



REVIEW/DERLEME

THE ANALYSING OF FAMILY POLICIES, FAMILY COUNSELING AND SOCIAL WORK RELATIONS IN THE CONTEXT OF HUMAN RIGHTS

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ABSTRACT

Discussions on human rights usually pace on the two elements, namely the “rights” owner on one side and the “duty” owner which is the state/official organizations on the other. The Universal Declaration of Human Rights emphasize on the right among many other, which enables all people to create a family and this has been seen as the fundamental unit of the society. However, due to a variety of reasons families may lose their healthy functioning and therefore need assistance. States are expected to develop policies in order to create solutions for the troubles which the families are facing, offer family counseling services and making regulations on the foundation of human rights to accomplish these. Yet there are discussions on the approaches towards family counseling and family policies in regards to human rights, for human rights seems to represent the first generation human rights which are the political and civil rights, rather than the others. In order to change this understanding, social workers who are considered to be also as human rights workers can play an important role for the creating of family policies based on human rights. Among the groups which social work is functioning, families have the largest interest and their focus is human rights. Within this scope, the social workers can be prominent in the family counseling practices under the framework of empowerment approach and can closely cooperate with the family physicians that are in the first layer of the public health system.

Key Words

Family Counseling, Family Medicine, Family Policy, Human Rights, Social Work

İNSAN HAKLARI BAĞLAMINDA AİLE POLİTİKALARI, AİLE DANIŞMANLIĞI VE SOSYAL HİZMET İLİŞKİSİNİN İNCELENMESİ

ÖZ

İnsan hakları denildiğinde bir yanında “hak” sahibi olanlar bir yanında “görev” sahibi olan devlet/resmi organizasyonlar anlaşılmaktadır. İnsan Hakları Evrensel Bildirgesinde her insanın aile kurma hakkı olduğundan bahsedilmekte ve toplumun temel birimi olarak görülmektedir. Ancak aileler farklı nedenlerden dolayı kimi zaman sağlıklı işleyişini kaybetmekte ve desteğe ihtiyaç duymaktadır. Ailelerin yaşadıkları sorunlara çözüm üretme konusunda devletlerin politika geliştirmeleri, aile danışmanlığı hizmetini sunmaları ve bunun için insan hakları temelinde düzenlemeler yapmaları beklenmektedir. Fakat aile danışmanlığı ve aile politikalarının insan hakları kapsamında ele alınması konusunda tartışmalar yaşanmaktadır. Çünkü insan hakları denildiğinde daha çok birinci kuşak siyasal ve medeni haklar anlaşılmaktadır. Hizmet alanında ailelere geniş yer veren ve insan hakları temelinde uygulamalarını gerçekleştiren sosyal hizmet uzmanları bir insan hakları çalışanları olarak devletlerin ailelere yönelik hak temelli politika geliştirmelerinde etkin rol oynamalıdır. Bu kapsamda güçlendirme çerçevesinde aile danışmanlığı uygulamalarında öne çıkmalıdır ve birinci basamak sağlık sisteminde yer alan aile hekimleri ile yakın iş birliği içinde olmalıdır.

Anahtar Kelimeler

Aile Danışmanlığı, Aile Hekimliği, Aile Politikaları, İnsan Hakları, Sosyal Hizmet

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Introduction

The concept of human rights is continuously expanding and appearing in different fields. Many services which are provided by official authorities or non-governmental organizations today are evaluated under the frame of human rights and thus discussed. According to the Universal Declaration of Human Rights:

"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State (Article 16/3)."

In addition to this, the same document states:

"Everyone has the right of equal access to public service in his country (Article, 21/2)."

The protection of family is a duty given to the state and society. This duty is in close relation with taking measurements to assist families in solving domestic relations and its problems, increase the healthy functioning of families and strengthen the healthy family features alongside with economic support of the ones in need. According to the World Health Organization (WHO) health is not only the absence of illness or disturbance, but a whole set of complete well-being of the physical, mental and social being (cited in Erbaydar, 2017, p.38). In health of the family as a unit is achievable if the members (relations of the members) are in complete physical, mental and social well-being state. However, due to various reasons of daily life, families cannot establish healthy family features or cannot protect it and therefore need assistance. At this point, states to determine the health policies which consists the measurements to protect the biopsychosocial health of the families, and family policies is crucial. Within this context; family counseling, which is evaluated inside the reflection of the practice of family policies and contains services that are directly related with protecting and assisting families, shall be evaluated within the context of human rights as a fundamental right which every family can access. Healthy family is also a fundamental requirement of the health of the society. Hence social work from the view of its scope and due to the reasons of the close relation with public health and human rights, is taking part at the front in the works assisting families and family policies.

Under the frame of this view, this work will analyze the services towards the family which is considered as the fundamental unit of the society and family policies, family counseling, family physician, public health and social work relations; under the context of human rights.

A Look into Human Rights

It is hard to define human rights because it is not a stable concept. Nevertheless, this concept recalls the understanding of rights that are argued to belong to all people with disregards to their national origin, race, culture, age, gender or any other characteristics (Ife, 2017, p.24-25). With different explanation, human rights are those rights where people cannot live humanely in their absence (Şahin Taşgın, 2017, p.226). Due to this reason, human rights can be understood as the rights which can be applied to every person in everywhere universally.

Looking into the literature, there are different approaches to human rights. One of these views argues that human rights extensively evolve in three waves or at three different generations. The *first generation* human rights which are known as civil and political rights focus on the value of the individual and emphasize the need to protect them. Rather than providing or enabling the human rights, this view argues to prevent violations and protecting human rights. The *second generation* human rights are known as economic, social and cultural rights. The right to work, social security right, right to education, right to nourishment and right to access medical services would be some of the examples for this generation rights. Since the second generation human rights require the states to be in a more active and positive role, these rights are also named as positive rights. The state is not only responsible for protecting the rights, but also has the duty to carry into effect with social regulations. For why the states are meant to be more powerful with much more resources, the second generation rights are more debatable than the first generation rights and legal regulations are more limited. *The third generation* human rights are related with the social development; nevertheless, it governs rights such as economic development right or the right to live

in a clean environment. These rights basically have no meaning at the individual level, but rather it is a part of a society or nation. At these three different generations, no rights can supersede each other and be prioritized (Ife, 2017, p.46-62). However, based on Levin (2009, p.28):

"...human rights comprise civil, political, economic, social and cultural rights. The Universal Declaration of Human Rights does not distinguish the rights codified therein on the basis of the importance and does not provide for a hierarchical classification of rights. In practice, however, for several decades, economic, social and cultural rights, as opposed to civil and political rights, were viewed primarily as aspirations with few legal obligations for states".

With other words, the states have troubles in treating the rights towards families as first generation rights (civil and political).

One other approach about human rights is provided by Shue. According to Shue, the fundamental rights must be protected in order to benefit from all of the other rights. These are: right to security (rights which contains the protection against the individuals' physical security like murder, torture or mutilation), the rights to survival (clean air, clean water, sufficient nourishment, clothing, shelter and protective public health) and freedom (freedom of involvement and movement) rights. The right to survive creates the foundation of all the other rights (cited in Şahin Taşgın, 2017, p.228-232). Different than Ife and Levin, Shue argues to prioritize between the rights.

Kuçuradi on the other hand, argues the rights in general under two topics: the individual rights (the rights which people have because they are human along with economic, social and political rights provided by the state due to citizenship); and group rights (collective/social rights). Part of these rights (right to life, the right to develop ideas etc.) is directly related with the self-improvement of the person. In order to protect these *directly* protected rights, they must be recognized (providing legal assurance) and individuals shall not be interrupted while performing them. The *indirectly* protected rights which forms the second part of the fundamental immaterial rights such as; right to health, right to education and right to work are the pre-conditional demands of the improvement of their individual facilities. With other words, protection of these rights requires the state to fulfill its obligations regarding them. Consequently, the indirectly protected rights require more intervention and practice in terms of protection methodology compared to the directly protected rights (cited in Şahin Taşgın, 2017, p.236).

Although there are different approached to the subject of human rights, when taking into account with a holistic view, it is a requirement that it must cover every field of life is a requirement. The reason for this is, human-being is a bio-psycho-social being and different layers that complete one-self cannot be evaluated separately. Therefore, the one has to be considered as an individual and in the meantime the rights have to be evaluated as a single body regarding the relations with the group and society lived.

At this point there is a resemblance with the profession of social work, which reflects the understanding of "individual in the periphery" and analyzes human being with a holistic approach. While performing its practices upon the fundamentals of human rights, social work and human rights have many common points regarding their purposes. Therefore, the bond between these two is important.

Human Rights, Social Work, Family Policies, Family Counseling, Family Practice

The following definition was approved by the IFSW General Meeting and the IASSW General Assembly in July 2014:

"Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work (IFSW)".

As is seen from the definition, at the heart of social work one can find social justice, human rights and respect for diversity.

Each and every subject that falls into the interest and field of interference of the profession of social work can be handled with the basis of the concept of right (Şahin,

2017). To put it differently, the profession of social work shall be perceived as a profession of human rights, rather than as a profession of providing for human needs (Ife, 2017, p.113). The approach based on “right” defined people as right owner, and the state as “duty owner” (Zengin and Altındağ, 2016, p.186).

The traditional approach of social work argues that the optimum way to carry into effect the second generation rights, is to provide social services which will assure the minimum standards of the services like health, shelter and education. In this way, the social worker who practices with individuals and families can be considered as “human rights workers”. Whereas there are less social workers interested in the first generation rights, almost all of them assist individuals in order to actualize the second generation rights (Ife, 2017, p.59-60). The social workers who practice with families may also be considered among this group.

The traditional understanding of human rights is focusing on the civil and political rights at the public field, and show tendency to overlook the human rights violations in the private field or inside the family especially towards women and children. By contrast with this, social work tends to define its fundamental activities generally around the private or domestic fields. The human rights approach to expand where it covers private domestic field and that social work being related both with the personal and political field, brings together the rhetoric of human rights and social work. It is important for the social worker to break through the dilemma of private versus public fields which obstructs the worker to seek for human rights in the private field, considering this is not deemed to be the duty of the state (Ife, 2017, p.217). On the other hand, the rights based approach defines individuals as right owners and the state as duty owner. Social work is perceived as a bridge between the applier of the rights based approach along with the right owners and duty owner, namely the state, has an important role in determining social policies (Zengin and Altındağ, 2016, p.186-188). There is a reciprocal interaction between social policies and social work. Whereas social work with its implementations contribute to the goals of social justice, social development and social union of the social policies; it is being affected by the fundamental principles, rules and methods of social policies (Demirbilek, 2009, p.105). Presently there are many rights in hand which can be called as the third generation rights such as; family, children, women and consumer rights. To achieve these rights, social policies are required (Koray, 2012, p.31). The important role to accomplish these rights is falling to the part of the social workers who are also to be human rights workers, for the discipline of social work shapes the social services towards individuals on a vast scale. Therefore, policies in this field are directly related with the works of the appliers of the social work field. Among these; nursing children, social nursing services, employment and family policies are found (Thompson, 2014, s.73).

Family policies are an important part of social policies. Yet, family policies different than the latter defines plans developed by the state specifically aiming to affect family life (İçağasıoğlu Çoban and Özbesler, 2009, p.33). These objectives of family policies are fundamentally addressed in four groups. The first group objective suggests family policies to be based over children. The second group objective which affects family policies is related with the broader social and economic measurements influencing families, for instance; education, health, dwelling, work and family planning. The third group objective is related with the domestic relations (family counseling can be considered in this group objective). The last group objective is comprised of the services which will substitute the families, or take over the duties partly or half-time of the family members (nursery, kinder garden, nursing home) (Kut et al. 1994, p.15).

The contemporary societies affect the institution of family in a vast scale with technological improvements, industrialization, modernity, urbanization and changes on the traditional roles. As a result, the types and functions of families are also affected by these changes (Zeybekoğlu Dündar, 2016, p.39). Such obstructions which cause problems for family members are usually complicating the survival of the family, whereas in private it breaks the social and mental existence of the family members. Occasionally in such states the family gains the character of a sick institution in the society (Nazlı, 2001, p.4). Due to these reasons, the family relations which are having difficulties to accommodate changes are damaged and thus families

require counseling. The purpose in family counseling is to structure the mental health of family members, improving the relations and interactions of the family members with each other and to provide functionality of the families (Kahramanoğlu, 2007, p.157; Öztürk Kılıç, 2007, p.159; Özgüven, 2001, p.347).

From time to time, family as a unit (like an individual) may lack its health. As stated in the health definition of the World Health Organization (WHO), the healthy family is possible only if the psychological, social and physical existences are in a complete well state. At this point, family counseling has an important place among the services provided for the health and gaining functions. According to the Universal Declaration of Human Rights:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care..." (Article 25/1) [1].

One can deduct from this phrase that both human rights and social work has a mutual target which is the betterment status of people and families (Alptekin, 2004, p.137).

Among the professionals of the family counseling programs who have duties on the management of the services, social workers are profound (Kut et al., 1994, p.15). Most of the problems one encounters during a lifetime is affected directly by the family lives in which they live. A change occurring in one of the family members will influence the other members as well. For this reason, an important focus of the social work applications is family where the members have interactions and which is an independent system (Yolcuoğlu, 2014, p.150). Social work with families is an umbrella concept for working with those under risk. The fundamental purpose of social work with families is to assist them in order to have the families learn how to provide their progressive and emotional necessities in a competent way (Duyan, 2012, p.265). While doing so, the internal and external factors that affect the welfare of the family must be known (Duyan and Özgür Bayır, 2016, p.61). Family counseling which is defined as family social work is a service type that is provided to families having difficulties to adjust to the improving social policies and environmental conditions, for the purpose of supporting to solve their issues (Duyan, Sayar and Mahmut, 2008, p.86). From the view of many persons, it is not the public or "individual and political" field which are thought human rights is threatened, denied or needs to be protected. The private and domestic fields are probably the most important places where human rights violations occur and where social work applications are needed the most which gives efforts to fix the violations (Ife, 2017, p.71).

The management of family counseling services contains along with the social workers; psychologists, psychiatrists, family physicians and other medical personnel. The close cooperation of the social workers and family physicians has an important role in family counseling, for many patients checks-in at the family physicians (for the mental problems which the general medicine tends to neglect). Yet, the fact that family physicians are not trained on this topic results in lack of their capacity to support the patients emotionally. Therefore, the inter-disciplinary cooperation between family medicine and clinical social work presents the benefit of the holistic approach (Lesser, 2000, p.119). Bio-psycho-social approach model which is applied by the family physicians recognizes the patient (family) as a unitary body (İncecik et al., 2009). Family physicians who are offering a very broad care to people in the context of their families, societies and cultures during their life time, are the physicians in the best place to detect and manage psycho-social problems, for they are the ones working with people the most frequent, most closely and in the longest duration (Özcan, 2013). In the state where people and families apply for support to the family physicians who are the first step medical environment, the risk of negative influence (stigma) in mental health is decreasing (Lesser, 2000, p.120).

Conclusion

Approaches to individuals, families, groups and societies under the framework of human rights are gradually expanding. According to the Universal Declaration of Human Rights (1948):

“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.” (Article 16/1).

Although the right to found a family as the fundamental unit of the society is inside the Universal Declaration, discussion on human rights paces around the mostly the first generation rights which are the civil and political rights; second generation rights which are thought to be the rights of families to access the services they require are among the disputable topics. Families as a unit and as a system lose its healthy functionality and require professional assistance when the relations between members are disrupted or are not established well (as happens with individuals). The rights based approach defines individuals and families as rights owners and the state/official organizations as duty owner. In this case, the states by having more effective tasks about solving the problems of families which are considered as the core structure of the society, shall project more human rights approaches regarding the family policies and put them into action via legal regulations. Under the scope of family policies, family counseling programs and services or beyond being a service which families try to access one by one, services should be produced by official organizations which needs to be offered to the families within the scope of “right” and that is easy to access. Accordingly, social work practicing with the foundation of human rights shall establish a connection between the rights owner families and duty owner state/official organizations and influence to create policies based on rights.

Social workers as human rights appliers shall be politically pro-active in order to actualize the second generation rights and influence policy changes and implementations which enables the people in need the services. Social policy analysis and defending works have an important role in order to put in application the second generation human rights (Ife, 2017, p.61).

Family counseling which is implemented under family policies has a strategic position for the families to regain their healthy functions. Offered to the families as a program before and after marriages, family counseling services include a social worker as a human rights worker. Moreover, their role can be strengthened by expanding their field of duty at the family physicians’ which is the first step of public medicine. Close cooperation with the family physicians will be an important stage in reaching families, for people are demanding solutions for their family issues at the first step medical services. This, in the meantime, will result avoiding the fear of being stigmatized of the families who must appeal to mental health clinics for seeking remedies of their domestic problems.

Consequently, as founding a family is a human right, seeking remedies for biopsychosocial health issues after founding the families should be handled as a human right as well. Official organizations should develop effective policies in that manner and thus fulfill their duties.

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