PERSPECTIVES OF THE HARMONIZATION AND UNIFICATION OF FAMILY LAW IN EUROPE

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ŠEIMOS TEISĖS HARMONIZAVIMO IR UNIFIKAVIMO PERSPEKTYVOS EUROPOJE

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THE SUMMARY (THESES)

Law rules regulating marriage and family relations are influenced by the culture and religious norms of every country. Thus, for a long time such institutions as "marriage", "family" were not interpreted internationally. The family and marriage law was not included into the definition of "international law", and there were no efforts put in order to control family law disputes at the international level. But European integration, fast globalization processes, social, economical and political changes have created a new challenge for the private law. As yet there is no uniform family law for Europe, however, there are efforts to create standardisation in some aspects of family law through European Law and Conventions related to respect for family life, the equal treatment of men and women, the equal treatment of legitimate and illegitimate children and the recognition of divorce, maintenance and custody judgements. There is lively comparative law research activity in this field. Most of these efforts are academic. Besides, in September 2001 an international group of scholars established the *Commission on European Family Law* (CEFL consist of two groups: the Organising Committee (7 members) and the Expert Group (26 members). The main objective

of the CEFL is to launch a pioneering theoretical and practical exercise in relation to the harmonisation of substantive family and succession law in Europe. In short, CEFL's main goal is the creation of Principles of European Family Law. The Principles may serve two purposes: first, they could be considered as recommendations to the legislators and, second, legislators could use them as a model for the applicable law. The CEFL has tried to propose rules which are functionally common to a significant majority of the legal systems involved. Due to the growing convergence of divorce laws in Europe (and in particular revised Brussels II), the CEFL began its activities in this field and started with the grounds for divorce and some of the consequences of divorce, such as maintenance between the former spouses. The second working field was parental responsibilities (CEFL drafted 63 questions for the Parental Responsibilities questionnaire). Upon the basis of the comparative material the Commission on European Family Law has formulated the *Principles of European Family Law regarding Divorce, Maintenance between Former Spouses (published in 2004)* and *Parental Responsibilities (published in 2007)*. In order to prepare the third set of Principles of European Family Law the expert members of the CEFL have once again drafted a detailed questionnaire in the field of property relations between spouses (published in 2009). We hope on the basis of the comparative material the CEFL will be able to draft *Principles of European Family Law regarding Property Relations between Spouses*. So the CEFL hopes to create a source of inspiration to legislators who may be in the process of modernising their national family laws. Moreover we can talk about "comparative family law" and "international family law", because social, economical, political changes influence a whole range of relationships belong to family law.