

CIVIL SOCIETY CONFERENCE

(CIVIL SOCIETY PROJECT)

19th September 2006

FAMILY VALUES IN THE EUROPEAN UNION AND MALTA

WORKSHOP REPORTS

WORKSHOP A: THE FAMILY AND THE LAW IN MALTA

CHAIRPERSON: DR. IVAN SAMMUT

RAPPORTEUR: DR. CHRIS SOLER

The workshop opened with a brief presentation about family law in the European Union and the relationship between the ongoing family law development in the EU and developments in Maltese law. Reference was made to some comments made by the speakers in the morning, notably those concerning abortion and stem cell research. Links were also made between family law and the notion of human rights. Comments from the members of the workshop followed.

The first point that was discussed in detail was about the relationship between family law and the disabled, notably those people with a mental disability. While there is a law about people with disability, there are no specific provisions intended to help mentally disabled persons through their family disputes such as separation, adoption, custody hearings and so on. It was pointed out that this is a matter of national law and not European law, and the EU can only help through the establishment of standards. It was proposed to set up a body of professional experts, (lawyers, social workers etc) to have a formal role in helping such persons to take decisions in their best interest in the most independent way possible.

The workshop then went on to discuss the meaning of “family”. It was debated that although the law may not necessarily offer a text-book definition of a family, in reality some sort of understanding of the meaning of family is present in the law. The definition will also vary according to the cultural background of the particular society.

The major discussion was about whether one should adopt the rights approach for family law or whether it should be the common good. The idea behind the common good is that family law should seek to regulate an essential institute in the life of human beings in such a way as to ensure that it would provide the best reflection of what is perceived to be the common values of that particular society. This would ensure respect to values and would not necessarily render family law as ad hoc solution to individual problems. On the other hand the rights approach would reflect better the rights of minorities. Thus the majority of the

workshop argued in favour of the common good approach, while the representatives of interest groups favour the later approach. Achieving a consensus on this issue within the workgroup was not possible.

The debate then went on to make links between the European family and Maltese law as at present. It was debated whether Maltese law today is a mere reflection of the family law in Europe of 30 years ago. Others disagreed, stating that family law could not be standardised and therefore one should see family law from the point of view of a particular society. The debate then ended with a heated exchange as to whether abortion is a family right or not.

The main conclusion favoured by the majority is that family law should adopt the common good approach and one should not view one system and one nation's culture as being superior to another, particularly for the sake of seeking harmonisation.

WORKSHOP B: ETHICAL ISSUES IN THE EUROPEAN PUBLIC SPHERE

CHAIRPERSON: MR. FEARGHAS O' BEARA
RAPPORTEUR: MR. MARK HARWOOD

The workshop opened with a discussion on the issues raised in defining what are ethical issues. It was felt that before one could speak about ethical issues in the public sphere, one had to define what was meant by the term ethics. This would then enable the group to compile a list of possible ethical issues which could have a 'European' dimension. The discussion about ethics was a highly interesting one, focusing first on the distinction between morality and ethics (the former was considered a more personal issue while ethics were considered more within the public domain and created in terms of the society in general). The discussion on what was understood as ethics was rounded off with several definitions, the most widely endorsed being that ethics is what is considered right and wrong by a society but judged in terms of society's collective values at that point in time. Additional comments included that ethics involve issues that stimulate action and, in areas considered 'wrong', stimulate counter-action. Some members even commented that ethics are public issues where legislation is demanded to counter unethical behaviour. A final observation, which was widely endorsed, was that there also exists a 'scale of ethics' in that most societies share common lists of ethical behaviour but give greater priority to certain ethical issues with the result that they can differ on important issues and action. The example cited was abortion where workshop members noted that all European societies endorse the value of life but then some give greater priority to individual freedoms such as the right of women over their own bodies.

The discussion then moved on to the topic of trying to compile a list of ethical issues which fall within the European public domain. In this respect, the list created was not comprehensive but reflected the issues raised by the members. The topics listed included poverty, the environment, care of the elderly, education, the media, immigration and the fight against terrorism. However, this discussion quickly went on to show that almost all issues were believed to have a European dimension just as all issues can be tackled at the national and sub-national level. This was highlighted in terms of the debate around the role of the media in our societies and the importance of education. All members seemed to agree that components of each topic could be dealt with effectively by the EU while other components can also be effectively addressed by the national governments, by local authorities and even at the level of the family.

Once it was established that nearly all ethical issues have a European component, the discussion moved on to analyse how one tries to influence the development of ethical values, especially at the European level. It

was felt that certain key actors seem to dominate the debate and development of issues at a national and a European level, in particular economic interests and the media. In terms of economic interests, it was felt that all actions which were profitable were sold as being acceptable and when in conflict with prevailing ethics, then economic interests would often try to undermine the society's values. This was mentioned in relation to the whole debate around stem cell research and how the fear of Europe falling behind Asia in this potentially lucrative area meant that some were arguing that ethical issues be put to one side. To counter this, most participants believed that greater consultation should be sought by decision makers, both at the national and the European level, and that individuals had an obligation to teach the next generation, especially at the level of the family and during formal education, to be selective and critical of information fed to them, especially by the media.

WORKSHOP C: WORK/LIFE BALANCE

CHAIRPERSON: MS. SINA BUGEJA

RAPPORTEUR: DR. ROBERTA LEPRE

The participants agreed that the EU should be entrusted with laying down the general regulatory framework whereas implementation details should be left up to the individual Member States. Particularly such decisions should be taken at the national level in order to preserve the national identity.

Having said this, the participants referred to the Working Time Directive, which is an EU measure conducive towards work-life balance. It however encountered great resistance upon its implementation in Malta. It was thus noticed that in certain instances decisions taken at an EU level could be more effective.

It was also agreed that it is always the economic perspective that gains priority. Therefore it is important to use economic arguments to promote the concept of work-life balance. This should be viewed in the light of the current situation wherein employers are reluctant to offer family friendly measures because of the current economic scenario.

A number of organizations in Malta have already tackled the subject of work-life balance. It is however agreed that whilst there is agreement in principle, the concept is difficult to implement.

Foreign models should be referred to but they should be adapted to the local scenario.

When asked the question 'what is work-life balance?', it was suggested that this is an intrinsic component of a good quality of life.

There is the need to make use of all available resources, both at the individual family level (best use of all talents, such as cooking) and at the national level (create better support structures and have better coordination of all available resources).

There is also the need to address the inconsistent messages being sent out by different entities: on the one hand, the State is aggressively encouraging women to go to work, whereas on the other hand, the Church still promotes the traditional family model and is in favour of the stay-at-home mother.

There is also the need to address the conflicting situations in which, notwithstanding the fact that Malta still has an extremely low level of female employment, there is also a drastic rise in the number of children who are suffering due to lack of attention from their parents. If we want to promote the dual earner family model therefore, we have to create the right support structures for both children and the elderly.

There is the need for more awareness of gender implications and the relevant roles in the context of work-life balance.

It is generally accepted that the role of women changes upon motherhood but this is generally not the case for men who become fathers. The participation of men within the family is essential for the achievement of a healthy work-life balance. The working group here criticized the recent pastoral letter from H.E. The Archbishop, which did not address the important role that fathers should play within the domestic sphere.

The issue of the huge financial burdens (mostly due to the cost of housing) encountered by young couples who set up a home together is something that is seriously hindering the potential to achieve work-life balance. Couples have to work long and hard to satisfy their financial commitments. This results in a dilution of the couples' ideals prior to marriage, particularly upon the birth of the first child - the financial burdens encountered do not allow space for the fulfillment of these ideals.

Policies so far have been reactive and not proactive, therefore more akin to crisis-management solutions rather than active policy making. There is therefore the need for policies to anticipate future needs. It was agreed however that this would not be possible in the short term as there is an urgent need to address the present crisis.

Work-life balance is also difficult to achieve as society generally does not acknowledge a woman's financial responsibility towards the family, thus putting more pressure on the men in this regard. As a result, men focus on this perceived duty, due to societal expectations.

Work-life balance is practically non-existent in those 'atypical' scenarios, wherein for instance, there is a disabled child. In this regards, a more equitable approach in the allocation of public resources available is urgently required.

It was also stated that whilst it is important to ensure that our welfare state does not deteriorate, civil society needs to be more active, and particularly citizens should not be dependant upon Governments or on the provision of services by volunteers.

There is also the need for policies to address atypical family structures, particularly due to the rise in marital separations. In this regard, the workshop remarked its concern about the fact that after a personal separation, a father's access to his children is often limited, thus reinforcing the traditional gender roles. In this regard, it was agreed that our Courts have a vital role to play. The Commissioner for Children should also take a more active role in addressing this situation. A collective effort is therefore required.

The participants also stressed the fact that the resistance to innovative forms of work needs to be addressed. It was in fact suggested that perhaps this resistance results from the fact that the policy makers' personal values are being challenged when these innovative solutions are put on the agenda. Therefore awareness - raising should first be addressed at policy makers themselves. However, education at all levels is vital in this regard.

The participants also felt that school hours need to be adjusted in order to allow both parents to work (extension of school hours).

The participants were moreover concerned about the fact that political processes take too long - red tape, therefore, needs to be reduced. It is up to civil society to exert pressure for this to happen.

Finally, the workshop participants came up with a list of recommendations based on the above observations :

1. A package of family-friendly measures needs to be implemented to allow parents to bring up their own children whilst retaining the possibility to work.
2. There is the need for a body with executive functions to monitor the prevailing trends over time, therefore allowing policy to be pro-active, anticipating future needs. Such an organization should have a multi-level long term plan to address the needs of society. It has to be adequately funded in order to be able to implement its plan in an effective manner. Such a body could also carry out coordination of current resources.
3. There needs to be a more equitable distribution of social services.
4. Both boys and girls should be taught, from an early age, to make use of their personal resources within the domestic sphere. This kind of education could raise more awareness on the relevant gender implications and the methods of addressing them.
5. Church and State policies need to be reconciled.
6. Voluntary work needs to be recognized, perhaps through adequate remuneration.
7. Cana courses (marriage preparation) need to be revised and address the need for life-long family development. The Cana Movement should be provided with adequate support in order for this to happen.
8. Civil society should take a more active role and not expect Government to do everything.
9. There needs to be more awareness regarding the available family friendly measures, and there needs to be stricter enforcement of the same.

WORKSHOP D: WOMEN AND FAMILY IN THE MEDITERRANEAN REGION

CHAIRPERSON: DR. DENIZ ILGAZ

RAPPORTEUR: MS. DORIS MANGION

Family is a vulnerable entity, yet the primary and fundamental unit of society. Thus, family is entitled to respect and protection both by society and the state. Difficulties arise when this entity, “family,” is to be defined and evaluated. Family values vary according to the extent of the diversity that exists in the European Union as well as in the Euro-Mediterranean region. The values the family is structured and survives upon also affect to great lengths women’s rights and freedoms, and how a woman can live her life in the society.

Just as Europe realizes “the need to accommodate widely divergent cultures, religions and other beliefs, opinions, life styles, and values” in freedom and openness and the obligation to “face up to the challenge of managing this diversity in the interests of the public good,” the states of the Euro-Mediterranean region should show the same effort to manage and overcome the conflicts that arise over values in matters of fundamental importance such as the family. People in the Euro-Mediterranean may face immigrants or find themselves in the position of minorities in Europe. They need to be well-prepared for learning about the

similarities and differences of family values from one culture to another, from one religion or geography to another. Such an understanding will lead all to the enjoyment of anti-discrimination, inclusion, tolerance, and mutual security.

Workshop D participants tried to reach an agreement on what family is. Separation, divorce, polygamy, single parent families, families with adopted children, treatment of “misbehaving” youngsters, care of grandchildren, extended family relations, home care for the elderly, sharing of household tasks were discussed. Is the “family” to be attached to the concept of serving the public good or does family exist for its own happiness or have religious basis? The latter idea is verified by the fact that both Christian and Islamic families are conceived as a “domestic Church or Mosque.” Sharing, understanding, caring, extending moral and material support, child care assistance, solidarity among the members of a family are mentioned as common values enumerated worth transmitting from adults to children. The participants agreed over the fact that family values are undergoing a great change, even to include a couple of the same sex forming a family.

If people in the region are to learn to survive in an environment of pluralism, they should be prepared to accept the variety of values a family can be structured upon. Formal education is seen by the participants of the workshop as the medium of primary importance where youngsters can learn best to accept and respect the variety of family values in the lives of immigrant or “different” school-mates.