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WELLCHI NETWORK

The well-being of children: the impact of changing family forms, working conditions of parents, social policy and legislative measures

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The State of the Art

Introduction

The purpose of the WELLCHI NETWORK is to improve our knowledge of the impact of changing family forms, working conditions of parents, social policy and legislative measures on the well-being of children and their families. The central issue of debate hinges on the extent to which in contemporary Europe marital instability and other processes of family transformation, including the spread of cohabitation and an increase in births outside marriage, can affect the welfare of children and the quality of life of their families. One of the greatest grounds for concern is that of the processes of social exclusion connected with child poverty that can often result from divorce and lone parenthood. One of goals of the Wellchi Network is to try to establish to what extent in the European Union there is a convergence of family patterns, social policies and legislative measures meant to ameliorate the child conditions as well as in the outcomes for children as a result of these interventions. Similarly, another focus of attention is the degree to which different institutional and policy arrangements lead to divergences in outcomes for children.

In recent years, public concern has been expressed in several EU countries regarding the potential consequences of marital instability and new family forms for the social exclusion of children and their parents. In particular, a link has been found between child and female poverty, resulting from single parenthood, and truancy, low school achievement and dropping-out. An large number of children in distress have gone through the experience of their parents getting divorced. While in some countries the response to the challenges raised by family transformation have only been dealt with by means of the enforcement of parental obligations towards children, in others these problems are also being tackled by devising innovative, collective and institutional arrangements. The most outstanding of these are the enhancement of parents' working conditions and the role of social policy.

Considering that outcomes for children depend to a large extent on the (often implicit) assumptions on which welfare regimes are based and on the ways in which different institutional sectors and social policies are articulated, special attention is paid to some of the specific contexts in which family changes are taking place. One of the premises on which this the Wellchi Network is based assumes that child poverty and other adverse conditions such as dropping out and low school performance are not the result of family diversity per se but rather of female employment opportunities and conditions as well of the provision level of public care services and of social transfers, to mention but a few of main factors that influence children's outcomes.

This state of the art is divided into several parts:

- 1) Main trends in family change.
- 2) Outcomes for children.
- 3) Factors affecting the well-being of children
- 4) Family Law in Europe
- 5) Conclusions

1. Main trends in family change

In the Western world as a whole, we are witnessing a growing concern about the serious consequences of increasing marital instability for children. Divorce and births outside marriage were relatively rare until the last 30 years of the 20th century, and cohabitation was at its nadir in the 1950s and 1960s when marriage was almost universal (Lewis, 2001). The 1960s and the early 1970s was a golden age of marriage in Western European nations. Never had marriage been as popular or occurred at such young ages. This tide of youthful marriage receded during the 1970s and continues to do so unabated into the new millennium. It is a new type of cohabitation that is strongly implicated in the decline in marriage (Kiernan, 2004). The dynamics of marriage and divorce have undergone major changes in the last two decades. The declining frequency of marriages, the increasing incidence of divorce, the increase of births out of wedlock and the rise of new forms of union such as premarital and consensual unions and LAT couples are the main characteristics of the new scenario (Bégeot and Fernández-Cordón, 1997).

There is evidence that the traditional family model and traditional patterns of family formation are gradually losing their hegemony in most Western countries. Most of the changes involved simply reflect the emergence of alternative living arrangements and more complex ways of organising the individual family life (González-López, 2002). Whereas in pre-industrial society, the family was mainly a community of need held together by an obligation of solidarity, the logic of individually designed lives has come increasingly to the fore in the contemporary world. Thus, the family is becoming an elective relationship and an association of individual persons (Beck and Beck-Gernsheim, 2002). Increases in divorce, cohabitation and childbearing outside marriage have all contributed to the separation of marriage and parenthood (Lewis, 1999, 2001; Kiernan, 2004).

Since the 1960s, all EU member states have experienced a continual decline in the average size of private households. Except in Sweden, in the last 20 years in all EU countries there has been a substantial reduction in the average household size. This reduction is due to an increase in the proportion of one-person households and to a decrease in the average size of households consisting of

at least two persons (Begéot and Fernández Cordón, 1997). At the beginning of the 21st century the average household size depends no so much on differential fertility but on household simplicity. The countries with low household size values are those with large shares of one-person households and very low numbers of complex households. In countries such as the Netherlands and Finland more 80% of people living in households with dependent children live in a two-parent family. In the UK and Finland more than 10 percent live in one-parent families. On the other hand, in Portugal, Spain, Ireland and Austria more than 30 percent live in households with three or more adults (Flaquer and Navarro, forthcoming).

Although in some European countries there has been a certain slackening and even stabilisation of divorce rates in recent decades, in others these are growing rapidly. While the Nordic countries, Belgium and the UK have been leaders in divorce rates for a considerable time, certain signs are indicating that marriage break-up is on the increase in Southern Europe, despite the fact that part of this growth is not reflected in official statistics.

The rise in divorce is correlated with the rise of post-industrial societies in which there has been an enormous expansion of women's employment. Increasing rates of female activity mean greater economic opportunities and enhanced autonomy for women, and it is not surprising that this brings about higher divorce rates. A large part of the post-war divorce phenomenon can be seen as a function of economic and cultural modernity, with economic change providing the means by which women might become more independent in marriage (access to resources and access to job opportunities) and cultural parameters determining the legal and financial availability of the divorce option (the liberality of the law and the availability of women's work) (Castles, 1998).

Therefore, one should expect the probable spread of divorce in those Southern European countries such as Spain and Italy where female employment rates are very likely to grow from quite low levels and where divorce, once restricted to the middle and upper classes, is becoming more and more a cross-class phenomenon (Goode, 1993; Solsona, Houle and Simó, 2000). On the other hand, not much is known about the consequences of divorce for children in the East European countries where the dismantling of many welfare arrangements after the fall of the Iron Curtain may have created harsher conditions for them. In fact, the candidate or recently acceded EU countries show even greater socio-demographic disparities than older member states. Thus, as far as marital instability is concerned, while some countries such as the Baltic Republics, the Czech Republic and Hungary show very high crude divorce rates, the values for the rest of countries are well below the EU-15 average. Similarly, although Estonia, Latvia, Bulgaria and Slovenia exhibit a very high proportion of children born outside marriage, percentages for Cyprus, Croatia and Poland appear quite low.

However, divorce rates are recording fewer and fewer disruptions of couples with children. Whether because of the spread of informal marital break-ups or because of the rise in the number of

separations affecting consensual unions the trend towards the de-institutionalisation of marriage has brought about the proliferation of diverse new living arrangements very dissimilar to the monolithic traditional patterns. In this way, individual life courses have become increasingly diversified. Taking into account that many divorced people later remarry or cohabit with a new partner who was also married before and may also have children of their own, more and more children thus grow up with a non-biological parent (Beck and Beck-Gernsheim, 2002).

Especially in some countries, the growing number of lone parents is often associated with the spread of non-marital childbearing rather than with increasing divorce rates. Ireland is a case in point. This country exhibited one of highest rates of children under 16 living in lone parent families well before 1997, when divorce was made legal. Ireland is one of the EU countries in which there has been a higher increase in the percentage of children born outside marriage moving from 5% in 1980 to 32% in 2000 (Kiernan, 2004).

Since 1960, when the proportion of live births outside marriage was similar in EU-15 and the USA (around 5 per cent), the position of the USA has been well ahead of that of Europe. The heterogeneous composition of the European Union in terms of societal modernisation and cultural and religious traditions probably explains this lag. Thus, at the beginning of the 21st century, the Nordic countries, the UK and France exhibited larger proportions of live births outside marriage than the USA. In 2001 there were substantial differences across European countries regarding children born outside marriage. Whereas in Greece and Italy the values were less than 10%, in countries such as Sweden more than the half of children were born out of wedlock, having reached 30% the EU-15 average. Finally, with the notable exception of Denmark, between 1995 and 2001 all EU European countries have witnessed a growth of extramarital fertility. Teenage fertility rates are seeing an overall welcome downward trend, falling by almost two-thirds since 1975. But notwithstanding the general improvement, there still remains a persistently high teenage fertility rate in the UK: around 30 births per 1,000 teenage women since 1975, compared to an overall EU figure of about 11 per 1,000 in 1995 (Micklewright and Stewart, 1999).

Most of children born outside of marriage are the result of the trend towards unmarried cohabitation. In the UK, for example, four out of ten children are now born outside marriage, with many of these children born to parents who are cohabiting. Among the children born in 2001, 60% were born to married parents, 25% to cohabiting parents and 15% to mothers who were no longer or had never lived with the child's father. Data show that there is a good deal of diversity across European states in the incidence of cohabitation among the unmarried. Three broad groupings can be discerned. Cohabitation is strikingly common in the Nordic countries of Denmark, Sweden and Finland, as well as in France. At the other extreme are the Southern European countries with relatively low levels of cohabitation, with 10% or less in the cases of Greece, Italy and Portugal. There is a

middle group of countries including the Benelux countries (the Netherlands, Belgium and Luxembourg), Great Britain and Ireland, West and East Germany, and Austria with intermediate levels of cohabitation. With a few noticeable exceptions, in European countries levels of cohabitation and childbearing tend to go together, with nations with high levels of cohabitation having higher rates of children born out of wedlock and vice versa. However, cohabiting unions tend to be short-lived as they either convert into marriages or break-up. In all countries children born within marriage were less likely to see their parents separate than those born in a cohabiting union (Kiernan, 2004). This higher fragility of cohabiting unions means that the growth of children born outside of marriage usually goes hand in hand with the increase in the number of lone mothers.

The analysis of the evolution of variation coefficients of crude divorce rates and proportions of live births outside marriage shows that from 1960 on there is a definite convergence process of marital instability and unconventional family behaviour among EU member states. Despite a period of growing divergence during the 1970s, convergence set in again at the beginning of the 1980s. Since then, the two curves show similar trends with a little more convergence as far as divorce behaviour is concerned (own calculations using Eurostat data).

Lone parenthood can come about through the breakdown of a relationship, either married or unmarried, with dependent children, or the birth of a child or children outside a partnership. Here the focus is on 'single' lone parents, i.e. where one parent lives alone with his/her dependent child(ren). It therefore excludes lone parents that are still living with their own parents forming complex households, or who have since remarried or are cohabitating (Lehmann and Wirtz, 2004).

In 2001 in most of the EU-15 countries the proportion of lone parent households as a percentage of all households with dependent children was less than 10%, but in some countries such as Portugal, Italy, Spain and Greece it was even inferior to 5%. At the other extreme, three countries scored values quite high: Sweden (22%), the UK (17%) and the Netherlands (11%). Longitudinal analysis with ECHP data shows that most of countries with lower values in lone parenthood are also those with higher rates of growth. The breakdown of lone parents in current year by situation in the year before indicates that in 2001 Spain and Greece, together with Belgium, were the countries in which more lone parents were of recent creation. The most extreme case was Spain. In this country in 2001 22% of lone parents were living in a household formed by a couple with child in the year before, whereas 7% were single (Flaquer and Navarro, forthcoming).

2. Outcomes for children

The living standards and social well-being of children throughout the industrialised world improved remarkably between the end of World War II and the early 1990s. For example, infant mortality declined over the past fifty years at a dramatically faster pace than during the interwar period. However, child welfare is now at a turning point (Cornia and Danziger, 1997). At present in the EU there is growing concern about poverty among children and among families with children. In most OECD countries, income poverty among children now exceeds that among the elderly, who traditionally were the demographic group most at risk of poverty (Jäntti and Danziger, 2000).

The last two decades have witnessed the emergence of new forms of poverty. There has been a decline in the proportions of elderly people amongst the poor and an increase in the number of unemployed (especially long-term) young people, migrant workers and single parents (Cousins, 1999). From the 1980s, while poverty rates among elderly populations have radically diminished, most industrialised nations have experienced a trend toward increasing child poverty (Bradbury and Jäntti, 1999; Corsi and Orsini, 2002).

Poverty research shows that the overall picture of poverty has changed in the last twenty years. Not only has poverty become feminised, but it has also become 'childrenised' (Forssén, 1998). Children, as a social group, have a lower standard of living than both adults and parents and a higher probability of living in relative deprivation (Ringen, 1997). In some nations the relative position of families with children is deteriorating, both when compared with their own income position a decade earlier, and when compared against other household types (Esping-Andersen, 2002).

The outcomes for children from poverty are numerous and diverse. A recent study classifies them into four main headings: (1) physical outcomes such as child mortality, child morbidity, childhood accidents, child abuse, teenage pregnancy and child homelessness; (2) cognitive outcomes such as educational attainment; (3) behavioural outcomes such as school exclusions, youth crime, smoking behaviour, adolescent alcohol abuse, drug abuse, suicide and child labour; (4) emotional outcomes such as mental health (Bradshaw, ed., 2001). This report will mainly concentrate on child poverty.

There is rather strong agreement on the harmfulness of child poverty, and preventive measures are often justified by moral considerations. However, a case for its abolition can also be made in terms of economic efficiency, international competitiveness and improved productivity. Those children who grow up in disadvantaged families are more likely to suffer unemployment, low pay and poor health in adulthood and to transfer this poverty of opportunity to their own children (Vleminckx and Smeeding, 2001). We know from American research that child poverty is strongly associated with less schooling (two years less), more criminal behaviour, various psychological pathologies and with lower earnings in adulthood. Children from poor families are also much more likely to become poor parents later and, thus, to reproduce the poverty syndrome across generations.

In the UK the proportion of children in poverty has more than doubled in 20 years as a result of increases in lone parenthood, unemployment and worklessness, while recent research suggests its negative effects persist into adulthood in the form of poor qualifications, unemployment, low wages, increased contact with the police, poor physical and mental health and even teenage pregnancy (Walker, 1999). According to the Prime Minister, in Britain the levels of child deprivation are frightening: almost one in three children lives in poverty; poor children are 2 ½ times more likely to have no qualifications; girls from deprived backgrounds are 10 times more likely to have a teenage pregnancy than girls from well-off families; poor children are more likely to play truant, more likely to get excluded from school, more likely to get in trouble with the police, more likely to live in a deprived area, more likely to be from an ethnic minority family and more likely to be brought up by one parent (Blair, 1999).

Looking after the well-being of children means taking care of the future healthy condition of our liberal, democratic European systems. A preventive rather than remedial strategy is needed in order to promote equal opportunity in the next generation, given that the reduction of inequality among adults is more costly, if not hopeless, in the knowledge society. Investments in early childhood are cost-effective (Danziger and Waldfogel, 2000). Like education, family policy may be considered as an investment in human capital.

Child poverty associated with the emergence of new family arrangements is a major policy issue. While child poverty is everywhere seen as an important social problem, there is considerable variation in both anti-poverty policies and poverty outcomes across industrialised nations (Bradbury and Jäntti, 1999). At the Lisbon EU Council in March 2000, government leaders of EU members states accepted an invitation by their Belgian and British colleagues, formulated in a joint appeal, to consider the establishment of 'benchmarks and procedures' aimed at 'tackling the complex causes of social exclusion and poverty'. Children were one of the groups singled out for concern (Atkinson, 2000; Vleminckx and Smeeding, 2001). Some European countries have been fighting for long child poverty. This is mainly the case of Scandinavian governments with quite outstanding results. In Portugal there is an official poverty target to reduce the national poverty rate to the 1996 European average by the year 2005, i.e. from 23% to 17% in 2005, and to reduce the absolute poverty rate by 50% again by 2005 (Atkinson, Cantillon, et al., 2002). In a lecture on "Beveridge Revisited: A Welfare State for the 21st Century" delivered in 1999 Tony Blair launched a new child investment strategy and made a high-profile commitment to eradicating child poverty in 20 years and halving it in ten (Blair, 1999). Other countries such as Spain and Italy with high rates of child poverty have been more reluctant to follow suit.

One of the policy paradoxes of our times is that while the costs of childhood deprivation can be very high the costs of eliminating the problem can be quite modest. Spain is the worst-case

benchmark for comparison because it combines very low female employment, exceptionally underdeveloped economic support to families and fairly high child poverty rates. Even so, in this country the cost of eliminating child poverty could be very low, amounting only to a 0,16% of GDP (Esping-Andersen, 2002).

There is no generalised trend in child poverty: some countries recorded significant increases while others -including high poverty countries- showed decreases. In the majority of countries, child poverty remained stable throughout the past ten years. Changes in poverty rates were little affected by the shifts in the household structure defined by family type and work status. Children are generally more likely to be poor if living with a lone mother, but variations in rates of lone motherhood are not an important reason for the variations in child poverty across countries (Vleminckx and Smeeding eds., 2001). The picture of child poverty in rich countries in the latter part of the twentieth century is largely static and in the majority of countries there has been little progress in reducing child poverty rates. While we find marked increases in a few nations, there are no countries in which the proportion of children experiencing the social exclusion attendant on low incomes has significantly decreased (Rainwater and Smeeding, 2003; Chen and Corak, 2005). With the exception of Scandinavia, families with children fare very poorly just about everywhere, even in countries with high poverty rates to begin with (like the UK and the US) (Esping-Andersen, 2005).

The relative income position of one-earner families has been deteriorating quite significantly in many countries in recent years. On the one hand, the conventional male breadwinner family runs a considerable risk of poverty, the more so if the family is headed by a low skilled male. On the other, lone mothers are a high risk household that is likely to persist, considering that a substantial share of no-work households are single mothers, especially in the UK where employment among them is still exceptionally low. While two-earner couples with children are almost immune to poverty, single parent units are more vulnerable because their total potential labour supply is naturally limited (Esping-Andersen, 2005). By definition, single parent households cannot be work-rich.

In Italy, Spain and the USA we find peculiar patterns. In these countries an important share of lone mothers live with other adult people, which are likely to make contributions to the family's income. Because in Spain and Italy lone mothers bundle up with kin they have relatively low poverty rates. Another reason for these low poverty rates is that in Spain and Italy divorce has been for long a selective phenomenon affecting in a noticeable way more the middle than the working classes. Data show that not only do Spain and Italy have the lowest proportion of single-mother families, but that in over half of such families another adult is present. In the United States there is an even larger proportion of children in families that have both a single mother and another adult present; some 7 percent of all U.S. children live in such families, or almost one-third of children in single-mother families. In other countries a very small minority of children in single-mother families also have

another adult present. With the exception of Spain, Italy, and the United States, over three-quarters of children in single-mother families live in families in which the only adult present is their mother (Rainwater and Smeeding, 2003; Esping-Andersen, 2005).

Opportunities and life chances in today's society remain as powerfully rooted in social inheritance as in the past. Contrary to expectations, the expansion of universal education failed to weaken the impact of social inheritance. There is mounting evidence that educational reform has not seriously diminished the importance of social origins for life chances. Life chances are powerfully determined by what happens in children's life prior to their first encounter with the school system. Diminishing the direct impact of parents on children's cognitive development is an essential element in the new economy, where the fundamental requisites for a good life, i.e., cognitive skills and professional qualifications, are constantly rising. This implies that life chances depend increasingly on the cultural, social, and cognitive capital than citizens can amass. The fundamental life phase is childhood, and the crucial issue lies in the inter-play between parental and societal investments in children's development (Esping-Andersen, 2002; 2005).

Higher parental occupational status can influence students' occupational aspirations and expectations and, in turn, their commitment to learning as the means of satisfying those aspirations. High parental occupational status can also increase the range of options of which children are aware. Indeed, 15-year-olds whose parents have higher-status jobs show higher literacy performance on average, but the advantage is much greater in some countries than in others. While socio-economic background remains one of the most powerful factors influencing performance, some countries demonstrate that high average quality and social equity in educational outcomes can go together (OECD, 2002).

Patterns of intergenerational mobility and inequality conform almost perfectly to cross-national differences: unequal societies also harbour less mobility across the life course and between generations and vice versa for the most egalitarian societies. Social inheritance, in brief, appears stronger in inegalitarian societies. The opportunity structure appears far more egalitarian in countries with more equal income distributions (Esping-Andersen, 2005).

3. Factors affecting the well-being of children

Family and demographic forces play only a limited role in determining changes in child poverty rates. These forces change only gradually and are limited in their ability to cushion children from detrimental shocks originating in the labour market or in the government sector, which are the sources of the major forces determining the direction of change in child poverty (Chen and Corak, 2005). Indeed, there is a causal relationship between the level of social expenditure and child poverty

rates in OECD countries. In fact, aggregate public expenditure on support for families and young people correlates closely with the incidence of relative child poverty. Countries with high levels of social expenditure have been able to curb child poverty to a great extent so that well-developed government-funded institutions can prevent high rates of social exclusion and related risks for children and youth (Unicef, 2005b). However, in countries facing severe economic crises it does not appear that the amount of social transfers available were increased in a way to cushion children from these changes and put a backstop on their risk of low income. Indeed, just the opposite appears to have occurred in countries experiencing the largest increases in child poverty (Chen and Corak, 2005).

Poverty rates would be much higher in all countries if there were no child contingent transfers being made. However, nations with the lowest poverty rates are those in which children benefit a good deal from other transfers not necessarily directed to them. In some cases this is because of public support to working mothers and fathers, in others because of intra-household transfers from co-resident adults. In another set of countries with low poverty rates child contingent payments make a large contribution to child poverty reduction. These countries mainly make use of universal benefits and tax concessions. Though their systems are not particularly targeted on low income children they nevertheless perform well in protecting children from poverty. This is in contrast with countries targeting income to children in poverty, where levels of spending may be comparable but child poverty rates are higher (Corak, Lietz and Sutherland, 2005).

Sociologists have used the concept of individualisation to refer to the way in which people's lives have come to be less constrained by tradition and customs and more subject to individual choice. This in turn can only be understood against the background of changes in the labour market and in social provision by the welfare state in particular (Lewis, 2002b). One of dimensions in welfare states is women's capacity to form and maintain autonomous households, that is, to survive and support their children without having to marry to gain access to a breadwinner's income (Orloff, 1993).

The debate on the welfare-state regimes which took place during the 1990s (Esping-Andersen, 1990, 1999; Lewis, 1992, 1993, 2002a; Orloff, 1993; Castles, 1998; Pringle, 1998) contributed to awareness of the extent to which different family patterns were the result of various welfare provisions and labour market regulations. In particular, the assumptions about the division of welfare responsibilities between the state, the market and the family were found to be of crucial importance in understanding the condition and well-being of children. Research has focused on assessing how far different welfare systems can alleviate or intensify various forms of discrimination and oppression which bear down on children (Pringle, 1998).

In Western Europe there has been a shift away from a set of assumptions based on the male breadwinner towards a universalised adult model. The problem is that this new model has a more prescriptive than descriptive power, and it fits social reality no better than the male breadwinner model

of the past (Lewis, 2002b). The recasting of the work/welfare relationship and the generalising of an 'active' welfare model to women as well as to men need not be inherently 'bad' for women, but it invites further consideration as to how to deal with the issue of care (Lewis, 2002a). The move towards a more individualised model requires a different set of assumptions for the structuration of welfare states.

With the increased prevalence of lone mothers, governments were faced with a decision as to how far to treat them as mothers or as workers. Historically, countries in which the male-breadwinner logic has been strong have tended to make a dichotomous choice in this respect. Thus, in the UK and the Netherlands lone mothers were treated first as mothers and thereafter as workers. However, in these countries there is considerable ambivalence about the proper role of women with young children which has resulted in a renewed emphasis on the role of men as providers, albeit as biological fathers, rather than as husband-breadwinners (Lewis with Hobson, 1997).

New social risks tend to affect people at younger stages of their lives and they involve both labour market and family life. New social risks are primarily concerned with access to employment and opportunities in work, and with managing the conflicting pressures of family life, social care, paid work, and career (Taylor-Gooby, 2004). In recent years all countries have given special policy attention to the economic vulnerability of children in single-mother families. Most single mothers are caught between their responsibilities as mothers and heads of families, on the one hand, and the need to earn money, on the other (Rainwater and Smeeding, 2003).

Feminist scholars have considered single parenthood as a touchstone for the kind of treatment that various welfare states give to families in so far as lone mothers are potentially the sole caregivers and sole supporters of their children, and what is at stake is their right to form an independent household without the risk of poverty and marginalisation. There is wide variation in the extent to which lone mothers are publicly identified as a social problem. Historically, under the logic of the male-breadwinner model, lone mothers became a social problem because they lacked a male breadwinner yet had children to support. Lone mothers' dependence on state benefits has become a live political issue as all Western governments seek to reduce the amount of welfare provided by the state and to pass more responsibility for social provision to the market, the family and the voluntary sector (Lewis with Hobson, 1997).

In the case of lone mothers, there are three main possible sources of income: the absent father, the labour market and the state. Contributions from fathers are in all countries the least important source of income for lone mothers, but countries vary widely in terms of the importance that is attached to making fathers pay, the kind of legislation that is in place to force them to do so, and whether the state guarantees maintenance payments from fathers (Lewis with Hobson, 1997). In the UK, non- resident fathers have increasingly become the focus of policy concerns in the 1980s and

1990s, particularly in relation to family law and child support. Child support rather than contact rights has been the most salient and controversial policy arena concerning non-resident fathers in recent years. Contact with the child is very closely associated with whether child support is paid. However, there remains a debate about the importance of contact between non-resident fathers and their children (Bradshaw et al., 1999).

The extent to which lone motherhood is a more or less transient status is one of factors that may affect the welfare of children. In this sense, remarriage and cohabitation have been considered as routes out of poverty. Children's well-being improves dramatically when (and if) lone mothers remarry or cohabit -in either case, this almost doubles household income (Hardey and Crow, eds., 1991; Morrison and Ritualo, 2000; Esping-Andersen, 2002).

One of the variables that most affects the financial outcomes for children living with lone mothers is their participation in the labour market. There is no doubt that mother's employment is key to minimizing child poverty, and it also seems clear that household income polarization can be countered by maximizing the employment of women married to low-income males. Considering that there is a definite direct relationship between expenditure on family services and labour market participation of women with low earnings, there might be a need for external family services provided by the state in order to increase their activity rates (Corsi and Orsini, 2002).

There exists no evidence that mothers' working as such is harmful to children's development. On the contrary, the better mothers do in the labour market, the more positive the psychological spill-over within the family. The effects of mothers' employment may be positive if they have rewarding jobs but become negative if they jobs produce stress and fatigue. Overworked mothers can have a negative impact on children, especially if combined with insecure or stressful jobs, but unemployment is far worse (Esping-Andersen, 2002; 2005).

Market incomes play a larger role than state transfers in accounting for the cross-national diversity of outcomes for disadvantaged children (Vleminckx and Smeeding, eds., 2001). Indeed, child poverty is most often associated with work instability. There is some evidence of convergence between countries in that there is now no country where lone mothers are not expected to work (Lewis with Hobson, 1997). Nevertheless, the proportion of households with children in the EU that do not include a working adult increased from 8 per cent in 1985 to well over 10 per cent in 1996, despite the fact that official unemployment rates were stable during that period. The UK has the worst record: one in five households with children have no member in the labour force (Micklewright and Stewart, 1999).

Even if mothers' employment is a key factor in any policy approach to fight child poverty, it does not imply that social transfers become unimportant. The provision of public care services also plays a very prominent role. There is a divide among countries in how families with children are

supported: in the Nordic countries, families with children are supported not only by income transfers but also by comprehensive social services, whereas in liberal countries the support for families with children is almost totally limited to means-tested benefits. It appears that differences in child poverty between OECD countries and across the welfare state regimes are growing. Poverty in families with children is less common in Nordic countries than in many other OECD countries (Forssén, 1998). While in Scandinavia minimal child poverty is secured by a combined strategy of generous transfers and support for working mothers, in Continental Europe (and the UK) families depend far more on either the male breadwinner or on transfers. The reconciliation between family and work through the generous public provision of (free or heavily subsidised) childcare is one of best ways of combating child poverty, as unaffordable childcare can be a serious poverty trap for low income families, especially for poorly educated women and women on low incomes (Esping-Andersen, 2002).

4. Family Law in Europe

The well being of children of divorced parents has been a recent concern in European societies, which have progressively increased their divorce rates. The situation and safeguard of the well being of the children after the divorce or separation of the parents is one of the main issues of the Family law regulations. The national legislations establish different provisions concerning the legal attribution of parental responsibilities and custody and how they are exercised, and regulate the relations between parents and children.

Recent law reforms in most European countries have reacted to this new reality by trying to make the rights of individuals to form (and separate) a family compatible with the protection of children (and the mother); and by regulating parent-child relations in the framework of the rights and status of children provided by the international conventions.

Nevertheless, despite the legal protection of children provided by the provisions of international and European conventions, the reality shows that it is difficult to adjust the provisions of these conventions to those of the national family laws. Furthermore, even though using the international conventions has caused the national family laws in Europe to converge, this convergence has not been planned but rather is the result of certain cases reaching the European Court or the national supreme courts by chance. Moreover, the way the international conventions are applied in the E. countries differs from those taking the position that international conventions apply indirectly to those who accept the applicability of a convention-based judgment in the national legal order (Willekens p.3). However, the reality of using international conventions within the context of the national family law has raised problems concerning adjusting the legal regulations. Parent-child relations and specifically the interpretation of “the interests of the child” and making this compatible

with the rights of the parents has been one of the most polemic issues. According to the critics, some of the international provisions on child protection differ from the national legal systems, most of which are focused exclusively on adult's rights, and the children's rights tend to be regulated from the Family laws. The consequences of this lack of adjustment are the failure of the jurisprudence to protect children when adults and children's rights enter in conflict (C.Sawyer, 2005 for UK, Todorova, 2002 for Bulgaria).

However, outside European Union legislation a European private law in the form of legal regulations does not exist, and this applies particularly to family law (CEFL). Nevertheless, there is a growing convergence of divorce laws in Europe and in particular Council Regulations (EC) No. 1347/2000 (Brussels II) and Council Regulations (EC) No.2201/2003 (Brussels Ibis). This convergence has led to the Commission on European Family Law to launch the initiative aimed at harmonising EU Family Law. Its first action has been to collect comparative material concerning divorce and maintenance between former spouses, in order to set up the common basic principles that would be suitable for harmonising family law within Europe. In fact, from the academic point of view, there is very little comparative work done on family law legislation in Europe. Most of the works are syntheses of developments of national legal systems (Willekens, H., 2003, Boele-Woelki, K., 1997). Despite this convergence, large differences still remains between the countries. Some of the main features of the European family laws concerning divorce and the position of children in the post-divorce arrangements are provided in this section.

4.1. Divorce¹

- ***Judicial separation and access to divorce***

As a general pattern in the divorce laws of European countries, the time for applying for a divorce depends on the required previous judicial separation. This procedure, which terminates the obligation of the spouses to cohabit and the separation of common property, does not terminate the obligation of mutual support. In some countries, such as Spain, Italy and Ireland, a request for divorce needs a previous judicial separation, that may vary from 1 year (Spain) to 3 (Italy) and even 4 years (Ireland). In these countries, automatic divorce is *provided* only in the case of violence (attack on the applicant spouse or his/her progeny or relatives) and only if a formal complaint is in process.

In some other countries judicial separation is not a pre-requisite for divorce but both possibilities exist in the legal regulations and in some countries, most of the divorces are preceded by a legal separation. Denmark is a particular case in the sense that the request for divorce without previous separation is

¹ Family law in Europe, Edited by Carolyn Hamilton and Alison Perry, (Butterworths) Second edition 2002

only possible on certain grounds (violence, adultery, de facto separation, and bigamy). In the case of mutual consent, a period of 6 months separation is required and up to one year if only one spouse wants the divorce.

However, in other countries (Portugal, Belgium, UK) despite the possibility of obtaining a decree of legal separation they are rare in practice. In the countries in which legal separation is not a condition for obtaining a divorce, a judicial separation can be converted into a divorce after some time (2 years in Portugal, 3 in Belgium). In the countries where Judicial Separation does not exist (such as Austria, UK, Finland, Sweden, Hungary, Czech Rep...), the time of “asserted separation” may lead to an automatic divorce.

- ***Grounds for divorce***

Very few countries still maintain fault/guilty/responsibility for the marital breakdown as a grounds for divorce (Belgium, Spain (for separation not for divorce), France, Austria) in their family regulation and most of them have eliminated this in their reforms of the family law. In all European countries, in general, there is a strong tendency to eliminate the fault as grounds for divorce (France, Spain)² and take up a more liberal approach to divorce in a new social concept of the family and the couple, based on the freedom of the individuals to *form* and *dissolve* their union.

In many countries (Scotland, England and Wales and N. Ireland, Ireland, Greece, Portugal), the irretrievable break up of the marriage due to several causes that need to be proved for the courts approval (among them adultery, violence, mental illness, separation, desertion, etc.) is the only grounds for divorce. If separation is claimed as grounds, divorce is not granted after an established period of time, this may vary from 6 months to 3 years depending on the country, and often other grounds, such as bad behaviour or adultery are invoked in order to expedite the proceedings (Germany, England and Wales).

Eliminating the grounds for divorce is a general trend in all E. countries, and it has had important implications and consequences in the other aspects of the post-divorce arrangement, such as child custody and the spouse’s maintenance³. However, the development of the national family regulations towards liberalising divorce and the spread of divorce in all countries has increased the concern about its social implications (especially for children and dependent women) and has led to new mechanisms (mainly procedural) being created to avoid swift divorces (Willekens referring to the English and Wales family law Act 1996).

² [Proposition de loi de M. François Colcombet](http://www.vie-publique.fr/dossier_polpublic/famille/chronos/chrono_mariage.shtml), relative à la réforme du divorce, n°3189, déposé le 26 juin 2001 (http://www.vie-publique.fr/dossier_polpublic/famille/chronos/chrono_mariage.shtml)

Proyecto de Ley 621/000014/5-5-2005 por la que se modifica el CC español en materia de separación y divorcio

³ Maintenance of children is always granted.

- ***Maintenance rights and enforcement of orders***

Fault as a grounds for divorce, that is, the concept of guilt and therefore the concept of responsibility of the marriage breakdown, has clear effects on the maintenance rights and makes a big difference to the rights each of the spouses has to a maintenance allowance.

The divorce by fault, forces the guilty spouse (or the one who brought about the divorce) to support the other financially, according to certain factors, but mainly on the needs and earning potentials of the spouses. If the divorce is by fault, only the spouse that is not guilty has the right to maintenance (Belgium, Austria), whereas the guilty spouse loses all benefits conferred by marriage (including contractual) (Belgium). In the Belgium case, the law establishes that an innocent spouse should be able to maintain the same standard of living they enjoyed before the divorce, although in practice this is rarely possible. In the French law, in a divorce based on separation, an alimony can be ordered and calculated based on the standard of living before the divorce. Apart from the alimony after divorce, in the French legislation there is also a compensatory transfer to compensate for any disparity in the standard of living of the spouses, and this is a capital sum which can be paid over 8 years and in special cases in life time annuities.

In cases of no fault, whenever it exists as a grounds, the sole obligation to pay maintenance to the other spouse applies in the case of the “need for financial support”, and this is not an obligation but a right to claim. This *claim* (need of financial support) is also interpreted in different ways according to the country. For example, in Portugal the need is calculated based on the standard of living during marriage, whereas in Scotland, the need is a burden of caring for a dependent child, a need to adjust to the loss of support in the case that one of the parties was financially dependent on the other or serious financial hardship as a result of the divorce.

In countries in which fault as a grounds for divorce does not exist in the family law regulations, obligation to pay maintenance to the other spouse may also exist. In some cases, maintenance⁴ is limited by time, and is conceived as a transitional period in which the “dependent” spouse should be able to maintain him/herself by his/her own means (Scotland, Norway, Greece, Finland) If the spouse cannot find adequate or proper steady employment due to lack of professional training, then the allowance is normally limited to the time needed to attain it (3 years). However, there are some special cases in which there is no time limit: inability of the dependent spouse to maintain him/herself by his/her own means due to old age, illness or handicap or they take care of dependent children (Germany). In Germany, as well as in Austria, family law protects the spouse

⁴ Regardless of whether fault as a grounds for divorce exists in the law or not.

(generally the women) who has devoted themselves to child care (or other members) and housekeeping during marriage, granting a maintenance allowance irrespective of fault in a divorce. In other countries, the maintenance allowance is not limited in time and only stops in the case of remarriage, cohabitation, death or renouncement (Spain, Italy, the Netherlands, and Ireland). Even in the countries in which allowances are not limited in time, payments are not expressed to be “for the support of a spouse” but to adjust and equalise the spouse’s financial situations.

All the countries have mechanisms to ensure the maintenance payments are paid, but the proceedings are different. The spouse can sue the spouse that must pay maintenance before the courts (if the other lives in one of the contract states) in Austria, whereas in Belgium, maintenance orders are enforceable and seizure of the debtor’s goods by a bailiff, and by attachment of earnings (also in Sweden). In Spain, the spouse can be forced to pay by ordering direct payment from salaries or even placing a mortgage on their assets.

4.2. Children after divorce

The guiding principle of the legislation of E. countries relating to children and to parent-child relationships after divorce is that it should always be in the ‘best interests of the child’ or ‘the welfare of the child’⁵. E countries also *give* strict equality to legitimate and illegitimate children. All the E. countries have adopted the UN Convention on the Rights of the child of 1989 and most of the European council conventions, whose principles form the basis of decisions regarding children.

- ***Parental authority, custody and contact provisions***

The Convention on Contact concerning Children (Council of Europe 15/05/2003) was adopted with the aim of improving both the rights of children to maintain personal relations and direct contact with both parents on a regular basis, and to set up the mechanisms for international co-operation in cases of custody and trans-frontier contact. This law emerged from the « awareness » of the need to create provisions to safeguard contact between children and their parents and other people with family ties to the children (as it is protected in the Convention for the Protection of Human Rights, Art. 8 – 04/11/1950)⁶. It has to be noted that more than 50 years have passed since the CPHR of 1950 for European countries set up the issue of relations between parents and children under the principle of the best interests of the child and acknowledging that regular contact with both parents fulfils this principle.

⁵ In this case, a definition of welfare is provided (Ireland)

⁶ The International Survey of Family Law 2004 edition. Dr. Andrew Bainham (editor) .Family Law. Bristol

Recent law reforms in many EU countries aim at broadening the participation of fathers in child care and education and the equal involvement of both the father and the mother in all the issues concerning their children. Many reforms have introduced the principle of joint parental responsibility and joint custody after separation and in most of the European countries, the divorce and separation of the parents does not affect the legal attribution of the parental rights/responsibilities which is *ipso iure* for both parents. There are, however, differences in the attribution of the parental responsibilities in these specific cases. In the UK, Italy, Spain, France, Germany, Sweden, Finland, Ireland, Denmark, Greece, Bulgaria, Lithuania, and Czech Republic both parents have parental responsibilities, regardless of whether they live with the child or not. However, in other countries, (Portugal with the so called parental power, Luxemburg, Poland, Switzerland, Hungary) maintaining joint parental responsibilities after divorce is not common and these rights and duties are normally attributed by judicial judgment to one of the parents with whom the child is placed. The extent to which the agreement of the parents is taken into consideration by the courts varies. In Greece and Bulgaria, just to mention some of the countries, the parental agreement is a pre-requisite for attributing joint parental responsibility, whereas in Spain, agreements on the attribution of parental responsibility are not permissible because parental responsibility is not disposable. It is an effect of parenthood and it is held jointly by the father and the mother regardless of their civil status. The general guideline for the courts in all EU countries when deciding on how parental care will be carried out is what is in the best interests of the child, thus joint parental responsibility can be granted by the courts even without the agreement of the parents, but only when sole responsibility would endanger the welfare of the child.

The terminology used cannot be neglected when comparing family laws in Europe. Nevertheless, whether the term is parental authority (France), parental rights (PAIS), or parental power (Portugal), all terms refer to rights, duties, powers, responsibilities and authority, which by law a parent of a child has in relation to the child and his/her property. Most of the legal reforms have substituted the concept of parental rights or power with parental responsibilities (Norway-1981, UK-1989) or parental care (Greece-1983), and all of them are regarded as those rights which a parent has in relation to his/her child to be exercised according to the child's needs and not for the parents' own benefit.

○ *Parental responsibility of unmarried parents and children born out of wedlock*

In the case of married couples both parents have recognized responsibility rights, whereas there are large differences in the different E countries concerning the situation when the couple is not married. Many of the family laws do not have specific provisions on the relations between unmarried parents (Bulgaria) and the situation of break-up of an unmarried couple may not follow divorce provisions.

In some countries there is the possibility of legally registering non-married couples (the Netherlands, Sweden, Denmark, Norway). The institution of “registered partnership” allows unmarried couples to be registered, and the effects concerning parental rights are the same as for married couples. This occurs in countries where the number of unmarried couples represents a large proportion of the couples.

However, in the majority of E countries, parental responsibility is linked to the concept of legitimacy and this is also linked to marriage or at least, with the legal recognition of the (paternity) child. In the case of Austria, for example, custody for an illegitimate child resides solely with the mother, who can allow the father to participate. In other countries, such as Hungary, the unmarried father’s parental responsibilities come about as the consequence of two conditions: the legal affiliation towards the child and the co-residence with the mother.

- *Custody*

The legal rights and duties linked with parenthood tend to be the same regardless of the marital status of the parents, but it does not always apply when parental responsibilities and custody are actually carried out in reality.

Generally, divorce is not granted until the provisions concerning the children’s residence, the amounts and forms of maintenance of underage children and the access to and contact with the child for the parent who does not live with him/her are provided, whether agreed on by the parents or a court decision.

Whereas joint parental responsibility rights after divorce is the norm in most European divorce regulations, there have been different responses to the issue of joint custody in the debate on co-parenting and the regulation of the custody in the different countries. The “interests of the child” as the main principle governing the decisions about custody and contact matters is interpreted in many different ways. Most recent reforms tend to promote co-parenting through joint custody, supporting the idea that «maintaining a relationship between the two parents ensures the child is brought up properly». This is the case of the law of 4 March 2002 in France. In other countries, such as Bulgaria (Todorova 2002) the courts give only one of the parents custody according to the idea that joint custody generates practical difficulties that are incompatible with the interests of the children. The same arguments are used in the debate that has arisen from the successive proposals of reform in the Italian Civil code⁷. In Spain, the debate on the forms of custody and the role of the parents in the socialization of children in a divorce context has just been set up with the recent reform of divorce, raising the problem of the lack of legal regulation and hence the practical problems that it may

⁷<http://www.gesef.it/Affidamento%20Congiunto.htm>

involve. However, in other countries (Sweden since 1983, simplified in 1991, Denmark, Netherlands) joint custody has become the "norm" and parents need not make a decision about the custody questions because both parents automatically retain joint custody after divorce.

Nevertheless, in general, courts give a lot of importance to the parent's agreement concerning custody, residence and other matters affecting children. Agreements should generally be approved by the local social authorities (Finland) or the courts (Spain, Italy, Ireland, Lithuania, Austria, Sweden, etc.). It is the court which makes the final decision in the case that the parents don't agree, and it tends to transfer custody to one parent alone. In most cases, joint custody can be retained only when both parents agree, and the court cannot order joint custody when this agreement is not forthcoming (Austria, Greece, Switzerland, Spain, Hungary, Bulgaria, Sweden).

It is a common idea that the practice of joint custody and co-parenting has to be established on the grounds of a common agreement between the parents about matters concerning the child and a good relationship between the parents. This idea means that joint custody is a minority practice in some countries, and even less common for judges to order it against the explicit will of one of the parties. Currently, in most of the countries if the parents don't agree on any of the provisions related to the custody of the children this automatically leads to sole custody being given.

According to the same argument, even in countries in which a court can order that the parents have joint custody against the parents' will (Belgium, Ireland, Finland, Lithuania, Czech Rep., Sweden), courts are reluctant to do so in practice (Finland⁸) and the discretion of the court is based on the parental agreement. Inter-parental conflict is generally a bar to joint custody because it creates practical problems, which are understood as being incompatible with the best interests of the child. Germany introduces the possibility for the child, when he/she is over 14, to agree or disagree on his/her own custody regarding sole custody. In other countries, joint custody against one of the parents' will cannot be legally attributed (Denmark, Italy, Greece, Bulgaria, Spain).

Nevertheless, juridical practice in most of the countries tends to give sole custody (mainly to mothers) and there are still few cases of joint custody. In France, one year after the state introduced the law of parental authority (2002), only 10% of the demands were for joint custody, of which 85% were granted. When the demand was made by only one of the parents only 25% were granted, based on the idea that the lack of consensus between the parents is the main factor that prevents joint parenting from working. Currently, 95% of the demands for joint custody are made by both parents by consensus.

Some authors consider that the courts have excessive power to decide the custody of the child when the parents do not agree (Neyrand, 2004, Todorova, 2002). In the regulations in which joint

⁸ 20% of the custody cases in Courts of Appel in Finland resulted in joint custody against one parent's will (report).

custody is not automatic, the judges have wide discretionary authority in which to examine the minor's interests in each individual case. Attributing parental rights with regards to the interests of the children might lead to divergences in the interpretation of the situations by the judges, which could be conditioned by their previous experience and practice, ideological convictions, knowledge of social scientific arguments, etc. This fact leads, in the majority of the countries, to a practice in which sole custody is the rule of the jurisdiction, mothers being the preferred parent according to the "traditional" argument that the mother is more capable of rearing and bringing up children (especially young children).

This gendered conception of parenthood is also based on the arguments against joint custody. According to Bastard and Cardia-Voneche⁹, in the French case, the government's insistence on joint parenting after separation is not in harmony with the views of the population and questions its origin and its significance in the emerging definition of the family (parenthood separate from couple relations). It is also the case in Italy, where joint or alternate custody is an exception, also because legal and social practice still consider fathers as "dispensable parents" when the marriage ends (Saraceno, 2002). In countries in which joint custody continues to apply as a rule when parents get divorced¹⁰ (such as Sweden, for example), it is considered to be a highly effective way of increasing the involvement of fathers in the education and care of their children. This same argument can be seen in several decisions made by Irish courts¹¹ in which despite the opposition of the parents, joint custody was granted to both "*in the hope that the conferral of joint responsibility would encourage them to put their antagonisms behind them*" (Report Ireland). In fact, joint custody is one of the main claims of associations of divorced fathers, who feel themselves to be in a weak situation compared to the mother in the case of marital break up and wish to be more involved with their children. However, many of their arguments for claiming joint custody have, in many cases, arisen because their rights of parental responsibility have not been respected and they have been excluded (by the mothers) from regular contact with their children and the mechanisms to enforce the legal provisions concerning access to the child are not effective. Nevertheless, despite an increasing trend in joint custody, opposition based on the "traditional gender roles" arguments in court practice is still strong, especially in southern countries (Italy, Spain, Greece). Nevertheless, this is not the only critique that arises in the debate on joint custody. According to Willekens, introducing the principle of joint custody (as has been the case in many recent reforms of many countries), strengthens the position of the absent parent

⁹ B. Bastard & L. Cardia-Voneche "Separation of the parents has no influence on the rules of devolution of the exercise of parental authority. Considerations on the French Law on parental authority (2002)" Paper presented at the 1st Conference of the Wellchi Network in Oxford 7-9 January 2005

¹⁰ Introduced in 1983 and reinforced in 1991. By statutory amendment of 1998, the parents need no longer apply to courts in order to arrive at a decision as to custody after divorce. Only a binding out-of-court is needed. The agreements of parents on custody are approved by the Social Welfare Committee, without the involvement of a court.

¹¹ McGuinness, D.F.O's.v.C.A. 1999 and Herbert, D.Mc.v.K.McA. 2002

while leaving the step-parent's position weaker in a social context in which many children have a closer relation with the step-parent than the biological one. In order to avoid or compensate this, laws such as those in the Netherlands, England and Wales provide a definition of "parental responsibility" that allows some parental rights to be attributed to those actually caring for the children (Willekens).

The children is one of the most controversial issues of custodial arrangements. Despite the legal provisions regulating custody often led to the custody and residence of the children, the law establishes a clear difference between both notions. For example, in Austrian law, divorced/separated parents can only agree joint custody as long as they continue to live in domestic community (non alternate residence). From 2001 onwards both parents retain joint custody and other arrangements can be reached the parents even in case of joint custody, there is no alternate residence the parents have agree the residence of the child that should be either with father or mother. Nevertheless, there is a tendency towards expanding co-parentship through alternate residence. the French Law of 4 2002, for example, in which the notion of "usual residence" of the child has been removed¹², and the law allows (it was not allowed before) setting alternate residence¹³. Again, the link between joint parenting and good relations between the parents or at least high capacity of reaching an agreement concerning children's is very strong. Generally, the residence, along with contact and maintenance is part of the arrangements that must be settled and agreed by the parents these provisions must be approved by the courts, and very often, the agreement is a pre-condition to the approval.

Nevertheless, the rule of judicial practice in many countries is either the mother's or the father's residence. Most of the literature concerning the issue of the residence of the child after divorce underlines the inconveniences of alternate residences and therefore privileges stable settlement in only one residence¹⁴.

Despite the fact that the common agreement of the parents is required to determine the child's residence, the amount of maintenance, the contacts with the non-resident parent, etc., the efforts the governments are making to promote conciliatory divorce are not homogeneous. In some countries the government encourages using family mediation to resolve disputes (UK, Sweden) or makes procedural regulations to help parents reach an agreement for the post-divorce arrangements (imposing mediation as in France) by providing information or funding for mediation to help both parties reach agreements, mainly concerning children's welfare (custody, residence, contact, maintenance...). Other countries let the courts decide on the provisions concerning the custody of the children, residence and maintenance

¹² Having important effects on the civil responsibility of the parents, in the sense that it is linked to the residence of the child and not to the parental responsibility (Nadia Kesterman)

¹³ A lot of literature concerning this issue has emerged in France: Bosse-Platière H. "La légalisation de la résidence alternée"; Nadia Desterman "L'actualité du droit civil de la famille: l'autorité parentale (septembre 2002)" *Recherches et Prévisions* n°70-2002

¹⁴ Todorova for Bulgaria, Théry for France, Eekelaar for UK, etc.

and do not provide mechanisms (institutional or not) to help the parents come to an agreement by themselves. These mechanisms, if they exist, remain in a private sphere or in the area of social services.

- ***Enforcement of contact orders***

Based on Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the European Council, both the non-custodial parent and the children have the right to maintain regular contact. In the majority of the laws, the access rights are seen as a right of the child and not of the parent, and in some cases, the children, after a certain age (14 years in Austria, 12 in Spain, 12 in Germany, “a child capable of expressing his/her wishes” in Finland) may refuse personal contact with a parent. In other countries (Austria, Greece, Bulgaria) the visitation rights are considered a right of both the non-custodial parent and the child. In the case of Bulgaria, the right to contact is admitted to be a subjective right of the parent, but judicial practice tends to make the decisions in the interests of the child in contact with the parent, and therefore his/her priority over the right/interests of his/her parents (Todorova, 2002)

The visitation rights of the non-custodial parent are established by agreement between both parents or by the courts, if an agreement has not been reached directly by the parents. Nevertheless, even though the legal provisions establish the duty of the custodial parent to ensure access to the other parent and other people to whom the child is particularly close (previous foster parents, grandparents...), generally laws do not contain legislative rules indicating how and to what extent such access should take place. These provisions are left to the parents to decide or court decisions. On the other hand, the agreements are enforceable but not against a disinterested parent (Austria). However, fulfilling the contact regime appears to be one of the main points of conflict between parents in many countries, as many parents refuse to ensure the children’s right to have contact with the other parent. The visitation and information rights of the entitled parent can be enforced by the court in extreme cases by a partial or complete withdrawal of custody.

As a general condition, enforcing an order of contact or support requires an enforceable order from the courts or public agencies. In Finland, it is not necessary to make a formal agreement on visiting rights if the parents are on good terms. An agreement confirmed by the Municipal Board of Social Welfare is enforceable, as is the court order if the agreement is not reached. In Bulgaria there is a specific agency (State Agency for Child Protection) to deal with the claims for enforcing orders in the case of divorce. In Italy, it is the court who establishes the provisions concerning access to a child but they prefer to leave enforcement to the social welfare services (*consultori familiari* of the public health service) unless the case is particularly problematic. In Sweden, enforcing the court decisions

falls under the jurisdiction of the administrative courts and the county administrative court in the first instance.

Most of the national legal provisions also introduce visitation rights of third persons, for example, grandparents and former step-parents or foster-parents of the child, who may also claim a contact order to be enforced.

- ***Maintenance of children***

In the family legislations in European countries, both parents, regardless of whether they are married, unmarried, separated or divorced and regardless of whether they have custody of the child, have the duty to provide maintenance for their children. In the case of separation and divorce, the amounts and conditions are determined in many cases by an agreement between the parents, by courts (France, Spain, Austria...) or by administrative institutions (the county governor in Denmark, the Municipal Board of Social Welfare in Finland, the Child Support Agency¹⁵ in the UK, etc.), according to the financial capacities and circumstances of the parents and the children, (normally based on a minimum standard) but not on the grounds for divorce. The amount of the maintenance is also variable over time. Most of the national laws establish the end of the maintenance payments when the children come of age, or as in the Austrian case, “when the child becomes capable of earning his/her own living”. However, normally the maintenance continues throughout the education of the children.

Maintenance is not considered an expiring debt, and handling maintenance debts is generally comparable with handling other debts such as bankruptcy. Therefore, not paying is punishable under criminal law. If payments are in arrears, the custodial person may apply for the enforcement of the maintenance orders, which requires a previous enforceable document (by courts, by agreement approved by courts, etc.).

Some countries establish compensation mechanisms or other mechanisms to grant the maintenance of a minor. In Austria, the state grants an advance on maintenance of Austrian children or stateless children with habitual residence in Austria in the case of default of the debtor and provided all the efforts to make the debtor pay maintenance have been unsuccessful or without prospect.

In Sweden, the family law rules concerning maintenance obligations must be viewed in conjunction with various social benefits such as, for example, the public child allowance and various forms of study assistance, but above all else maintenance support, which is governed by the Maintenance Support Act (1996). A child is entitled to maintenance support, payable by the Social Insurance Office upon written application, when for instance the parents, as a result of divorce, do not

¹⁵ This agency helps the parents to assess, collect and pay child support maintenance, ensuring that parents who live apart meet their financial responsibilities to their children. The Child Support Agency arranges the payments and follows up the parents that must pay maintenance orders, but they are not legally able to enforce them.

live together. It is further required that the child lives permanently and is registered as resident with one of the parents, and that this person lives in Sweden and is the custodian of the child (if they are a minor). Maintenance support may also be paid in connection with an “alternate residence” in which event the parents can share the allowance. When a decision concerning maintenance support is issued, the Social Insurance Office determines the obligation of the parent liable to pay maintenance to wholly or partially repay the maintenance support provided.

Nevertheless, other legislations do not regulate any alternative mechanisms to ensure payment of the maintenance debts or specific policies to grant the well-being of the children in the case of non-payment (Alipranti, for the case of Greece).

List of legislation and its reforms in europe

Austria	Marriage Act 1938- CC	Amendment 1999 Act on the amendment of laws relating to children 2001
Belgium	Civil code	Law of 23 Nov 1998 – came into force 1 January 2000 - introduces a new status for cohabitantes (“legal cohabitation”)
Denmark	Marriage Act 2-56 of 18 March 1925 Maintenance Act-200 of 18 May 1960 Succession Act- 215 of 31 May 1963 Marriage Act 1-256 of 4 June 1969 Custody Act of 2 June 1995 Paternity Act-460 of 7 June 2001	
UK	Acts of Parliament (no codified system of law) Marriage Act - 1949 Matrimonial causes Act - 1973 Children Act -1989	Marriage Act- 1986 (Family Law Act?)
Northern Ireland (similar to that in England and Wales, with some differences)	Acts of Parliament, Orders in Council and cases Maintenance Orders 1920 Matrimonial Causes Order 1978 Family Law Act 1986 (England and Wales - applies for NI) Matrimonial and Family Proceedings Order 1989 Child Support Order 1991 Family law Order 1993 Children Order 1995 The pensions order 1995 Family Proceedings Rules 1996 Northern Ireland Act 1998	Maintenance Orders -1972-1992 Family Law Reform 1997 Family Law Bill
Scotland	Acts of Parliament (UK parliament) Children and Young Persons Act (S) 1926 Marriage (Scotland) Act 1939 Law Reform (Husband and Wife) Act 1962 Registration of Births, Deaths and Marriages(Scotland) Act 1965 Domicile and Matrimonial Proceedings Act 1973 Divorce Act (S) 1976 Adoption (S) Act 1978 Matrimonial Homes Protection Act (Scotland)1981 Matrimonial and Family Proceedings Act 1984 Family Law (Scotland) Act 1985-1986 Age of Legal Capacity Act (S)1991	A- 1963 Marriage Act 1977 Law Reform (Parent and Child)(Scotland) Act 1986

	Child Support Act 1991 Children Act (Scotland) 1995 Scotland Act 1998	
Finland	Marriage Act- 13 June 1929 Act on International Family Relations- 5 Dec 1929 Act on Paternity- 5 Sept.1975 Act on Child Maintenance -5 Sep 1975 Act on Custody and Visiting Rights of the Child - 8 April 1983 Act on Adoption - 8 Feb 1985	Marriage Act Amendment Act- 16 April 1987
France	Art. 144-487 Civil Code Loi 1987 (autorité parentale) Loi 1993 (autorité parentale) Loi du 4 mars 2002 relative à l'autorité parentale	1975- div par consentement mutuel
Germany	Civil Code - German family law - child law – 1995 Code of civil procedure Child and Youths	CC amendment 1977 (divorce reform) CC procedure amended in 1977 Child Law reform act -1998
Greece	Civil Code -1940	A-1982 (introduction of civil marriage) A-1983 (principle of equality of men and women) A-1996 (new rules on adoption)
Ireland	Acts of Parliament (Oireachtas) – most of them 1922 The Common law (judge-made and developed) Marriages Act -1844 Matrimonial Causes and Marriage Law Act -1870 The Irish Law Reports and Monthly Irish Law Reports Constitution of Ireland -1937 Guardianship of Infants Act 1964 The family Law Act (maintenance of spouses and children) 1976 Family Home Protection Act 1976 Courts Act 1981 Family Law Act (Protection of Spouses and Children) -1981 Children Act 1987 Judicial Separation and Family Law Reform Act 1989 Child Care Act 1991 Family Law Act 1995 Family Law Act (divorce) 1996	Guardianship of infants Act - 1976
Italy	Art. 74 to 448 of the Civil Code Law on Adoption 1983	Divorce law 1970 (Civil Code)
Netherlands	Book I Civil Code Constitution 1983 Act of Dutch Nationality - 1984 1998- Register of Partnership including same sex couples.	Amendment Act of Dutch nationality -2001-2002

Norway	Administration of Estates Act 1930 Children Support Act 1946 Inheritance Act 1972 Act on Children and Parents 1981 Marriage Act 1991	
Portugal	Constitution of the Portuguese Republic Book IV Civil Code Codigo de Processo Civil (CPC) Organizaçao Tutelar de Menores Código de Registo Civil-2001	
Spain	Spanish Civil Code Spanish Constitution 1978 Matrimonial Property regimes (legislate by the autonomous communities)	Divorce introduced in CC- 1982 Amendment Civil Code on divorce 2005
Sweden	Code Relating to Parents, Guardians and Children 1949 Inheritance Code 1958 Marriage Code 1987 (came into force 1988) Cohabitees Act 1987 Homosexual Cohabitees Act 1987 Partnership Act 1994	Reform of divorce legislation 1973 (NAME OF LAW?) New provisions on maintenance support (1997) Amendment of Children and Parents Code 1998
Switzerland	Art, 90-456- Swiss Civil Code 1907 Federal Law on the Acquisition and Loss of Swiss Nationality Law of Seizure and Bankruptcy Federal Law on Jurisdiction Codes of Civil Procedure and Court Organisation of the Cantons	Federal Laws of 30 June 1972 and 25 June 1976 - reforms on adoption and parent-child relationships 1984 - reforms on marriage law sections on the effects of marriage and matrimonial property 1998 - revision of the divorce law section. Federal Law 2000
Bulgaria	The Family Code 1985 Bulgarian Child Protection Act 2000	

Conclusions

There is no single road to lower child poverty rates. Changes in income transfers need to be thought through in conjunction with the nature of labour markets. Reforms intended to increase the labour supply and labour market engagement of adults may or may not end up lowering child poverty rates. At the same time increases in the level of support have also been shown to be a central

ingredient in lowering the child poverty rates both when it is very high and when it is already quite low (Chen and Corak, 2005).

Although some convergence of policy objectives and measures in the area of family policy, no strong consensus is to be found over the place of public policy with a family impact in European societies. The fact that family policy displays such a cultural and ideological diversity across Europe probably explains the reluctance of policy actors to develop a supranational family policy (Hantrais, 2004).

It is clear that single parenthood or marital instability *per se* are not the causes of child poverty and other ensuing adverse conditions for children. For this reason, it would be a mistake to stigmatise lone mothers with children. On the contrary, their well-being depends on how they are treated by governments and on the extent to which there is a gap between emerging social structures and existing provisions of welfare states. In this sense, the policy logic, that is, the assumptions, principles and premises underlying welfare regimes becomes of prime importance. Defining the policy logic that is needed for a more child-friendly architecture of welfare states will contribute to properly responding to the challenges and opportunities that they face in their process of restructuration. On the side of the legislation, national family laws in Europe are converging towards the adoption of the main principles lying in the International Conventions on children's rights. Nevertheless, the family law need adapt to the complexity of making divorce liberal with the principle of the best interest of the children. Above all, national legislations need to be clear regulating provisions such as the responsibilities of the parents and the state and the relationships between them and the children in a general legal context.

It is expected that the present project can help clarify research and policy issues in this area, identify gaps in research programmes, develop and set common objectives for European social and legal scientists, orient the harmonisation of existing statistical data and the production of new indicators about the condition of children, and sensitise governments and welfare agencies to children's problems.

Mapping of Research Competences

Introduction: Childhood as a subject for social research

The children and their well-being is an increasing issue of interest in the legal, social and economic research. Many international and national institutions are involved in children's research as a way to contribute to the improvement of their life conditions. Most of these institutions carry out a monitoring work on the situation of the children in the world with the aim to identify the sources of the problems that affect children and to propose ideas for reform.

The well-being of the children is dealt from very different fields of research in social sciences: the analysis of social and economic policies, the organisation of the labour market and the implications of its changes in the living conditions of the children as well as the effects on family relations, the mechanisms of social exclusion and the risk to children to fall into poverty; the interaction between the family change and social policies, etc.

This section contains the following sections:

1. National and international organisations involved in research on childhood issues
2. University research groups doing research on childhood and the family
3. Research projects on childhood finances by the European Commission
4. Other research projects
5. Recent events regarding childhood issues
6. Data on child well-being in the European Union
7. Legislation on children
8. NGOs and other organisations operating in the specific field of the children's rights

1. National and international organisations involved in research on childhood issues

- **URBAN INSTITUTE (US)** →

<http://www.urban.org/Template.cfm?NavMenuID=24&template=/TaggedContent/ViewPublication.cfm&PublicationID=7826>

The Urban Institute is engaged in research on many pressing issues of the day. The Issues in Focus section provides facts and findings on a sampling of programs and topics of particular relevance to policymakers, researchers, and other interested parties.

The Urban Institute measures effects, compares options, shows which stakeholders get the most and least, tests conventional wisdom, reveals trends, and makes costs, benefits, and risks explicit.

Much of the Institute's research is conducted in policy centres, and the cross-cutting Assessing the New Federalism project.

The programme *Child welfare research* closely monitor how policy becomes practice, identify important emerging issues, and conduct timely, rigorous, and practical studies to help inform the public policy debate.

- **CHILDWATCH INTERNATIONAL RESEARCH NETWORK →**

<http://www.childwatch.uio.no/>

Childwatch International is a nonprofit, nongovernmental network of institutions engaged in research for children. The Network seeks to strengthen child-centred research to contribute towards real improvement in children's well-being.

The network is a response of the research community to the [Convention on the Rights of the Child](#), an instrument for changing the focus of research and for ensuring that the perspectives of children are heard. The ultimate goal of Childwatch International is through network activities to promote, initiate and disseminate international, inter-disciplinary research that leads to a real improvement in the well-being of children. This is realised through a number of research projects. Childwatch International also encourages and supports a dialogue between researchers and decision-makers on the development of strategies for the implementation of the principles of the Convention on the Rights of the Child.

CHILDWATCH INTERNATIONAL RESEARCH NETWORK- Centre for family environments → http://www.childwatch.uio.no/key_institutions/europe/czech.html

- **[UNICEF INNOCENTI RESEARCH CENTRE](http://www.unicef-icdc.org/)** → <http://www.unicef-icdc.org/> → The state of the World's Children <http://www.unicef-icdc.org/research/>

UNICEF Innocenti Research Centre (IRC) works to strengthen the capacity of UNICEF and its cooperating institutions to respond to the evolving needs of children and to develop a new global ethic for children. It promotes the effective implementation of the Convention on the Rights of the Child, in both developing and industrialized countries, thereby reaffirming the universality of children's rights and of UNICEF's mandate.

UNICEF's Medium Term Strategic Plan (MTSP) for 2002–2005 highlights the need for UNICEF to act as a researcher, a policy analyst and communicator and affirms the role of IRC in research, monitoring and policy analysis, and in networking with others, including universities and research institutes.

IRC supports the implementation of the MTSP, its human rights approach and results-based management. In particular, IRC works to ensure that its research supports the five priorities of the MTSP: girls' education; integrated early childhood development; immunization 'plus'; fighting HIV/AIDS; and increased protection of children from violence, abuse, exploitation and discrimination.

[National Center of Documentation and Analysis on Childhood and Adolescence](#)

- **L'EUROPE DE L'ENFANCE - EUROPEAN NETWORK OF NATIONAL OBSERVATORIES ON CHILDHOOD-** → <http://www.childoneurope.org/>

L'Europe de l'Enfance works for the introduction of mainstreaming of children's policies and the rights of the child in all EU policies. It is formed by the Ministers of the EU countries and/or high-level government officials with responsibility for childhood policies.

The European Network of National Observatories on Childhood is a technical – scientific instrument of the organisation to develop studies, exchange and comparison on childhood and adolescence.

- **INTERNATIONAL REFORM MONITOR** → www.reformmonitor.de

The International Reform Monitor is a project of the [Bertelsmann Foundation](#) that intends to identify promising systems and above all, innovative ideas for reform as early as possible in order to provide valuable input for social and political debate. The keystone of this project is a network of [international partners](#) comprising experts on social and labour market policy as well as industrial relations from renowned inter-national research institutes and advisory bodies. This network, which is co-ordinated by the Swiss [Prognos AG](#), gives up-to-date access to local expertise and makes possible an efficient and topical international research into promising models for reform. Every six months a semi-standardized survey is launched among the network partners. It aims at identifying interesting reforms in the fields of social and labour market policy as well as industrial relations which were either recently accomplished, are presently on-going or are scheduled for implementation. The findings are subsequently presented in a brochure (The "International Reform

Monitor"), every six months, which can be [downloaded](#) from this site. The original survey results can be retrieved at the "[Reform](#)"-section of this site.

- **THE EUROPEAN OBSERVATORY ON THE SOCIAL SITUATION, DEMOGRAPHY AND FAMILY** → http://europa.eu.int/comm/employment_social/eoss/index_en.html

The *European Observatory on the Social Situation, Demography and Family* is a multi-disciplinary network of independent experts established upon the request of the European Commission.

As its main tasks, the Observatory monitors political developments in Europe which have an impact on the social situation, demography and family; analyses political activities and the impact of family policies; monitors demographic, socio-economic and political changes which have an impact on families; stimulates academic debate on social, demographic and family issues as well as on related policies; and organises annual seminars of the Observatory experts and invited speakers for a specialised audience. The Annual Seminar 2002 focuses on *immigration and family*. The Milan Seminar in 2001 analysed *family forms and the young generation in Europe*. In 2000, *fertility* was on the agenda of the Seminar held in Seville. The 2003 Seminar will be dedicated to a *health* topic. It organises two closed meetings per year for the Observatory members.

The website contains a list of research projects on childhood and family matters in Europe (http://europa.eu.int/comm/employment_social/eoss/research_en.html)

The European Observatory has a National Expert in each EU Member State. These National Experts monitor and report on developments regarding the social situation, demography and family in the light of the Observatory's annual research focus. The monitoring reports are published on the Observatory's website.

The [Austrian Institute for Family Studies \(ÖIF\)](#) → www.oif.ac.at/sdf/sdf_03_2002.html in Vienna (Austria) has co-ordinated the Observatory since 1998. It is headed by Brigitte Cizek, Managing Director of the ÖIF, who also chairs the ÖIF-based Co-ordination Team. The Observatory's work is documented on its website. Every other month, the Observatory publishes *sdf-puzzle*, an electronic newsletter offering scientific contributions on selected key topics. Information on conferences, other events and topical family issues is circulated via the biweekly newsletter *puzzle*.

The *European Observatory on the Social Situation, Demography and Family* was established by the European Commission in 1989, on the basis of the conclusions of the Council of Ministers responsible

for Family Affairs meeting within the Council on 29 September 1989 as well as on the basis of Communication COM (89)363final on Family Policies adopted by the Commission.

Originally established as European Observatory on National Family Policies, the Observatory's name was subsequently changed to European Observatory on Family Matters. The name was amended to its current version – European Observatory on the Social Situation, Demography and Family – in August 2001

- **ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT**
OECD → <http://www.oecd.org/home/>
- **EUROPEAN SOCIAL SURVEY** (University of Bergen) → <http://ess.nsd.uib.no>;
<http://www.europeansocialsurvey.org>

The **European Social Survey** (the ESS) is an academically-driven social survey designed to chart and explain the interaction between Europe's changing institutions and the attitudes, beliefs and behaviour patterns of its diverse populations. Now in its third round, the survey covers over 20 nations and employs the most rigorous methodologies. It is funded via the European Commission's 5th and 6th Framework Programmes, the European Science Foundation and national funding bodies in each country.

The project is directed by a Central Co-ordinating Team led by **Roger Jowell** at the [Centre for Comparative Social Surveys, City University](#).

The central aim of the ESS is to develop and conduct a systematic study of changing values, attitudes, attributes and behaviour patterns within European polities. Academically driven but designed to feed into key European policy debates, the ESS hopes to measure and explain how people's social values, cultural norms and behaviour patterns are distributed, the way in which they differ within and between nations, and the direction and speed at which they are changing.

- **THE ANNIE E. CASEY FOUNDATION (US)** → <http://www.aecf.org/>

Since 1948, the Annie E. Casey Foundation (AECF) has worked to build better futures for disadvantaged children and their families in the United States. The primary mission of the Foundation is to foster public policies, human service reforms, and community supports that more effectively meet the needs of today's vulnerable children and families.

KIDS COUNT → <http://www.aecf.org/kidscount/> is a project of the Annie E. Casey Foundation. is a national and state-by-state effort to track the status of children in the U.S. By providing policymakers and citizens with benchmarks of child well-being, KIDS COUNT seeks to enrich local, state, and national discussions concerning ways to secure better futures for all children

The 2004 Kids Count Data Book contains a full list of American websites of institutions and organisms involved with the well-being of children

- **WHAT WORKS FOR CHILDREN** → <http://www.whatworksforchildren.org.uk>

“What works for children” is part of the ESRC funded EvidenceNetwork and is a joint initiative between Barnardo's, the University of York and City University. This is a three year project looking at the levers and barriers for implementing research evidence in health and social care practice.

Our team produces resources for practitioners wanting to use evidence in their work. Have a look at our resources section for access to our evidence guide and EvidenceNuggets, summaries of research evidence

- **CHILD POVERTY ACTION GROUP** →: www.cpag.org.uk

CPAG is the leading charity campaigning for the abolition of poverty among children and young people in the UK and for the improvement of the lives of low-income families. CPAG aims to: Raise awareness of the extent, nature and impact of poverty; Bring about positive income policy changes for families with children in poverty; Enable those eligible for benefits and tax credits to have access to their full entitlement.

In order to realise these aims, CPAG:

- Researches and publishes the latest facts and figures of family and child poverty in the UK;
 - Lobbies government and leads and supports campaigns for policies to prevent, alleviate and abolish child and family poverty;
 - Provides up to date information and advice on the complexities of the social security and tax credits systems;
 - Undertakes test-cases to extend the interpretation of law in favour of claimants using, where appropriate the European Court of Justice and the European Court of Human Rights.
- **PROGRAMME EVERY CHILD MATTERS. UK GOVERNMENT** → <http://www.everychildmatters.gov.uk/socialcare/socialservices/>
 - **OBSERVATORIO DE LA INFANCIA EN ANDALUCÍA (OIA):**

El Observatorio de la Infancia en Andalucía es un proyecto adscrito a la Dirección General de Infancia y Familia de la Consejería de Asuntos Sociales con la colaboración de la Escuela Andaluza de Salud Pública. Inició su actividad en el 2003.

→<http://www.easp.es/web/otrosproyectos/oia.asp?idSub=2616&idSec=2615&idCab=304>

- **OBSERVATOIRE DE L'ENFANCE.** <http://www.observatoiredeleenfance.org/accueil.htm>

Created in 1996 by the President of the *Fédération générale des Pupilles de l'Enseignement public*, the Observatory of the Childhood in France has been a joint initiative of the Presidents of the *Fédération générale des PEP* and the *Mutuelle générale de l'Education nationale*. This observatory is also supported by CAMIF, CASDEN and UMAE. It is an Economic Interest Group (GIE) composed by an administration board and a scientific council. Its organisation is flexible and transparent, and set up essential mechanisms of financing and administration control. This system makes possible the definition of a general scientific policy, while leaving large autonomy to the members of the Observatory to carry out research work and evaluate the quality of this work.

The Observatory aims to develop three main objectives: Monitoring the life conditions of the children in France, carry out research those areas that are not priorities in the study of the children; disseminating information

- **EUROCHILD** → www.eurochild.org

Eurochild is an active network of organisations and individuals working in and across Europe to improve the quality of life of children and young people. Eurochild's work is underpinned by the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC)

- **NATIONAL COUNCIL OF VOLUNTARY CHILD CARE ORGANISATIONS (NCVCCO) UK** → <http://www.ncvcco.org/>

The mission is to ensure the well-being and safeguarding of children by promoting the voluntary sector's contribution to the provision of services.

- **EUROPEAN SOCIAL WELFARE INFORMATION NETWORK (ESWIN)**
<http://www.euro.centre.org/eswin/home1.htm>

The European Social Welfare Information Network is a network that enables professionals to obtain secondary and tertiary information on social welfare topics in various countries of the UN-European Region. The network has a web site which enhances access to information from member

countries in the network that includes national information on social welfare systems, key resources and professional bodies active in the area. [Eleven countries](#) from the UN-European Region presently offer you national information on policies and organizations active in the area

- **OBSERVATOIRE SOCIAL EUROPÉEN (OSE) - Social European Observatory →**
www.ose.be

The Observatoire social européen was founded in 1984 to foster a better understanding - and hence greater mastery - of the social implications of the building of Europe.

Its main tasks are to monitor developments in Community policies, particularly social policies, and to analyse the forces and players at work. To this end, the Observatoire follows European events carefully and endeavours to interpret the emerging challenges and major trends

- **OSSERVATORIO SULLE FAMIGLIE (Bologna-Italy) →**
www.osservatorionazionalefamiglie.it
<http://www.cbw.unibo.it/temi/solidariet%E0%20sociale.html>

Research center sponsored by the "Presidenza del Consiglio dei Ministri", the "Department of Social Affairs" and the City Council of Bologna, with the purpose to collect and analyse socio-demographic change in the family and regional and municipal policy for the families.

- **EUROPEAN OBSERVATORY ON POLICIES AND SOCIAL EXCLUSION**

Coordinated by CASA - Centre for Alternative Social Analysis

Further information: <http://www.casa-analyse.dk>

- **THE BRATISLAVA CENTRE FOR WORK AND FAMILY STUDIES →**
www.sspr.gov.sk

Bratislava Centre for Work and Family Studies (hereinafter "BCWFS") arose on September 1, 2003 from the merger of the Bratislava International Centre for Family Studies and the Research Institute of Labour, Social Affairs and Family. The Occupational Safety Research and Educational Institute became the part of it in January 2004.

The founder of BCWFS that is a contributory organization is the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The content of the BCWFS activities is defined in [the](#)

[Instrument of Constitution](#) and the character and rules of its operation are determined in [the Statute](#).

The priority subject among BCWFS activities is research. It is focused on the sociological study in the field of social and family policy, labour market and employment policy and industrial relations and in the field of occupational safety and health. Results of the studies are subsequently used by the founder in creation of laws, concepts, strategies and programmes within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

The essential financial framework of BCWFS operation is defined in [the Contract](#) concluded between BCWFS and MOLSAF SR. BCWFS participates in various other projects in cooperation with domestic and foreign partnership organizations.

Publication activities of BCWFS are also very wide. In recent years they were focused namely on family and family policy affairs, children rights, equality of opportunities between men and women, social protection of elderly and disabled people, employment issues and the labour market development, wage policy and occupational safety and health affairs.

- **EUROPEAN CENTRE FOR SOCIAL WELFARE POLICY AND RESEARCH -**
Childhood and Youth Programme, → http://www.euro.centre.org/ec_pa5.htm

The European Centre is a UN-affiliated intergovernmental organization concerned with all aspects of social welfare policy and research. The European Centre provides expertise in the fields of welfare and social policy development in a broad sense - in particular in areas where multi- or interdisciplinary approaches, integrated policies and inter-sectoral action are called for.

European Centre expertise includes issues of demographic development, work and employment, incomes, poverty and social exclusion, social security, migration and social integration, human security, care, health and well-being through the provision of public goods and personal services. The focus is on the interplay of socio-economic developments with institutions, public policies, monetary transfers and in-kind benefits, population needs and the balance of rights and obligations.

- **INSTITUTE OF CHILDHOOD AND URBAN WORLD (CIIMU).** → <http://www.ciimu.org>

The Institute of Childhood and Urban World is a consortium created in 1998 with the aim of contributing to the improvement of the quality of life of children, adolescents and families in the urban environment.

2. University research groups doing research on childhood and the family

- THE CATALAN INTERDISCIPLINARY RESEARCH NETWORK ON CHILDREN'S RIGHTS AND CHILDREN'S QUALITY OF LIFE (XCIII) UNIVERSITY OF GIRONA →
<http://www.udg.es/irqv/xciiii/>; <http://www.udg.es/irqv/ct/irqv.htm>
- CENTRE FOR FAMILY RESEARCH, UNIVERSITY OF CAMBRIDGE →
<http://www.sps.cam.ac.uk/CFR/>
- CENTRE FOR THE CHILD & SOCIETY. UNIVERSITY OF GLASGOW →
<http://www.gccs.gla.ac.uk/>
- EUROPEAN OBSERVATORY ON NATIONAL FAMILY POLICIES. UNIVERSITY OF YORK →
<http://www.york.ac.uk/depts/spsw>
- CHILDREN'S RESEARCH CENTRE, TRINITY COLLEGE DUBLIN →
www.tcd.ie/childrensresearchcentre
- [CHILDREN'S RIGHTS CENTRE, UNIVERSITY OF GENT](http://www.centrumkinderrechten.org/) <http://www.centrumkinderrechten.org/>
- INSTITUTE OF CHILD CARE RESEARCH, QUEEN'S UNIVERSITY. THE NORWEGIAN CENTRE FOR CHILD RESEARCH (NOSEB) → <http://www.qub.ac.uk/ss/cccr/>
<http://www.svt.ntnu.no/noseb/english>
- [NOVA \(Norwegian Social Research\)](http://www.nova.no) → <http://www.nova.no>
- PROGRAMME ON INTERNATIONAL RIGHTS OF THE CHILD, UNIVERSITY OF LONDON → <http://www.laws.qmw.ac.uk/pirch/pirc.html>
- THE SCHOOL OF SOCIAL WORK AND PSYCHOSOCIAL SCIENCES, UNIVERSITY OF EAST ANGLIA, UK → <http://www.uea.ac.uk/swk/>
- OBSERVATOIRE SOCIOLOGIQUE DU CHANGEMENT → <http://osc.sciences-po.fr/index.htm>
- SOCIAL SCIENCE RESEARCH UNIT (SSRU). THE INSTITUTE OF EDUCATION. UNIVERSITY OF LONDON. United Kingdom →

<http://ioewebserver.ioe.ac.uk/ioe/cms/search.asp?newsearch=true&searchstring=Suzenne+Hood&x=15&y=9>

TCRU Research Project - Care and family life in later childhood

The SSRU worked jointly with the *Office of Children's Rights Commissioner for London* in the report of the childhood in London in 2001 per fer l'Informe de l'estat de la infància a Londres al 2001→
<http://www.londonplay.org.uk/newsletter/newsnov2001.htm>

- The Laboratory on Social and Health Policy Analysis CNRS-ÉCOLE NATIONAL DE LA SANTÉ PUBLIQUE. France →<http://www.ensp.fr>; <http://www.cnrs.fr>
- DEPARTMENT OF POLITICS, INTERNATIONAL RELATIONS AND EUROPEAN STUDIES. Loughborough University (UK) → <http://www.lboro.ac.uk/departments/eu/lh.htm>
- FACULTY OF ARTS AND SCIENCE (CHILD STUDIES) UNIVERSITY OF LINKÖPING, SWEDEN. <http://www.liu.se/ffk/eng/research/child.html>
- INSTITUTE FOR SOCIAL AND ECONOMIC RESEARCH. University of Essex→
<http://www.iser.essex.ac.uk/>
- DEPARTMENT OF SOCIAL POLICY AND SOCIAL WORK. UNIVERSITY OF TAMPERE. Finland→<http://www.uta.fi/laitokset/sospol/engl/engl.htm>
- INSTITUTE FOR LEGAL STUDIES. BULGARIAN ACADEMIC OF SCIENCES. Bulgaria →
http://ipn.bas.bg/index_en.htm
- MOLENGRAAFF INSTITUTE OF PRIVATE LAW. UNIVERSITY OF UTRECHT. The Netherlands →
http://europa.eu.int/comm/dgs/health_consumer/general_info/budget03/19991033700.html
- INSTITUTE FOR SOCIOLOGY, HAMBURG UNIVERSITY. Germany. →
<http://www.sozialwiss.uni-hamburg.de/publish/CGG/english/cgg.html>
- NATIONAL CENTRE FOR SOCIAL RESEARCH (EKKE)→ <http://www.ekke.gr/index.html>
- THE CLEARINGHOUSE ON INTERNATIONAL DEVELOPMENTS IN CHILD, YOUTH AND FAMILY POLICIES- COLUMBIA UNIVERSITY (US)→ <http://www.childpolicyintl.org/>
- DEPARTMENT OF SOCIOLOGY, GÖTEBORG UNIVERSITY. →
<http://www.sociology.gu.se/STAFF/ulla.bjornberg.htm> The department is coordinating the research network on Families and intimate lives of the European Sociological Association
→www.valt.helsinki.fi/esa/preview.

- OXFORD CENTRE FOR FAMILY LAW AND POLICY (OXFLAP)
<http://www.apsoc.ox.ac.uk/Oxflap/index.html>
- CENTRE FOR RESEARCH INTO PARENTING AND CHILDREN Oxford. United **Kingdom**
→<http://www.apsoc.ox.ac.uk/parenting/main.htm> The work of this group is focused round the development of an Oxford Centre for Research into Parenting and Children. The aim is to pull together the wide range of researchers within the university in different departments working on issues related to parenting and children. There have been four annual series of multi-disciplinary seminars (1997-2000) and the research group has published two books, *Parenting, Schooling and Children's Behaviour*, 1998, eds. Buchanan, A and Hudson, B L and *Promoting the Emotional Well-being of Children. Messages from Research*, eds Buchanan, A and Hudson, B L, Oxford, 2000.
- FAMILY AND THE CHILDREN RESEARCH GROUP- *Department of Social Policy and Social Work. Research. University of Oxford- - Families, Children and Childcare:*
http://www.apsoc.ox.ac.uk/Research_Families.html Research on families and children links closely with both the research on social disadvantage and on demography. The families and children research group has three main strands: (i) strategies in work with young children; (ii) a growing body of work on parenting; and (iii) research that investigates issues that lie at the intersection of family policy and family law.
- FAMILY POLICY STUDIES CENTRE (FPSC) United Kingdom→<http://www.apsoc.ox.ac.uk/fpsc/>
- THE CENTRE FOR RESEARCH ON FAMILIES AND RELATIONSHIPS (CRFR). University of Edinburgh. United Kingdom. → www.crfr.ac.uk
- DEPARTMENT OF SOCIOLOGY AND SOCIAL POLICY. UNIVERSITY OF LEEDS. United Kingdom→ <http://www.leeds.ac.uk/family/>
- NORWEGIAN SOCIAL RESEARCH (NOVA) →<http://www.isaf.no/nova/english/english.htm>
- THE CENTRE FOR THE ANALYSIS OF SOCIAL POLICY (CASP)- University of Bath, U.K→.
<http://www.bath.ac.uk/casp/>
- INSTITUTE FOR SOCIAL RESEARCH
NORWAY→http://www.samfunnsforskning.no/page/Front_page/Menu_english/7975/1752.html

The Institute for Social Research (ISF) was established as an independent foundation in 1950. Ever since its foundation the institute has been multidisciplinary in its orientation, today comprising research within all of the social sciences, as well as history. Today ISF provides one of the few social science for a outside the universities in Norway which has not limited itself to the study of one single sector of society.

- SOCIOLOGY AND SOCIAL POLICY- UNIVERSITY OF SOUTHAMPTON→
<http://www.sociology.soton.ac.uk>
- CENTRE FOR RESEARCH ON PENSIONS AND WELFARE POLICIES. UNIVERSITY OF TORINO. Italy →<http://cerp.unito.it/>
- SCHOOL OF SOCIOLOGY AND SOCIAL POLICY (QUEEN'S UNIVERSITY BELFAST) →
<http://www.qub.ac.uk/ssp/webpages/pse.htm>
- PSYCHOANALYTIC INSTITUTE FOR SOCIAL RESEARCH- Roma (Italy)→
<http://www.iprs.it/ITAweb/cosa.htm>
- FACULTY OF SOCIAL SCIENCES. OPEN UNIVERSITY (UK)→
<http://www.open.ac.uk/socialsciences/>
- INSTITUT INTERNATIONAL DES DROITS DES ENFANTS (INSTITUT UNIVERSITAIRE KURT BOSCH) → <http://www.iukb.ch/english/ASS/Ide/colloques.html>

3. Research projects on childhood

Research projects financed by the European Commission

- ^{4th} framework programme

Title: European Child Care and Education Study

The diversity among European countries with regard to early childhood services provides a unique opportunity to better understand the functioning, quality, and effects of those services and the relationships between participation in different types of services and other important variables, such as the child's mastery of daily living activities, the child's success in school, and the family's ability to function successfully. The general objective of the current study is to build on existing national data sets in four European countries (Austria, Germany, Portugal, Spain) to complete an in-depth cross-national analysis of the effects of different types of preschool programmes on beneficial outcomes concerning children's development and the functioning of families. A second set of objectives is related to how children progress through preschool to early compulsory schooling. For this purpose a follow-up investigation is included. Evaluation from a cross-national perspective will focus on factors which facilitate the transition of children into compulsory schooling, which increase the child's success in school and enhance his/her mastering of daily living skills at the age of 8 years. In addition, impacts on families will be investigated. Methodology The study is based on a research design mutually agreed between the four participating countries. Primarily quantitative methods will be employed. The total sample consists of some 300 early childhood provisions, 1200 children and their families. In a multi-method approach, a variety of instruments including observations, interviews, ratings, and tests have been or will be employed in order to assess developmental as well as school achievement outcomes in children, quality characteristics of early childhood provisions, and the functioning of families. The research design is both cross-sectional and longitudinal.

WWW: <http://www.sdg.ac.at/erz/ICCE/home.htm>

Coordinator: Wolfgang TIETZE

Freie Universität Berlin

Institut für Sozial- und Kleinkindpädagogik (WE 5) - Fachbereich Erziehungswissenschaft,
Psychologie & Sportwiss.

Berlin 14195 (Germany)

Title: Working and Mothering: Social Practices and Social Policies

Description: The thematic network will analyse the effectiveness of social policies and the impact of social strategies on everyday life. It will bring into focus the question of how women, and families in general, manage to combine working and mothering in different European countries. Although a lot is known about this important problem of women's double burden and a great deal of investigation has already been done in the field of equal opportunity policies, there is little knowledge about how the current generation of mothers actually puts together a set of strategies that enables them to reconcile the conflicting demands of paid work and motherhood. The underlying hypothesis is that women's use of public, private and market resources and their social practices not only depend on different national welfare settings but on income levels, education, family structures, variations of cultural networks and social policy measures as well. A crucial aspect of the project lies in its comparative orientation.

Coordinator: Ute GERHARD

Johann-Wolfgang-Goethe Universität Frankfurt

Zentrum für Frauenstudien und die Erforschung der Geschlechterverhältnisse

Frankfurt-am-Main 60054 (Germany)

Title: Family Structure, Labour Market Participation and the Dynamics of Social Exclusion

Coordinator: Christopher HEADY

University of Bath

Department of Economics and International Development

Bath (Great Britain)

Title: Youth Unemployment and Social Exclusion

Description: The project aims at empirical research on the causes and key mechanisms of social exclusion, and among them, especially unemployment. The project concentrates on the most important group: the young. The empirical research work in the six countries is, on the one hand, dedicated to different national problems of youth unemployment, and on the other hand follows different scientific orientations and methodologies, namely sociological, psychological, psychiatric and cultural. Brief description of the research project Research will be undertaken on the vulnerability of specific groups of young people and on the processes and stages of social exclusion often associated with unemployment. The project follows the concept of victimisation on three levels the loss of social

features connected with employment; the experience of continuous exclusion from paid employment with accelerating "daily hassles"; the selective evaluation of the unemployed by their social surroundings; and aims to identify critical steps in the process of victimisation in order to formulate social options counteract it. Each partner contributes specific expertise to the project: in particular, the partner from a public health institution will study self-perceptions of shame associated with financial difficulties, and the partner from a university hospital will research attempted suicide (the most radical form of self-exclusion from society). Other partners will focus on labour market factors (the weak bands of the labour market for youth), and the cushioning effect of the informal economy - which is for many young the only entrance to the labour market. A number of issues will be addressed such as the relationship between family support and control. A more psychological approach to identify the stages of victimisation. The work in the project is coordinated along three phases which are terminated in common workshops, at which the results and contributions from the six countries will be compared and discussed: the definition of concept of social exclusion: analysis and description of the forms it takes in the six countries; empirical research (data analysis and qualitative interviews) with different socially excluded groups or groups-at-risk; and, the identification and evaluation of innovative options of institutional and political intervention and counteraction.

WWW: <http://www.ipg.uni-bremen.de/research/yuseder>

Coordinator: ***Thomas Kieselbach***

Universität Bremen

WE Arbeit, Arbeitslosigkeit und Persönlichkeit Studiengang Psychologie

Bremen (Germany)

Title: Family Reunification Evaluation Project

Description: General: To provide a European overview of policy for family reunification of immigrant families and a better understanding of the current problems that reunified immigrant families face in order to better ensure the well being of these families and to reduce the possibility of their marginalisation and mal-adjustment. Detailed: 1) to evaluate the process of granting family reunification from both qualitative and quantitative perspectives, 2) to evaluate the consequences of family reunification looking in particular at the kind of changes which occur in the family structure and how the family adjusts to the new environment in the host country, 3) to evaluate the reunified family from both sociological and economic perspectives, 4) to delineate existing support policy for reunified immigrant policies in order to gain a better understanding of the areas in which these families need additional assistance 5) to develop a standard European criteria for family reunification

policy ranging from the process of granting family reunification to support policies for already reunified immigrant families.

Coordinator : Raffaele BRACALENTI
Psychoanalytic Institute for Social Research
Roma (Italy)

Title: Gender and Citizenship: Social Exclusion and Social Integration in European Welfare States

Description: The overall aim of this project is to combine the expertise, knowledge and results from national investigations and research on social exclusion in different gender and welfare regimes, using citizenship as a key concept.

http://vbn.dk/VBN/AAU/Samf/Historie/vbn:ProjektContainer/Gender_and_Citizenship/

Coordinator: Birte SIIM - Ålborg Universitet
Department of Development and Planning
Aalborg (Denmark)

Title: Schooling, Training and Transitions: An Economic Perspective

Description: Transitions serve as a unifying theme for this research as they link successive individual states: 1) school to school; 2) school to work; 3) work to work; 4) work to inactivity. This research thus concerns Schooling, Training, and Transitions at various points of an individual's life cycle. Theoretical and empirical analysis of three main related topics is carried out: I- A comparative analysis of schooling systems. II- The transition from school to work. III- Training and labour market flexibility.

WWW: <http://www.univ-orleans.fr/DEG/LEO/TSER>

Coordinator: Catherine SOFER
Université de Paris 1- Panthéon-Sorbonne
Maison des Sciences Economiques
Paris (France)

Title: Employment precarity, unemployment and social exclusion

Description: This project examines the processes that link employment precarity, unemployment and social exclusion. It involves a comparative research in 8 countries (DK, F, D, UK, NL, IRL, I, SE), using mainly two types of data: National, cross-sectorial and longitudinal data sets European Community household panel data. The project analysis focuses on three main issues : The cumulative disadvantages associated with employment vulnerability; The causal relationship between employment situations, economic poverty and cultural and social poverty, including household and social relations; The relationships between the form of the welfare state provision and the extent of cumulative disadvantage/re-integration opportunities.

WWW: <http://www.nuff.ox.ac.uk/>

Coordinator: Duncan GALLIE
The Warden and Fellows of Nuffield College in the University of Oxford
Oxford (Great Britain)

Title: Evaluation Comparee de la Mise en Oeuvre d'Une Politique Europeenne de Lutte Contre la Precarite des Jeunes dans les Pays-Membres

Description: Le projet vise à réaliser une comparaison systématique et approfondie des convergences et des divergences dans les situations de précarité des jeunes au sein de quatre pays-membres de l'UE. Il s'appuiera en particulier sur l'études des éléments imbriqués suivants: les représentations sociales des causes de la précarité des jeunes la division du travail de protection sociale entre la famille et l'Etat, telle qu'elle s'exprime à travers les rapports entre droit privé (obligations alimentaires) et le droit social (formes de revenu minimum garanti, etc.) les dispositifs institutionnels nationaux visant tout spécialement la précarité des jeunes et les reponses potentielles à ce problème les premières évolutions socio-politiques qui font suite au sommet du Luxembourg et les argumentations politiques et scientifiques qui les accompagnent le débat global autour de la précarité et du chômage dans les quatres contextes nationaux et la place qu'y occupe la précarité des jeunes les discours autour de la précarité, les champs sémantiques des concepts utilisés et les formes de recours à des normes de justice redistributive l'usage de l'idée d'une reduction du temps de travail dans les débats visés.

Coordinator: Franz SCHULTHEIS
Zentrum für Europäische Gesellschaftsforschung e.V.
Konstanz (Germany)

Title: Social Strategies in Risk Society

Description: This project analyses six social groups with the biographical method in order to get an insight of the subjective attitudes of individuals belonging to these groups and identifying strategies adopted to cope with risk in modern societies. Then the identified strategies will be submitted to policy-makers whose interventions are focussed on the six social groups. The six social groups are young graduates unemployed, young under 25 without education and without stable employment, early retired, lonely parents, members of ethnic minority communities, and long-term unemployed.

Coordinator :Prue CHAMBERLAYNE
University of East London
Department of Sociology , Essex, Great Britain

Title: Exspro: Social Exclusion and Social Protection - the Future Role for the EU

Description: Europe's 'social model' is facing a crisis of confidence. It is under threat from budgetary pressures, from international competitive imperatives and from concern that it may no longer work. Social exclusion is increasingly seen as one of the most intractable and damaging problems confronting European society. Member States are having to rethink the roles of their social protection systems in countering social exclusion, even though there is no unanimity on the definition of the term. The aim of the EXSPRO project is to undertake a comprehensive analysis of these issues that will contribute to the development of policy to combat social exclusion. It aims to root proposed policies to promote social inclusion in a broader understanding of the links between welfare and work. The research will then examine the respective roles of Member States, the EU level and other actors in tackling social exclusion.

WWW: <http://www.sbu.ac.uk/euroinst/EXSPRO/index.html>

Coordinator: Iain BEGG
South Bank University
The European Institute
London (Great Britain)

5th Framework Programme European Commission →

<http://www.cordis.lu/improving/socio-economic/home.htm>;

<http://europa.eu.int/comm/research/social-sciences/htm/theme6.htm>

Title: Improving policy responses and outcomes to socio-economic challenges: changing family structures, policy and practice (IMPROSEC)

Description: The research aims to develop a greater understanding of socio-demographic change and policy responses in selected EU member states and applicant countries, with particular reference to changing family structures and their impact on education, training, work and leisure patterns, welfare, gender and intergenerational relations. New qualitative, comparative, empirical work is proposed by a multidisciplinary team to identify national and regional similarities and differences in the interactive relationship between economic and social policy and changing family forms in twelve policy environments. The research examines the account taken of family factors in policy formation and the family impacts of policy measures, and investigates their relative importance for decisions made in different family situations and at different life stages. In conclusion, the project assesses the contribution of cross-national policy transfer in meeting the challenges presented by socio-demographic change.

<http://www.iprosec.org.uk>

Coordinator: Department: European Research Centre.
Organisation: Loughborough University (United Kingdom)
Contact Person: Name: Hantrais, Linda (Professor)

Title: The dynamics of social change in Europe (DynSoc)

Description: The research had five objectives: 1.To undertake studies of the processes of change in the domains of family structure, employment, household income and living standards.2.To establish the mutual influences of each of these domains on the others.3.To draw conclusions about the roles of social policy, and the prospects for reform. 4.To exploit the research opportunities provided by the European Community Household Panel survey (ECHP), applying the most advanced analytical techniques. 5.To encourage wider use of the data among European social scientists, both by example, and by providing direct support services. The research will be based on the quantitative analysis of longitudinal data. The ECHP has been following the same sample of people in most EU countries since 1994; by the end of the research programme it will provide a continuous sequence of six or seven years. The research team is composed of specialists in the analysis of household panel data, and its members are already familiar with the ECHP. The programme is specified in terms of research packages under three headings: (i) labour market; (ii) family and employment; and (iii) income and quality of life

Title: EPAG- European Panel Analysis Group-

EPAG is working on a major programme of research entitled The Dynamics of Social Change in Europe

<http://www.iser.essex.ac.uk/epag/dynsoc.php>

Coordinator: Department: Institute for Social and Economic Research
Organisation: UNIVERSITY OF ESSEX
COLCHESTER (UNITED KINGDOM)
Contact Person: Name: BERTHOUD, Richard (Professor)

Title: New kind of families, new kinds of social care: shaping multi-dimensional European policies for informal and formal care. (SOCCARE)

Description: This proposal addresses the implications of demographic, economic and labour market change in European society for social care provision for young children, and for disabled and older people. Securing sustainable provision of social care for their citizens is a major challenge to European welfare states. Three family types most at risk from change will be studied in the context of five different national environments. Social and structural adaptation will be analysed at the household level and the levels of policy provision and policy design. Findings will be disseminated and exploited in workshops with local service providers and managers and with an international expert group representing user groups from all current EU member states. The ultimate aim of the project is to provide a major input into the further development of viable social care policies in Europe.

<http://www.uta.fi/laitokset/sospol/soccare/>

Coordinator: Department: DEPARTMENT OF SOCIAL POLICY AND SOCIAL WORK
Organisation: UNIVERSITY OF TAMPERE
TAMPERE (FINLAND)
Contact Person: Name: SIPILAE, Jorma (Professor)

Title: Formal and Informal Work in Europe. A Comparative Analysis of their Changing Relationship and their impact on Social Integration (FIWE)

The overarching goal of the project is to analyse the changing relationship between formal and informal work, the role of divergent national institutional and cultural frameworks for those patterns of work and finally the contribution of formal-informal-work patterns to the social integration.

This broad goal has to be differentiated in a conceptual, an empirical and a political goal:

a) To grasp the factual changes in work activities that result from the development of formal and informal work and to analyse them in the frame of the diversity of institutional and cultural contexts of national societies in Europe the project must clarify the conceptual frame for such an analyse. A concept to compare work-welfare-arrangements will be an instrument with which we will be able to show the different patterns of activities in formal and informal work. This concept of work-welfare-arrangements will contribute to the discussion in social sciences about the comparison of welfare states as well to the debate about changing patterns of work in industrial societies.

b) The empirical goal is to describe the changing relationship between formal and informal work based on a detailed, multivariate examination of existing quantitative data-sets in order to be able to judge the range of this change and to show the distribution to different groups of the population. Furthermore the consequences of different ways of participating in formal and informal work for the social integration have to be outlined. The results of the quantitative analyse have therefore to be specified by qualitative data. Based on them we aim at the individual reasons and consequences of different types of work. This provides a deeper understanding of the reasons to take up different types of work as well as of risks of doing so. An important question in this context is how far work patterns differ between women and men, as well as the institutional and cultural frame for the explanation of gender differences in work-patterns.

c) On a political level the goal of the project is to discuss our empirical data/findings in the light of the concept of a 'New Work Society' and to identify those factors in the institutional contexts of the selected countries that contribute to promote social integration respective to produce particular risks and disadvantages.

It is expected that the analyse of new mixes of formal and informal work and their development and social consequences are particularly relevant also for the situation of women. Although the changing structures and the decline of formal work do also affect men, the combination of both types of work is more typical for women and has up to now produces social risks for them. The goal of the project to show the different social consequences of different types of institutional embeddedness of work in the countries included in the study is therefore of great importance for politics designed for a greater gender equality and to avoid disadvantages for women by typical female patterns of informal work. Because the new combinations of formal and informal work also include elderly care in the home, this issues is also relevant from the perspective of the greying society, and policies towards elderly care.

<http://www.soziologie.uni-jena.de/fiwe/>

Coordinator: University of Hamburg

Contact person: Birgit Pfau-Effinger

Title: Care work in Europe: Current Understandings and Future Directions (CARING)

The project is concerned with paid care work with people across the life course and in a wide range of settings. The overall objective is to contribute towards the development of good quality employment in caring services that are responsive to the needs of rapidly changing societies and their citizens. More specific objectives include: mapping the structure of care services and care workforces, and identifying different models of care work; analysing understandings of care work; seeking explanations for national and sectoral differences; examining the causes and consequences of the gendered nature of care work; identifying the conditions necessary for the development of good quality employment; generating informed debate about future directions in care work; and developing innovative methods of cross-national work

.Expected results: · Better understanding of how paid care work is conceptualised and structured, and its relationship to other 'human services' (e.g. education, health) · The documentation of changes in the supply, demand for and use of care services · The identification of innovative developments, new directions that care work may take and conditions needed for care work to provide good quality employment · The development of methods for the cross-national study of practice in human services

<http://144.82.31.4/carework/uk/index.htm>

Coordinator: INSTITUTE OF EDUCATION, UNIVERSITY OF LONDON
THOMAS CORAM RESEARCH UNIT

Contact person: Peter Moss

Title: Changing Family Structure and Social Policy: Childcare Services in Europe and Social Cohesion (TSFEPS)

The project is concerned with the empirical analysis of caring and other services for young children. The overall aim is to examine comparatively in eight European countries how relationships are constructed in three areas: the changing balance between public administration and the market economy; the far-reaching changes occurring in the family structures ; and the social and community forces that are inventing or setting up third-sector organizations designed to respond to the new demands on families. The aim of the project is to produce a typology of the relationship between childcare services and the private family sphere, represented as an egalitarian space within which parental roles are exercised, and equity is ensured for children's education. An attempt will be made to develop indicators based on the differential impact of childcare services and social policies, using

selected criteria for social cohesion, particularly educational and gender equality, which are currently being inhibited by the differential exercise of parenting roles and the networks of sociability that have been created (outside normative debate on the way that families function). Innovations and local experiments will be analysed from a comparative perspective with a view to assessing the potential for further development and policy learning. Policy relevance of findings: Services for young children can be seen as one of the most important areas of interaction between the public and the private family spheres in responding to the changing family structures. The findings from the project should, therefore, help to clarify the role of public policy in promoting equality between parents and in protecting the interests of children. They might be expected to provide a better understanding of the contradictions in social policy objectives and recommendations for improving the impact of services for young children and their effects on families. Study if the different regulations at EU, national and local levels highlights the need for change in public policy

<http://www.emes.net/fr/recherche/tsfeps/partenaires.php>.

Coordinator : Centre de Recherche et d'Information sur la Démocratie et l'Autonomie
Contact person: EME Bernard

Title: Families and Transitions in Europe (FATE)

The overall aim of the project is to examine the families role in facilitating or constraining active life management in the transition from education to the labour market, across different European models of state support for young people and their families. The research aims to examine how families have adapted to the changing patterns of dependency associated with modern youth, the strategies they adopt and the way in which family resources and dependency influence young people's decisions in the transition to the labour market. In highlighting the way in which family resources (social, cultural, economic) influence young people's decisions across different socio-economic groups and gender, the research will also improve our understanding of the process of social reproduction in a modern European context.

The research will bring together two areas of research and policy (transitions and family), which up to now have not been linked in a systematic way. It will build on existing European models of family, welfare, and the transition from education to work, by enhancing our understanding of the subjective dimensions of youth transitions in the context of social change, increased dependency and family support. Youth transitions in Europe will be reconceptualised within the concept of the public and private, due to the redrawing of the boundaries between family and state within social policy.

Recommendations will be made in light of the changing nature of transitions between youth and adulthood for labour market, welfare and family policy.

<http://www.socsci.ulst.ac.uk/policy/fate/fate.html>

Coordinator: UNIVERSITY OF ULSTER
SCHOOL OF SOCIAL AND COMMUNITY SCIENCES
Contact person: BIGGART Andrew ; : PATTON, Anne Marie (Dr)

Title: Family Life and Professional Work: Conflict and Synergy (FamWork)

The theoretical background of the project focuses on a model of analysis which includes the conditions of effects of work-division in different cultures. Central questions are (a) what are the conditions of different modalities of work-division within and between different cultural areas in Europe, and (b) what are the effects of these different modalities. The empirical analysis will include different types of information. One type concerns European figures, statistical material and official documents such as EUROSTAT and OECD publications or publications from the European Family Observation. This descriptive and comparative analysis will inform on some basic differences and tendencies in the different European countries with respect to some core questions of the project. It will particularly encompass the various participating countries including also, as far as possible, Switzerland. Further types of information represent a deeper psychological analysis of those mechanisms that have been described above (e.g., strains, coping, consequences, vulnerable and protective factors concerning the modalities of work-division). The psycho-social investigation is designed to collect information on (a) the actual situation of the subjects, (b) the situation of the last year, and (c) the future perspectives of the subjects. The corresponding instruments will include two sources of information, i.e., questionnaires and systematic self-monitoring. 200 couples with at least one child in the age of up to five years will be recruited in every center to collect the questionnaire data. In addition, 80 couples of each national subsample will be involved in the self-monitoring procedure for one week. The project will be carried out as a joint endeavor of a consortium of seven European research teams. Based on a coherent conceptual framework, the project addresses descriptive, theoretical and practical (political) goals. In particular, the project should answer basic questions on - strains that emerge from work-family conflict, - coping of young families with strains related to work-family conflict, - consequences of stressful events related to work-family conflict, - internal and external influences that can be conceived as vulnerable and protective factors. The theoretical interest focuses on the explanation of the relationship between modalities of work-division and well-being as a function of internal (psychological) and external (socio-material) resources. The

practical purpose consists of the development of a set of instruments suitable - to observe the external resources in order to facilitate the integration of family and professional roles, and - to assess the relative satisfaction of couples with respect to this issue. These tools can be applied periodically to assess the given conditions and to compare them with the need of the people concerned. We expect - an empirically founded information base for the improvement of living conditions of young couples with children in Europe, - effects on a better utilization of human resources for the European economy, - the development of an observation instrumentation which can be applied for evaluation purposes, - a better theoretical understanding of the psychological and cultural processes concerning the interplay of family life and professional work.

<http://www.eu-project-famwork.org/>

Coordinator: Ludwig Maximilians Universitaet Muenchen

Department Psychologie

Contact person: Klaus A. SCHNEEWIND

Title: Gender, Parenthood and the Changing European Workplace: Young Adults Negotiating the Work-Family Boundary (TRANSITIONS)

The project has identified four key elements. - Young adults who are parents or approaching parenthood, and parenthood as a gendered experience; - Concepts of strategy for managing parenthood and employment and for negotiating the boundaries between work and family life; - Impact of organisational change in common organisational contexts and diverse European policy contexts, and of the ways in which organisations act strategically with respect to both changing markets and demands, on the conditions under which employees manage their parenting; - The concept of positive well-being with the reference to individual, family and organisational levels. The project will carry out this work through three research phases. The first involves the contextual mapping of the national policy and demographic contexts and a state of the art literature review in which all eight countries will participate. The second phase consists of empirical research in which two organisational case studies (one in the public and one in the finance sector) will be undertaken in Bulgaria, Portugal, Norway and the UK; one case study in Slovenia. Partners in The Netherlands and Sweden are undertaking parallel studies which will contribute to the overall analysis. The third phase will involve the seven countries that have undertaken organisational case studies. It will comprise in depth, biographical interview studies with young adults aged about 25-39 who are parents (including some cases of people on or about to go on parental leave) and will draw its sample from the organisational case studies. The three research phases will be accompanied by a parallel dissemination activity,

which will establish national and international frameworks for dissemination .(1) Map national contexts for understanding the experience of becoming parents and early parenthood in the partner countries. (2) Develop an understanding of the impact of workplace context and organisational change on your adults who become parents, in the partner countries. (3) Examine the transition to parenthood (retrospectively and prospectively) in the partner countries. (4) Develop an understanding of how young adults negotiate parenthood and work-family boundaries, in the partner countries. (5) Examine positive well-being (including its dimensions and its relationship to different work-family strategies), at the individual, family and organisational levels in the partner countries. (6) Examine the policy implications of the key foci of the study. (7) Disseminate to policy makers at European, national and local levels, employers, trade unions and other stakeholders and make recommendations. Transitions will generate creative recommendations for policy and practice relating to negotiation of the work-family interface and well-being of workers, families and organisations. This will draw on planned investigations into national and pan European context, organisations in transition, positive well-being and experiences of parents. Outputs will include briefing papers and a public access website

<http://www.workliferesearch.org/transitions>

Coordinator: The Manchester Metropolitan University

Department of Psychology and Speech Pathology

Contact person: Suzan LEWIS

Title: Households, work and flexibility

A study of the impact of the flexibility of employment on the integration of home and work in different parts of Europe. Based upon a survey of 2000 households in 10 countries, the research aims to understand the relationship between home and work according to gender, generation and socio-economic group. The survey will be set within the differing institutional and policy contexts in Europe as well as the cultural configurations around which home and family are organised. Contrasts between post-communist Southern and Central European countries and Western Europe are a particular focus of the analysis because of the particular traditions of work and family in these different contexts.

<http://www.hwf.at>

Coordinator: DEPARTMENT OF SOCIOLOGY. INSTITUTE FOR ADVANCED STUDIES- WIEN (AUSTRIA)

Contact Person: Name: WALLACE, Claire (Professor)

Title: Female employment and family formation in national institutional contexts (FENICs)

Description: The aim of this project, in the general framework of Task 1: social and economic challenges of changing family structures, and more specifically the work/education/family relations, is both:- to improve the scientific knowledge of the relations inside and between the two dynamics respectively of family formation and female professional life cycle, - to contribute to the European employment strategy in terms of employability and adaptability of the female work force in congruence to the equal opportunity policy. The research will be strongly based on the mobilisation of Eurostat data bases and comparative in nature; it will focus on the role of the institutions in the explanation of the differences.

The FENICs research programme brings together a group of economists, demographers and sociologists to conduct a comparative investigation of the relationship between fertility and female employment, particularly the institutional mechanisms which help integrate or constrain these processes.

Over the past three decades most EU countries have experienced a sharp increase in the extent of women's participation in paid employment, combined with a significant reduction in fertility rates. Some member states have adopted or are considering fiscal policies in attempts to modify these trends. Others seek to modify the relevant institutional mechanisms which can bring about a more desirable balance between work and family life. Yet the mechanisms which link these trends to the institutional frameworks existing in member states remain poorly understood.

FENICs research will elaborate upon these mechanisms, seeking to inform the development of public policy in this area. Five research teams are engaged upon a variety of research projects, all of which share the same common goal – to facilitate our understanding of the complex causal processes underlying the links between female employment and family formation and the extent to which the institutional contexts (the role of tax and benefit systems; child care networks; educational systems; employer policies; legal regulations) interact with them.

<http://www.warwick.ac.uk/ier/fenics/The%20Research%20Programme.htm>

Coordinator University of Warwick
Coventry, UK
Contact person: Professor Peter Elias

Title: The rationale of motherhoods choices: influence of employment conditions and of public policies

Description: Women's attitudes towards motherhood are in the core of all economic and social problems raised by the decline in fertility rates and ageing of European population. The future of the welfare states depends on women's willingness to insure a reproduction function, as far as their choice is to take part in paid employment, are public policies adapted in order to facilitate the combination between employment and motherhood? This project aims to study how the motherhood decision is affected by labour market conditions and how public policies can be designed in order to promote parenthood by dual career couples, which is becoming the normal way of life in European Union member states. The interdisciplinary and international character of the research team including policy analysts, economists and sociologists will allow both furthering the research front and allow for a broad discussion and dissemination of the results.

<http://www.ulb.ac.be/soco/mocho/>

Coordinator: Faculté des Sciences Sociales Politiques et Economiques. Economie du travail et de l'emploi: Université Libre de Bruxelles (Belgium)

Contact Person: Name: MEULDERS, Daniele (Professor)

Title: The chances of the Second Generation in Families of Ethnic Entrepreneurs: Intergenerational and Gender Aspects of Quality of Life Processes (ETHNOGENERATION)

The project addresses the quality of life in ethnic business and the chances of the next generation to accumulate educational and cultural resources in order to integrate successfully into the society. Biographical interviews with parents and children in ethnic business will explore the quality of life of the parents' generation and its relationship to the children's process of accumulating educational and cultural resources, especially taking into account the women's situation in ethnic businesses. Statistical and secondary data analysis will frame the selection of the sample and the interview analysis. Expected is knowledge on family strategies that prevent or support the accumulation of resources by the children. On the basis of these results suggestions will be formulated for policy measures aiming at minimizing the inheritance of inequality in the next generation, maintaining at the same time, the benefits of ethnic business which makes social and economic integration a possibility for migrants threatened by exclusion.

<http://www.ethnogeneration.org/ethno/imprint.htm>

Coordinator: INSTITUTE OF SOCIAL RESEARCH- JOHANN WOLFGANG GOETHE
UNIVERSITAET FRANKFURT
(GERMANY)
Contact Person: Name: APITZSCH, Ursula

6th framework programme European Commission

Title: Policy responses Overcoming Factors in the Intergenerational Transmission of Inequalities (PROFIT)

The PROFIT is an interdisciplinary research project devoted to studying social inheritance of inequalities. It is financed by the European Commission under the Sixth Framework Programme, thematic priority 7 - 'Citizens and Governance in a Knowledge-Based Society'. The project includes researchers from 8 European.

The project is designed to identify the challenges to society posed by the existence of intergenerational inheritance of inequalities (Aiolis). The departure point of the project is an assumption that the transmission of inequalities, being a result of intersecting influences coming from the family of origin, community and society, constrains the achievement of EU strategic objectives. Social policy could - and partially at least - diminish the influence of IofI. The analysis seeks to identify institutions and other relevant bodies which can help to strengthen the improvement of social mobility mechanisms. A multidisciplinary comparative study in policies and practices (with special attention paid to education) will be conducted in eight countries with different socio-economic-cultural context (BL, D, EE, FI, I, LH, PL, UK) to enable legitimate generalisation of project findings. The project focuses on interrelations between policies and practices exercised at the national (society) and the local (community) level targeted at spurring social mobility. Quantitative and qualitative methods will be implemented. Secondary analysis and new fieldwork will be conducted to achieve projects objectives.

<http://www.profit.uni.lodz.pl/>

co-ordinated by prof. Wielislawa Warzywoda-Kruszynska, the head of the Institute of Sociology, University of Lodz.

Title: Kinship and Social Security (KASS)

The aim of KASS is to investigate the role of family networks as sources of security and mutual assistance. The state and the family (including the whole network of relatives) are the two largest providers of social security in modern Europe. Like the state, the family provides care, education, financial support, and help in finding employment. It also influences (and occasionally controls) choices involving career and marriage. However, the role of the family is not constant over time and space. We know, from statistical sources and sociological and ethnographic studies, that it varies greatly between different parts of contemporary Europe. Changing patterns of marriage, cohabitation and divorce, declining fertility and aging populations also have implications for the family's role in social security.

Although the role of kinship in social security has important implications for state and EU policies on social security, gender discrimination and social exclusion, it remains relatively little understood - despite challenging contributions in recent decades from anthropology, economics, and evolutionary theory. One reason is that conventional data sources such as censuses and surveys do not collect the full range of data needed to evaluate these theoretical developments. The only sort of data that is capable of capturing enough factual details about kinship networks, while also investigating the way these relationships are actually experienced, is ethnographic fieldwork. A central idea of this project is to use ethnographic methods, followed by both interpretative and mathematical analyses of the resulting data, to illuminate the questions above. Another central idea is that current trends need to be understood in their historical context. The fieldwork studies will be carried out in eight European countries and placed in context by historical reviews of the development of family systems and state social security.

<http://www.eth.mpg.de/kass/about.html>

Coordinator: Max Planck Gesellschaft Zur Foerderung Der Wissenschaften E.V. (Max Planck Institute for Social Anthropology)

Patrick Heady

4. Other research projects

- **Research project: Family transformation and social cohesion** →

www.ssc.uwo.ca/sociology/ftsc

Family Transformation and Social Cohesion is a project funded by Canada's Social Science and Humanities Research Council (SSHRC) under its strategic grant program on the theme of *Social Cohesion in Globalizing Era*. It aims at understanding how families affect and are affected by social cohesion and its different dimensions and types.

The [research team](#) is composed of demographers and sociologists from the [Population Studies Centre](#) of the University of Western Ontario, the [Inter-University Centre for Demographic Study](#) (CIED) of Université de Montréal and Institut national de la recherche scientifique (INRS), [Vrije Universiteit Brussel](#), [Tilburg University](#), and [Statistics Canada](#), with Rod Beaujot of UWO as principal investigator.

The project includes [various studies](#) on the following theme

- Changing Relationship Between Men and Women, and Social Cohesion s:
- Changing Relationship Between Parents and Children, and Social Cohesion
- Inter-generational Transmissions and Acquisition of Human and Social Capital
- Family Type, Household Sharing and Social Capital
- Family Related Values and Social Cohesion
- Measurement: Indicators of Family Change Relevant to Social Cohesion

To explore the linkages between family changes and social cohesion, investigators are doing analysis (some of which would be multi-level) on data from national surveys conducted by Statistics Canada, including:

- The National Longitudinal Survey of Children and Youth
- The General Social Survey on the Family
- The General Social Survey on Time Use
- The General Social Survey on Social and Community Support
- The National Survey of Giving, Volunteering and Participating

The World Values Surveys, the London (Ontario) Reproduction and Caring Survey, and data from Canadian censuses and vital statistics are also utilized.

The project's [partners](#) are federal government agencies, provincial agencies and private organizations concerned with families and children. The partnership component assures that studies have policy relevance, that results are disseminated widely, and that researchers and persons in policy positions have opportunities to interact.

- **Research project: The future of the Welfare state** →

<http://www.ntnu.no/welcome/svt.php#svt2>

There is concern about the future of the welfare state, and in particular with the provision of welfare services in decentralized government. Researchers at NTNU have been active in a national research programme on fiscal federalism that has produced a number of doctoral degrees and about 50 publications in international journals. The programme has received the European Public Choice Society research award

University of Trondheim- Faculty of social sciences and technology management

- **Research project: [The Diversities of Care: a Comparative Study on Patterns of Social Care and Their Social Contexts in Five Societies](#)** →

<http://www.uta.fi/laitokset/sospol/tutkimus/care.htm>

This research project compares the social service and social care arrangements of Finland, Germany, Japan, the United Kingdom and the United States. Our assumption is that in each country the provision of social care for children as well as for older and disabled people is arranged according to distinctly national and local patterns. The patterns of social care provision are an essential aspect of the society. These patterns are also closely interrelated to other major components of the general social systems of a society.

The intention of this project is to form a conception on how the countries concerned have arrived at their respective patterns of social care provision and what social consequences the diversities of their care patterns have brought about. The aim of the study is to build up a theoretical framework for analyzing arrangements of social services and social care in their cultural, political and social contexts. That includes a purpose to study the changes in social care patterns and social systems from the view point of interrelationship and mutual interdependency.

Department of Social Policy and Social Work. University of Tampere

Directed by prof. Jorma Sipilä (Tampere University).

Funded by the Academy of Finland, 1998–2000, 1.455.000 FIM.

- **Research project: COST ACTION 19 “CHILDREN’S WELFARE IN AGEING SOCIETIES”** , → <http://www.svt.ntnu.no/noseb/costa19/>

It is a network which constitutes the core of the study group. COST A19 seeks to understand children's welfare in aging societies. Children's economic and social welfare, children's access to space and use of time and children's rights and discourses are the highlighted welfare areas in COST A19 action. Three areas of welfare will be highlighted

Children's economic and social welfare ; Children's access to space and use of time and Children's rights and discourses

The study group seeks to understand the interplay of material, social and institutional forces through emphasizing theoretical and methodological approaches to children's welfare.

NOSEB: Norwegian Centre for Child Research

5. Recent events regarding childhood issues

- **Childhoods 2005 Oslo Children and Youth in Emerging and Transforming societies**
→<http://childhoods2005.uio.no>
- **2005 SPA ANNUAL CONFERENCE: Well-being and Social Justice** →
<http://www.york.ac.uk/depts/spsw/spa/conf.htm>;
- **COLLOQUIUM 2005- 27TH INTERNATIONAL SCHOOL PSYCHOLOGY** Association (ISPA) : Promoting the well-being of children and Youth: A challenge for the school, the family and the school psychologist (Athens 13-17 July) → www.ispaweb.org
- **EUROPEAN CONGRESS ON THE FAMILY: Intervention of welfare and subsidiarity: which synergies between public and private?** (National Observatory of the family (It))
Bologna, 6-8 ottobre 2005.-->
http://www.osservatorionazionalefamiglie.it/component/option,com_frontpage/Itemid,73/
- **CONFERENCE ON MARGINALITY AND VOICE: CHILDHOOD IN SOCIOLOGY AND SOCIETY-** ISA Research Committee on Sociology of Childhood, RC53- Bergische University of Wuppertal, Germany **June 23 - 25, 2005** → www.ucm.es/info/isa/cforp291.htm

6. Data on child well-being in the European Union

- [Eurobarometer biannual surveys](#). Life satisfaction data found in the Eurobarometer datasets (1973 to 1992), stored at the Zentralarchiv für Empirische Sozialforschung (ZA), and available for a charge. (Sources: "Is Child Welfare Converging in the European Union?" Innocenti Occasional Papers, Economic and Social Policy Series, no. 69 with [Appendix](#))
- [UNESCO enrolment data](#)
- [World Health Organization \(WHO\) Health for All Database](#). A user-friendly database on key health care indicators, covering Eastern and Western Europe available from the WHO Regional Office for Europe.
- The [survey on family mediation](#) carried out by the ChildONEurope Secretariat for the EU Luxembourg Presidency → www.childoneurope.org/activities/issues.htm

7. Legislation on children

Protection of children and the recognition of their rights and status have developed within the general human rights instruments of international organisations. The need to give particular care to children was stated for the first time in the Geneva Declaration of the Rights of the Child of 1924. Since then, children's rights have been the issue of many international Declarations and Conventions and the need to enforce and protect them have been recognized in the statutes and relevant instruments of specialized agencies and international organisations concerned with the welfare of children.

The following is a list of the most important international and European treaties and conventions, which allows us to see the normative development of child protection since the last half of the 20th century¹⁶.

○ *Legal status and rights of children in international conventions*

- **Declaration of the Rights of the Child** of 20 November 1959.
<http://www.unhcr.ch/html/menu3/b/25.htm>

¹⁶ http://www.europarl.eu.int/comparl/libe/elsj/charter/art24/default_en.htm#1

- **United Nations International Covenant on Civil and Political Rights.** (General Assembly resolution 2200A (XXI), 1996, United Nations Treaty Series, Vol. 999, p. 171) Entered into force on 3 January 1976. <http://www.ohchr.org/english/law/ccpr.htm>
Article 24 : 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.
- **Standard Minimum Rules** for the Administration of Juvenile Justice ("The Beijing Rules") by General Assembly resolution 40/33 of 29 November 1985.
http://www.unhchr.ch/html/menu3/b/h_comp48.htm
- **Declaration on Social and Legal Principles relating to the Protection and Welfare of Children,** with special reference to Foster Placement and Adoption Nationally and Internationally of 3 December 1986. <http://www.unhchr.ch/html/menu3/b/27.htm>
- **Convention on the Rights of the Child** of 20 November 1989.
<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

The UN Convention of the Rights of the Child contains the broadest set of international human rights standards ever developed for children, and for the first time, all the rights of children have been collected in a single document. The document provides an overall image of childhood, which was not provided by previous declarations and it has been a basic instrument for developing children's rights. This document is also the first to provide a juridical definition of the child, and acknowledge the child as a "subject of rights". As evidence of its worldwide significance, only two world governments have not ratified the CRC -- Somalia and the United States of America.

The convention formulates four main principles:

- . *Non-discrimination (art. 2):* State parties must ensure that all children within their jurisdiction enjoy their rights. No child should suffer discrimination. This applies to every child, "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".
- . *Best interests of the child (art. 3):* When the authorities of a state take decisions which affect children, the best interests of the children must be a primary consideration. This principle relates to decisions by courts of law, administrative authorities, legislative bodies and both public and private social-welfare institutions. This is, of course, a fundamental message of the Convention, the implementation of which is a major challenge.
- . *The right to life, survival and development (art. 6):* The right-to-life article includes formulations about the right to survival and to development, which should be ensured "to the maximum extent possible". The

term "development" in this context should be interpreted in a broad sense, adding a qualitative dimension: it implies not only physical health, but also mental, emotional, cognitive, social and cultural development.

. *The views of the child (art 12)*: Children should be free to have opinions in all matters affecting them, and those views should be given due weight "in accordance with the age and maturity of the child". The underlying idea is that children have the right to be heard and to have their views taken seriously, including in any judicial or administrative proceedings affecting them.

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United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) adopted and proclaimed by the General Assembly in its Resolution 45/112 of 14 December 1990.
<http://www.ohchr.org/english/law/juvenile.htm>

- **General Assembly resolution 53/128 on the rights of the child** of 23 February 1999.
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/49bf5fdc57a05d0380256740003c33b0>
- **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography** of 25 May 2000. (Committee for the rights of Children)
<http://www.unhchr.ch/html/menu2/dopchild.htm>
- **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict** of 25 May 2000. <http://www.unhchr.ch/html/menu2/6/protocolchild.htm>
- **Special Session of General Assembly on Children**, 8-10 May 2002. One of the outcomes of this Special Session was the document 'A World Fit for Children'
<http://www.unicef.org/specialsession/>

Other conventions

- United Nations Convention on the Recovery Abroad of Maintenance 1956
- Hague Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations 1973 <http://www.legallanguage.com/Hague/haguex23e.html>

Council of europe

- **Convention for the Protection of Human Rights and Fundamental Freedoms (CPHR)** (ETS NO.005) of 4 November 1950.
<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>
Article 8.1: Everyone has the right to respect for his private and family life, his home and his correspondence.

- **Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms** (ETS No.117) of 22 November 1984.
<http://conventions.coe.int/treaty/EN/Treaties/Html/117.htm>
Article 5: Equality between spouses
Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent states from taking such measures as are necessary in the interests of the children.
- **European Convention on the Exercise of Children's Rights** (ETS n°160) of 25 January 1996. <http://conventions.coe.int/treaty/EN/Treaties/Html/160.htm>
- **European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children**, (ETS No.105) of 20 May 1980.
<http://conventions.coe.int/treaty/EN/Treaties/Html/105.htm>
- **European Convention on the Legal Status of Children Born out of Wedlock** (ETS No.085) of 15 October 1975. <http://conventions.coe.int/treaty/EN/Treaties/Html/085.htm> A law that banned the discrimination of children born out of wedlock
- **European Convention on the Repatriation of Minors** (ETS No.071) of 28 May 1970.
<http://conventions.coe.int/Trety/EN/projets/enfants.htm>
- **European Convention on the Adoption of Children** (ETS No.058) of 24 April 1967.
<http://conventions.coe.int/Treaty/EN/Treaties/Html/058.htm>
- **Convention on contact concerning children Strasbourg**, 15 May 2003.
<http://conventions.coe.int/treaty/EN/Treaties/Html/058.htm>

Recommendations of the Committee of Ministers

- **R (91) 9**, of 9 September 1991 on emergency measures in family matters.
- **R (94) 14**, of 22 November 1994 on coherent and integrated family policies (especially in the principles laid down in point 8 of the appendix)
- **R (95) 6**, of 7 February 1995 on the application of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children.
- **R (98)1**, of 21 January 1998 on family mediation.
- **R (98) 8**, of 18 September 1998 on children's participation in family and social life.
- **R (99) 7**, of 23 February 1999 on the application of the European Convention on Recognition and enforcement of decisions concerning custody of Children and on restoration of custody of children.

- [Political Message from the Committee of Ministers for communication to the Special Session of the United Nations General Assembly on Children](#) (New York, 19-21 September 2001) CM(2001)71 of 7 May 2001.
- [R \(2002\) 8](#), on child day-care, 18 September 2002.
- [Rec \(2003\) 20](#), of 24 September 2003, concerning new ways of dealing with juvenile delinquency.
- [Reply adopted by the Committee of Ministers on 24 September 2003 to Recommendation 1601 \(2003\)](#) of the Parliamentary Assembly ‘Improving the lot of abandoned children in institutions’.
- [Reply adopted by the Committee of Ministers on 19 January 2005 to Recommendation 1632 \(2003\)](#), of the Parliamentary Assembly ‘Teenagers in distress: a social and health-based approach to youth malaise.’

Recommendations of the Parliamentary Assembly Recommendation 896 (1979), on payment by the states of advances on child maintenance.

Recommendation 1071 (1988), of 23 March 1988 on child welfare - Providing institutional care for infants and children.

- [Recommendation 1121 \(1990\)](#), on the rights of children, 1 February 1990.
- [Recommendation 1286 \(1996\)](#), on a European strategy for children, 24 January 1996.
- [Recommendation 1443 \(2000\)](#), International adoption: respecting children's rights, 26 January 2000.
- [Recommendation 1460 \(2000\)](#), Setting up a European ombudsman for children, 7 April 2000.
- [Recommendation 1501 \(2001\)](#), Parents' and teachers' responsibilities in children's education, 26 January 2001.
- [Recommendation 1551 \(2002\)](#), Building a twenty-first century society with and for children: follow-up to the European strategy for children, 26 March 2002.
- [Resolution 1291 \(2002\)](#), International abduction of children by one of their parents, 26 June 2002.
- [Resolution 1307 \(2002\)](#), Sexual exploitation of children: zero tolerance, 27 September 2002.
- [Recommendation 1583 \(2002\)](#), Prevention of recidivism in crimes against minors, 18 November 2002.
- [Recommendation 1601 \(2003\)](#), of 2 April 2003 ‘Improving the lot of abandoned children in institutions’.

- [Recommendation 1632 \(2003\)](#), of 25 November 2003, ‘Teenagers in distress: a social and health-based approach to youth malaise’.
- [Recommendation 1639 \(2003\)](#), of 25 November 2003, ‘Family mediation and equality of sexes’

- *European union law*

[Regulation 1347/2000/EC](#), of 29 May 2000, on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses. (Brussels II)

Publication : OJ L 160 of 30 June 2000

Entered into force : 1 March 2001

[Commission Regulation \(EC\) No 1185/2002](#), of 1 July 2002, amending the list of competent courts in Annex I to Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses.

Official Journal L 173, 03/07/2002 p. 0003 - 0003

[Council Regulation \(EC\) No 2201/2003](#), of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. 🌐

Official Journal L 338, 23/12/2003 p. 0001 – 0029

The protection and rights of the child are the objective of Art. II 84, II 92 and II 93 of the European Constitution in a collection of the most fundamental rights and protection measures from other international conventions. Moreover, the protection of children is ensured in many European constitutions (Belgium, Czech Rep., Germany, Estonia, Spain, Ireland, Italy, Latvia, Lithuania, Hungary, Poland, Portugal, Slovenia, Slovak Rep. and Finland).

8. NGOs and other organisations operating in the specific field of the children’s rights

This is a list of NGOs developing activities related to one of the fundamental rights protected by the Charter and that are active at European Union level or in the Member States.

- **SAVE THE CHILDREN** → general projects and publications.
<http://www.savethechildren.net>

Save the Children is the world's largest independent global movement for children. Save the Children fights for children's rights (see [more about children's rights](#)). It delivers immediate and lasting improvements to children's lives worldwide. [26 Save the Children organisations](#) make up the [International Save the Children Alliance](#), the world's largest independent movement for children, making improvements for children in over 111 countries (see [where Save the Children works worldwide](#))

- **INTERNATIONAL CHILDREN'S RIGHTS MONITOR (US)** → <http://gort.ucsd.edu/newjour/i/msg03135.html>
- **CRIN -CHILD RIGHTS INFORMATION NETWORK** → <http://www.crin.org/>

The key objectives of the Child Rights Information Network are to improve the lives of children by: meeting the information needs of organisations and individuals working for child rights; supporting and promoting the implementation of the Convention on the Rights of the Child and developing networking tools that enable effective information exchange among members of CRIN

The CRIN programme for child rights includes:

Website: Containing references to hundreds of [reports](#), recent [news](#) and upcoming [events](#), as well as details of organisations working worldwide for children. The site also includes [NGO reports](#) submitted to the UN Committee on the Rights of the Child.

[Email list service](#): Distributed twice a week in English, French and Spanish, CRINMAIL provides regular news bulletins about child rights issues, new publications and upcoming events.

Regional Information: CRIN is working with partners in Africa, the Americas, Asia, the Arab World and Europe in order to promote child rights worldwide. Read some of their contributions in our [Members News](#) section.

Newsletter: Published three times a year, the CRIN Newsletter is a thematic publication that examines a specific issue affecting children. Available in [English](#), [French](#) and [Spanish](#) it summarises relevant news, events, publications and campaigns.

- **THE MEDCHILD FOUNDATION** → <http://www.medchild.org;>

The first MedChild Best Practice Award is still open for submissions

The MedChild Foundation was created to help children living on the shores of the Mediterranean.

MedChild intends to promote contact between cultures and reciprocal enrichment so as to foster the spread of peace and tolerance among peoples by starting with children and helping them to grow up in a better world in terms of education, social aspects and health regardless of political and religious convictions.

MedChild acts within the Mediterranean area to promote and pursue full respect for children's rights to grow as human beings in conditions conducive to their physical and mental health, safety, positive contribution in the relational spheres in which they are involved, protection against impediments of an economic or social character, and development of human potential

MedChild pursues two strategic objectives in carrying out its institutional mission. One, is to develop, in accordance with the [Millennium Goals](#) formulated by UNICEF, specific programs designed to help achieve the goals of reducing extreme hunger and poverty, spreading primary education, cutting infant mortality rates, promoting gender equality, improving health conditions for maternity, and raising the level of pediatric assistance. The other one is to increase the awareness of issues regarding children's rights in the Mediterranean area on a continuous basis by promoting constantly updated surveys and in-depth studies and making the findings known through suitable channels.

- **FORUM EUROPÉEN POUR LE BIEN-ÊTRE DE L'ENFANCE (EFCW) →**
<http://www.efcw.org>

The European Forum for Child Welfare (EFCW), founded in 1991, is a network of organisations concerned with child welfare across Europe. It is the European branch of the International Forum for Child Welfare. EFCW's role is to support its members in providing quality services for children and to raise the profile of child welfare with the European institutions.

EFCW's activities:

- monitoring European legislation and policies concerning children;
- providing members with information on EU policies and funding programmes;
- bringing organisations into contact with each other to facilitate the development of partnerships projects in Europe;
- disseminating models of good practice;
- organising conferences, seminars and expert meetings;
- publishing a bi-monthly newsletter and a quarterly calendar of events.

EFCW is a member of the [Platform of European Social NGOs](#), whose aim is to develop and consolidate civil dialogue between European NGOs and the European Union institutions.

- **RÉSEAU EUROPÉEN DES ENFANTS (EURONET)→**

<http://www.europeanchildrensnetwork.org>

<http://www.europeanchildrensnetwork.org/Information/AboutEuronet.htm>

Euronet is a European coalition of networks and organisations campaigning for the interests and rights of children. Its aim is to ensure that sufficient account is given to children's rights and interests in EU legislation, policy and programmes.

Euronet's Action Plan for Children:

- giving children a legal basis in the EU Treaties;
- making children a political priority;
- assessing the impact of EU legislation and policies on children;
- ensuring policy coordination;
- promoting children's participation;
- combating child poverty;
- recognising the rights of separated children;
- combating sex tourism;
- fighting discrimination against children;
- providing a fair budget for children;
- developing action programmes benefiting children.

- **EUROPEAN YOUTH FORUM→** <http://www.youthforum-org.ae.psiweb.com>

The European Youth Forum was created in 1996 to succeed the existing organisations representing the interests of young people in Europe. It is composed of 91 national youth committees or international NGOs working on youth issues in Europe. Its principal role is the defence of young people's interests in the European Union, the Council of Europe and the United Nations.

European Youth Forum's areas of action are

- advising international institutions (European Union, Council of Europe, United Nations, etc.) on all questions related to youth and youth organisations;
- promoting youth policy through government and institutional policies;
- enhancing the participation of young people and youth organisations in society and in decision-making;

- furthering idea- and experience-sharing, mutual understanding and equality of rights and opportunities among young people in Europe.

European Youth Forum - Forum européen de la jeunesse is a member of the [Platform of European Social NGOs](#), whose aim is to develop and consolidate civil dialogue between European NGOs and the European Union institutions.

- **CONFEDERATION OF FAMILY ORGANIZATIONS IN THE EUROPEAN UNION (COFACE)** → <http://www.coface-eu.org>

The Confederation of Family Organisations in the European Union (COFACE) was established as an independent international association in 1979. Its 60 members are national family organisations, primarily from European Union Member States. Its goal is to promote a policy on families and children at European level. COFACE acts in support of social protection, education and health, defends consumers' interests, combats social exclusion and discrimination, and assists the disabled. COFACE represents family organisations in dialogue with European institutions in all policy areas relating to the rights of families and children; transmits information on EU policy to national organisations to encourage awareness of developments at European level; and organises exchanges of ideas and experiences and mutual aid between national family organisations.

COFACE is a member of the [Platform of European Social NGOs](#), whose aim is to develop and consolidate civil dialogue between European NGOs and the European Union institutions.

COFACE is a member of the European Commission's Consumer Committee.

- **DEVELOPMENT GATEWAY** (special on well-being of children)→ <http://topics.developmentgateway.org/special/children>

The Development Gateway Foundation is an enabler of development. We help improve people's lives in developing countries by building partnerships and information systems that provide access to knowledge for development.

We exploit powerful and affordable information and communication technologies (ICT) that were previously unavailable to:

- Increase knowledge sharing;
- Enhance development effectiveness;
- Improve public sector transparency; and
- Build local capacity to empower communities.

- The Development Gateway is an independent not-for-profit organization. It was conceived by former World Bank President James Wolfensohn and initially developed in the World Bank. Operations began in July 2001.

- **THE WORLD BANK** → <http://www.worldbank.org/childrenandyouth>

The World Bank is the world's largest lender for education and health: the two sectors most directly related to children and youth outcomes. Moreover, it has contributed significantly to addressing the issues of poverty, HIV/AIDS, nutrition, social protection and social development, all sectors affecting the lives of young people. How, then, can we build on this experience to respond to the clear message of the MDG Global Monitoring Report that we need to scale up action significantly and swiftly?

It is the purpose of the website to:

- Outline the World Bank's response to this challenges by providing the Children and Youth Unit's [conceptual framework](#) which helps to systematically identify key vulnerabilities and strategic opportunities for scaling up investment in children and youth.
- Provide **useful resources** such as statistics, best practices, projects and publications reflecting the World Bank's experience with children and youth policy.
- Offer comprehensive **up-to-date information** about the World Bank's activities with regards to children and youth.

Provide **linkages** to other development institutions engaged in working with children and youth

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