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REPORT

drawn up on behalf of the Committee on Women's Rights
on one-parent families

Rapporteur: Mrs CINCIARI RODANO

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On 15 April 1985, the European Parliament decided to refer the motion for a resolution tabled by Mrs GADIOUX and Mrs VAN HEMELDONCK on single-parent families (Doc. 2-1275/84) to the Committee on Women's Rights as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights, the Committee on Youth, Culture, Education, Information and Sport and the Committee on Social Affairs and Employment for an opinion.

At its meeting of 18/19 March 1985, the Committee on Women's Rights appointed Mrs CINCIARI RODANO rapporteur.

It considered the report at its meetings of 16/17 December 1985 and 25/26 February 1986. At the latter meeting, it adopted the report unanimously.

The following took part in the vote: Mrs LENZ, chairman; Mrs CINCIARI RODANO, vice-chairman and rapporteur; Mrs GIANNAKOU-KOUTSIKOU, vice-chairman; Mrs d'ANCONA (deputizing for Mrs GADIOUX), Miss BROOKES (deputizing for Mr PEARCE), Mrs CASSANMAGNAGO CERRETTI, Mrs DALY, Mrs DE BACKER-VAN OCKEN, Mrs van den HEUVEL, Mr LACERDA DE QUEIROZ, Mrs LEMASS, Mrs MAIJ-WEGGEN, Mrs PANTAZI, Mrs PEUS (deputizing for Mrs BRAUN-MOSER), Mrs SALISCH, Ms TONQUE and Mrs VAYSSADE (deputizing for Mrs WIECZOREK-ZEUL).

The opinion of the Committee on Legal Affairs and Citizens' Rights is attached.

The Committee on Youth, Culture, Education, Information and Sport has adopted an opinion on family policy (to be published separately), which deals with this motion for a resolution.

The Committee on Social Affairs and Employment will deal with the motion for a resolution in its report on family policy.

The report was tabled on 4 March 1986.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Committee on Women's Rights hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

A

MOTION FOR A RESOLUTION

on one-parent families

The European Parliament

- having regard to
 - (i) the Council recommendation of 13 December 1984 on the promotion of positive action for women¹,
 - (ii) the Council resolution of 7 June 1984 on women's employment²,
 - (iii) the Commission decision of 30 April 1985 on the guidelines for the management of the European Social Fund in the financial years 1986 to 1988³,
- having regard to the following matters affecting the situation of women, on which the European Parliament has given its opinion, and which are still awaiting decision by Council:
 - (a) draft directive on voluntary part-time work⁴,
 - (b) draft directive on temporary work⁵,
 - (c) draft directive on parental leave and leave for family reasons⁶,
 - (d) draft recommendation on the reduction and reorganization of working time⁷,
 - (e) the Commission study on single-parent families and poverty in the EEC⁸,

¹OJ No. L 331, 19.12.1984

²OJ No. C 161, 21.6.1984

³OJ No. L 133, 22.5.1985

⁴Doc. 1-540/82, EP opinion adopted 16.9.1982 - OJ No. C 267, 11.10.1982

⁵Doc. 1-1341/83, EP opinion adopted 6.7.1983 - OJ No. C 242, 12.9.1983

⁶Doc. 1-1528/83, EP opinion adopted 30.3.1984 - OJ No. C 117, 30.4.1984

⁷Doc. 1-909/83, EP opinion adopted 18.11.1983 - OJ No. C 342, 19.12.1983

⁸V/2541/1/82

- having regard to
 - (i) its resolution on discrimination between single mothers and married women as regards filiation in certain Member States¹,
 - (ii) its resolution on discrimination in the matter of passing on nationality²,
 - (iii) its resolution on family policy in the European Community³,
 - (iv) the report on family policy currently being prepared by its committee on Social Affairs and Employment,
- having regard to
 - (i) the motion for a resolution tabled by Mrs GADIOUX and Mrs VAN HEMELDONCK on single-parent families (Doc. 2-1275/84),
 - (ii) the motion for a resolution tabled by Mrs BRAUN-MOSER and others on the social situation of women in the European Community (Doc. B 2-42/85),
- having regard to the report of the Committee on Women's Rights and the opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Youth, Culture, Education, Information and Sport (Doc. A 2-230/85).

1. Notes

- that there is no internationally recognized definition of the one-parent family;
- that the designation of one-parent family embraces various categories in the different countries of the EEC such as parents who live alone with one or more children, couples with children living out of wedlock, single parents living with other relatives in addition to their children, groups of people living together without marital or child-parent relationships;
- that the available statistics are incomplete, difficult to compare and misleading;
- that it would be useful and desirable to have accurate and reliable data in order to organize appropriate action;
- that the single parent with dependent children should be interpreted as the parent living with children and not at the same time with other people, this being the type of one-parent family experiencing the greatest difficulty;
- that the notion of dependent child varies according to the country both in respect of age and school attendance as well as the right to draw family benefits;
- that the precise classification of genuine one-parent families is needed to avoid measures being taken to assist such families on the basis of false information;

¹OJ No. C 68, 14.3.1983

²OJ No. C 46, 20.2.1984

³OJ No. C 184, 11.7.1983

2. Notes further:

- that the number of single parents with children has been shown to be on the increase in all countries of the Community;
- that by far the majority of these single parents are women (widowed, divorced and separated women, unmarried mothers);
- that the income of one-parent families is generally lower than that of two-parent families with only one source of income;
- that for the most part these families, particularly single women with children, fall within the poverty category;

3. Points out that the economic hardship of single women with children is a result of various factors such as:

- the difficulty of finding paid employment particularly in the case of women who were previously housewives and are having to seek work for the first time;
- the employment situation for women in the Member States is difficult, women and young women are worse hit by unemployment and this makes the situation for single mothers particularly difficult;
- the lack of information and of bodies to provide advice and guidance;
- employment in many cases in unskilled and low-paid jobs;
- a low level of education and inadequate vocational training;
- greater difficulties experienced by a single woman with children in coordinating activities outside the home with the rearing and education of children;
- a still insufficient number of child-care facilities in many countries, a lack of flexibility in their opening hours and, in some cases, their high cost;
- as a result, single mothers with children, and more often fathers, depend on public welfare for support, and on alimony for assistance for their survival;
- disparities in income between single mothers with children depending on whether they are widowed, single, separated or divorced, while on the whole the situation of widowed mothers is less straitened than that of the other single mothers;

4. Observes

(a) In the case of widowed mothers

- that survivors' pension entitlements vary within the Member countries both as regards the amount and the conditions of benefit;
- that the taxation of pension-derived incomes is also subject to different regulations;
- that the divorced spouse is not entitled to a portion of the survivors' pension in all the countries;

(b) In the case of divorced or separated women

- that the provisions and conditions for granting alimony to the spouse or children (paid to the parent with custody) vary widely between the Member countries;
- that only a small number of Member countries have legislation which empowers public or insurance authorities to advance payment of alimony and to act on the beneficiaries' behalf where claims of non-payment are brought against the spouse;
- that systems of taxation also differ both as regards the possibility for the individual paying the alimony to deduct it from taxable income, and as regards taxation of the beneficiary for the same alimony;

5. Stresses that the hardship of the single mother is aggravated by other factors and in particular:

(a) by problems related to housing

- often the breakdown of family life results in the loss of residence;
- single mothers are rarely owners of the home and are often not named as parties to the lease;
- facilities are not always provided for the allocation of council or rent-controlled housing to one-parent families;
- landlords are sometimes reluctant to rent private housing to single parents;
- it emerges that one-parent families with a woman head of household are more numerous in large cities than in small towns;
- it is often difficult to provide accommodation quickly in these cases as publicly-assisted housing, for example, is not available in sufficient quantities;

(b) by social and psychological problems

- often the breakdown of family life involves being uprooted from one's environment, and the loss of friends and social contacts;
- looking after children for a single parent who must also cope with their economic welfare is so time-consuming that it leads to isolation;
- the opportunities for social and cultural life, entertainment and holidays for one-parent families are more limited;
- coping with the education of children is more difficult for a single parent and sometimes gives rise to insecurity and psychological problems;
- prejudices and social disapproval towards unmarried mothers or separated or divorced women continue to persist, particularly in some regions;
- all these conditions have repercussions on the physical and psychological state of the children, who for financial reasons must in general already be considered to be disadvantaged as far as their prospects are concerned;

6. points out furthermore:

- that the legislation in the Member States relating to family law, parental authority, the matrimonial system of community or separation of property, divorce and legal separation, recognition and status of children born out of wedlock, vary and the differences have a bearing on the status of the single parent;
- that the rulings of the courts on granting custody of children, although undergoing change, reflect a stereotyped view of the social division of roles on the basis of sex and show a bias towards giving custody to the mother;
- that both parents should be required to provide for the support and education of the children even where the marriage has broken up and the children have the right to be looked after by both parents although they are separated and to be consulted by the relevant authorities when such authorities make decisions that affect the children, on such matters as custody, parental visiting rights, etc.;

STUDIES AND STATISTICAL SURVEYS

7. Calls on the Commission of the Communities, on the basis of the foregoing considerations, to:
- (a) carry out a statistical survey at European level, in collaboration with the Member States and institutes specialized in statistics, in order to produce a common definition of the one-parent family and standard criteria;
 - (b) draw up a comparative survey of the different systems applied by the individual Member States and to present, where possible, proposals for harmonizing regulations to be submitted to the Council;
 - (c) arrive, on the basis of a common definition at European level, at a view of the one-parent family from all aspects as a family unit and to put an end to existing forms of discrimination;

ACCESS TO WORK

8. Considers that a comprehensive solution to the economic problems of single women with children could be provided by a policy guaranteeing all women equal opportunities, whatever their family status and founded on access to paid employment; emphasizes the vital importance for a single woman with a dependent family of being able to hold down a skilled job and calls, therefore, for:
- (a) the application of the measures contained in the Council resolution (June 1984) to combat female unemployment¹;
 - (b) care to be taken to avoid discrimination on the basis of family status in access to work and to the professions either in the public or in the private sector;

¹OJ No. C 161, 21.6.1984, p. 4

- (c) the adoption of appropriate measures, including financial provisions, to encourage the participation of single parents with dependent children in vocational training courses (as is already the case in Denmark);
- (d) priority to be given to single mothers in the operations of the ESF;
- (e) the introduction of incentives for undertakings which employ single mothers and provisional allowances while looking for work (as is already the case in France for widows);

FOR SINGLE WORKING MOTHERS

9. Emphasizes the need to make it easier for mothers with dependent children to combine work outside the home with the care and education of the children and therefore calls for:
- (a) the provision of flexible working hours;
 - (b) the possibility of doubling the length of maternity leave;
 - (c) the granting of leave for the single parent when a child is ill, even after the period of maternity leave, at least until the child has reached the age of 12;
 - (d) the introduction on a trial basis of home-help services in cases of child illness;

HOUSING

10. On the basis of the documentation collected, considers that the problem of housing is particularly serious and urges therefore that:
- (a) in the planning and construction of housing consideration be given to the types of building suited to one-parent families;
 - (b) measures be adopted to facilitate access for one-parent families to council housing;
 - (c) by eliminating possible legal obstacles cohabitation be encouraged for several one-parent families even when they are not related;
 - (d) social centres and meeting places be set up for one-parent associations and self-help organizations and to encourage contact between these families and other citizens;

SERVICES

11. Emphasizes the effect on the one-parent family of the lack and cost of services for young children and calls for:
- (a) the expansion of services for care (crèches, nursery schools, etc.), preferably close to residential areas and flexible opening hours at such facilities;
 - (b) the introduction of all-day school as an option;
 - (c) priority for children of one-parent families in access to recreation centres, sporting activities and holiday camps;

TAX SYSTEMS

12. Notes that tax systems often do not take account of one-parent families and urges:
- (a) that all cases, including those of unmarried women, be entitled to tax deduction for dependent children;
 - (b) that tax deductions be granted for the care of the child (as in France and the Federal Republic of Germany);
 - (c) that in the case of inheritance greater rights be introduced for the surviving spouse and for the children born out of wedlock;

ASSISTANCE

13. Considers that a large proportion of the problems of single mothers relating to assistance could be overcome if all women, regardless of their family status, were guaranteed direct rather than derived rights; believes, however, that measures specifically designed to provide assistance to one-parent families will be necessary for a transitional period and calls for:
- (a) systems of financial and social aid to be set up for the period following a death or separation;
 - (b) administrative formalities to be simplified to reduce the length of time between the request for and provision of assistance;
 - (c) single mothers and their children, where they cannot benefit on other grounds, to be provided with insurance cover for health, accidents, etc.;
 - (d) experimenting with forms of home help for one-parent families;

ALIMONY

14. Considers that the legislation on alimony and maintenance payments in force in the Member States is still based on a stereotyped view of women as being economically dependent on men; notes, however, that in practice this is still often the actual situation and considers that for a transitional period action should be taken to:
- (a) prevent too steep a fall in the previous standard of living;
 - (b) guarantee assistance from the authorities (as in Denmark, West Germany and France) in obtaining payment of the alimony due and if necessary assume the financial responsibility of the parent in default;
 - (c) adopt, through taxation, measures to encourage the payment of alimony by those responsible, by broadening the possibility of those under obligation to deduct the alimony from taxable income and make it a taxable source of income for the beneficiary, with due exception for minimum sources of income;

PENSION OF THE SURVIVING SPOUSE

15. Considers the system of transferable pensions, particularly where they are paid only to women, to be inconsistent with the goal of guaranteeing every individual their own rights; stresses, however, that at the present time these pensions are often the only source of income for millions of families; notes that there are wide disparities in the allocation of pensions to the surviving spouse and hopes that these regulations will be adjusted so as to eliminate discrimination between the sexes in the granting of survivors' pensions; further calls for::
- (a) raising the ceiling on survivors' pensions;
 - (b) allowing for individual pensions and survivors' pensions to be drawn concurrently up to a certain level;
 - (c) establishing the right to survivors' pensions for the divorced spouse on a proportional basis of the years of married life;
 - (d) studying forms of insurance or support benefits for widowed persons with children who are entitled only to a survivor's pension;
 - (e) an entitlement to a similar pension for people who have been living together for a long period and for children after the death of (one of) their parents;
 - (f) implementation of the proposal for a directive on occupational social security schemes, which bans direct or indirect discrimination in the calculation of benefits for surviving relatives under occupational pension schemes;

SOCIAL AND PSYCHOLOGICAL PROBLEMS

16. Stresses the serious psychological and social tensions experienced by one-parent families and urges:
- (a) that pejorative terms referring to children born out of wedlock such as 'extra marital' or 'illegitimate' be dropped from legislation and opposed in practice;
 - (b) that the term 'head of household' usually attributed to the father be replaced by 'household representative' (as is the case in Italy);
 - (c) that adequate information be made available to one-parent families on their rights either through the creation of advisory and guidance bodies or through the publication of handbooks like those produced in France by the Ministry for Women's Rights;
 - (d) that support be given to one-parent associations and self-help groups both by governments and the EEC, in order to promote cooperation and the exchange of information in Europe;
 - (e) that equal attention be paid to one-parent families and to regular married couples in encouraging saving and investment;
 - (f) that the mass-media be urged to encourage a feeling of solidarity and combat prejudices;

17. Appeals to the judiciaries of the Member States, particularly in cases of awarding custody of children, to give prime consideration to the good of the child, without giving preference to either parent and to seek ways to ensure that the joint responsibility of parents in the education of children continues even after the dissolution of the marriage bond;
18. Calls on the Commission of the Communities and the Member States in their respective capacities, to adopt the necessary measures on the basis of the foregoing requests;
19. Instructs its President to forward this resolution to the Commission, the Council, and to the Governments of the Member States.

EXPLANATORY STATEMENT

CHAPTER IDefinition of one-parent family and statistical problems

1. This report has been drawn up on the basis of the motions for resolutions tabled by Mrs Gadioux and Mrs Van Hemeldonck on single-parent families (Doc. 2-1275/84) and by Mr Braun Moser and others on the social situation of women in the EEC (Doc. B 2-42/85).

The motion for a resolution by Mrs Gadioux and Mrs Van Hemeldonck calls on the Commission to make a study of the situation of unmarried mothers, widows and divorced women; the Braun Moser motion calls on the Commission 'to compile statistical data' on the the 'new demographic realities resulting, for example, from the break-up of families, the decline in women's former role caring for the sick and the elderly, and the increase in the number of single women who often have to live on inadequate incomes or small pensions'.

2. Although the Commission did carry out a study¹ in 1982, the request for a fuller analysis is justified. Statistical data also need to be compiled. Even though some of the data requested in the Braun Moser resolution is available, particularly for marriages, separation, divorce, birth rates and single persons (see also statistical tables annexed), no Community data are available on one-parent families, and the information available in the Member States is sketchy: moreover, such information generally consists of estimates or surveys carried out at different times over a period of at least ten years and cannot therefore properly be compared.

3. The Commission's study¹ similarly concludes that the statistical data are not comparable, pointing out that the main difficulty lies in the very definition of one-parent family; no internationally accepted definition exists in fact, mainly because de-facto rather than de jure situations are frequently encountered. It follows that the term 'one-parent family' covers many different situations in the different Member States: single parents with one or more children, unmarried couples with children, single parents living with relatives or other persons as well as their children, etc.

For instance:

- the Commission's study² takes one-parent family to mean an unmarried parent with at least one dependent child, whether or not living with other relatives;
- France, according to the report by Evelyne Sulleyrot for the French Economic and Social Council³ on the matrimonial status and its legal, fiscal and social consequences, recognizes three basic units which are defined extremely vaguely: 'menage', 'foyer' and 'famille' (household, home and family). Under the 1975 law, any natural person with a dependent child is regarded as a 'family'.

¹ One-parent families and poverty in the Community - V/2546/1/1982

² One-parent families and poverty in the Community - V/2546/1/1982

³ Internal memorandum for an OECD working party on the role of women in the economy

- according to Yvette Perrin-Reis (of the French Trade Union Federation of single-parent families) a single-parent family should be interpreted as one in which only one parent bears responsibility for the education of the children, including in cases of the breakup of concubinage. Obviously de facto couples may be considered legally as "single parents" but should not be viewed in this way.
- the Social Welfare Institute of the Netherlands defines the one-parent family as a unit made up of a man or a woman not living with a regular partner and one or more children one of whom at least is under the age of 18, whether living or not with other persons. The Central Statistical Office of the Netherlands, by contrast, includes among one-parent families single parents living with adult offspring and unmarried couples living with the children of one or other or of both partners.
- in Italy, a recent survey carried out by ISTAT (the Central Statistical Institute) on family structures and behaviour compiled from interviews with 28 408 families in 511 sample localities, introduced the distinction between the family (taken as the overall number of people normally living under one roof and who in addition are linked by relations of kinship, affinity, sentiment or friendship) and family units (individuals linked by the bond of couple or parent-child). Hence families may consist of a single unit, several units and no specific unit. On the basis of these criteria ISTAT arrived at an assessment of the family (from a sample covering the whole of Italy) as either composed of a single family unit or, among these, those made up of a single parent with one or more children. According to ISTAT only those composed of a single parent with one or more children and not cohabiting with other persons are considered as being single parent;

From the aspect which concerns us - that of the social situation and the measures to be proposed - your rapporteur considers this definition more appropriate.

4. An initial recommendation to be made to the Commission, therefore, (in particular to take account of the Braun-Moser resolution) is that a special statistical survey be carried out at European level in cooperation with the Member States and specialized statistical institutes for a common definition of the one-parent family and the main standard criteria.

This means, in particular, distinguishing between families made up of an individual, genuine one-parent families, one-parent families living with other relatives and cohabitation not comprising family units.

Surveys restricted to the number of individuals comprising the family unit do not of themselves allow for the identification of genuine one-parent families.

Moreover, a precise definition is needed of what is meant by dependent child. Regulations on this subject vary from country to country, particularly as regards the age limit for entitlement to family allowances. Data should therefore be provided broken down by number and age of children in the family unit and a comparison made between these data and the regulations currently in force in the individual countries.

Finally, there is the problem of terminology: single parent or one-parent family? Since the term single parent usually implies unmarried parent, the rapporteur proposes that in the English text the term one-parent be used to cover more broadly the different nature of the situation.

5. Lastly, one other factor should be taken into account: the fluidity of the one-parent family's situation, which can alter over a period of time. For example, in her statement to 'Le Monde de l'education' in March 1985, Yvette Imbach, Secretary-General of the Trade Union Federation of single-parent families, claimed that in France there was a gradual tendency to remain for shorter periods in one-parent situations so that, in her view, the term 'families in one-parent situations' was preferable to 'one-parent families'.

According to an OECD study ¹, the number of families which have been or will be one-parent represents a much higher percentage of families than is shown by current figures. It involves a transitional phase which is followed by marriage or remarriage or, in the longer term, the transition of children to adulthood. In some countries one family in two runs the risk of being one-parent.

On the subject of second marriages, Carol Smart, Director of the National Council for one-parent families, London, points out that many political leaders hope that the problem of single parents will sooner or later be resolved by second marriages and that it would be a good idea to examine whether and to what extent legal, economic and social factors prompt second marriages. She, however, takes the view that second marriages often create more numerous and more serious problems than they resolve.

Here too the situation is different for men and women. According to an article in 'Le Monde de l'education' (based on INSEE statistics), in France divorced men remarry twice as quickly as divorced women. Moreover, more than one in five live with their parents whereas only one woman in fifteen does so. According to surveys carried out, the number of single men with dependent children increased in France by 20% between 1968 and 1982 whereas the number of single women with dependent children increased by 45%.

In Italy, according to the Statistical Institute ISTAT, out of every 1000 marriages more than 18 involved widowers and fewer than 9 widows, more than 18 involved divorced men and fewer than 12 divorced women. The fact that mothers are more frequently granted custody of the children than are fathers presumably constitutes an impediment to remarriage.

In the Netherlands, half of those who became single parents more than five years ago following separation and whose youngest child is less than 18 now have new partners, but 90% of the single parents with at least one child under 18 are women².

This situation has consequences that should be taken into account in the social field. In a 1984 report³, Evelyne Sulleyrot notes that in France for instance, some paid courses are available to unmarried and divorced women even if they are co-habiting, but not to married women even if they have been abandoned. It should be borne in mind that Sulleyrot's remarks that the benefits provided for single parents frequently represent privileges for persons that 'take advantage' of them have been vehemently disputed by single parents' associations.

¹ Internal memorandum for an OECD working party on the role of women in the economy

² Figures provided by the FIOM (Federation of aid agencies, including aid for one-parent families)

³ Study for the French Economic and Social Council on matrimonial status - Official Journal No. 4021

6. It would be instructive to verify and extrapolate the trends: why has the establishment of one-parent families increased? For economic, social, or legal reasons, or because of increased social mobility? Are there also psychological and cultural reasons? For instance, is it because of their new awareness of their rights that more women refuse to accept violence towards or domination of themselves or their children in their married lives? It would also be useful to have data on the proportion of one-parent families in urban and rural environments and on the influence of the level of education.

On the basis of the studies considered, your rapporteur has formed the opinion that the increase in the number of one-parent families is not however due merely to cyclical factors, but reflects a change in cultural models and social relations that is bound to last at least in the medium term. Social policies have not so far been adapted to that change.

In this context, the following table, drawn up by Professor Golini of the CNR Population Research Institute for the ISTAT Congress on the 'Family in Italy' is instructive:

Breakdown of family units by type in certain areas

Type of family	United States 1970	United States 1982	Italy 1981	Liguria ¹ 1981	Campania ¹ 1981	Rome historical centre 1981	rest of city 1981
- Total number of families (in thousands)	63 401	83 527	19 632	727	1 570	59.8	879
- Percentage distribution							
- Total	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
- with children			60.0	47.5	67.5	45.3	63.3
- without children			40.0	52.5	32.5	54.7	36.7
- Married couples	<u>70</u>	<u>59</u>	<u>70</u>	<u>60.9</u>	<u>72.8</u>	<u>49.8</u>	<u>70.0</u>
- with children			51.8	39.6	58.3	33.6	53.2
- without children			18.2	21.3	14.5	16.2	16.7
- One-parent families	<u>5</u>	<u>8</u>	<u>8.2</u>	<u>8.0</u>	<u>9.1</u>	<u>11.7</u>	<u>10.1</u>
- mothers with children	4	7	5.8	6.1	6.2		
- fathers with children	1	1	2.3	1.9	2.9		
- Adults living alone	<u>17</u>	<u>23</u>	<u>14.2</u>	<u>19.1</u>	<u>10.3</u>	<u>25.7</u>	<u>13.3</u>
- women	11	14	10.0	13.4	7.0		
- men	6	9	4.2	5.7	3.3		
- Other types of families	<u>8</u>	<u>10</u>	<u>7.5</u>	<u>12.0</u>	<u>7.8</u>	<u>12.7</u>	<u>6.7</u>
- in which the woman is head of household	5	7	3.9	6.8	4.7		
- in which the man is head of household	2	3	3.6	5.2	3.1		

Source: USA: Glick 1984; Italy and regions: ISTAT, surveys; Rome: Municipal Statistical Office

¹ Liguria is in the north and Campania in the south of Italy

CHAPTER II

Assessment of the phenomenon as a whole

7. At all events, the national, Community and international studies available show that the number of single parents with children is on the increase in all Community countries and that the overwhelming majority are women (widows, separated or divorced women and unmarried mothers). According to the Commission report on social developments in 1984¹, the number of one-parent families has increased sharply in all Community countries in the last 20 years, and in the United Kingdom it actually doubled between 1961 and 1981.

An internal memorandum drawn up for a working group of the OECD on the role of women in the economy and on one-parent families contains the following assessments and assumptions (without any supporting statistical data).

- a. The number of one-parent families is on the increase in all the OECD countries;
- b. One-parent families account for between 3 and 10% of all family units, depending on the country;
- c. One-parent families account for between 10% and 25% of families with dependent children;
- d. In 90% of one-parent families a woman is head of household.

According to the OECD the high proportion of women heads of household in one-parent families is the result of various factors (highly debatable in the rapporteur's view), namely:

- the tendency of the courts to grant custody of children to the mother in cases of separation or divorce (the courts often sanction, in fact, a 'de facto situation');
- demographic factors (greater longevity of women) which mean a far higher number of widows than widowers;
- the number of second marriages in cases of widowhood or divorce is higher among men than among women.

According to the report mentioned above 'one parent families and poverty in the EEC' there are four million one parent families in the EEC (Greece not included), representing 10% of all families; 7 to 8% of the total number of children are living in one-parent families. These figures (rounded off) are however based on statistics referring to the years 1970 to 1981.

8. With all due reservation as regards the reliability of the statistics, the following partial data can be given for the Member States:

A. Belgium (EEC data) 1970

One parent families 167 000 - (9.8% of families with children)
(data is not available for subsequent periods)

of which:	widowers/widows	63%
	divorced/separated	28%
	bachelors, spinsters	9%

B. Denmark (EEC data) 1980

One parent families 81 000 (12% of families with children)

of which: widowers/widows 10% - (this percentage increased from
9% in 1970 to 10% in 1980)
divorced/separated 67%
bachelors/spinsters 23%

C. France (EEC data) 1980

One parent families 906 000 - (10.2% of families with children)

of which: widowers/widows 34%
divorced/separated 52%
bachelors/spinsters 14%

INSEE - 1982 census

Single men with children 123 000 representing 0.6% of the total
Single women with children 724 000 representing 3.7% of the total

D. FRG

(EEC Data) 1977

One parent families 787 000 (10.2% of all families with children
From 1970 to 1980 the number apparently
increased from 6.4% to 9.1%
(same source but the data do not tally)

The 'Verband Alleinstehender Mutter und Vater - Bundesverband' provides the following data:

Overall data and trends - Microcensus of April 1983

In April 1982 in the Federal Republic there were 927 000 'men and women living without their respective partners', with 1.33 million children under age. This represented 11.4% of all families with under age children. Without taking account of foreigners living in the Federal Republic this actually represented 11.9%. The number of foreign one-parent families with under age children was lower, equal to 6.7%. In practice one child in ten currently lives in a one-parent family.

The number of persons living without a partner but with children, regardless of age, was 1.66 million men and women. 2.435 children of full legal age lived with one of their parents. In this respect however the statistics do not provide data relating to age.

By way of comparison:

In 1981 in the Federal Republic there were 905 000 people living alone with 1 300 000 children, equal to 11%. The number of one-parent families with under age children has therefore risen by 22 000.

In 1971 in the FRG only 655 000 one-parent families with under age children were recorded, equal to 7.7% of all parents and 6.4% of all under age children.

The overall figure for one-parent families thus rose from 1971 to 1982 by 272 000.

Summary description	Parents	%	Children	%
- Married parents living apart with under-age children	161 000	17%	257 000	19%
- divorced parents	413 000	45%	593 000	45%
- families with unmarried fathers/mothers	121 000	13%	142 000	11%
- families of widowers and widows	232 000	25%	337 000	25%
	927 000	100%	1 329 000	100%

Trend By comparison with 1981 the number of divorced or separated families has risen by a further 2%, that of unmarried parents has remained unchanged while the number of families of widows/widowers has fallen by 2%. Overall the proportions are shifting. While the number of one-parent families in the FRG is increasing, the number of two-parent families is declining.

Father-child families: 145 000, barely 16% of all single parents with dependant children were fathers. 197 000 children, barely 15% grow up with the father. In 1971 father-children families accounted for 10.5% of one-parent families with 113 000 children below the age of 18 (11% of one-parent families). Of 61 000 fathers granted custody of the child, 42% were divorced, 26% separated and 32% widowed.

Divorce:

In 1976 the number of divorces reached a record of 108 000. As a result of new measures on divorce there was a slight fall. But from 1978 to 1980 the number of divorces rose from 32 462 to 96 222 and in 1981 it actually exceeded the 1976 record of 109 520 overall divorces. In 1982, 118 483 marriages were dissolved.

22% of all divorces were granted between 3 and 5 years after the marriage. Currently in the major cities roughly one in two marriages end in divorce. There are no data available on the subsequent marriages of single mothers and fathers with dependant children. However the figures are lower than those for subsequent marriages of men and women without children. This probably indicates a falling trend.

E. Ireland - EEC Data (1975)

One-parent families: 22.000 - 5.6%

The "Irish Women": Agenda for Practical Action" notes that it is impossible to provide comprehensive data.

For the 1983 Labour Force Survey, information was sought for the first time on actual marital status - previous Surveys and Censuses sought information on legal status. Two questions were used: the first asked: "Were you ever married?"; those who answered yes were asked "what is your present marital status?", and shown a card from which they chose one of seven options, and the following table indicates the outcome of this analysis:

Estimated population in 1983 aged 18 and over, classified by sex and marital status (000s)

Marital Status	Males	Females	Total
Single	523.6	428.3	951.9
Married	650.4	652.0	1 302.4
Married but separated			
Deserted	1.4	4.8	5.9
Marriage Annulled	0.2	0.3	0.5
Legally Separated	2.0	2.8	4.8
Other separated	4.1	4.3	8.3
Divorced	0.6	0.9	1.5
Widowed	38.9	140.5	179.3
Total	1 221.1	1 233.6	2 464.7

The overall estimates for ever-married persons returned as separated (including divorced) are 8 300 males and 12 800 females, giving a total of 21 100 persons. Although as mentioned above, the format of the marital status question has been changed, it is possible that some replies relate to legal status. There is some further analysis of the Survey data which suggests, indirectly, that the total for "separated" may be somewhat higher than estimated above. For the first time in the Labour Force Survey an analysis is being carried out by household and family type, as distinct from individuals, and the results will form part of the second report. From this analysis an estimate has been made of the number of persons returned as "married" whose spouse was not recorded as usually resident in the household. The estimated numbers derived from this analysis were 5 500 males and 10 900 females. If allowance is made for the estimated 3 300 married persons who were long-stay residents of institutions, the total survey estimates for separated persons might be as high as 34 200.

Referring to the other available indicators, there were in 1984 10 300 claims for the unmarried mother's allowance, nearly 4,400 claims for deserted wife's benefit and 3 600 claims for deserted wife's allowance. There were also 91 400 in receipt of widows' pensions, but of this figure it must be acknowledged that many of these would not have dependant children. In respect of the tax year 1984/85, the Revenue Commissioners estimate that 17 500 persons will be in receipt of the one parent's tax allowance (compared to 377 000 for the married persons' allowances). Despite inadequate statistics in this area, it is clear from the above figures, nonetheless, that unmarried parents form a sizeable grouping and that on the basis of trends elsewhere and on economic and social changes in this country, their number could grow, with implications for Government policy in a number of areas.

F. Italy EEC data (1975)

One-parent families ca. 809 000 - roughly 9.4%

ISTAT survey

Of 17 822 000 families, 14 744 000 (83%) consist of a single unit;

1 255 000 (7.1%) consist of a single parent and children (including 1.8% of parents non-widowed);

Of these families 123 000 (more single fathers than single mothers) rely on other single persons living with them.

Of the non-widowed parents, out of 313 000 one-parent families, 33 000 are men and 280 000 women.

Of the single fathers there are:

married but separated	18 000
legally separated	7 000

divorced	31 000
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widowed	138 000
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Among single mothers there are:

unmarried	41 000
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married but separated	102 000
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legally separated	64 000
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divorced	32 000
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widowed	727 000
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60.3% of single fathers and 60.9% of single mothers have only one child,

28.6% of single fathers and 27.2% of single mothers have two children,

8% of single fathers and 8.6% of single mothers have three children.

According to the CRAS study (1981 census) (study of 2% of the returns) the status of heads of household showed:

separated 1.6%	(of whom 46.7% with children)
divorced 0.6%	(of whom 37.4% with children)

divorced men	44 000	separated men	14 000
divorced women	72 000	separated women	166 000

Between 1971 and 1981

- families as a whole increased by 2 624 000 (+ 16.4%)
- men heads of household increased by 1 622 000 (+ 12.3%)
- women heads of household increased by 1 002 000 (+ 37%)

CHAPTER III

Economic and social situation

9. The above-mentioned Commission study¹, particularly the analysis of the situation in individual countries, notes that one-parent families are very often in situations of poverty, as does the report by the Commission to the Council on the first programme for pilot projects and studies to combat poverty².

According to the OECD study already cited, even male heads of one-parent families (who, according to the OECD, make up less than 10% of the total) are generally worse off financially than married men with wives who do not work, even though in both cases the family has only one source of income.

The OECD study is not able to say whether there is a cause/effect relationship between financial status and that of single parent. It seems obvious to your rapporteur, however, that the woman in the single-income family looking after the home contributes a share of unpaid work which would otherwise have to be paid for (paid home helps, meals out, laundry etc.). It therefore seems that a link can be made between single parent status and economic situation.

In the Netherlands³, for instance, a large percentage of one-parent families are in the lowest income brackets. Two thirds are in the two lowest brackets and 35.3% in the poorest category, whereas only 7.4% of two-parent families have below-minimum incomes. The average income of a one-parent family is about half that of a two-parent family.

10. In any case, the relationship between single-parent status and financial situation is very close in the case of single women with children. The income of one-parent families with a woman head of household is lower on average than of other one-parent families and the rate of poverty is higher.

In short, women are in a much less favourable financial situation when it comes to one-parent families too.

11. The less favourable economic situation of single women with children stems mainly from the fact that they have more difficulty than men in finding gainful employment. Sometimes the women are housewives who have to find jobs for the first time. They often have a poor education or inadequate professional training and thus end up having to adjust to unskilled and poorly paid work.

Finding work is also not easy, especially if there are no advice and guidance centres and if the women do not know how to obtain information. At times there is a priori discrimination against single women with children looking for jobs, firms regarding them as potential absentees. In some cases, even in the public service, there are prejudices against unmarried mothers in particular, or else the women cannot apply for Civil Service examinations because they are too old.

On the other hand, a single mother finds it more difficult than other mothers to combine housework with bringing up and educating her children, especially when there is a lack of day nurseries, nursery schools and full-time kindergarten facilities or they are too expensive.

¹ One-parent families and poverty in the Community (V/2546/1/82)

² COM(81) 769 final

³ Data provided by the FIOM (Federation of aid agencies, including aid for one-parent families)

According to information provided by the Verband Alleinstehender Mütter and Vater (Bonn), FRG, based on an analysis made following an EVST incomes and consumption survey¹, the following data can be given for the income of one-parent families, taking 100 as the income of a standard family (father, mother and two children):

- divorced fathers or widowers with a child/children	70.5%
- widows with a child/children	63.3%
- divorced mothers with a child/children	54.3%
- unmarried mothers with a child/children	48.0%

The same source reveals that in 1982 60% of single women with under-age children (of which there are 782 000 in the FRG with 1 133 000 children) were in gainful employment compared with 42% of married women with under-age children.

There is also a higher percentage of single mothers than of married women working full time.

- unmarried mothers with children under 6 :	52.5%
" " " 15 :	82%
" " " 18 :	64.2%
- divorced women with children under 6 :	43.5%
" " " 15 :	71.9%
" " " 18 :	68%
- separated women with children under 6 :	42.2%
" " " 15 :	60.1%
" " " 18 :	55.9%
- widows with children under 6 :	---
" " " 15 :	45.2%
" " " 18 :	43.6%

Thus, single mothers with children are more dependent than fathers on public assistance, maintenance allowances (if separated or divorced) and pension entitlements (if widowed).

According to information provided by the VAMU² 31% of single mother-child units (excluding widows with children) received social assistance, a figure which is 14 times higher than for married couples with children and 73% of all families receiving social assistance in the FRG in 1977.

In The Netherlands the source already cited³ provides the following table of income sources:

- social security:	single father	3%	single mother	56%
- gainful employment:	" "	62%	" "	27%
- maintenance allowances:	" "	--	" "	21%
- widows and orphans pensions:	" "	--	" "	17%

N.B. The main source of income for two-parent families is gainful employment (92%).

¹ The social situation of the one-parent family. An EVST secondary analysis on 'incomplete' families and women living alone - Weinheim, 1980

² Verband Alleinstehender Mütter and Vater - Bonn

³ Figures supplied by the FIOM (Federation of Aid agencies including aid for one-parent families)

In Denmark, according to the Commission's annual report on social developments in 1983, one third of one-parent families received welfare assistance although the terms of eligibility had been tightened up.

CHAPTER IV

Different situations of different single mothers

12. The fact that single mothers depend so much on assistance rather than earnings for their keep also means that their situations vary depending on whether they are widowed, divorced, separated or unmarried.

All the sources indicate that the number of one-parent families resulting from a breakdown of marriage (legal or de facto separation and divorce) is on the increase. In the FRG for instance the number has increased by 2% since 1981 whereas the number of unmarried parents has remained unchanged and of widowed parents has decreased by 2%¹. According to the Commission's study² single, divorced or separated parents constitute two thirds of one-parent families in Denmark, France, the FRG and the UK whereas unmarried mothers represent less than 10% except in Denmark (23%) and the UK (18%).

A brief look should therefore be taken at the legal provisions that exist in the various countries and the rules governing the payment of alimony and child maintenance.

Divorce and separation in EEC countries

I. Apart from Ireland, divorce laws exist in the other nine Member States (1985).

In Ireland separation by mutual consent can be legally recognized under the breach of contract laws in force. One spouse may also request legal separation when the other's behaviour renders cohabitation impossible. According to recent surveys, 66% of the Irish population seemingly favour some form of divorce. The Irish Government has set up a special committee on the breakdown of marriages.

In the other countries there is also provision for separation by mutual consent and legal separation for couples that do not intend to divorce for religious or other reasons or as a preliminary to divorce proceedings.

Separation, whether by agreement between the parties or legal, also entails the granting of custody of the children to one of the two parties and possibly payment of maintenance.

The situation is different in countries whose civil laws provide for annulment by ecclesiastical tribunals. In such cases the marriage is declared null and void and as a result there are no mutual obligations.

II. In the Member States there are three basic grounds for granting a divorce: blame attaching to one of the spouses, mutual consent, and establishment of the irretrievable breakdown of the marriage.

¹ Source, VAMU

² One parent families and poverty in the Community

Divorce through fault can be regarded as a relic of earlier laws and has been eliminated from the latest laws in many Member States. It is provided for in the following countries:

- Belgium (divorce-sanction) in the event of adultery, violent behaviour, cruelty etc;
- Denmark - on specific terms including adultery, refusal to fulfil marital duties, bigamy, homosexual or lesbian relations, cruelty, attempts to kill the spouse or the children, prison sentences of more than two years, transmission of venereal diseases to the spouse;
- France - 'blame' covers serious and repeated breaches of marital duties or penal sentences, but not adultery;
- Netherlands - on special terms because of adultery.

Provision for divorce by mutual consent is made only in Belgium, France, Greece, Italy and the Netherlands.

Divorce following establishment of the irretrievable breakdown of the marriage is by far the most common case. It involves various forms but specifically entails a period of legal or de facto separation or legal proof that it is impossible for the marital relationship to continue.

Divorce following legal or de facto separation is provided for in the following countries:

- Belgium - following legal separation or, at the request of one of the parties, after five years' separation;
- Denmark - following one year's legal separation or, at the request of both parties, following three years' separation because of incompatibility;
- France - after six years' de facto separation;
- F.R.G. - after one year, by mutual consent; after three years at the request of only one of the spouses, but the judge can assess the need to maintain the conjugal ties in the interest of the children; unconditionally after five years;
- Greece - after four years at the request of one of the spouses, even though that spouse is responsible for the separation;
- Italy - after six years' separation by mutual consent, or five years' legal separation; after seven years if one of the spouses is opposed; de facto separations are taken into consideration only if they began two years before the law entered into force;
- Luxembourg - after three years at the request of one of the parties even if that party is responsible for the separation;
- Netherlands - after three years' legal separation;
- United Kingdom - after two years by mutual consent; after five years on special conditions.

The laws of the Member States provide for grounds other than legal or de facto separation for establishing the irretrievable breakdown of a marriage:

- disappearance of a spouse: Greece, Denmark (three years);
- abandonment of a spouse: Greece, United Kingdom (at least two years);
- mental insanity: Denmark (after three years), Luxembourg (after it has led to five years' separation);
- bigamy, adultery, attempted killing of the spouse: Greece;
- annulment or a divorce obtained abroad by the spouse of another nationality and that spouse's remarriage: Italy;
- penal sentences for specific crimes or acquittal for complete mental infirmity: Italy;
- nonconsummation of the marriage: Italy;

13. Payment of alimony and child maintenance in EEC countries

The following rules¹ apply in the Member States to payment of alimony and child maintenance following separation or divorce:

Belgium

The total resources of the beneficiary are taken into consideration in order to grant alimony that will enable the beneficiary to maintain the same standard of living as during the marriage.

Alimony payments are index-linked. The amount may not exceed one third of the earnings of the spouse required to pay it. On that spouse's death, the recipient may ask that it be paid from the spouse's estate.

As regards parental authority, only the terms on which it is exercised vary with divorce. Custody of the children is granted to the spouse that had custody prior to the divorce or, failing that, to the spouse that has requested and obtained the divorce. If divorce is by mutual consent, the agreements between the two parties hold good and can be changed only by mutual consent. In the case of child custody and payment of alimony, the agreements can be changed in the interests of the children.

In the event of divorce granted after five years' de facto separation, it is presumed that the spouse requesting the divorce is responsible for the situation and has therefore no right to alimony save proof to the contrary.

Denmark

If no agreement is reached between the parties in the event of separation or divorce, the court takes a decision on maintenance pending a decision on the amount by the supreme administrative authority.

The decision depends on the economic situation of both parties and the length of the marriage.

¹ 'The present provisions on divorce in the EEC Member States',
Directorate-General for Research and Documentation

The period for which alimony is paid is normally half the number of years of marriage, but the administrative court may obviously decide otherwise.

The marriage law contains no provisions concerning the maintenance of the children after a divorce or separation because the children's law makes both parents fully responsible for their maintenance and if one of the two parents fails in this obligation, the amount to be contributed by each is fixed by the court.

France

A 'compensatory provision' is provided for under Article 270 of the Civil Code in relation to the needs and resources of the spouses. It may consist either of a lump sum or monthly instalments (Articles 271-279).

Article 280 states that the spouse responsible for the divorce may be paid that amount if the marriage is of long duration or if substantial assistance has been given to the profession of the other spouse.

The obligations of both parents with regard to the children remain in their entirety and custody of the children is decided on the basis of their interests (Articles 277-288).

Federal Republic of Germany

Only a spouse who is unable to support himself or herself has a right to maintenance after a divorce. The needy partner must in this case apply to the family court immediately after the separation and explain the reasons for his/her claim. Provisional arrangements may be laid down by the court until the divorce is granted.

When there are small children or if studies or occupational training have been interrupted, there are grounds for requesting and obtaining maintenance.

Italy

Taking into account the financial situation of the spouses and the reasons for the divorce, the court orders one of the spouses to pay maintenance to the other in proportion to his income.

Account may also be taken of the contribution made jointly for the upkeep of the family and the origin of family property.

Article 4(4 and 5) of law no. 898 lays down that in the event of remarriage, the obligation to pay maintenance lapses.

The obligation under the Civil Code to maintain, educate and instruct the children continues to apply to both parents in the event of divorce or remarriage.

The court decides which parent is to have custody of the children, taking into account the interests of the children. Article 6 of law no. 898 states that such custody should be under the supervision of the guardianship judge.

Luxembourg

The judge can award maintenance to the needy spouse and even a direct perception of some of the revenues of the other spouse. The terms of such an award may be changed following the modification of personal circumstances.

In the case of divorce for offences or injuries an indemnization for moral and material damages can be provided for by the judge, to be paid to the injured party.

Parental power is exercised over the children by the parent who is awarded custody. The other parent has the right of consultation over their education.

Netherlands

The sole determining factor in any decision on the custody of children is the interests of the children (Article 161 of the Civil Code and the law of 6.5.1971).

The spouse who has custody of the children becomes their guardian but does not have parental authority over them. The court may grant the other spouse visiting rights.

The needy spouse may obtain a maintenance allowance regardless of whether the other spouse is 'responsible' for the divorce.

United Kingdom

Under the 1984 Act, first consideration must be given to the welfare of children under eighteen. The court making the maintenance order must take as one of its criteria the desirability of the parties becoming self-sufficient.

Particular consideration must be given to the income, earning capacity, property and other financial resources of each of the parties and the financial needs arising from the obligations and responsibilities which each has or is likely to have.

The standard of living enjoyed by the family before the divorce, the age of each spouse, the duration of the marriage, the state of health of the spouses etc. must also be considered.

The judge issues a decree covering financial arrangements in the event of divorce and legal separation.

(For further information see the DG V monograph on 'The present provisions on divorce in the EEC Member States', 6 January 1985).

14. As regards actual payment of maintenance, the situation varies considerably, but your rapporteur does not have any general figures.

In the FRG, according to an ENMID sample survey on behalf of the Federal Ministry for Youth, Family and Health, only six out of ten mothers regularly receive maintenance payments, but according to a study by the Interessens und Schutzgemeinschaft unterhaltungspflichtiger Vater und Mütter (ISUV) the situation is no better for fathers who have custody of their children. The Unterhelvorschussgesetz (law on the payment of maintenance allowances), which entered into force in 1980, provides for the payment of unpaid maintenance allowances, but only until the children are six and for a maximum of three years.

Similar provisions exist in French and Danish law. In some countries maintenance allowances are not tax deductible; they are almost always regarded as taxable earnings for the recipient.

15. It should also be noted that, apart from the problem of abolishing discrimination against single mothers, which is in fact a further instance of inequality between men and women, there is the problem of abolishing discrimination against children because of their family situation.

An association has been set up in the Netherlands (Werlagr. EEnauder - Frideren - Nimega) for the under-age children of one-parent families to provide them with information and guidance, to make the public aware of their problems and above all to improve the relevant legislation. One particular problem should be borne in mind: how in fact to take account of the opinions and desires of the children by increasingly resorting to obtaining the point of view of the children, using appropriate personnel, when determining the custody of an under-age child following separation or divorce and when arrangements are made concerning the child's right to visit the other parent. This problem has been mentioned in the resolution but not gone into in depth since it would require a separate study.

One particular and fairly serious aspect of this problem (which has been the subject of petitions to the European Parliament and preceding resolutions) is the frequently difficult situation of children with parents of different nationalities who have been separated or divorced. Court orders have to be recognized and applied by the other state concerned and measures taken to prevent minors being abducted more or less legally by one of the parents.

16. Lastly, the European Parliament (which was confronted with this problem in a petition dated 22 April 1984) should turn its attention to the point of view of fathers' movements throughout Europe.

These movements contest the term 'one-parent family' in the case of parents on their own following separation or divorce since the other parent continues to exist as a parent. Thus in their view, the child retains the inalienable right to be maintained by both the parents. They therefore call for 'joint custody' as a widespread practice. This would enable the child to stay with both parents in turn, to see its grandparents etc. To this end they request that maintenance allowances be fixed in proportion to the time spent with one or other parent. Lastly, some movements have suggested that 'conciliation services' be set up independent of the courts to help couples to resolve problems such as custody, visiting rights and maintenance allowances by joint agreement.

The problem is undoubtedly complex, especially from a practical point of view, and should be gone into in greater detail.

At all events, it seems advisable that, whether the marriage lasts or whether the parents divorce or separate, parental authority should be exercised jointly by both parents in the interest of the children except, obviously, in special cases involving the loss of parental authority by one or other of the parents.

17. Widowed mothers

The majority of one-parent families consist of widows or widowers with children in Belgium, the Netherlands, Luxembourg and Italy. Various sources indicate that the situation of widowed mothers is on average better than that of other single mothers. This is the case for instance in the United Kingdom and the Netherlands (following the entry into force of the general law on

widows and orphans): 50% of widows with children are in the lowest income group, compared with three-quarters of divorced women with children. The situation nevertheless varies considerably from one country to another and even within each country, and it is extremely difficult to assess the size of the transferable pension since it is often linked to the level of contributions paid by the deceased spouse.

In short, the situation is as follows:

- Belgium - The widow is entitled to a pension if she is over 45 or has a two-thirds disability or dependent children. The pension amounts to 80% of the spouse's pension. It is taxable but small deductions are provided for;
- Denmark - There is no transferable pension. Since 1984 it has been replaced by an 'early' pension which may be paid for social or health reasons to men and women over 50. It consists of a basic amount, a supplement in relation to total earnings and a further tax-free supplement related to age (between 60 and 67);
- Greece - (Since 1984) the widow's pension corresponds to 70% of the spouse's old age pension. It may also be paid to the widower if he is disabled and dependent. It is taxable;
- F.R.G. - If the deceased spouse was a pensioner, the widow is entitled to her husband's pension for three months and thereafter to 60%. If the spouse died before reaching pension age, the widow is entitled to 60% of the invalidity pension if she is under 45 and to more if she has dependent children and is over 45. The pension is taxable. However, since tax arrangements vary for married couples and single tax payers, and married couples benefit from separate tax arrangements the widow is taxed as a single person even if she has dependent children;
- France - Over the age of 55, a widow is entitled to a pension equivalent to 50% of the spouse's pension, calculated as though he retired at 65. If the deceased spouse was not yet of pension age, the widow is entitled to a pension equivalent to what the spouse would have received at the age of 60. Above a minimum threshold, the pension is taxable. Thus with the cumulative arrangements for tax purposes and deductions for dependent children, a widow with children is better off from a tax point of view than a divorced or single parent with the same number of children;
- Ireland - A widow is entitled to a weekly pension of £ir. 46.25 if under 66, £ir. 47.20 between the ages of 66 and 79 and £ir 50.15 over 80. The pension is taxable, but widows and widowers are entitled to a tax allowance that puts them in a better position than other single persons. If however they have children they are in the same situation as other single parents;

- Italy - The surviving spouse (male or female) is entitled to 60% of the deceased spouse's old age or invalidity pension and to 60% of the minimum pension if the spouse died whilst in gainful employment. Pensions are taxable and widows/widowers are in exactly the same situation as other taxpayers since taxation on earnings is personal;
- Luxembourg - A widow is entitled to the basic old age pension entitlement plus a percentage of the supplementary entitlement. A widow whose husband died before the age of 55 is also entitled to another allowance if she is over 45, suffers from 50% disability or has a dependent child. The pension is taxable. Like other single parents, widows with children are entitled to tax allowances;
- Netherlands - Basic pension entitlement for widows over 40 plus a supplement for dependent children. The pension is taxable; for tax purposes the widow is in the same situation as other tax payers.
- United Kingdom - Widows over 50 are entitled to a 'full' pension plus an allowance for children (which may vary if not all contributions have been paid). Widows over 40 are entitled to a pension reduced by a percentage for each year under 50. The pension is taxable if it exceeds the personal allowance.

On the whole, then, pension rights vary both as regards amount and the age of the widow. In only three countries - Italy, Denmark and, to some extent, Greece - do widowers enjoy the same rights to a transferable pension.

18. There are also other forms of assistance granted by state, regional and local authorities or charitable institutions in the various Member States.

In France, for instance, there are: the single parent's allowance (API) which guarantees a minimum income for 12 months or until the youngest child has reached the age of three; the orphan's allowance, payable to widows, mothers of children that are not legally recognised and divorced women that do not receive maintenance allowances; the widow's insurance paid to widows of employed persons who are under 55, have neither remarried nor live with another man and have an income of less than FF 8,494 a quarter. Children's allowances are also paid to unmarried mothers in Italy. In Ireland, according to Irish women: 'Agenda for practical action' (February 1985), £ir. 322.260 were paid to charitable or one-parent family associations in 1984.

CHAPTER V

Social and psychological disadvantages

19. One of the most serious problems for single mothers with children - apart from finding a job - is accommodation. Since the house often belongs to the husband the woman has divorced or separated from and the breakup of the family generally leads to loss of accommodation. Sometimes single mothers, especially if they are unmarried, are discriminated against in the allocation of low-income housing, larger families generally being given priority. Sometimes, too, private owners are reluctant to rent accommodation to single mothers regardless of the difficulties connected with the low-income level.

In the Netherlands¹ one-parent families (21%) are more likely to live in an apartment than two-parent families (11%) and less likely to live in houses (49% compared with 68%).

17% of one-parent families own their own accommodation compared with 55% of two-parent families.

In the Netherlands 22% of one-parent families live in the three largest cities compared with 11% of two-parent families.

The above mentioned ISTAT survey reveals that in Italy 6.9% of the one-family units with a woman as head of household live in localities with less than 100.000 inhabitants and 8.9% in localities with more than 100.000 inhabitants.

For one-parent families with a male head of household, the proportion is 1.3% and 1.2% respectively.

The VAMU states that in the FRG prejudice and discrimination stand in the way of finding a house and that legal provisions concerning the building, financing and renting sectors make life even more difficult for one-parent families.

Many other problems have been brought to light by experts, associations, newspaper reports and letters from individuals:

- the breakdown of family life often leads to uprooting from one's environment and loss of friends and social relationships;
- caring for children is such a burden for the single parent who also has to support them financially that it leads to isolation;
- one-parent families have less scope for social and cultural life, recreation and holidays;
- even the obligation to educate their children is more of a burden for single parents, and sometimes leads to insecurity and psychological difficulties;
- prejudice against and social condemnation of unmarried mothers and separated or divorced women still exists, especially in some regions;
- all these factors have psycho-physical repercussions on the children.

CHAPTER VI

Conclusions

20. The laws of the Member States vary as regards family law, parental authority, marital arrangements concerning joint and separate property, rights of inheritance and the recognition and status of children born outside the marriage. There is no space here for a comparative analysis of those laws nor, as we have seen, do all family law matters come within the field of

¹ Source: FIOM

competence of the Community. As regards discrimination against unmarried mothers, reference should be made to the resolution adopted by Parliament on 11 February 1983¹. There is however no doubt that those legal provisions have a direct effect on social situations and interfere with action to achieve equal opportunities for men and women. The impact is particularly obvious in the case of women who have to bring up their children on their own because they have been widowed or their marriage has broken up. Your rapporteur wishes to mention only two points which are of particular significance:

- (a) in many countries, the spouse has no right of inheritance unless there are no other direct or collateral heirs;
- (b) the notion of the wife's dependance on the husband still exists in many laws.

In the case of both transferable pensions and rules governing maintenance allowances in the case of separation or divorce, the woman appears to be 'protected' on the basis of the stereotype that she depends on a man (her husband) for her keep. In the second case this at times takes the form of blackmail or interference in her life, even after dissolution of the marriage.

Moreover, although things are now changing, court orders concerning custody of the children often reflect a stereotyped notion of the roles to be played by each sex.

On the whole (as stated in a study conducted in 1983 by the National Council for one-parent families in the United Kingdom) the situation of single mothers with children takes the form of further inequality between the sexes.

Action on behalf of this category of women could therefore with good reason form part of the Community's equal opportunities policy.

21. Measures to protect single mothers and one-parent families in general however run into two basic difficulties:

- (a) it is difficult for general measures, and even more difficult for Community measures, to have a positive effect in extremely different individual situation;
- (b) a surplus of specific measures could lead to unfair privileges and penalise other women and other families.

The best way of resolving the problem of single mothers with children is therefore to work in two basic and general directions:

- (a) create the economic, social and educational conditions that will enable all women, mothers or not, single or not (and all men) to engage in gainful employment;
- (b) ensure that all women, irrespective of marital status, have their own rather than derived rights to insurance and assistance.

These are therefore the long-term basic objectives that should be pursued at Community level and in the Member States.

¹ PE 77.327

22. The fact remains, however, that a large number of women are not yet gainfully employed and thus are not economically independent and have no rights of their own to insurance and assistance. A transitional period is therefore necessary for specific measures.

One-parent family associations in the various Member States have drawn up long lists of requests. Proposals are also made in the Commission study on the one-parent family and poverty. Various forms of intervention exist in all Community countries.

Some of these requests refer to particular rules and arrangements in particular Member States, whilst others are of a more general nature. As regards the latter, possible lines of action at both Community level and in the Member States have been proposed in the motion for a resolution, although they must be seen as emergency and transitional measures.

EXPLANATORY STATEMENT

CONTENTS

CHAPTER I - Definition of one-parent family and statistical problems

CHAPTER II - Assessment of the phenomenon as a whole

CHAPTER III - Economic and social situation

CHAPTER IV - Different situations of different single mothers

CHAPTER V - Social and psychological disadvantages

CHAPTER VI - Conclusions

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ANNEXES STATISTIQUES

MARIAGES (Nombres annuels en milliers)

P A Y S	A N N E E S										
	1950	1955	1960	1965	1970	1975	1976	1977	1978	1979	1980
Autriche	64.6	56.7	58.5	56.7	52.7	46.5	45.8	45.4	44.6	45.4	46.3
Belgique	72.0	68.9	65.2	66.5	71.3	71.7	71.1	69.0	67.1	65.5 ^(P)	66.4 ^(P)
Chypre	5.5	4.6	2.8	4.6	4.4	6.5	4.5	6.0	6.0	6.3 ^(P)	-
Danemark	38.8	35.0	35.9	41.7	36.4	37.2	31.2	32.2	28.8	27.8	26.5 ^(P)
Espagne	210.0	245.7	236.9	228.3	248.9	271.3	261.0	262.0	257.4	245.9	-
France	331.1	312.7	346.3	393.7	386.9	387.4	374.0	368.2	354.6	340.4	335.0 ^(P)
Grèce	58.5	66.3	58.2	80.8	77.4	76.5	63.5	76.2	72.5	79.0	-
Irlande	16.0	16.4	15.5	16.9	20.8	21.3	20.6	20.0	20.7 ^(P)	20.8 ^(P)	-
Islande	1.2	1.3	1.3	1.5	1.5	1.7	1.6	1.6	1.6 ^(P)	-	-
Italie	358.5	366.7	387.7	399.0	395.5	373.8	354.2	347.9	336.4	325.6	323.4
Luxembourg	0.1	0.1	0.1	0.3	0.2	0.3	0.3	0.3	0.3	-	-
Luxembourg	2.6	2.5	2.2	2.2	2.2	2.4	2.2	2.2	2.1	2.1	2.1
Malte	1.7	2.1	1.9	2.0	2.4	2.8	2.9	3.0	2.9	2.7	2.9
Norvège	27.2	25.2	25.7	24.2	29.4	25.9	25.8	24.0	23.7	23.2	21.6 ^(P)
Pays-Bas	83.1	89.0	89.1	108.5	123.6	100.1	97.0	93.3	89.1	85.6	80.1 ^(P)
Portugal	65.2	73.1	69.5	75.5	81.5	103.1	101.9	91.4 ^(P)	81.1 ^(P)	-	-
R.F.A. (2)	535.7	461.8	521.4	492.1	444.5	386.7	365.7	358.5 ⁽⁴⁾	328.2	344.8	362.0 ^(P)
Royaume-Uni (1)	426.0	410.6	393.6	422.1	470.9	430.7	406.0	403.9	416.4	416.9	413.7 ^(P)
Suède	54.2	52.3	50.1	60.0	43.3	44.1	44.8	40.4	37.8	37.0	37.0 ^(P)
Suisse	37.1	39.7	41.6	45.1	46.7	35.2	32.1	33.0	32.1	34.0	35.7
Turquie	49.6	64.4	67.1	78.2	117.5	138.0	143.0	143.0	155.0	165.0	-

(P) Donnée provisoire.

(1) Angleterre, Pays de Galles, Ecosse et Irlande du Nord.

(2) Berlin-Ouest inclus.

(3) Y compris parmi les militaires stationnés en dehors du pays et les civils résidant temporairement hors du Territoire national.

(4) R.F.A. : nouvelle législation à dater du 1er juillet 1977.

DIVORCES (Nombres annuels en milliers)

P A Y S	A N N E E S										
	1950	1955	1960	1965	1970	1975	1976	1977	1978	1979	1980
Autriche	10.5	9.0	8.0	8.4	10.4	10.8	11.2	11.7	12.4	13.1	13.3
Belgique	5.1	4.4	4.6	5.5	6.4	11.0	12.7	12.9	13.5	13.7	14.5
Chypre	-	-	-	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2 ^(P)
Danemark	6.9	6.8	6.7	6.5	9.5	13.3	13.1	13.4	13.1	13.0	13.5
Espagne	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)
France	35.4 ^(U)	29.1 ^(U)	30.2	34.9	40.0	61.3	62.8	73.7	81.4	88.6	-
Gbèce	-	-	2.5	3.5	3.5	3.7	3.8	4.5	4.3	4.6 ^(P)	-
Irlande	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)
Islande	0.1	0.1	0.1	0.2	0.2	0.4	0.4	0.4	0.5 ^(P)	-	-
Italie	(D)	(D)	(D)	(D)	(D)	10.6	12.1	13.2	10.4	12.0	12.0 ^(P)
Lichtenstein(4)	-	-	-	-	-	-	-	-	-	-	-
Luxembourg	0.2	0.1	0.2	0.1	0.2	0.2	0.4	0.4	0.5	0.4	0.6
Malte	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)
Norvège	2.3	2.0	2.4	2.6	3.4	5.6	5.8	6.1	6.2	6.6	-
Pays-Bas	6.5	5.5	5.7	6.2	10.3	20.1	20.9	21.5	22.3	23.7	25.7 ^(P)
Portugal	1.0	0.9	0.7	0.7	0.5	1.5	-	-	-	-	-
R.F.A. (1)	84.7	48.3	48.9	58.7	76.5	106.8	108.3	74.7 ⁽³⁾	32.5	79.5	-
Royaume-Uni(2)	32.7	28.5	25.3	39.9	62.3	128.4	135.0	137.5	152.7	148.2	158.0
Suède	8.0	8.8	9.0	9.6	12.9	25.8	21.7	20.4	20.3	20.0	19.0 ^(P)
Suisse	4.2	4.3	4.7	5.0	6.4	8.9	9.6	10.5	10.5	10.4	-
Turquie	7.9	10.5	11.1	12.2	9.6	13.9	14.7	13.0	14.5	15.0	-

(D) Il n'existe pas dans la législation de terminologie pour le "divorce" tel qu'il est entendu pour les autres pays du C.E.

(P) Donnée provisoire.

(1) Berlin-Ouest inclus.

(2) Angleterre, Pays de Galles, Ecosse et Irlande du Nord.

(3) R.F.A. : nouvelle législation à dater du 1er juillet 1977.

(4) Moins de 100 cas par an.

TABLEAU 4

Taux d'activité des mères par statut familial et par âge des enfants en République Fédérale d'Allemagne, 1961-1980

Année	Total	Femmes mariées	Veuves	Divorcées	Séparées	Célibataires
% des femmes actives ayant des enfants de moins de 15 ans						
1961	34.6	32.6	35.5	71.4	52.4	84.1
1970	34.8	33.1	35.7	71.4	53.8	84.1
1974	40.2	38.6	43.4	70.2	62.4	79.7
1977	40.6	39.1	40.2	65.1	55.5	74.0
1980	42.3	40.6	41.0	69.4	55.9	67.8
des enfants de moins de 6 ans						
1961	31.3	29.7	29.0	62.3	49.9	83.6
1970	30.4	29.0	28.8	63.4	51.9	82.1
1974	34.8	33.6	34.8	56.1	58.6	75.7
1977	34.5	33.5	26.8	48.7	50.6	66.1
1980	36.0	35.1	34.0	49.8	44.7	58.4
des enfants de moins de 3 ans						
1961	29.7	28.0	/	53.7	47.8	82.2
1970	27.8	26.6	/	53.3	50.7	79.3
1974	32.2	31.2	/	44.7	55.1	69.9
1977	31.3	30.5	/	38.4	/	59.0
1980	33.5	32.9	/	43.9	35.2	54.4

PROPORTION DES NAISSANCES ILLEGITIMES POUR CENT NAISSANCES VIVANTES DANS QUELQUES
PAYS EUROPEENS.

P A Y S	1950	1955	1960	1965	1970	1975	1976	1977	1978	1979	1980
Autriche	18.3	14.4	13.0	11.2	12.8	13.5	13.8	14.2	14.8	16.5	17.8
Espagne	5.7	4.9	2.3	1.7	2.5	2.0	2.2	2.3	2.5	-	-
France	7.0	6.4	6.1	5.9	7.1	8.5	8.6	8.7	9.3	10.3	11.4
Italie	3.4	3.1	2.4	2.0	2.2	2.6	2.6	3.1	3.4	3.9	-
Norvège	4.1 (1)(2)	3.4	3.7	4.6	6.9	9.0	10.9	11.6	11.9	-	-
R.F.A.	10.3	15.7	11.9	4.7	5.5	6.1	6.3	6.5	7.0 (3)	7.1 (3)	7.6 ^P
Royaume-Uni	5.0	4.5	5.2	7.3	8.0	9.0	9.0	9.5	10.0	10.9	-
Suède	9.8	9.9	11.3	13.8	18.4	32.4	33.2	34.7	36.0	37.5	39.7
Suisse	3.8	3.6	3.8	3.9	3.8	3.7	3.8	3.9	4.1	4.4	4.7

(P) Donnée provisoire.

(1) Berlin-Ouest.

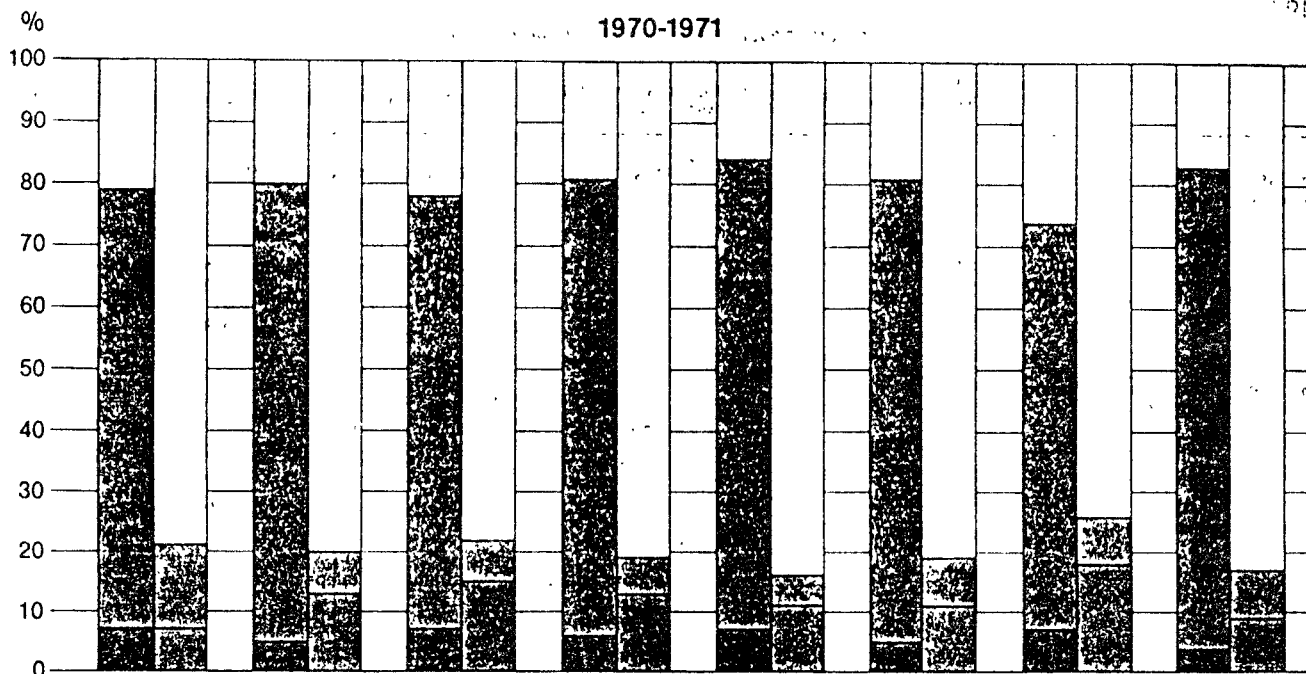
(2) Données incertaines ou incomplètes pour le reste du territoire de la R.F.A.
(Berlin-Ouest excepté).

(3) Angleterre et Pays de Galles.

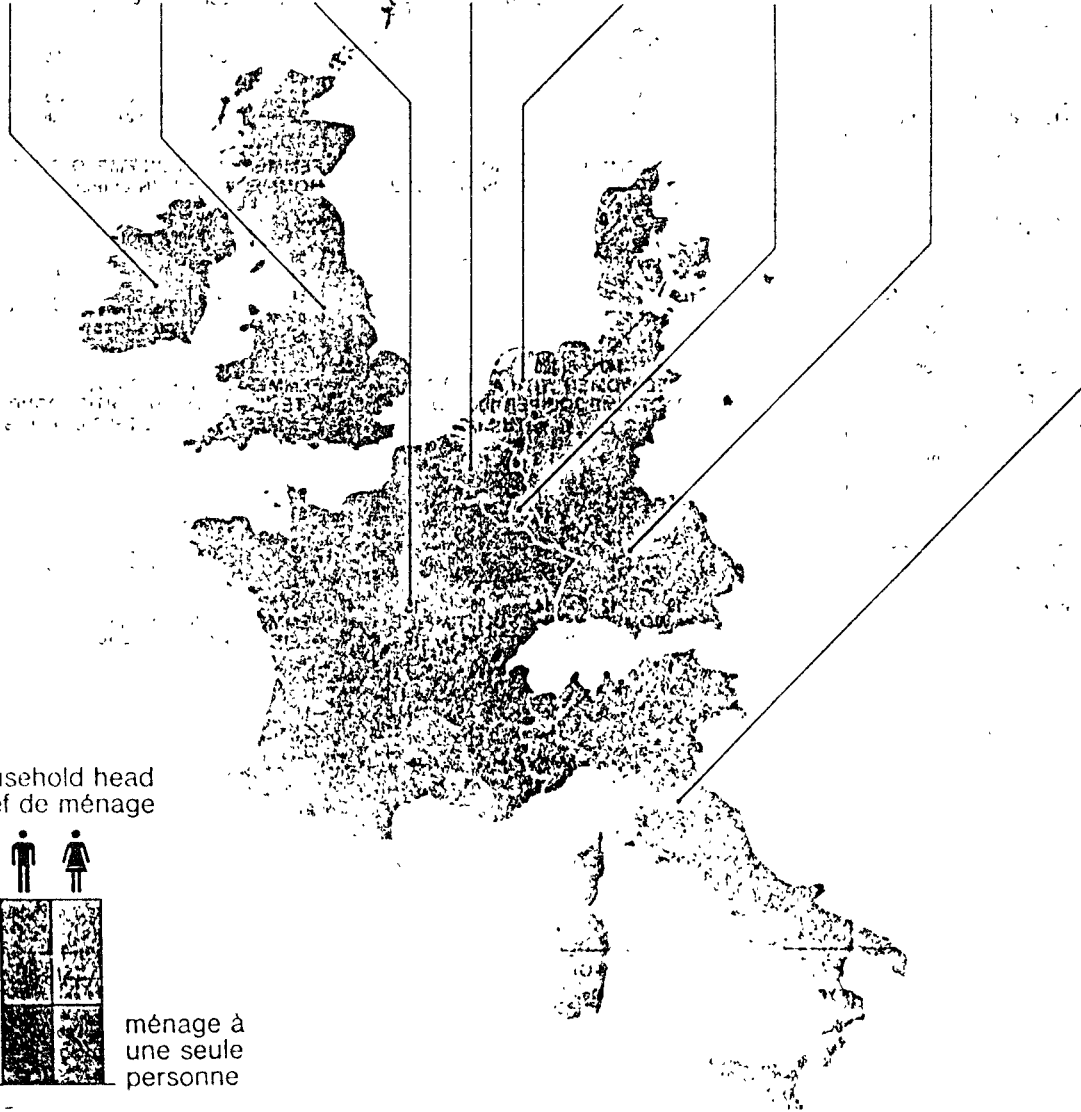
Households by sex of head

IV.C

Ménages par sexe du chef



IRL UK F B NL L D I



Household head
Chef de ménage



single person household

ménage à une seule personne

Composition of households

IV-3

Composition des ménages

1977

1977

Per 1 000 households □ Pour 1 000 ménages

	BR Deutsch land	France	Italia	Neder- land	Belgique/ België	Luxem- bourg	United Kingdom	Ireland	Danmark	EUR 9 (*)	
Husband and wife without ascending relatives or others											Mari et femme sans ascendants ou autres
without dependent children	284	278	254	291	329	298	333	184		289	sans enfants à charge
with dependent children	288	339	425	421	386	326	332	400		347	avec enfants à charge
of which, with at least one child under 6 years old	91	150	174	161	143	214	115	224		132	dont, avec au moins un enfant de moins de 6 ans
Husband and wife and ascending relative(s) or other(s)											Mari et femme et ascendant(s) ou autre(s)
without dependent children	14	25	30	8	23	38	18	27		21	sans enfants à charge
with dependent children	16	23	37	10	20	47	13	50		21	avec enfants à charge
of which, with at least one child under 6 years old	4	6	12	3	5	11	3	28		6	dont, avec au moins un enfant de moins de 6 ans
Man without wife or ascending relatives or others											Homme sans épouse ou ascendants ou autres
without dependent children	100	81	57	68	59	61	64	84		76	sans enfants à charge
of which, man alone	85	76	50	65	55	57	54			69*	dont, homme seul
with dependent children	12	5	6	3	5	4	4	4		7	avec enfants à charge
of which, with at least one child under 6 years old	4	1	1	0	0	0	0	0		2	dont, avec au moins un enfant de moins de 6 ans
Man without wife but with ascending relative(s) or other(s)											Homme sans épouse, mais avec ascendant(s) ou autre(s)
without dependent children	15	25	22	20	19	26	13	60		19	sans enfants à charge
with dependent children	1	3	4	1	3	2	1	1		2	avec enfants à charge
of which, with at least one child under 6 years old	0	1	2	0	1	1	0	0		1	dont, avec au moins un enfant de moins de 6 ans
Woman without husband or ascending relatives or others											Femme sans mari ou ascendants ou autres
without dependent children	230	174	124	140	120	152	175	122		175	sans enfants à charge
of which, woman alone	208	155	98	125	101	130	142			150*	dont, femme seule
with dependent children	23	23	18	23	19	16	27	19		23	avec enfants à charge
of which, with at least one child under 6 years old	4	5	3	4	3	2	6	3		4	dont, avec au moins un enfant de moins de 6 ans
Woman without husband but with ascending relative(s) or other(s)											Femme sans mari, mais avec ascendant(s) ou autre(s)
without dependent children	14	22	19	12	14	26	18	47		18	sans enfants à charge
with dependent children	2	3	3	2	2	4	2	3		2	avec enfants à charge
of which, with at least one child under 6 years old	0	1	1	0	0	0	1	1		1	dont, avec au moins un enfant de moins de 6 ans

Notes

- 1 Dependent children are those less than 14 years old or, if older, are students.
2 Households with or without dependent children may also contain older children who are not students

(*) Except Denmark

Source: Labour force sample survey

Observations

- 1 Les enfants à charge sont ceux ayant moins de 14 ans ou qui, ayant plus, sont étudiants
2 Les ménages avec ou sans enfants à charge peuvent comprendre également des enfants plus âgés qui ne sont pas étudiants

(*) Sauf le Danemark

Source: Enquête par sondage sur les forces de travail

MOTION FOR A RESOLUTION (DOCUMENT 2-1275/84)

tabled by Mrs GADIOUX and Mrs VAN HEMELDONCK

pursuant to Rule 47 of the Rules of Procedure

on single-parent families

The European Parliament,

- having regard to the Joint Declaration of 5 April 1977 in which the European institutions expressed the fundamental importance which they attach to the European Convention on Human Rights,
 - having regard more specifically to Article 8 thereof concerning respect for family life and Article 14 thereof prohibiting discrimination on grounds of status, among other reasons,
 - having regard to its resolutions of 1 February 1981 and 17 January 1984 on the situation of women in Europe,
- A. whereas women on their own, who are the head of a household, are a particularly vulnerable social group,
 - B. whereas such women are largely to be found amongst the most impoverished and underprivileged sections of European society,
 - C. whereas for the effective pursuit of a policy of equal opportunity, measures must be taken which are tailored to their specific problems,
 - D. whereas it is important for the European Community to take measures to abolish the discrimination referred to above,
1. Considers that the problems of unmarried mothers, widows and divorced women should be treated in the same way so as to prevent any inequality from the point of view of taxation, social security and access to housing, work or education;
 2. Calls on the Commission of the European Communities:
 - to make a study of the situation of these sections of the population in the various Member States and to forward it to Parliament,
 - to submit to the Council a proposal for a directive recognizing the single-parent family as a legal entity equal in status to the family,
 - to adopt appropriate guidelines for future action under the European Social Fund,
 - to draw up a legal instrument for harmonizing fiscal treatment within the Member States;
 3. Recommends the Member States to take all the necessary steps:
 - as regards social security:
 - (a) to reduce to a minimum the waiting period between application for and payment of an allowance,
 - (b) to simplify the implementing procedures,
 - to establish means for providing financial, material and social assistance, particularly in the period immediately after bereavement or separation,
 - to ensure that maintenance allowances due are in fact paid, if need be by standing in for a debtor who defaults;
 4. Calls on the Member States to:
 - take all the necessary steps to promote the provision of Council housing for single-parent families,
 - give priority to accommodating the children of single-parent families in nurseries from the earliest possible age,
 - ensure that there is no discrimination as regards access to occupations either in the private sector or in the public service,
 - ensure that single-parent families are provided with information on their rights,
 5. Instructs its President to forward this resolution to the Council and the Commission of the European Communities.



OPINION

(Rule 101 of the Rules of Procedure)

of the Committee on Legal Affairs and Citizens' Rights

Draftsman: Mr G. TOPMANN

On 11 February 1985 the Committee on Legal Affairs and Citizens' Rights was asked to deliver an opinion.

On 25 April 1985 it appointed Mr TOPMANN draftsman.

At its meeting of 18 December 1985 the committee considered the draft opinion and unanimously adopted its conclusions.

The following took part in the vote: Mrs Vayssade, chairman; Mr Evrigenis and Mr Gazis, vice-chairmen; Mr Topmann, draftsman; Mr Alber, Mr Barzanti, Mrs Fontaine, Mr Hoon, Mr Price, Graf Stauffenberg, Mr Wijsenbeek and Mr Zagari.

I. Introduction

1. A motion for a resolution tabled by Mrs Gadioux and Mrs van Hemeldonck pursuant to Rule 47 of the Rules of Procedure (Doc. 2-1275/84) has been referred to the Committee on Women's Rights as the committee responsible, and to other committees for their opinions¹.
2. Under Rule 47 of the Rules of Procedure any Member 'may table a motion for a resolution on a matter falling within the sphere of activities of the Communities'.

This motion covers very wide areas, outside the mainstream of the Community's original activities, and is addressed to both the Commission and the Member States. This opinion by the Committee on Legal Affairs and Citizens' Rights will essentially consider the legal basis which can be invoked for activity by the Community in these areas. The result may be to restrict the scope for such activity.

II. Legal basis for Community action

3. As this opinion is being written, Mrs CINCIARI RODANO, rapporteur for the committee responsible, has only submitted a working document (PE 98.639) which that committee has not yet considered, containing initial statistics to illustrate the size of the problem but giving no clear indication of the rapporteur's thoughts or intentions.
4. Your draftsman therefore feels obliged to confine himself to a number of statements of principle on the legal basis, while awaiting the first draft report.

The problems facing single parent families include the difficulty or impossibility of combining a career with the task of bringing up children. Single parents' lives are complicated further if they wish to embark on vocational training or further education. Obviously the problem is greater for the lower paid than for the better off.

5. These and similar problems are dealt with in Articles 117-119 of the EEC Treaty. The objectives mentioned there also affect the situation of single parents. The level of activity mentioned in these articles is 'close cooperation between Member States'². The Commission is required to promote this close cooperation (Article 118 EEC). It may act by making studies, delivering opinions and arranging consultations. By way of example, it has used these powers in the following cases:

¹ In addition to the Committee on Legal Affairs and Citizens' Rights, the Committees on Social Affairs and Employment, and on Youth, Culture, Education, Information and Sport have been asked for their opinions

² The Draft Treaty on European Union, Art. 56, provides for action by the Union

- Implementation of equal treatment by revising income tax systems which appear to have an indirect adverse effect on women's employment, their right to work and their promotion in employment (V/2798/1/82(fin.)),
- One-parent families and poverty in the EEC (V/2541/1/82),
- Study of positive action programmes as strategies for integrating female workers and other disadvantaged groups into the labour market (V/30/83),
- Day-care facilities and services for children under the age of three in the European Community (V/1784/83).

6. The Community's activities cannot halt there. The following legal acts show that the Commission has exercised its right of initiative and the Council has acted on the legal basis of Articles 117-119 EEC in conjunction with Articles 100 or 235 or of specific provisions such as Article 54(3) EEC:

- Directive 75/117/EEC¹ on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women,
- Directive 76/207/EEC² on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;
- Directive 79/7/EEC³ on the progressive implementation of the principle of equal treatment for men and women in matters of social security;
- Council Regulation (EEC) 1365/75 of 26.5.1975⁴ on the creation of a European Foundation for the Improvement of Living and Working Conditions.

The Community action being urged in respect of single parent families, if appropriately related to these measures, could thus be based solidly on the EEC Treaty.

Moreover, in its judgment in the Marckx case⁵ the European Court of Human Rights placed a broad interpretation on the term 'family' as used in Article 8 of the European Convention for the Protection of Human Rights (respect for family life), by inserting the 'single-parent' family, not necessarily based on marriage, alongside the 'two-parent' or 'legitimate' family.

7. In conclusion one might point out that the Committee on Women's Rights, as the Committee responsible, will also have to take men's rights into account in its report, and thereby become a genuine equal rights committee: A not inconsiderable percentage of single parents are men. Where this situation is due to divorce, the percentage is increasing.

1 OJ No. L 45, 1975, p. 19

2 OJ No. L 39, 1976, p. 40

3 OJ No. L 6, 1979, p. 24

4 OJ No. L 139, 1975, p. 1

5 Judgment of 13 June 1979, 'A' Series, Judgments and Decisions, Vol. 31

III. CONCLUSIONS

8. The Committee on Legal Affairs and Citizens Rights requests the Committee on Women's Rights, as the committee responsible, to place the Community action on the problem of single parent families which is being sought within the framework of the aforementioned provisions of the EEC Treaty and urges it to impress upon the Commission that, given an appropriate and positive interpretation of these provisions, an adequate legal basis for Community action already exists.

The Committee on Legal Affairs and Citizens' Rights expects the committee responsible also to take proper account of the rights of single fathers.