fields is played by psychological counselling. The aim is to enable families seeking advice to handle the apparent behavioural problems and conflicts they encounter in a constructive manner.

Educational counselling (approximately 50% is independently funded) covers a wide area of educational problems and learning difficulties. In addition, voluntary welfare groups and local government organisations offer various types of counselling services and support for families (eg. marriage, family and general counselling, psycho-social counselling, pregnancy counselling and family planning services, AIDS counselling, counselling on problems concerned with children and adolescents, counselling and support in cases of separation, general social counselling, addiction counselling, counselling for tenants and consumers, debt counselling, disabled counselling, unemployment counselling, local welfare departments and social services, rest centres for mothers, family holidays, family

education centres, women's refuges etc.). For a number of years now a trend towards comprehensive family advisory centres, based on a concept of integrated counselling, has been discernible. The wide variety of counselling problems makes it appear advisable that counselling is undertaken by an inter-disciplinary team of counsellors.

Counselling services are generally available to families free of charge. One criticism concerning the regional distribution of counselling centres is that in rural areas families are often required to travel great distances to their nearest centre.

Counselling services and therapy are offered mainly by voluntary organisations (charities) which have always played an important part in Germany's social system as the "third sector". Two large voluntary organisations are associated with the two major Churches: the Protestant Church's Social Welfare Organisation (*Diakonisches Werk*) and the Catholic Church's German Charitable Organisation (*Deutscher Caritasverband*). In addition, there are the Workers' Welfare Organisation (*Arbeiterwohlfahrt*), the German Equal Welfare Federation (*Deutscher Paritätischer Wohlfahrtsverband*) with several smaller member associations, the German Red Cross (*Deutsches Rotes Kreuz*) and the Central Jewish Welfare Organisation in Germany (*Zentralwohlfahrtsstelle der Juden in Deutschland*). These organisations are linked at the federal level to make up the Federal Voluntary Welfare Association (*Bundesarbeitsgemeinschaft Freie Wohlfahrtspflege*).

The voluntary welfare associations are subsidised by the public sector at federal, regional and local authority levels. At the federal level there are grants provided for the central offices of the associations, designed to promote specific projects. In 1991 this amounted to a total of DM 38 million in the old federal states and to DM 30 million for associations in the new federal states in support of local projects. In addition, voluntary welfare organisations are supported by individual federal states - albeit to a variable extent - with general charity grants as well as contributions from individual organisations. Finally, the local authorities provide a wide variety of support for voluntary welfare organisations. Overall figures for these public subsidies are not available.

HELLAS

Until recently, psychiatric care in Greece was delivered mainly by traditional mental hospitals and a few outpatient services. The first community-based mental health centre was established in 1979 to serve two municipalities in the Greater Athens Area. It was not until 1984 that it began to operate as a family therapy centre.

There are 20 mental health centres (state-run or state-subsidised) in Greece. All accept families and provide help for both children and couples on matters involving relationships between them. There are also corresponding centres in the outpatients departments of 14 hospitals, and there are two mental health centres run by IKA, one in Athens and one in Thessaloniki. In terms of family therapy centres, that at the Eginitio Hospital in Athens has been in operation since 1989 and that of the Stavroupoli Mental Health Centre in Thessaloniki since 1987.

ESPAÑA

In Spain, family therapy does not operate as a normal social service. Neither a plan of action nor legislative measures have been directed towards family therapy. There do exist a number of Associations and Centres, of a private nature, designed for the well-off. Therefore experiments in family mediation with a view to making the economic and human burden of separations more tolerable, have been attempted in municipalities and the Autonomous Communities. Moreover, health-centre (CPS) psychologists are sometimes called upon to advise families in the course of the treatment of one of the family members, but they do not specialize in family therapy. No service as such is available.

FRANCE

Family therapy in France has stemmed from private initiatives (French Association of Marriage Counselling Centres).

IRELAND

Family therapy is provided primarily by voluntary and private agencies. Each Health Board provides a social work service for families. However, because of the lack of resources and insufficient social work staff the Health Board Social Work Services have evolved into child protection services dealing with children at risk. Resources are not available to provide a more generalised family counselling service.

Numbers involved. On 31ste December 1989 there were 2,756 children in the care of the Health Boards and of these 15% were admitted because of physical, sexual or emotional abuse and a further 18.7% were admitted because of neglect.

Reference :

XX, *Survey of Children in the Care of the Health Boards in 1989.* Dublin, Department of Health, Child Care Division, 1990.

ITALIA

Family therapy interventions can be carried out through : (1)

- *public structures at the local level* : USL (Local Health Boards), *Consultori familiari* (Family Advisory Centres) and the social services of the Communes. However, not all of these Centres guarantee the service, which is linked to the availability of professional personnel with suitable training. There are also considerable territorial differences.
- *private structures with a financial arrangement with the local public bodies* : among these are AIECS (*Associazione Italiana Educazione contracettiva e sessuale* - The Italian Association for contraceptive and sexuale education), AIED (*Associzaione Italiana per l'Educazione demografica* - The Italian Association for demographic education) which provide sexual and psychological consultation for couples.
- *private structures without an arrangement with the local public authorities.* In Italy, there are five important centres of family therapy of this kind which have their main headquarters in the principal large cities (Milan, Rome) with

(1) Reference is made exclusively to family therapy of the psychological kind.

branches in all the national territory. They carry out more than one type of activity : formation (they manage schools of specialization in relational and family therapy for graduates in psychology which last four years with very selective initial and final examinations), consultations and individual and family therapy. These Centres are self-financed.

GRAND-DUCHE DE LUXEMBOURG

It has proved most difficult to obtain hard and fast data on family therapy in Luxembourg. Some of the 200 psychologists in Luxembourg work in this area. In addition, infant reception centres and the centres for women in distress monitor their clients and to every possible extent endeavour to organize therapies involving the whole family. Moreover, specialist services such as family and marriage consultations, or drug or alcohol therapy services, conduct family therapy whenever necessary.

NEDERLAND

The Netherlands have 60 Regional Institutes for Out-Patient Mental Health Care (RIAGG). Every inhabitant of the Netherlands has the right to counselling from a RIAGG for psychological problems. RIAGGs are funded under the Exceptional Medical Expenses (Compensation) Act and operate in accordance with recognised standards laid down by central government. The main tasks are assistance, prevention and the provision of services. Assistance includes advice, short-term treatment, psychological counselling, psychiatric counselling and treatment, crisis intervention and psychotherapy. Assistance is free of charge for everyone except in the case of psychotherapy for which patients have to pay Dfl. 5 per session to a maximum of Dfl. 1,450 per year. The RIAGGs are allotted a sum of money annually to finance their work depending on the number of inhabitants and the degree of urbanisation in each catchment area.

PORTUGAL

Family therapy has become a practice in Lisbon, Porto and Coimbra, and is conducted by therapists who are members of the Portuguese Family Therapy Association, mostly in private consultations and on occasion in public establishments.

UNITED KINGDOM

Although there is some recognition of this concept in Britain, it is not often discussed in terms of policy. There has been no recent legislation specifically concerned with family therapy. Perhaps the closest evidence of Government support in related fields would be the grants allocated to a number of marriage guidance and support groups including Relate, Tavistock Institute of Marital Studies, Catholic Marriage Advisory Council, Family Welfare Association, One Plus One and Jewish Marriage Council.

III. DISPOSSESSION OF PARENTAL AUTHORITY

BELGIQUE - BELGIE

The Public Prosecutor (within the Juvenile Court) can provoke some measures to protect children from their parents. These measures imply restriction of the parental authority. In extreme circumstances the Juvenile Court can pronounce sentence of dispossession of parental authority.

DANMARK

Legislation on the legal status of children has been presented to Parliament proposing (1991) :

- The local authorities should in all cases prepare and carry out a comprehensive and concrete set of initiatives when assisting families and children.
- A child should always be heard in deliberations of the local authority in these cases. Children from the age of 12 years have the right of being heard, and from the age of 15 years children have the right of legal assistance from a lawyer.
- The reason for a compulsory placement outside the home will be specified in the law.

Debate has been heated. Some have defended the rights of parents to keep their children at home whatever the cost, whilst others have defended the rights of the child as an independent individual.
The propositions are expected to become law in 1992.

Numbers involved. The distribution of children and young people placed outside their home on 31 December 1990 :

- family care : 43%
- residential home : 26%
- continuation school : 6%
- boarding school : 19%
- own room : 6%

DEUTSCHLAND

Paragraph 1 of the Children's Welfare Act states that every young person is entitled to support in his development and upbringing to make him a personally responsible and socially well-adjusted person, and paragraph 2 states - in agreement with article 6 of the basic law - that the care and upbringing of children is the natural right of parents and their primary responsibility; the implementation of this is supervised by the state.

The guardianship court can take away custody from parents if the physical, psychological or emotional well-being of the child is endangered as a result of abuse of parental care or neglect of the child, including failure of the parents for no fault of their own or by a third party, and if the parents are not willing or able to avert such dangers (paragraph 1166 civil code). "Degrading disciplinary measures" are also prohibited by law (paragraph 1631 civil code). The parents are abusing their custody of the child if the child's welfare is threatened; this can also be the case if the child's development as an independent and responsible person is considerably impaired as a result of parental actions.

Separating the child from its parents is only permissible if other measures to protect the child's welfare have failed (paragraph 1666a civil code). The guardianship court is required to minimise its intervention in parent-child relationships (respecting the autonomy of the family).

Numbers involved. In the Federal Republic of Germany (old federal states) there are approximately 6,000 cases each year where custody is withdrawn (in 1989 the figure was 6,262). In the majority of cases where there has been a misuse of custody, it is as a result of neglect and abuse of the child by the parents. In cases where custody has been withdrawn from the parents, the guardianship court can instruct the child to be taken into care or placed in a foster-home.

Where the parents have divorced or separated, one parent, usually the mother, is awarded custody. It is also possible for divorced parents to have joint custody, although this is (still) relatively rare.

HELLAS

Under Articles 1532 and 1533 of the Civil Code, if the father or the mother infringes the duties dictated by their function of having custody of the child or administering the child's assets, or if the father or mother abuses that function or if he/she is not in a position to exercise it, the court may, if so requested by the other parent or the closest relatives or the public prosecutor, order any suitable measure to be taken.

The court may also order the two parents to be deprived of the overall custody of the child or may order to assign the custody to a third person, but this may

only be ordered when other measures have been ineffective or when it is judged that the other measures are insufficient to avert a risk to the physical, intellectual or mental health of the child.

ESPAÑA

Parental authority, i.e. the full range of parents' rights and duties, is applicable to minors who have not been emancipated by their mothers and fathers.

Since 1987, the parental authority withdrawal procedure has been removed from the judicial sphere and has become an administrative matter. Jurisdiction in this area is now exercised by the Autonomous Communities through a single person or a collective body (e.g. in Madrid, the Minors' Wardship Commission).
The procedure may be initiated upon a denunciation or following an intervention by the social services usually in the wake of a request for economic assistance from the family.
The first stage involves an inquiry by a specialist social service required to produce substantiated reports and expert reports which may lead to a proposal for wardship.

The decision to withdraw parental authority is made by the Wardship Commission or other relvant body. The decision is always a temporary measure and not an irrevocable one of the type which can only be determined by a judge. The parents may appeal against administrative decisions to the Family Tribunal. Child wardship is the responsibility of the Autonomous Community which places the child in a centre, or entrusts the child to a member of the extended family (e.g. grandparents, uncles, etc.) or to a family. The suspending of parental authority goes hand in hand with actions by the social services in respect of the family and may lead to the return of the child. If such return actually takes place, it is always done gradually and is subject to the supervision of the body exercising wardship responsibilities and inspection by the social services and psychologists.

FRANCE

In the context of Title IX devoted to parental authority (Act of 4 June 1970), Articles 378 et seq. of the Civil Code provide for the possibility of "loss and formal withdrawal of parental authority" mainly :

- "Following an explicit provision in a criminal judgement, a mother or a father who are convicted as the perpetrators, co-perpetrators or accomplices of a criminal offence or a misdemeanour committed in respect of their child or as co-perpetrators or accomplices of a criminal offence or a misdemeanour committed by their child".
- "Besides any criminal conviction, a mother or father who, through ill-treatment, or pernicious examples of habitual drunkenness, notorious misbehaviour or delinquency, or through a lack of care or a lack of discretion, plainly jeopardizes the safety, health or morals of a child".

Numbers involved. Loss of parental rights first and foremost affects the most underprivileged and the most vulnerable families. "Educational Assistance" is an institution which has brought about a considerable decrease in measures involving loss of parental rights. Such measures are being applied ever more seldom : in France, there were some 664 decisions in 1977, as compared with only 510 in 1987. It is the courts in Paris which produce almost two-thirds of the total number of decisions; in the provinces, loss of parental rights is the exception, and in some regions, it has become almost unheard of. In the nomenclature of judicial statistics, the heading "Loss of parental authority" was done away with in 1988.

IRELAND

The Irish Constitution adheres to the principle of the inalienable and imprescriptable rights of parents (Article 41 and 42). Therefore it is not possible to permanently remove parental rights except in the case where the mother of the child is unmarried and the child is placed for adoption. The only exception is under the Adoption Act 1988 where the child of married parents can be adopted if it can be proved in the High Court that the parents are incapable and will be incapable of providing adequate care and protection for the child up to the age of 18 years. The legislation relating to the care and protection of

children in Ireland has traditionally emphasised the rights of parents over their children.

Numbers involved. The number of Adoption Orders granted under the Adoption Act 1988 are as follows : 3 in 1989, 7 in 1990 and 4 in 1991.

ITALIA

The Juvenile Court can pronounce sentence of dispossession of parental authority when the parent violates or neglects his duties toward his children (obligation of maintenance, upbringing and education) or abuses his power with grave damage to the child (in the case of the negligent or fraudulent administration of the goods of the child or violence or maltreatment towards him).

In such cases, for serious reasons, the court can order that the child be taken away from the parental residence (Art. 330 Civil Code). Parental authority can be restored to the parent when the reasons for which dispossession was originally decreed no longer subsist (Art. 332 Penal Code).

When the behaviour of one or both parents is not so serious as to cause the dispossession of parental authority but is dangerous for the child, the Juvenile Court can set limits on the power and, even in this case, if it is necessary, decree that the child be removed from the residence of the parents. These provisions can be revoked at any time (Art. 333 Civil Code).

In the case of the removal of the juvenile from the parental residence, the Juvenile Court can arrange foster care with another family or another family-type community and, only in the case in which family-type foster care is impossible, is it allowed to send the juvenile to an institution (Law number 184, 4/5/1983).

In the case in which a juvenile is in a situation of moral and material abandon by the parents or by other relatives obliged to provide and this abandonment is both voluntary and prolonged, the Juvenile Court can decree the suspension of parental authority and, if the conditions envisaged by the law subsist, it can be then proceed to the declaration that the juvenile can be adopted (Law Num. 184, 4/5/1983).

GRAND-DUCHE DE LUXEMBOURG

If both parents are alive, parental authority is exercised jointly by both parents. In the event of divorce or *de facto* separation, parental authority is exercised by whichever parent has been given custody of the child by the court. In the event of death or when one of the parents is unable to express his/her will, or has been subject to a criminal conviction, parental authority is exercised solely by the other parent. If there is neither father nor mother able to exercise parental authority, wardship proceedings will be instituted.

NEDERLAND

If a parent is found unsuitable or is powerless to fulfill his/her nurturing obligations toward the child (children) the judge can disposses the said parent of such duties unless the child's interest is against this solution (Art. 226).

Relief from parental rights can be pronounced upon request from the Child Care and Protection Board or ordered by the public prosecutor.

Dispossession of parental rights (a very serious punishment) can be ordered by the court on the grounds of, for example, misuse of parental authority, gross negligence committed against the child, bad behaviour, desertion.
Dispossession of parental authority may be requested by the other parent, family members, the child protection authorities and the public prosecutor.

Numbers involved. The number of children of whom one or both parents are derived of parental rights amounts to about 400 cases per year in the Netherlands.

PORTUGAL

The Director of Public Prosecutions, the next of kin of a minor or a legal guardian, *de facto* or *de jure*, may request the courts to decree withdrawal of parental authority if one of the parents fails to fulfil his/her duties towards the

children, causing them serious prejudice or if, through lack of experience, sickness, absence or other reason, he/she is not able to carry out such duties.

UNITED KINGDOM

The concept of parental authority has been most affected in recent years by the Children Act 1989. Some provisions of the Act are as follows :

* Local authorities have a new duty to provide greater support to families in need before consideration is given to imposing a court order to remove a child. Orders must only be made if they are in the child's interest.
* Greater emphasis is put on parents, relatives and local authorities reaching solutions together rather than having solutions imposed on them by courts.

CHAPTER VII. POLICIES GEARED AT STRENGTHENING FAMILY LIFE

I. EDUCATION FOR FAMILY LIFE

BELGIQUE - BELGIE

Formal education. There is no separate subject dealing with family education in the curriculum of schools. Aspects related to the topic of family life are included in various other subjects. Sexual education is generally covered in biology classes.

Informal education. Some couples attend a pre-marriage course before getting married.

DANMARK

In January 1991 new guidelines for health and *sexual education* were issued. They came into effect on 1 August 1991. The education is not timetabled but given by the form master in connection with regular lessons. The individual school boards will work out the particularities.

DEUTSCHLAND

The state-subsidised process of educating young people to play their part in family life is carried out primarily by voluntary social organisations, including in particular the Churches. There is no separate subject in the curriculum of (state and private) schools dealing with family education; however, aspects related to the topic of family life are periodically included in various other subjects, such as social studies, social science, religion or biology etc. (for instance, sex education is generally covered in biology).

HELLAS

There is no formal, statutory and permanent channel for *sexual education*. Although the initial plans have been made for family planning to be conducted by the Health Centres, no such thing takes place.
Family planning takes place through the pregnant women's private doctor, at certain public sector hospitals, at IKA and PIKPA and in certain municipalities, but on a very limited scale.

There are pilot projects as part of the general framework of health promotion, including a health promotion programme being operated in two schools by the Child Health institute.

As for *education for relationship* competence, some counselling programmes are available for children, adolescents and their parents. Some municipalities - usually in highly urban areas have 'parents' schools' which provide counselling services.

The main disadvantage of these programmes is that they are addressed to citizens who are already motivated. There is no out-reach programme to mobilise citizens into joining counselling programmes, and as a result large sections of the population are excluded.

Counselling also occurs in some centres which were not designed for that purpose but rather for the provision of mental health and child protection services, such as child guidance centres and child protection agencies.

ESPAÑA

There exists no public policy on this issue in Spain.

FRANCE

Ministerial Circular n°73-299 of 23 July 1973, issued by the Ministry of National Education, codifies sexual information and education at school. The teaching is incorporated into the biology programmes.

At elementary-schoollevel, the information is imparted in the context of 'activities to awaken the mind'. At secondary school, this information is communicated in biology and natural-sciences programmes, in technological education and in the preparatory work for the technical school-leaving certificate. The resources of a family and social-economy programme are used.

The Decree and the Circular of 18 February 1976 complement these provisions by setting a timetable and specifying the natural-sciences programmes in the third year (4 hours/year in this class).

IRELAND

Formal education. There is no provision in the national curriculum for primary schools for sexual education or relationship competence. In the 1990 Budget the Government made available £ 25,000 to develop a child abuse prevention programme to be used in primary schools.
Life skills programmes for post-primary schools are incorporated within religious education classes, home economics, civics and science classes, but there is no specific programme laid down. Some secondary schools have a "transition year" (age group 15 - 16 years). The Department of Education recommends that programmes of social and moral education be included in the programmes for the transition year. In September 1990 the Department of Education issued a circular on teaching about AIDS to all Secondary Schools, together with a package of teaching materials. All Secondary Schools were informed that

teaching about AIDS should be concluded in the curriculum. However, no inspection has been carried out on whether the directive has been implemented.

Informal education. Most dioceses require on couples to attend a pre-marriage course before the couple may marry in a Catholic church. Some adult education centres provide evening classes on child development and parenting.

ITALIA

The only public services whose aim is the family and not the individual are the Family Advisory Centres. These Centres have as primary aims :

a) social and psychological assistance in preparation for *responsible maternity and paternity* and for the problems of the couples and the family, including those of juveniles;
b) the administration of the necessary means to reach the objectives freely chosen by the couple and by the single individual with regard to *responsible procreation*;
c) the safeguarding of the health of the woman and of the child;
d) the divulgation of suitable information to promote and/or prevent pregnancy with advice regarding the methods and the drugs suitable in each case.

In fact, with the passing of time, the work of the public Family Advisory Centres is more and more directed towards the needs of the single individual, in the medical sense, rather than towards assistance to the family because of complex social, and cultural developments and as a consequence of Law number 194 of 1978 on voluntary abortion.

Today, in fact, the medical services (gynaecology and pediatrics), contraception and the prevention of pregnancy and, finally, the issuing of the necessary documents for voluntary abortion, are privileged.

The activity of these public Family Advisory Centres has been the object of political and cultural debate, in the past, between catholics and lay people. The Catholic Church, for its part, has already, for some time, promoted the establishment of Family Advisory Centres inspired by Catholic principles. In 1948, the first Catholic pre-matrimonial and matrimonial Advisory Centre was founded in Milan. In 1978, in reply to the introduction to the law on voluntary therapeutic abortion, the network of Centres of catholic inspiration was

increased. The commitment to the creation of new Centres has been re-affirmed to "guarantee in them a clear and efficacious inspiration towards Christian morality for the various problems concerning sexuality, marriage and the family"...

In 1990, there were 253 Family Advisory Centres for marital and family problems within or through the initiative of catholic communities. They represent about 12% compared to the public Centres and are located throughout the territory of Italy even though this distribution is not homogeneous : 121 (46.7%) are, in the north of the country, 55 in the centre, 38 in the south and 39 in the islands. These structures are founded on the voluntary work of professionals and of couples.

The introduction of *sexual education* in the schools has been in the past and is currently the object of heated political debates between the parties of catholic inspiration and the lay parties.

Since 1967, numerous Bills have been presented in Parliament on this issue by different parties. Because of differences between the parties on the objectives and on the modalities of sexual education in schools, none of the proposed Bills has become law. In the past legislature, the Chamber of Deputies had approved a unified text on "Sexual information and education in schools". But this proposed Bill fell through because the legislature was brought to an end (April 1992).

So, at present, no law exists in Italy which envisages and disciplines sexual education in schools.

There are, however, some important private institutions with an arrangement with the Public Authorities which give informal sexual education to adolescents and adults. Among these are two associations : *Associazione Italiana Educazione Contracettiva e Sessuale* (AIECS - The Italian Association for contraceptive and sexual education) and *Associazione Italiana per l'Educazione Demografica* (AIED - The Italian Association for demographic education). These manage Centres for adolescents and numerous Advisory Centres.

Reference :

Donati, P. (ed.) *Secondo Rapporto sulla famiglia in Italia.* (Second Report on the family in Italy). Edizioni Paoline, 1991.

GRAND-DUCHE DE LUXEMBOURG

In the Grand Duchy of Luxemburg, several private family organizations deal with the broad range of issues related to sexual education, preparation for effective relationships, support to young married couples, people in distress, etc. Three associations, viz. the Luxemburg Movement for Planning Familial and Sex Education, the Family Pastoral Centre (CPF) and Popular Family Action (AFP), are examples which provide a good illustration in this respect.

The Luxemburg Movement for Planning Familial and Sex Education. A team comprising 7 doctors, 4 psychologists and a marriage counsellor conduct counselling, training and information activities as follows :

- sex-education courses given at the Planning Familial Centre for classes preparing for paramedical carriers;
- sex-education courses given in various schools throughout the country;
- courses on preventive medicine and sex education for Luxemburg army recruits;
- publication of articles in the Luxemburg press and foreign medical press;
- health education, dissemination of information material published by the Ministry of Health;
- library : availability to the public of a fair choice of books, regularly updated, distributed using the loan and sale systems;
- continuous training for doctors;
- Info-Viol : reception and support to women and children who have been rape victims;
- continuous training for members of the planning team (monthly supervision at the Planning Familial Centre in Luxemburg).

The family planning centres work in conjunction with the social services, the judicial information and reception service, the service for women in distress, the house for beaten women and the youth protection service (police).

The Family Pastoral Centre (CPF). A team comprising 7 people including a psychologist, a philosopher, a nurse and four volunteer counsellors, regularly hold courses on sexual, emotional and relational education for children in primary school and for groups of adolescents. In addition, the Family Pastoral Centre has responsibility for courses to prepare for marriage, family pedagogics and psychological and socio-emotional consultations. Direct training for

volunteer work (preparation for marriage) was provided through conferences, seminars, film shows, conversations with lawyers and personal interviews.

Popular Family Action (AFP). Popular Family Action offers a broad range of family services (day centre, nursery, library, games library, consultation service, aid for the elderly, ...). In addition to direct forms of aid, there are also activities to inform the public at large in the shape of publications, brochures, books and records, as well as the regular presentation of a family page in a major Luxemburg daily and involvement in radio broadcasts.

As a family movement, Popular Family Action holds conferences and seminars on the Luxemburg education system and published the first information brochures on primary and secondary education.

NEDERLAND

In *1991* a policy document from the Minister of Health, Welfare and Cultural Affairs was published with the provocative title "Costume-tailored support to child education". Prevention is the key element in this document.

The organisations to which an appeal is made in order to play a role in the preventive sphere are :
- the health care services for the youth;
- the foundation "*Spel en opvoedingsvoorlichting*" (Game and educational information) whose activities of support to parents with children 0 - 12 years, are implemented in neighbourhoods.

Activities include : learn through play techniques, education shops, discussion groups, and special activities for ethnic minories. Ideally speaking there are numerous activities and techniques that could be supportive to child education. In fact, however, there are problems arising from the available funds, the difficulty to meet staff working in help and assistance services, and sharp differences (social, cultural, etc.) of children and parents at the level of local communities.

Government policy focuses specifically on the introduction of (health) information into the school curriculum and the workplace. There are educational programmes towards AIDS-prevention, good eating habits, against

The Department of Health ordered a review of NHS family planning services after a number of protests about the closure of clinics. It was estimated that half of the local authorities in London, and a quarter of authorities elsewhere, had cut services in the past year.

II. EDUCATION FOR CONTRACEPTION/SEXUALLY TRANSMITTED DISEASES (AIDS)

BELGIQUE - BELGIE

The Council of the French-Speaking Community on 6 February 1991 had a draft decree referred to it, relating to the formation of an Agency and a Scientific and Ethic Council for the Prevention of AIDS for the French-Speaking Community (*Doc. Cons. Comm. fr.*, 1990-1991, n°177).

DANMARK

General instructions on contraception is given in connection with sexual education. Also general practitioners give information. The guidelines in this area are contained in a circular issued in 1986 as part of the departmental order of 1985 regulating the examination of pregnant women and the posibility of obtetnic aid.

DEUTSCHLAND

The political approach to combatting the spread of AIDS in the Federal Republic of Germany is geared to reducing new infections to a minimum, counselling and looking after those who are HIV positive or already suffering from AIDS, and also promoting solidarity in dealing with those affected. Counselling and education are given priority in the implementation of these aims. In 1990 the Federal Ministry for Children, Families, Women and Health

had DM 110 million at its disposal for combatting AIDS and used these funds to finance nation-wide information campaigns and model programmes of care and counselling services.

The information campaigns were designed to promote a high level of awareness among the population concerning the ways in which one can become infected and protect oneself against infection, to promote responsible behaviour as a means of protecting oneself and others from becoming infected, and to generate a social climate in which those affected can be assured of social integration. A wide variety of measures was employed for this purpose, eg. television advertisements, newspaper advertisements, editorials, telephone counselling services, posters, leaflets and literature for the population in general and for specific target groups. In 1990 DM 35 million was available for this.

The Ministry had approximately DM 67 million at its disposal for model programmes and research projects. This sum was used to finance the employment of AIDS officers in public health departments, streetworker projects, counselling on the relationship between drugs and AIDS, expanding out-patient assistance and social centres for AIDS sufferers and model programmes for infected babies and their mothers. A model programme entitled "AIDS and women" is trying to provide help for pregnant women in emergencies and conflict situations, and for drug-addicted women and prostitutes. Various projects are also being supported in the area of socio-economic and medical research.

The Federal Central Office for Health Education, a subordinate department of the ministry, also carried out comprehensive information campaigns. Here too the aims were to create a high level of awareness among the population with regard to infection risks and means of protection, to encourage responsible behaviour as far as protection against infection is concerned and of acting in solidarity with anyone already infected.

Information, education and counselling are also the main concern of initiatives undertaken at the federal state level, with the involvement of the respective health ministries.

Means of protection and other prophylactics are freely available in the Federal Republic of Germany. Certain prophylactics are only available on prescription. The prophylactics are not free of charge.

HELLAS

The extent to which family planning services are provided by the State is very limited.
Most of the Family Planning Centres have material with information and provide services outside the Centre (the IKA centre is an exception here). The outside work of the staff usually include talks to groups of women, at workplaces and in schools, together with interviews on local radio stations, etc. These talks and interviews usually refer to contraception, fertility and gynaecological problems. It is less frequent for them to refer to sexual education, and only one Family Planning Centre has held talks about AIDS.

As for the availability and supply of contraception, interuterine devices (IUDs) are sold by a limited number of pharmacies and are normally distributed by doctors in private practice to their patients. The circulation of the diaphragm is neither steady nor sufficient : diaphragms are occasionally available on the market, but without spermicidal creams. A vaginal suppository containing monoxinol 9 is currently available on the market, while two more such products were recently withdrawn from circulation because of low demand.

The most common means of contraception - IUDs and the pill - are sometimes supplied by public primary health care agencies in accordance with the provisions in force for the provision of pharmaceutical and public health materials. Contraception supply is not uniform from one social security fund to another. Some Family Planning Centres provide contraception free of charge to those registered with social security funds.

According to estimates made by the Ministry of Health, Welfare and Social Security, there were 10,000 HIV-infected persons in Greece in 1991. A total of 559 cases of AIDS have been reported.

In connection with the dissemination of information about AIDS, one would have to point first to the setting up of the National AIDS Committee - an advisory body - on 11 October 1983. Among the Committee's responsibilities is that of providing the public with information about the disease. Much has so far been done in this direction, but action has tended to be fragmented. The National AIDS Committee and the Union of Greek Advertisers have prepared a plan to cover each medium of information supply, and implementation will begin

in 1992. A round-the-clock telephone counselling service staffed by doctors, social workers, etc. is also planned. The new bill on health tabled in Parliament makes provision for the setting up of an AIDS Information Centre.

The country's medical schools have held various meetings and conferences on AIDS, and information leaflets have been published.

The Ministry of Health and Welfare has recommended that talks on AIDS be held in the Prefectures, that advertising time be made available on television and that posters should be put up in buses and other public places. World AIDS Day (1 December) is also marked in Greece.

ESPAÑA

Family planning centre activities are designed for women who wish to receive information and guidelines on sexual matters, the use of contraceptive methods and family planning. Some of such centres have specific programmes for teenagers. The services are free of charge and are available to all unconditionally with a view to providing the service to young people and the needy. Reproduction units have been set up in the public hospital network. They deal with family planning, sterility, prenatal diagnosis and terminations of pregnancies.

Some information and sex-education programmes designed for high-risk groups have also been implemented, e.g. information campaigns in the various media on family planning and the prevention of sexually transmissible diseases, particularly AIDS. The Ministry of Health and the Women's Institute jointly have published a number of information brochures within the framework of an information campaign on sex and pregnancy (including a guide to contraceptives and sexuality, and a second guide on the prevention of sexually transmissible diseases).

FRANCE

The Act of 27 January 1987 permits advertising for condoms as a means to prevent sexually transmissible diseases. Publicity campaigns (television spots) are to be seen; they are subsidized by various ministries (health, tourism). The campaigns, using different styles of spot, highlight the need to use condoms without ever alluding to the risk of disease.

The focus of the measures basically concerns the availability of condoms, outside chemist's shops, in a wide range of public places (automatic distributors).

IRELAND

Contraception. The Health (Family Planning Amendment) Bill 1991 was introduced in July 1991 (see institutionalization of family life).

The Department of Health employes a doctor as the National AIDS co-ordinator and within the Department of Health there is a Health Promotion Unit, who have produced booklets on AIDS for the general public and distribute them through the regional Health Boards. They have also produced a video for use in schools.

In *1991*, a new organisation called AIDSWISE was set up. The ethos of the group is on effective education and that such education should be available to all sectors of Irish Society. AIDSWISE is a voluntary organisation with no governmental support.

ITALIA

In general, propaganda for means of contraception is free as is the availability and sale of all types of contraceptives and protective devices.

More specifically, with regard to the prevention of sexually transmitted diseases (AIDS), there is a program of information promoted by the Ministry of Health.

This program, activated by the Ministry of Health in 1988, has used not only radio, television and newspaper advertising but has also sent a booklet to 23 million homes and families. Thus, it has reached nearly the whole population of Italy.

During 1990, the Ministry realized different initiatives aimed both at the population in general and at specific sectors considered at risk or in contact with persons at risk (students, drug addicts, homosexuals, the armed forces, the police, workers in the prisons, in the health and social services). The result is the following : 3,000 television messages, 600 messages in newspapers and magazines and more than 13 million booklets distributed.

For the year 1991/92 the Ministry has promoted the third information campaign : this envisages the broadcast of TV spots, debates and congresses to call atention to the problem and the publication of material of different kinds (booklets, comics, photo-stories, posters etc.).

Then, there are also specific telephone services to obtain general information or to consult with experts or information about centres where tests are carried out (Commissione Nazionale per la Lotta contro l'AIDS) (National Commission for the fight against AIDS), *Conoscere l'AIDS*, (Know AIDS). Milano, Mondadori, 1991. This booklet was published and distributed in collaboration with the weekly magazine, "*Panorama*").

This activity of information and prevention carried out by the Ministry of Health received a greater impluse from Law number 135 promulgated on June 5, 1990, "Programme of urgent interventions for the prevention of and fight against AIDS". Law 135 envisages both interventions concerning prevention, information and research and the activation of an adequate home assistance for AIDS sufferers, a program for the construction and re-structuring of the number of available beds in infectious disease wards and an increase of the number of medical personnel.

Besides, the law also sets up, within the Presidency of the Council of Ministers, an interministerial committee for the fight against AIDS with the task of coordinating the interventions for the realization of a global plan for the fight against AIDS.

At a regional level, centres are due to be set up with the task of coordinating the services and the structures involved in the fight against AIDS and of programming the interventions of information and formation.

Then, there are private Institutes and Associations which collaborate with public organizations in information campaigns and medical documentation.
Among these, the most important are the following : *Associazione Nazionale per la Lotta contro l'AIDS* (ANLAIDS - National Association for the fight against AIDS) which, among other things, offers a direct line on information about AIDS via fax and l'*Istituto Internzionale per gli Studi e l'informazione Sanitaria* (ISIS - The international Institute for medical studies and information) which publishes some informative periodicals.
These institutions receive public money.

GRAND-DUCHE DE LUXEMBOURG

Information campaigns. Regarding information for the public at large, the Government's first actions were in respect of the "high-risk groups" : homosexuals, drug addicts and prostitutes. In May 1984, at a time when no cases of AIDS had yet been diagnosed in Luxemburg, the Monitoring Committee sent out a first brochure to the health professionals, conveying to them the latest information available at that time.
Since then, information for the professionals has been updated with brochures, circulars, "safety-sterility" directives, refresher courses, seminars and conferences. Instructions for the sterilization of instruments was sent to all professionals likely to be in touch with blood : doctors, nurses, podologists, hairdressers, jewellers, etc.
From the outset of the epidemic, information for and through the media was dealt with by the Luxemburg AIDS Monitoring Committee through interviews, articles in the press and radio and television broadcasts.
Public conferences were held throughout the Grand Duchy in order to keep interested parties and those directly concerned properly informed : political parties, trade unions, local authorities, ambulance crews and first aid workers, public law and order forces, homosexuals, school parent associations, family service organizations, ...

In May 1987, the Government of the Grand Duchy organized a wide-ranging information campaign in all of the media for the intention of the public, using more particularly the following :

- announcements and articles in the written press;
- a poster campaign in bus shelters;
- a special "AIDS" telephone number with a pre-recorded message;
- a programme of publicity spots on the radio, in cinemas throughout the country and on television.

It is important to note here that information spots designed especially for the younger generations were started. A special information campaign was launched in schools. This was developed through close collaboration with the Ministry of Health and the Ministry of National Education. Members of the AIDS Monitoring Committee gave public conferences followed by questions and answers in all high schools. A special course for biology teachers and the headmasters/mistresses of secondary schools, was given in the various schools.

As regards documentation, it is worth pointing out that a service for lending audiovisual equipment and publications was set up in the Ministry of Health. A review especially devoted to the problem and the consequences of AIDS was made available to pupils and students free of charge.

Some others means that were used : stage performances followed by debates, information in the context of discotheques and parties, as well as a publicity campaign in places frequented by young people : cafés, cinemas, youth clubs, discotheques, schools, stations, snack bars, ...

NEDERLAND

At school (elementary and secondary schools) sexual education is given within the school curriculum; besides, additional information is given by means of lectures, conferences, film etc. Curative institutions related to sexually transmitted diseases are widely spread and easily accessible in the Netherlands.

The central government declared that AIDS is a serious public health issue with high priority as far as government policy is concerned. A National Committee on AIDS Control has been set up and a special AIDS policy coordinating unit was formed at the Ministry of Welfare, Health and Culture Affairs. Emphasis at

the present stage of the epidemic is on information and prevention, but a great deal of attention is being given to developing adequate facilities for care, including psychological and social guidance to AIDS patients and to the promotion of scientific research.
Policy is aimed at prevention, and where necessary, fighting undesirable social side effects such as the stigmatisation, discrimination and sometimes even ostracism of patients who are sero-positive and those who are suffering from AIDS (WVC, 1989). Key-words of the official policy are : prevention and care.
AIDS cases in the Netherlands are notified voluntarily and anonymously.

There are no legal obstacles against, or restrictions toward the use of contraceptives in the Netherlands.

PORTUGAL

The public health services organize publicity campaigns, especially the National Commission to Combat AIDS.

UNITED KINGDOM

Birth control advice and supplies are provided free of charge to men and women of all ages, married or single. The only exception are young people under 16, following the 1986 general Medical Council ruling allowing General Practitioners to disclose information to parents if the patient is not considered mature enough to consent to treatment.

Contraceptives are provided by a variety of agencies and in different locations. Some contraceptives, such as the condom and spermicide, are freely available. Others, for example the pill and the coil, ara available from qualified medical personnel.

The Government continued a campaign of information about AIDS and the use of condoms to prevent its spread.

III. PARENTAL REPRESENTATION IN THE EDUCATIONAL SYSTEM

BELGIQUE - BELGIE

In Belgium there are no statutory regulations concerning parental representation in the educational system, but this does not mean that parents are ignored in the educational system. Attention should be paid to the role of parents' associations which existence is encouraged and subsidized by the government.

DANMARK

A bill of day-care boards elected by parents was introduced in January, 1992. The goal of the bill (anounced during the spring of 1991) is to secure parents real influence on the day-care institution of their child/children. According to the bill all boards of public day-care institutions are required to have a majority of parents.

The authority of the board will include the educational principles of each day-care institution, influence on the budget and the right to nominate personal candidates to the local council. If the bill passes, it will take effect as from 1st of January, 1993.

In Denmark the relationship between parents and schools is formally secured. Primary schools (*folkeskolen*) for children aged between 6 and 16 years, are managed by the local councils. A lot of the educational tasks of the local councils is done by the "educational committee", in which parents are represented. Every primary school is obliged to have a "school commission". In the school commissions the parents are the sole members with voting powers. School commissions are often a member of the national parents' association.

DEUTSCHLAND

Parent participation in nursery and other schools is provided for in the form of parents' councils (in some federal states there may be minor deviations from the scheme described below, as a result of regional authority over educational matters). Parents' councils are created in nursery schools to represent the interests of the parents (or others having parental authority) of children admitted to the nursery. The parents' council is elected by the parents for a term of one year. It is the function of the parents' council to support the educational activities undertaken at the nursery school and to promote co-operation between the nursery school, the home and the representatives of education authorities or similar bodies. A major part of this involves making the educational and academic aims of the school clear to parents and representing the wishes and proposals of parents to the headship of the school. It also involves the parents' council using its influence with the education authority to ensure that the school is properly staffed, and that it has adequate equipment and facilities. The education authority and the head of the nursery school are required to inform the parents' council about the educational and academic objectives of the school. The parents' council must be consulted in particular before new educational programmes are introduced. In addition, parents are able to submit their ideas and proposals to the head and the education authority direct. This is the purpose of the parents' meeting which takes place at least once a year.

The involvement of parents in their children's schooling begins at the classroom level and extends as far as the regional parents' council. However, the main focus of parental involvement is at the classroom level and with local schools. Parents are essentially given the opportunity of helping to shape school life. Parents can also obtain a hearing at a level above that of the individual school via their representatives, eg. the regional parents' council. The vote of the parents or of their representatives carries great weight in all decisions, eg. changes in the education act, preparing regulations governing school life and also the maintenance of schools. The limits of parent co-operation are drawn where the educational freedom and responsibility of the teachers begin. Nor can legal provisions in education be overridden by the will of parents. For instance, the teacher is responsible for delivering the curriculum. Although parents' views can be listened to, parents do not have a formal right of objection either with regard to drawing up the curriculum or its delivery by the teacher.

HELLAS

By virtue of Law 1566/86, children are represented toward the school system by their parents, via the parents' association. These associations are organised along the lines of professional unions, and the parents' representatives are elected by resolution of the general assembly of parents of each school. The parents who are members of the board of management of the association serve on the school councils and committees.

There is no legal framework for the representation of children by their parents towards the health services.

ESPAÑA

The parent-teacher association movement dates back many years in Spain. It was started in the 1930s, under Spain's Second Republic. It was, however, with the 1978 Constitution that "*Asociaciones de Padres de Alumnos*" (APA - Parent-Teacher Associations) truly came into their own and were organized into Federations. At State level in Spain, there are now two parent confederations : CEAPA, mainly for public education, and CONCAPA, for private and denominational education. The role of the associations is recognized under the Education Acts. At present, they are governed by the 1985 Education Act (LODE). An association may be set up in all school establishments and it is entitled to a seat on the School Board. The national confederations are represented on the State Schools Council.

FRANCE

Every secondary school has a "*Conseil d'établissement*" (Administrative Council), with consultative powers. Every class has a "*Conseil de classe*" (Class Council), in which parents are represented. Next, every school has a "*Conseil de discipline*" (Disciplinary Council). Every primary school is obliged to have a "*Conseil d'école*" (School Council).

Circular n°89-261 dated 4 August 1989 : monitoring of school attendance among natural children, the children of separated or divorced parents. The Act of 22 July 1989 on parental authority facilitates recourse to joint parental authority in the event of divorce or for natural families. Natural, separated or divorced parents may run into difficulties when requests for information on the education of their children are put in, in the light of the new provisions under the Act of 1987. This circular provides detailed information on the exercise of parental authority in the various legal situations that may arise : children of divorced or separated parents (joint exercise or single exercise of parental authority, child residing with a third party), natural children.

IRELAND

Article 42 of the Constitution of Ireland states that "the State acknowledges that the primary and natural educator of the child is the family ...". Parental representation is through elected members on the Boards of Management of primary and many post-primary schools. Since 1985 there has been a National Parents' Council which is a national network, school-based, administered at country level and has an elected national executive. Parents' representatives have served on a number of bodies established by the Minister for Education to consider and report on aspects of the education system, e.g., Review Body on Primary Education, set up in 1988. Financiel support has been given by the Department of Education on an ad hoc basis to the National Parents' Council (Primary) to enable them to extend their activities on a national level. Four in - service courses were organised by the Department of Education during 1989 and 1990 on home/school relationships. The Governement announced its intention to encourage parents' associations to develop in each individual school, with the purpose of promoting and developing effective and positive participation by parents in education. The Government proposes to pay an annual grant of £ 25,000 each to the primary and secondary level of the National Parents' Council to develop the level and quality of involvement by parents in education, particulary in disadvantaged areas.

ITALIA

A law promulgated in 1974 (D.P.R. 31 May, 1974, number 416) flanked the centralized and bureaucratic structure of Italian public schools with new collegial organisms established with the intention "to realize ... participation in the management of the school and to give it the character of a community which interacts with the vaster social and civil community" (art. 1). Elected representatives of parents participate in some of these organisms, in the infant school, in the elementary school, in the lower secondary school and in the upper secondary school at class level (or groups of classes in the infant and elementary schools), in each school (or group of schools at the infant and elementary level), or at a wider territorial level (district or province).

a) The *Class Council* (or group of classes in the infant and elementary school) is made up of the teachers of the class (or group of classes), the director or headmaster/mistress of the school and some elected representatives of the parents of the pupils. With the presence of the parents, this council has consultative tasks, such as, the formulation of proposals on educational and didactic activities to the teachers, on initiatives for experimentation and also to express opinions on the adoption of textbooks. Decisional power, in didactic matters, in all types of schools is the exclusive prerogative of the teachers.

b) The *School Council* (in secondary schools) or the *Group Council* (in the case of infant or elementary schools). This organism is composed of, representatives of the teachers, the non-teaching personnel, the Director or Headmaster/mistress, and a number of representatives of the parents equal to the number of representatives of the parents equal to the number of teachers. The School or Group Council has decisional powers on the financial level (approval of the budget, purchase and maintenance of technical, scientific and didactic equipment) and in the programming and realization of other activities such as, remedial courses for pupils in difficulty, educational visists and trips, cultural, sporting and assistential activities. This organism has lesser consultative competence in didactic matters.

c) *District Councils* have been set up in the context of "school districts" at as sub-provincial or provincial level.

These organisms have, as their aim, "the realization of the democratic participation of local communities and social forces in the life and management of schools" (art. 8).

District Councils are composed of, representatives of school personnel, representatives of parents and pupils, workers and other social forces of the Commune.

The District Council is the only one of the collegial organisms where the external members outnumber those from the school administration but its powers are very limited. They are almost exclusively of the consultative and propositive type in para-scholastic and extra-scholastic matters, of scholastic and professional orientation, of school medical services, of socio-psycho-pedagogical assistance, on-going education, didactic experimentation etc.

These organisms, therefore, are not comparable either with the British Local Educational Authorities (LEA) or with the American Boards of Education : these, in fact, are part of a system based on local autonomy with real managerial powers.

d) *Provincial Councils*, when they are fully operative (that is, when composed of elected members, among whom figure the representatives of parents) have almost exclusively consultative powers.

These establishment of these collegial organisms was preceded and followed by firce cultural and political debates and, in the first years of operation, there was a very numerous and intense partcipation of parents at all school levels. In recent years, however, both the interest and the participation of the families has greatly diminished, also because of the recognition of their very limited powers.

There are some associations of parents which keep up contact with the school institutions and carry out educational type activities. Among these we can name : l'*Associazione Italiana Genitori* (AGE - Italian Parents' Association), *Famiglia e Scuola* (FaeS - Family and School), l'*Associazione Genitori Scuole Cattoliche* (AGESC - Association of Parents of Chatholic Schools) inspired by catholic principles, and l'*Associazione Genitori Democratici* (AGD - Association of Democratic Parents), an association of lay inspiration.

GRAND-DUCHE DE LUXEMBOURG

The Act of 4 September 1990 brought in reforms in technical secondary education and continuous vocational training. A Grand Duchy regulation dated *23 May 1991* in execution of Article 39 of the above-mentioned law, provides for the organization of education councils for high schools and technical secondary

schools. The councils, in addition to the headmaster/mistress of the school, comprises 4 mandates for the teaching staff, 2 mandates for the parents of pupils and 2 mandates for the pupils. The term "parent of a pupil" covers any person with parental authority or his/her delegate.

The education council has the following tasks :
- it participates in altering and adapting the disciplinary rules and house rules as set by the Minister of National Education;
- it provides incentives for cultural, social and sporting activities in the school;
- it submits an annual report on the general situation in the school to the relevant minister;
- it gives an advisory opinion on the school's annual budget estimates;
- it may give an opinion on the introduction or deletion of optional courses and extra courses for backward pupils, as well as on the internal organization of high schools and any other matters put to it by the headmaster/mistress of the school or by the minister;
- it may make proposals on any issues relating to the life and the organization of the school.

NEDERLAND

Elementary and secondary schools have in most cases by law a so-called representative advisory council. Teachers, sometimes pupils and in all cases the elected parents are members of those councils. One of the tasks of these councils is to develop the schoolcurriculum. Besides the representative advisory councils, the denominational schools and the so-called private schools (subsidized by the government) have school boards. Private schools in the Netherlands are the denominational schools but also schools like the Montessori Schools and so on. In the school boards, the parent-members are responsible for the management and financial affairs of the schools. The public school system does not have the system of school board. The local authorities have the financial responsability of schools.

PORTUGAL

Parents' associations are represented on schools' decision-making structures.

UNITED KINGDOM

In the United Kingdom there is an official educational system for England and Wales, one for Scotland and one for Northern-Ireland. In those three systems the question of parental representation is dealt with in a different way. For every school in England and Wales there is an "authority of administrators and governors". In Northern-Ireland every official school has a "Commission for school-administration". In Scotland there is no authority of administrators, but there exists a commission established for a group of schools.

Changes in 1991. The Parents' Charter was introduced to encourage more information to be made available concerning the educational attainment of schools. Parents will receive reports on schools strengths and weaknesses alongside the governing body's plans for tackling problems.

The idea of "league tables" for educational establishments and the possible failure to address wider issues of resource allocation led to much criticism of this measure. Furthermore the Charter was criticised for making no mention of children's rights in schools.

Jane Hammond, Secretary of the National Confederation of Parent - Teachers' Associations claimed that parents raise £ 55 million a year for schools - often for rudimentary classroom materials such as textbooks - a figure three times higher than the amount five years ago.

INFORMATION GRID : 1992

National experts are requested to let the Leuven secretariat have their contribution by April 15, 1992. This date constitutes an absolute deadline. Therefore, any early submission would be highly appreciated. The spring meeting to discuss the draft synthesis is scheduled for early April 1992. In order to allow for a fruitful discussion of the draft report 1992 (covering 1991) it is essential that the secretariat in Leuven receive the national reports in due time.

GENERAL OBSERVATIONS

1. The Information Grid constituted by the present document is designed to enable the national correspondents of the Observatory to draft their contributions in a form which can be easily integrated into the General Report (synthesis). The information required is that relating essentially to *1991*.

However, two remarks :

a) It might be necessary to give a brief description of the actual situation so that the changes or new developments can be put in perspective.
b) If any data are already available for the beginning of 1992, it is evident that they can be included.

2. *Please focus on family aspects involved* in all the following items, e.g. marital/non marital relationships, family/household, parent/children relationships, siblings relationship, kinship relationships and so on.

3. As far as research evidence is available, please give an evaluation of the impact on families of the family policy measures.

4. Please, specify date of legislation if you mention a law. We would highly appreciate to receive the text of the law and would also welcome additional publications/references concerning family *policy*.

PART I.

Please give your personal assessment of the most important matters re family policy in your country in 1991. Use or disregard the present observation grid in writing this chapter. The most important features can relate either to debates, to proposals or to actual policy measures. In order to reach homogenity the length of this chapter should not excede three up to five pages. It would be highly appreciated if this part of the grid of observation could be read as an article in its own right.

PART II.

I. GOVERNMENTAL POLICIES FOR FAMILIES (HOUSEHOLDS WITH CHILDREN) (Financial)

1. Fiscal policies (taxation)

i) Indicate the changes occurring in fiscal deduction for dependant persons. Specify : 1° whether this relates to children (age) or other adults; 2° whether this is related to family (household) composition, e.g. one-parent-families (or other groups) or not; 3° whether it relates to all dependants or whether it is restricted to certain categories (e.g. students, handicaped etc.); 4° any other specification being relevant for your country.

Note 1 : 1° If appropriate, a distinction should be made between taxes on national, regional, local level, or any other differentiation being relevant for your country.

2° If appropriate, make a distinction between taxes on income and on property (real estate).

3° If there are any other taxes for which families (as described above) get deductions, do not fail to enumerate them.

Note 2 : 1° It is important to give some appreciation whether these measures represent any real economic advantages or whether they are of a more symbolic nature.

2° It would be highly appreciated if it were possible to give an indication of the amounts involved on macro level (state, regional, etc.), in real and, more important, in relative terms as well as on micro level (household, budget).

ii) Indicate the changes occurring in fiscal (tax) provisions concerning spouses/cohabitees.

2. Family/child allowances

i) Indicate any change in the system of child allowance. Specify 1° changes in the amounts; 2° changes in the system of allocation (who is entitled?) (see Notes 1 and 2 under item 1).

ii) General remarks concerning allowances to families. Have there been any (public) debate concerning tax/child allowances lately (more particularly in 1991) ?

3. Birth allowances

i) If existing indicate any change in these allowances (amounts, criteria for eligibility etc.)
ii) Any other financial maternity benefits (social security etc.)

4. Any other financial assistance to families (within social security of tax systems)

Note 1 : Are there any semi-governmental organisations or non-governmental organisation giving substantial financial benefits to families either according to number of children (family-size) or according to family-composition (one-parent-families) e.g. public transportation-systems (rail) ?
Note 2 : Indicate whether or not non-governmental agencies give financial support to persons getting married (or to cohabitation?) such as stimulating pre-marital savings, i.e. savings which yield special interest and are reembursed to persons at the wedding e.g. by sick-insurances companies or any other.

5. Non-material benefits for families

i) Are there any changes in the non-material benefits (if existing at all) (e.g. benefits according to the *size* of the family/household, number of children); *composition* of the family/household, e.g. one-parent families. Example : military service (for those countries with a conscription system).

6. Child support

The high level of divorce in many member states results in large numbers of children entitled to child support.
i) Any measures taken by authorities in order to secure payments of amounts due.
ii) Any alternative system set up by authorities in order to secure child support.
iii) Is child support paid in any other case than in case of divorce/separation, e.g. by fathers without legal or cohabitee status ?

II. FAMILY AND WORK PLACE POLICY

1. Protection of pregnant women in the workplace

i) Additional information and more particularly complementary information to I.3. (birth allowances and maternity benefits) for instance in protection

against dismissal; job security, position security etc. Any changes ? And developments ?

2. Flexi-time

i) Is there a policy on flexi-time ? If so is there any debate whether this policy is pro-familistic or anti-familistic ?
ii) Actual changes and their impact on families.
iii) Policies favoring part-time work and their differential impact according to gender.
iv) Any other impact on families of secundary employment situations.

3. Maternal/parental leave and temporary or partial career suspension

i) Are there any debates concerning this matter ?
ii) Any provisions ? Changes in the provisions ?
1° If relevant for your country, differentiate between employment in the public sector and in the private sector.
2° Indicate within private sector in what branches of the economy (e.g. industrial, non-industrial such as banking) it occurs more often, whether in bigger companies or in smaller ones.
iii) Is there a system of maternal/parental leave in public office such as for elected position (on local, regional, national level) ?
iv) In case of system of partial/temporary suspension of career, indicate whether this provision is used for family purposes or for other reasons. Any developments ? Any changes ?
v) Give indications (estimates) according to gender, ages, occupational position and other characteristics of the beneficiairies/applicants involved in these programs.

4. Child care

i) Describe the different types of child care provisions in your country.
1° Indicate the differentiated development of each in absolute and relative terms.
2° Indicate the differentiated governmental support/control.
3° Give indications on the differentiated users according to the differentiated types.
ii) Describe informal child care systems (e.g. grandparents etc.) and replacements provisions such as arrangements by schools.
iii) Is there a tendency by the employers to establish company-linked or company-sponsored, respectively company-owned "crêches" ?

iv) Give information on so-called alternative child care developments.
Note 1 : Is there any public debate on child care and child care provisions ?
Note 2 : Expenditure/costs on macro and micro level.
Note 3 : Give information on the caretakers, their demands, re-quests versus parental satisfaction.
Note 4 : Collaboration on level of Observatoire/National level with the Observatoire on Child Care.

5. Any other measures geared at reconciling family and work role

6. At home work

Due to new technological developments, in many countries a tendency can be observed to a re-newed development of gainful employment at home.

i) Describe this development for your country. Describe 1° the official policy (governmental); 2° positions taken by social partners/trade unions/ employers; 3° actual situation (e.g. non-policy).
ii) Home business In some countries there is a tendency for the development of self-employed, small home-based business; mostly female headed. Describe the same items as indicated above (6.i). Give the impact on family (as far as there is research evidence available).

III. FAMILY AND CARETAKING POLICY (including household work)

1. (Re)evaluation of household work

For some time now some groups have made claims for recognition of their care-taking and home-making function as a (semi)profession. This should yield reward of material nature such as a fictive income, pension rights etc.

i) Describe these developments in your country with focus on the role and task of family members assuming the tasks of home-caretakers.
ii) What is the governmental policy in this respect ? What measures have been taken in terms of 1° organisational support and cooperation/conflict with professional workers; 2° financial support ?
iii) What research evidence is available (if any) on 1° occurence of the phenomenon; 2° costs and benefits in material and non-material terms.

2. Family and care of the elderly, handicapped and/or other dependent persons

Same questions as stated under III.1.

3. Family help

In many countries services exist for partial and part-time professional help in the household in case of illness or unavailability of one of the parents.

i) Describe these systems in your country, focusing on the governmental support.

ii) Give any research evidence on the functioning, quality and impact of these services on the families respectively on costs.

iii) Describe the demands of the professionals, i.e. the household helpers.

4. Any other service of support for families enabling family members to be partially and part-time free of their tasks, such as baby-sitting services and other

IV. FAMILY LAW

1. Marriage and cohabitation

i) Any changes concerning legal provisions re marriage e.g. age/parental consent etc.

ii) Any political debate, respectively legal provisions to prevent mis-use of marriage such as mere formal marriage in order to obtain nationality.

iii) 1° Any debate concerning legal rights for cohabitees;
2° Any introduction of legal provision to ensure legal rights for cohabitees (emphasize analogy/differentation with the marital situation);
3° Any court decisions on the same aspects.

iv) Any introduction of legal provision concerning alternative household formation/life style, such as communal living/residential groups.

v) Any introduction/changes of provisions re relationships within the familiy e.g. sexual relationships of partners. 1° The introduction of the notion of rape of spouse/partner; 2° Depenalisation of extra-marital sexual relationship; 3° Any other.
Please specify date of introduction of the notion "rape within marriage". Introduction by law or court-decision ? Any debate concerning rape within marriage ?

vi) Any other legal changes concerning marriage/cohabitation/sexual relationships.
Note 1 : Do not only treat the legal aspects but put it in the situational context.
Note 2 : Provide, if available, some figures e.g. number of cases brought before court, respectively mention research evidence available on the subject.
Note 3 : If appropriate, put into evidence any alternative to governmental legislation such as annulment in lieu of divorce.
(These notes do apply to any subsequent item as well).

2. Divorce and separation

i) Any public debate/changes in divorce laws (provisions).
ii) Any changes in provisions re alimony.
iii) Any changes concerning legal separation.
iv) Any regulation concerning separation of cohabitees.

3. Pregnancy/fertility

i) Contraception : any changes concerning contraceptive devices and related matters.
ii) Any changes concerning provisions re medical assisted fertility (biomedical/bio-ethical phenomena) such as : 1° artificial insemination; 2° in vitro fertilisation etc.
iii) Non-medical assisted, so called artificial fertility regulation such as : 1° self-insemination; 2° surrogate motherhood etc.
iv) Adoption : new regulations concerning adoption, more particularly concerning international adaption. Make a distinction between the micro level (family/singles) and macro level (adoption institutions).
v) Abortion : make a distinction between macro and micro level.

4. Parental status/Children's status

i) Any changes concerning parental status, more particularly right to parental authority of fathers on children born in non-marital relations.
ii) Any changes in legislation providing equality among children, regardless of the marital status of the parent.

5. Rights of Children

i) The position of the country in relationship to the Declaration of the Rights of Children.
ii) Any new provision indication the growing tendency to regard children as persons in their own right.
iii) Any other provision concerning rights of children. (In the educational system etc.)

6. Parental Representation

Any provision giving legal rights to parents to represent their children in outside agencies such as : 1° the educational system; 2° the health provisions etc.

7. Any other legal aspects concerning the institutionalisation of the family, household formation, sexual relationships

V. INSTRUMENTS FOR FAMILY POLICY

VI. ANY OTHER MATTER THAT HAS NOT BEEN COVERED ABOVE AND THAT YOU FEEL NECESSARY OR IMPORTANT TO BE INCLUDED

PART III.

I. SOCIAL SECURITY AND RELATED SYSTEMS (Exclusively marital and family aspects)

1. Unemployment benefits

i) Indicate any changes in the provisions as far as they are related to the marital status/household status of the beneficiairies.
ii) Indicate any social/public debate on that matter or on related issues.

2. Pensions

i) Work-related pensions (see item 1 above)
ii) Survival pensions (see item 1 above)
iii) Is there any debate on a linkage between pension and fertility ? I.e. is there any debate on whether or not child birth should give any (additional) rights for the mother/parents ?

3. Health care

i) Is there any change in the system relating to family ?
ii) Concerning general provisions: see item 1, above.

4. Family and poverty (non social security/social assistance

i) Same questions as in the items 1 through 3 covered under the heading "Social Security".
ii) Is there a system of guaranteed minimum income ? Is that system based on individual or on family situation ?
   1° Any changes in the period under observation ?
   2° Are children entitled as beneficiairies to this provision in their own right or as member of family (derived right) or not entitled at all ?
   3° Are there any special provisions for pregnant women (namely teenage) or for any type of minors ?
iii) Is there any system of Public Social Assistance being involved in collecting alimony/alimentation ? For what categories of persons ? Income ceiling ? Any changes in the period of observation ?
iv) Are family members (other relatives) expected to reimburse the public social assistance for transfers made to clients of Public Assistance ? Any changes ?

Note 1: Has there been any social/public debate on any of these matters (lately, more particularly during the period of observation) ?

Note 2: Is there any organized and important private action concerning family and poverty ?

Note 3: Is there any tendency for the private sphere such as the work place (employers), trade unions, social insurance companies (e.g. Health Insurance) to supplement the benefits mentioned above (items 1 through 4) ? Any changing tendencies (focus on marital/non marital; family/household; parent/children aspects) ?

Note 4: Financial aspects : 1° more particularly expen-ditures/revenues on micro and macro level; 2° more particularly concerning item 4 (Family and Poverty): estimates or accurate numbers of families involved.

II. POLICIES DEALING WITH FAMILY INADEQUACIES

1. Violence in the family

In many countries violence in the family has become a public concern and policies have been developed to cope adequately with these inadequacies.

i) Describe the system - if existing - in your country. Make - if appropriate - a distinction between provisions concerning 1° children, 2° spouse (women), 3° parents/grandparents, any other (husbands).

ii) Give evidence on costs and numbers involved.

iii) Give information on parallel action such as refuges for battered women.

2. Family therapy (same items as above)

3. Dispossession of parental authority and related matters

i) Legislation

ii) Any changes ?

III. POLICIES GEARED AT STRENGTHENING FAMILY LIFE/PERSONAL DEVELOPMENTS RESPECTIVELY PARENTAL CONTROL ON OUTSIDE AGENCIES

1. **Education for family life (sexual education/education for relationship competence)**

i) Actual measures/public debate on the matters.
ii) 1° Formal education in differentated types of schools (elementary, high-schools, higer education); 2° Informal education and adult education.
iii) Government involvement and non-governmental participation (costs involved)

2. **Education for contraception/sexually transmitted diseases (AIDS)**

i) Governmental actions on dessemination of information.
ii) Availability of types of contraceptives, respectively of protective devices (public debate etc.).

3. **Parental representation in the educational system**

(items analogous to the sections above)

4. **Any other service enabling family member to deal with their problems**

i) Services for divorce mediation.
ii) Services geared at children such as telephone service for children.
iii) Any other service.

IV. SPECIAL TYPES OF FAMILIES

1. Are there any measures taken for special types of families such as farmers, fishermen, gipsies, any other (focus on family related aspects) ?

2. Are there any type of special families in interim-situations such as refugees, military or other, for whom special measures have been taken ?

3. Any special measures for families in hardship such as disaster or other ?

V. ANY OTHER MATTER THAT HAS NOT BEEN COVERED ABOVE AND THAT YOU FEEL NECESSARY OR IMPORTANT TO BE INCLUDED.