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Report of the Expert Group Meeting

"Family policy development: achievements and challenges"

DESA

The Department of Economic and Social Affairs of the United Nations Secretariat is a vital interface between global policies in the economic, social and environmental spheres and national action. The Department works in three main interlinked areas: (i) it compiles, generates and analyses a wide range of economic, social and environmental data and information on which States Members of the United Nations draw to review common problems and to take stock of policy options; (ii) it facilitates the negotiations of Member States in many intergovernmental bodies on joint courses of action to address ongoing or emerging global challenges; and (iii) it advises interested Governments on the ways and means of translating policy frameworks developed in United Nations conferences and summits into programmes at the country level and, through technical assistance, helps build national capacities.

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I. BACKGROUND

Family issues at the United Nations forum

1.   The Focal Point on the Family in the Division for Social Policy and Development (DSPD) of the Department of Economic and Social affairs (UNDESA) organized an international Expert Group Meeting on "Family policy development: achievements and challenges" held from 14 to 15 May, 2015 at UN headquarters in New York.

2.   The Expert Group Meeting took place in response to recent General Assembly and Economic and Social Council resolutions, in line with the overall objectives of the International Year of the Family and its follow-up processes.[1]

3.   The General Assembly recognized the continued importance of giving due consideration to advancing the development of family policy in the ongoing discussions on the post-2015 development agenda. Governments have been encouraged to continue to make efforts to realize the objectives of the International Year of the Family (IYF) and its follow-up processes and to develop strategies and programmes aimed at strengthening national capacities to address national priorities relating to family issues.[2] The IYF objectives have also been recognized as a useful guide for national and international efforts to improve family well-being worldwide and address emerging issues that impact the family.[3]

4.   The Economic and Social Council stressed the importance of creating a conducive environment to strengthen and support all families, recognizing that equality between women and men and respect for all of the human rights and fundamental freedoms of all family members are essential to family well-being and to society at large. It also noted that **gender equality**, women's equal participation in employment and shared parental responsibility are essential elements of policy on the family. Further, the Council encouraged Member States "to develop and implement policies and national strategies to **prevent violence within the family** as a whole, including child abuse, elder abuse and domestic violence, and thereby enhance the well-being of all its members." [4]

Family policies

5.   Family policies involve a broad range of Government interventions related to numerous aspects of the life of men and women, couples, parents, and children. Family policies encompass family laws regulating partnership formation and dissolution, maintenance, parenthood issues, as well as supporting of parents and children in health and social security systems.[5] Family policies must adapt to growing diversity of family

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[1] The list of objectives of the IYF and its follow-up processes is contained in Annex I
[2] A/RES/69/144 of 18 December 2014
[3] E/RES/2014/8 of 12 June 2014
[4] E/RES/2014/8
[5] Olivier Thevnon & Gerda Neyer, *Family policies and diversity in Europe: The state- of –the- art regarding fertility, work, care, leave, laws and self-sufficiency,* FamiliesAndSocieties, Changing families

forms and structures and respond to various needs of changing families. They may attempt to regulate intergenerational obligations in regard to financial support. They also have a difficult task of reconciling different objectives, ranging from safeguarding the best interest of children, ensuring gender equality, preventing mistreatment of vulnerable family members and contributing to intergenerational solidarity.

6.   Over the last decades, there has been a major increase in the diversity of family forms and structures and growing family instability, resulting not just in expanded scope of family law but in new challenges. For instance, some researchers have observed that family structure has become an important mechanism for the reproduction of class, race, and gender inequalities.[6] Increases in income inequality have been linked to increases in single motherhood, especially among less educated women with single parenting often associated with lower intergenerational economic mobility.

Changing families and family laws

7.   Family policy development depends on family laws which provide a legal framework for the establishment and regulation of family relationships. They mostly govern marriage, divorce, maintenance, paternity, custody of children as well as inheritance. Family laws often seek to protect the vulnerable family members, including women and children, and may also include the protection of older persons. Fair and bias-free family law frameworks are also indispensable to ensure gender equality and tackle various forms of violence in families.

8.   The source of the law may be civil or common (or a blend of both), religious or customary. The legal traditions around the world include civil law, (including socialist or communist law), religious law (including Islamic family law), as well as multiple legal systems, promoting the coexistence of religious, customary, and civil and/or common law.[7]

9.   In the Western world, changing patterns of family formation and dissolution, cohabitation, child bearing outside of marriage, marriage dissolution often resulting in the joint custody of children, increasingly result in a higher demand for family dispute mediation and resolution with the instability of cohabiting relationships further adding to the potential for parenting disputes.[8] As a consequence, family justice systems in many parts of the world are overwhelmed by demand relating to these trends.[9]

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and sustainable societies: Policy contexts and diversity over the lifecourse and across generations. Working Paper Series 7, 2014.

[6] Sara McLanahan and Christine Percheski, Office of Population Research, Princeton University, Princeton, New Jersey 08544; email Annual Review of Sociology, Vol. 34: 257-276 (Volume publication date August 2008) , abstract.

[7] Mala Htun & Laurel Weldon, *Sex equality in family law: Historical legacies, feminist activism, and religious power in 70 countries*, World Development Report 2012 Background Paper, April 11, 2011.

[8] Patrick Parkinson, *The Challenge of Affordable Famiy Law*, Paper given at the World Conference of the International Society of Family Law, Recife, Brazil, August 2014, p. 11.

[9] Ibid.

10.   To remedy this situation, some countries have put in place community-based mediation services for families after separation (e.g., Family Relationship Centres in Australia). In the United States, more in-court therapeutic services are offered with the court at the centre of a problem-solving team.[10] Overall, there is a growing he need for making family law systems more responsive and affordable.

11.   In many developing countries family laws may still reflect the non-indigenous family law systems imposed in the course of colonial rule. Similarly, the impact of new religions into these regions resulted in a multiple systems of family laws operating side by side. Sometimes non-state systems legitimize and enforce practices that may reinforce inequality, such as the practise of dowry, polygamy, early, enforced and child marriage, leading to various forms of injustice.

12.   Although the family and its most vulnerable members are mostly viewed as deserving legal protection, in some countries, family relations are still often regarded as a private domain with family laws lacking specific provisions of intervention by the State (e.g. marital rape or corporal punishment of children).

Gender equality in family laws

13.   In some regions, discrimination against women, often perpetuated at the family level, is built into legal frameworks and government policies. Family laws may codify discrimination against women and girls and place them in a subordinate position to men in families, replicated at the community and society level. Gender inequality within families may also be perpetuated due to economic reasons and social norms such as the desire for sons, who have filial obligations to care for their ageing parents or dowry-related economic reasons.

14.   In some regions, such as the Middle East and North Africa (MENA), family laws are mainly based on the Sharia which typically place women in the position of minor and dependent of her male guardian.[11] Women's organisations in the region have been more and more vocal about the need for reforms in personal status laws to grant women more rights within the family. They also have campaigned for the criminalization of domestic violence, including so called 'honour crimes' and appealed to their Governments to align domestic policies with CEDAW and remove their Governments reservations. Many scholars and activists agree that "any reform process requires strong political support, sensitivity to religious sentiments, and assurances to the public that the changes are in accord with family values and Islamic norms of justice."[12]

15.   A growing number of developing countries have amended their national constitutions to outlaw gender discrimination and protect children with significant implications for family law development. In some countries, feminist campaigns

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[10] Ibid, pp. 25-26.
[11] In Turkey, Tunisia and to some extent Morocco family laws have mostly secular sources. See V. Moghadam and Farzanch Roudi-Fahimi, *Reforming family laws to promote progress in the Middle East and North Africa*, Population Reference Bureau , Washington, 2005
[12] Ibid, p. 7

succeeded in changing family laws. Some successful strategies involved linking of social and economic development to women's rights and empowering women within their families.Urgent areas for future policy initiatives include better protection of women in children from various forms of violence, custody and inheritance laws (including rights of widows) as well as child marriage.

16.   Recent research indicates that **"**despite progress in reforming laws, discrimination against women in the law remains pervasive in several areas, particularly in the area of **family law**."[13] In 26 out of 143 countries, statutory inheritance laws differentiate between women and men. In 27 countries, women cannot confer their nationality to their children and/or foreign spouses on equal basis with men. Discrimination entrenched in family law is especially challenging in sub-Saharan Africa, the Middle East, North Africa and South Asia. In many countries, multiple legal systems with discriminatory customary and religious laws and practice prevail.[14]

Violence in the family

17.   Family violence is defined as any violent act inflicted by one family member on another and may occur between partners, by parents against children, by children against other children or against parents and by adult children against their older parents. Family violence can have many forms such as physical, sexual, emotional or economic abuse. It may also include neglect, considered a passive abuse.[15]

18.   Violence in the family often leading to physical and mental problems has grave consequences for the wellbeing of individuals, families and societies. There are high economic costs associated with domestic violence.[16] **Violence against children** is especially troubling as it results in behavioural problems and poor school performance. Children experiencing family violence also tend to replicate these patterns with their partners and/or their own children, and there appears to be intergenerational transmission of family violence.[17]

19.   The United Nations Declaration on the Elimination of **Violence against Women** refers to violence occurring in the family and covers three types of violence: physical, sexual and psychological, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, nonspousal violence and violence related to exploitation (Article 2(a)). The Council of Europe Convention. Article 3*(b)* states that:

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[13] UN Women, *Summary Report: The Beijing Declaration and Platform for Action turns 20*, p. 36, New York, March 2015.
[14] Ibid.
[15] www.oecd.org/social/family/database
[16]The annual cost of intimate partner violence have been calculated at SUD 5.8 billion in the United States in 2003 according to National Center for Injury Prevention and Control, 2003, *Cost of intimate partner Violence Against Women in the United States, p. 2, Centgers for Disease Control and Prevention, cited in "In-depth Study on All Forms of violence Against Women: Report of the Secretary-General,"* A/61/122/Add.1, p. 137, New York..
[17] Ibid

"All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim."

20.   Homicide, (including 'honour' killings) and female genital mutilation are among the worst forms of violence perpetrated against women, often within their families. The 2013 *Global Study on Homicide* indicates that nearly half of all **homicide** victims are killed by their intimate partner or family members.[18] UNICEF estimates that more than 125 million girls and women has undergone some form of **female genital mutilation** in 29 countries in African and the Middle East in 2013 with 31 million girls are risk of being cut in the next decade.[19]

21.   **Early, child and enforced marriage** remains prevalent in South Asia and Sub Saharan Africa and to some extent is present in Latin American countries. Girls tend to marry older men and become mothers long before they are physically or emotionally ready. Girls stop going to school, are often subject to violence and risk dangerous pregnancies. UNICEF estimates that over 700 million of women alive in 2014 were married before 18.[20]

22.   Prohibition of various forms of violence in the family must be part of family law. Beyond structural, normative and institutional changes, however, strategies are needed to change prevailing norms and attitudes that allow violence to take place within families and communities in the first place. Such strategies may involve educational programme to change attitudes and beliefs, supporting safe environments for children and targeted community responses towards perpetrators and their victims. As experiencing violence in childhood may lead to perpetuation of violent behaviour later in life, a life-course perspective is needed as well.

23.   Future family policy development depends on a favourable family law framework ensuring gender equality and equal participation of men and women in all spheres of live. Law professionals and advocates alike emphasize that law reforms must be accompanied by education and media campaigns. Supportive political leadership and engagement of men in support of more just family laws is also indispensable.

Working with men and boys to prevent violence in the family

24.   The International Men and Gender Equality Survey (IMAGES) indicates that the single strongest factor of men's use of intimate partner violence was their boyhood experiences involving witnessing of violence against their mothers. Similar conclusions were reached by the United Nations Multi-Country Study on men and Violence in Asia and the Pacific, indicating that violence perpetration is largely driven by factors related to gender inequality, the enactment of harmful masculinities and childhood experience of

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[18] United Nations Office on Drugs and Crime, *Global Study on Homicide,* Vienna, 2013.
[19] United Nations Children's Fund, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (New York, 2013).
[20] United Nations Children's Fund, *Ending Child Marriage: Progress and Prospects*, New York, 2014.

violence. Boys exposed to violence are at a high risk of perpetrating violence themselves.[21]

25.   Programme interventions focusing on men and boys contribute to violence prevention. Such programmes are especially effective if they are part of fair justice system, when they are connected to community and accompanied by adequate support and protection of women survivors of violence. In addition, community approaches to hold men accountable for gender-based violence help with changing community norms and help communities and victims recover from violence.[22]

Family policy development in the context of the post-2015 development agenda [23]

26.   The design, development, implementation and monitoring of family-oriented policies and programmes are essential for the success in achieving several goals of the draft post-2015 development agenda, such as ensuring healthy lives and promoting of well-being for all ages; achieving of gender equality, empowering all women and girls as well as providing of access to justice for all.

27.   It is important to demonstrate how reforming discriminatory family laws; challenging of social norms that support male control over women and justify or condone violence against women or other vulnerable family members and eliminating violence against children and children's exposure to various types of family violence may contribute to the achievement of sustainable development goals.

II. OBJECTIVES

28.   The primary objective of the Meeting was to provide Member States and other stakeholders with expert analysis regarding a number of issues impacting recent family policy developments. The participants offered expert opinion on recent trends and changes in family forms and structures in their respective regions. Some experts focused on recent family law reforms and their impact on family wellbeing. Special attention was given to different types of violence in families, including domestic violence, violence against children and in particular early, child and enforced marriage. Good practices in violence prevention, including engaging men and boys were highlighted.

29.   The meeting concluded with recommendations for advancing several family policy areas relating to draft post-2015 development agenda, such as ensuring healthy lives and promoting well-being for all at all ages; achieving gender equality and empowering women and girls; reducing inequality and ensuring access to justice.

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[21] Dean Peacock & Gary Barker, *Working with Men and Boys to Prevent Gender-based Violence: Principles, Lessons Learned, and Ways Forward,* Men and Masculinities, 2014, Vol. 17(5).
[22] Ibid.
[23] Draft sustainable development goals (as of May 2015) are contained in Annex II

30. The experts participating in the Expert Group Meeting included academics and practitioners from the fields of family policy, family law, violence in the family and related areas. Experts were invited from a broad geographical distribution to participate in the meeting in their personal capacities.

31. Experts were asked to provide a paper, participate in group discussions and give their expert opinion and policy recommendations on family policy development, monitoring and implementation in the areas mentioned above. The experts also provided specific examples of good practices in family policy making and offered detailed recommendations on further development of policies, programmes and strategies supporting families in the areas noted above.

32. The outcomes of the Meeting include:

a) Background papers (7-10 page, single-spaced, excluding references and statistical tables) prepared by each expert on issues in the annotated agenda and including policy recommendations.

b) Report containing the summary of discussion and policy recommendations prepared by the Focal Point on the Family.

33. Papers by experts focused on issues identified in the agenda below, explained their relevance, provided quantitative and qualitative evidence, analyse the roles of social institutions, gave examples of good practices, summarized conclusions and provided policy recommendations. In as much as possible, an emphasis was placed on policy actions and good practices at the local, national, regional and international levels. The report, recommendations and experts' papers are posted on the website of the division for Social Policy and Development/Department of Economic and Social Affairs.

34. The findings from the expert group meeting, including the papers prepared by the experts, were used as inputs to the reports on family issues prepared by the Focal Point on the Family, DSPD/DESA.

III. SUMMARY OF THE PROCEEDINGS

Changing families: demographic and social trends

35.   Families have undergone profound changes over the last decades. Family sociologists and demographers looking at both historical and cross national change at the global level emphasize the scope, vastness and global quality of change, especially in terms of gender evolution.

36.   In the Western world, the so called 'golden age' of the family, characterized by high marriage and fertility rates at relatively young age and low divorce rates, came to an end by the early to mid-1960s. By the late 20th – early 21st century, the married nuclear family model with long-term commitment to partnership and childbearing exists along with a wide range of family forms and relationships.

37.   In effect, the logic of early marriage which relied on early and easy access to the labour market, including to low skills jobs, has all but disappeared. Increasingly, young people tend to postpone **marriage and childbearing** and refrain from long term commitments and parenthood responsibilities. This is partly due to high youth unemployment rates and lack of affordable housing in addition to changes in personal values and growing social acceptance of individual choices.

38.   Period **fertility** rates have declined across the globe with most of European countries experiencing fertility below the replacement level of 2.1 children per woman. However, cohort—i.e. real—fertility for Scandinavian and several Western European countries remain in the vicinity of replacement level, indicating a balanced fertility development, while low cohort fertility levels in Central, Eastern as well as Southern Europe are quite alarming and demographically unsustainable.

39.   **Childlessness** is a new phenomenon on the rise. In Germany, one third of women born in the 1960s are childless. Childlessness is low in Eastern Europe but more women there tend to have only one child.

40.   In light of these trends, the question arises if people's reproductive preferences have changed over time. This does not seem to be the case, as indicated by recent findings of the European Barometer study showing that the mostly preferred size of family is 2 or more children.

41.   **Non-marital cohabitation** has been steadily rising across all economic groups in Europe. In the United States it is more prevalent among lower educated, low incomes groups. Marriages are also becoming less stable with high divorce rates both in Europe and the US and rising in other parts of the world.

42.   Extramarital fertility is rising. As marriage is no longer seen as the necessary basis for having and raising children, a non-marital cohabitation is increasingly a setting

for child-rearing. While in the 1960s only 10 per cent of births took place outside of marriage in any European region, now they reach 50 per cent in several countries across Europe.

43.   Although in Latin America marriage is recognized as the bedrock of the family and is still considered an ideal to be aspired to, non-marital cohabitation is very high and increasingly socially accepted. Out of wedlock births account for 84 per cent of total birth in Colombia, 76 per cent in Peru and 72 per cent in Nicaragua.

44.   Many couples in the region cannot get married for a variety of reasons such as lack of economic resources or are unable to complete the necessary paperwork requirements and delay their weddings. To diminish the financial cost and paperwork requirements, Bolivia has recently introduced a *collective marriage* option, where many couples get married in communal, large ceremonies. In some countries, rights and obligations similar to marriage for cohabiting couples exist. For instance, in Colombia, the Constitutional Court has recognized widow pensions for women who had cohabited for over 5 years.

45.   In addition to national laws, in some countries in Latin America, there may be indigenous customs and unwritten laws which have legal effects, e.g. in the Indigenous Autonomies in Bolivia. Such indigenous autonomies may regulate several aspects of family life.

46.   In Asia, cohabitation is still rare but rising. Although official statistics indicate falling fertility across the Middle East and North Africa (MENA), in some countries births are not officially registered, making it difficult to establish real fertility rates. In countries of the MENA region, especially those in situation of conflict, the State is no longer always in a position to officially register marriages and births. In contrast, improved efforts at child registration in Latin America have resulted in better accessibility to social benefits and greater involvement of fathers.

47.   While in countries with high level of poverty, high fertility is in part driven by the view that children will provide for their parents in old age, childbearing is not only an economic decision. In some regions, marriage and childbearing are considered an initiation to adulthood. In other countries, norms are rapidly changing and fertility is diminishing in line with changing values, attitudes and expectations.

48.   Although, it was assumed for a while that fertility declines would sweep the world, from the Western world to the rest of the globe, national and subnational family trends remain quite diverse depending on economic development, culture and national institutions. In countries with large immigrant population, immigrants' fertility tends to eventually mirror the prevalent national fertility.

49.   Fertility is no longer affected by the gender gap in education. The male educational advantage has disappeared in Europe, where young women are actually more likely to have tertiary educational levels than young men (except Germany and Austria).

In Southern Europe, there are many highly educated young women with high labour aspirations.

50.   With **gender gap in labour** activity rapidly diminishing, there is no clear cut relation between women's employment and fertility but countries with high employment flexibility and work-family balance tend to have higher fertility rates. In this context, in the European Union, regulations on parental leave options set minimum standards of entitlements, length, flexibility and payment levels. They facilitate reaching the employment targets and the gender equality objectives, as does the expansion of the paternity leave provisions also contributes to the achievement of this goal.

51.   The availability of **child care** is not always linked to fertility, e.g. in the US fertility is higher despite the overall lack of affordable childcare (as well as federal parental leaves). As childcare preference of women differ, and change over time, it is difficult to accommodate them through public policy.

52.   years later, compared to 27 per cent of children born in cohabiting relations (even controlled for education, ethnicity and so on). Family instability is often blamed for decreasing level of mental health of young people with self-harming rates and suicide on the rise.

53.   Findings from the Millennium Cohort Study in Great Britain show that children born to cohabiting parents were nearly 3 times as likely to be no longer living with both parents by the time they were 5 years old, as those born to married parents. Fragile Families study in the United States found that parental separation by the time the child was 3 years old was five times greater for children born to cohabiting than married parents.

54.   Births to single mothers with no male present are on the increase as well and account for 16 per cent of all births in Ireland and in the UK. In the US, 24 per cent of first births between 2006 and 2010 were to women who were neither married nor cohabiting.

55.   In the US, there has been a steady rise in non-marital families, which differ from marital families in several important aspects. Unmarried parents tend to be younger, with lower income, and have lower levels of education than married parents. Unmarried parents are also more likely to find new partners and have additional children, forming so called '**complex families'.** In the US, social value of having children for young people without many opportunities is often seen as something positive, giving meaning to their lives.

56.   Likewise, high rate of teenage pregnancy in Latin America is not just a matter of poverty or no access to contraceptives but is closely linked to maternal and feminity ideals and idealized notion of motherhood. Policies for teenage pregnancy reduction have to take into account those issues, otherwise they remain largely ineffective.

57.   Fathers increasingly want to be involved in their non-custodial children's lives. This may be linked to the perceived 'scarcity' of children and the fact that parent-child relationships have a potential to be more enduring than couple relationships. However, in complex family structures, where mothers have other children with new partners, biological fathers often disengage from their children. Moreover, mothers in unstable relations are more likely to disengage from their children as well.

58.   This family fluidity has a negative impact on child development, with children of unmarried parents faring worse on a variety of metrics, including educational attainment, health, as well as future family formation and employment prospects. Clearly, other factors such as the lack of resources in communities should not be downplayed. Although poverty and other factors such as parental level of education explain much of this differential, there is growing evidence that family structure is an independent causal factor.

59.   In the United States, marriage rates and childbearing within marriage have remained high among the wealthy and well-educated and divorce rates have declined in couples with a college or higher education. Children in such intact families receive substantial level of support and tend to attain higher education and have good employment prospects. In contrast, marriage and childbearing within marriage have declined among less well-off and less-educated individuals in the US, further jeopardizing life chances of children in such families. Such trends are often seen as a factor in growing inequality in the country.

Legal consequences of recent family trends

60.   Across much of the Western world, there have been gradual changes in family laws which reflect the changing nature and forms of the family. Some of the most profound changes have occurred in relation to parenting after separation. There was a breakdown of the model on which divorce reform was predicated in the late 1960s and early 1970s, which assumed that divorce could end the relationship between parents. With the rise in sharing parenting the **'enduring family'** replaced the '**substitute family**' and where children were in the past allocated to one family member, parents now share those responsibilities.

61.   In many countries courts have been overwhelmed by cases involving post-divorce arrangements of care. For instance, in the US, some states experienced a 44 per cent rise in custody filings between 1997 and 2006. In England and Wales contact (visitation) orders quadrupled between 1992 and 2008. Similar increases can be seen in other Western countries.

62.   Despite growing demands on the legal systems, legal aid for family law cases has been cut in several countries. There is also a mismatch between the demographic changes and the court system which is not designed to cope with the adjudication need.

63.   Similarly, the legal system in the US is having mixed success responding to the complexity of family situations. Family law in the US is still designed for married (or divorced) couples and not for complex families. As such, the law aims at helping divorcing couples to restructure their lives and ensure that both parents will continue their parental responsibilities (custody and child support orders). In addition, court-appointed coordinators work with both parents to resolve disputes and develop concrete plans for co-parenting. Law enforcement also aims to ensure that noncustodial parents help support their children economically. The reforms of the child support system over the past two decades helped middle and upper-income families. Enforcement of child support can also be credited with poverty reduction.

64.   There is a reason to be concerned about children in unstable families. However, broader relations, prospects of men as good family providers, creating opportunity costs for women to have a child or postpone the birth of a child are all part of a larger economic agenda. In this context, very little is done to help unmarried couples adjust to a new life when their relationships end. Thus, the system does not meet the needs of non-marital families, especially unmarried fathers.

65.   Moreover, biological, unmarried fathers do not have the same rights as divorced fathers, including custody rights. Even when a man is considered a legal father, this does not automatically translate into custody rights or even rights of visitation. Although, unmarried fathers could go to court to secure a custody or visitation order, in practice court orders are hard to come by for low-income fathers. Moreover, the child support system imposes high expectations on fathers who find it extremely difficult to comply with their obligations. Harsh treatment of fathers, such as prison sentences for men failing to pay child maintenance is not a good solution to ensure child support.

66.   Never-married custodial parents are much less likely to receive full child support than divorced custodial parents. This is mainly due to low employment prospects of the unmarried fathers. Thus child support provisions largely fail to recognize the bleak economic circumstances of unmarried fathers and instead create unrealistic obligations. In some states, child support obligations are imposed on fathers who are incarcerated, resulting in debts and penalties upon leaving prisons.

67.   In the US, some efforts are under way to recognize the need to address the underlying cause of why low-income, non-custodial parents often do not pay child support. The earned income tax credit (EITC), a federal tax credit where a family can receive a lump-sum tax credit depending on a number of children and income helped many families. Programmes for high school students, such as volunteering, have been found to boost self-confidence in young people, and have a role in teenage pregnancy prevention and decline.

68.   **Mediation** is spreading in divorce law in Australia and in the US. It provides parents with a less adversary alternative to litigation and promotes a more cooperative approach. It has resulted in better post-divorce family relations, especially between noncustodial parents and their children.

69.   However, mediation as an alternative to legal proceedings is not always a preferred option, especially in developing countries, with feminist literature indicating that the person with less power in a relationship (usually a woman) does not benefit from mediation. Moreover, mediation in case of violence may be especially problematic limiting women's access to justice.

70.   **Collaborative law** in divorce cases where both parties agree to negotiate divorce settlement without litigations is a new and positive development. Collaborative law leads to a more creative and responsive settlements between the parties. Besides divorce proceedings, it is also staring to be used in other settings, such as estate planning.

71.   **Same-sex couples** are more visible and increasingly having children while same-sex marriage is increasingly being recognized in many countries. According to the Census Bureau in the US, 115,000 same-sex households have children, although such households are likely to be undercounted. Without legal recognition, same-sex couples face practical difficulties in terms of parental recognition, adoption, inheritance and other issues. In some countries, a same-sex civil unions (rather than marriages) with rights similar to those in marriage, have been recognized. This is often seen as a constructive compromise, even in conservative societies.

72.   Unlike adoption, **assisted reproductive technology** remains mostly unregulated. Challenges in this area include donor and surrogate rights, confidentiality issues and cost. The ethical questions ranging from possible surrogate exploitation to designer eggs have been surfacing as well.

73.   Other challenges for family laws in some countries, including the US involve high levels of incarceration, especially for minorities; violence in the home which remain a widespread problem; substance abuse; poverty and unemployment; a changing economy that disadvantages the middle class as well as social isolation.

Family laws in Latin America

74.   Similar to other regions, **family laws in Latin America** regulate the relationships among family members and between them and the society and the State and are mostly contained in Civil Codes or in specific codes or laws. In addition, some laws recognize the rights of workers with family responsibilities. There are also laws designed to protect children and adolescents, as well as laws preventing violence against women.

75.   Family laws assign great responsibilities to families but little is done to facilitate the fulfilment of these obligations, particularly by families living in poverty.

76.   The role of families in societies has been defined in relevant laws, mainly with reference to care responsibilities performed by stay-home women. The state obligation towards families rests on family protection and the superior interest of children. In

contrast, the obligations of families' include duties of economic assistance and care for parents, offspring as well as several extended family members.

77. Concerning the rights for workers with family responsibilities, no significant progress has been made in terms of addressing work-family imbalance where the legislators still consider women the primary caregivers.

78. The Conventions on the Elimination of All Forms of Discrimination against Women, on the Rights of the Child and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against women have all been crucial in the evolution of family laws in Latin America. Importantly, the national laws are applicable to all persons, including indigenous peoples.

79. Following the recommendation of the CRC Committee, the age of marriage has been established at 18 for men and women in Argentina and Bolivia. In Venezuela and Bolivia rights and obligations for cohabiting couples have been recognized to be similar to that of married couples.

80. The grounds for divorce range from abuse, violence, adultery, alcoholism to homosexuality and long-term separation. On the other hand, no fault divorce is possible in Bolivia and Colombia. Custody rights after divorce are mostly granted to mothers but shared custody has appeared in some legislation, notably in the Bolivian law. A significant development in Chile is that care and domestic unpaid work must be compensated for in the divorce process if one of the spouses was not able to keep a job under desired conditions.

81. A remarkable new legal development--filiation recognition by indication (the mother designating the father of the child at birth registration) took place in Costa Rica and Bolivia. The laws to protect children and adolescent rights are in line with the CRC, but law enforcement remains weak especially in rural areas. On the other hand, Bolivia has recently lowered the legal age to work, which raised concerns about child labour.

82. In summary, labour rights areas where progress is more needed include: extending maternity leave, establishing paternity leave as well as special leaves for care of other family members, such as older persons or persons with disabilities. It should be kept in mind however, that such benefits, if established, would only be available in formal employment, which constitutes only part of overall labour force. Other areas of family law in need of improvement in the region include: paternity rights, including paternity leave, the social redistribution of care and the recognition of the rights of same-sex couples.

Family laws in Muslim countries

83. Although they are all based on Islam, there are significant variations among most contemporary Arab Muslim family laws due to different interpretations of the Koran.

84.   There are three discourses reflected in contemporary Muslim family laws: traditional, neotraditional and reformist. The traditionalist and neotraditionalist discourses assume inequality of the sexes and are extensively reflected in contemporary Muslim family laws allowing for several male privileges, such as polygamy, wife disciplining, the loss of a child custody by the mother if she remarries, as well as the exclusive legal guardianship of children by their fathers, even if they are in the custody of the mother.

85.   The reformist discourse argues that ensuring equal treatment of men and women under law are consistent with the Shari'a and reforms can be enacted within it.

86.   The guardianship of men over women, based on obligation of financial assistance for spouse and his female kin by men in exchange for obedience on the part of women, still forms the basis of family laws in most Arab countries. In addition, throughout history layers of control by men over women were added to the basic obedience stipulation.

87.   However, there have been major changes in the family members' roles in the Arab world in the past two decades. Owing to several economic, social and political trends, Arab women are increasingly contributing economically to their households. While in the mid-nineties estimates of female-headed households in Egypt ranged from 16 to 22 per cent, practitioners in the field estimate that that the number has risen to 30 per cent.

88.   As noted in the Arab Human Development Report, 2005, family laws hinder women's economic participation, as they require a father's or a husband's permission to work, travel or borrow from financial institutions. The laws based on obedience in exchange for maintenance have not evolved to recognize the growing economic contribution of Arab women, in addition to their work at home.

89.   A number of scholars have pointed to the contradiction between Islam's message of equality and family law provisions that are clearly gender-biased such as authority of one spouse over the other.

90.   However, Islamic family laws have been amended and changed over the history, particularly when it was convenient and expedient for political elites. Some laws include gender-sensitive and egalitarian provisions and where there was political will, reforms were enacted.

91.   Within family law frameworks allowing polygamy, the issues of property division, child custody and rights of women are becoming more contentious. Women's groups opposing polygamy may encounter resistance also within women's circles, but compromise may be reached through dialogue.

92.   In Tunisia and Morocco gender-sensitive and egalitarian provisions regarding the rights and duties of married spouses have been promulgated on the basis of the Shari'a. In Tunisia, polygamy was abolished after extensive consideration of Islamic methodological tools such as Qur'anic referencing, contextual analysis and analogy. In Morocco, the

2004 reforms imposed strict conditions to polygamy. In both countries, there was a strong political will and commitment to reforms.[24]

93.   Musawah, the Global Movement for Equality and Justice in the Muslim Family, has conducted research on CEDAW and Muslim family laws showing that the CEDAW Committee has urged Governments to take into account examples of Muslim countries lifting their reservations to CEDAW and changing their national legislation to address discrimination and to interpret Islamic law in line with international human rights standards. Musawah's research also provides alternative jurisprudence and interpretations seeking to harmonize Shari'a with human rights standards.

Family laws in Africa

94.   In Africa, regional human rights frameworks haves been developed such as the African Protocol on Human Rights, 2003, which posits equality between men and women, protection from violence, value of women's work at home, the right to social security and inheritance for women.

95.   CEDAW has had an enormous traction in Africa and has been widely used by courts in addition national constitutions. The African States have revised their own constitutions in line with human rights instruments, acknowledging that customary traditions are important and should be respected but these customs must accord with notions of gender equality.

96.   In terms of children's rights, the African Charter on the Rights and Welfare of the Child stipulates that customs cannot impinge on the rights of the child and marriage can be entered only at the age of 18 or more. Despite these legal provisions, out of 20 countries with prevalent child marriage, 15 are in Africa. In addition, 3 African countries have the highest absolute rate of child marriage: the Democratic Republic of the Congo, Niger and Nigeria. Poverty and insecurity are factors, at times, that influence the prevalence of child marriage. There is a need for more political will and more political security, in addition to poverty reduction efforts and greater efforts at birth registration to do away with the practice in the region.

97.   Importantly, the African Protocol talks about measures to recognize the economic value of women's work in the home. This is in part a legacy of the British family laws introduced in the British colonies stipulating the need to recognize women's work at home (e.g. recognized in South Africa and Zimbabwe) which has also led to the recognition of women's economic equality.

Violence in families: legal and policy responses

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[24] Such alternative jurisprudence is consistent with many rights outlined in CEDAW, to which most Arab countries had inserted reservations.

98.   Family violence involves physical, social and emotional abuse and acts of aggression within relationships that are considered as family connections or akin to family connections. It occurs in all cultures and poses serious challenges.

99.   The term 'violence in families' continues to be used interchangeably with domestic violence or intimate partner violence. However, researchers, scholars and legal experts have begun to accept a broader concept of family violence to include married couples, intimate partners whether living together or dating, as well as violence between parents, children and other family members. Elder abuse and violence between siblings have often been hidden from family violence discussions but have been recently gaining more attention. Some scholars are reluctant to describe as family violence aggressive acts between former partners and ex-spouses and prefer to use the term 'intimate partner violence'.

100.   Violence against women is an extreme manifestation of gender inequality in a society and a serious violation of fundamental human rights. Domestic violence is a component of gender inequality with intimate partner violence being the most common type of violence against women.

101.   Although family policies reviews across the globe provide details about the development of policies addressing violence in different countries, it is difficult to find comparative data sets, as data on violence comes from studies that vary in design making the cross-national comparisons problematic.

102.   According to the European Union Agency for Fundamental Rights' (EUFRA) *Violence against Women Survey, 2012*, women's physical and/or sexual violence experience since age 15 varies from 19 per cent in Poland to 46 per cent in Sweden, with an average of 30 percent, with a caveat that there is most likely lower rate of reporting in Eastern Europe.

103.   In terms of violence awareness, 52 per cent of women reported violence to be fairly common with 27 per cent indicating that violence against women is very common (EUFRA, 2014). However, the awareness of services for victims of violence is much lower.

104.   Measuring of the prevalence of violence acts can prove to be a vexing problem. The question is how to improve reporting, to obtain accurate data on violence prevalence, so that effective programmes could be designed. In several Western countries, schools and child care centres have an obligation to report when there is a suspicion of child abuse. Moreover, face to face interviews, rather than telephone or survey interviews have been found much more effective way to establish the prevalence of violence than written surveys.

105.   Some forms of violence, such as marital rape, may not be recognised as such by either victims or perpetrators. Thus, the challenge has been to turn problems into easily

recognisable categories, so both victims and perpetrators can see them as forms of violence.

106.   Based on extensive analysis of available data, the Council of Europe has estimated the annual **cost of violence** against women across its Member States at 33 billion Euros. It includes the financial burden of intervention, policing, healthcare and other services.

107.   The most frequent issues associated with violence in Europe include alcoholism, drug abuse, poverty and unemployment as well as witnessing violence and being a victim of violence, especially early in life. Other factors include low level of education and impact of the media.

108.   New comprehensive approaches to **violence prevention** involve legislative reforms, including measures to ensure punishment of perpetrators and measures to address the so called **6-Ps: policy, prevention, protection, prosecution, provision and partnership.** The priority areas in combatting domestic violence are awareness raising and funding. Collecting data and building comprehensive databases on violence prevalence are also essential in order to develop evidence-based programmes and legislation.

109.   New members of the European Union had to align their local legislation to the EU standards upon joining. New domestic violence protection laws and/or prevention legislation have been adopted in Croatia and Hungary in 2003 and Bulgaria, Poland and Romania in 2005.

110.   Some efforts have been made to limit alcohol consumption often associated with violence as it has been at its highest in Europe for the past 30 years with 23 million Europeans dependent on alcohol. At the EU level, the Committee on National Alcohol Policy and Action (CNAPA) coordinates actions and policy development among Member States. Despite many strategies in existence, alcohol-related maltreatment remains a serious issue.

111.   There are estimated 125 to 140 million victims of **female genital mutilation** (FGM) worldwide, mostly in Sub-Saharan Africa. FGM is sometimes incorrectly referred to as female circumcision or surgery. Although, there are some anthropological views treating FGM as a rite of passage, it has severe consequences on women's health and cannot be justified by tradition, culture or custom. The practise is a violation of human rights and children's rights. It is considered a crime in all EU member States including a principle of extra-territoriality, where FGM can be prosecuted when it is committed abroad. Currently, the European Commission and European Institute for Gender Equality are in the process of developing a methodology and indicators to improve the FGM estimates.

112.   Approaches to combat FGM in Europe have always been very strict in France and punishable by prison sentences; while in the United Kingdom 'multiculturalism' concerns

have been raised. In the Netherlands, the parents are informed prior to departure to their countries of origins that FGM is illegal even if performed abroad.

113.   The most effective strategies to prevent FGM involve engagement at all levels, with justice and health systems, religious leaders and political authorities as well as practitioners and communities and engaging with men and boys to shift social norms.

114.   In 2015, the European Commission established a web-based knowledge platform on FGM to help professionals who work with victims and girls at risk. It aims to reach nurses, judges, asylum officers, teachers, doctors, and police officers, and support them to help eradicate the practice. The European Commission also works with the European Institute for Gender Equality to develop methodologies and indicators to estimate the risk of FGM.

115.   **Child maltreatment** in Europe, defined as the physical, sexual, mental abuse and/or neglect of children younger than 18, remains widespread. According to the European Report on Preventing Child Maltreatment, by the WHO Regional Office for Europe 9.6 per cent of children were victims of sexual abuse, 22.9 per cent of physical abuse and 29.1 per cent of emotional abuse. However, few countries regularly collect reliable data on the prevalence of child maltreatment.

116.   There has been a shift in approach dealing with child maltreatment in Europe, from a legal to a public health issue. The European child maltreatment prevention action plan 2015-2020 aims at a reduction of the prevalence of child maltreatment and homicide by 20 per cent by 2020 by increasingly the visibility of maltreatment risks; creating partnerships and multi-sectoral actions; reducing risks for maltreatment through preventive actions within national health systems.

117.   The term **'honour crimes/killings'** may not be a precise term and refers to crimes committed by relatives and often related to parental control as well as property and local community disputes. In India, for instance, such crimes are mostly a form of parental control over marriage choices of their children, especially if they are outside of religion, cast or community. Forty per cent of the rape cases filed in Delhi in 2014 has been filed by parents against the freely chosen husbands of their daughters once a couple eloped.

118.   Dowry-related crimes may be considered part of domestic violence. In India, the giving and accepting dowry in consideration of marriage is illegal but it is very difficult to prosecute any dowry-related cases as the parties may claim that the gifts (often given a while after the wedding) do not have anything to do with the dowry.

119.   Thus the issue of violence, linked to parental control or dowry, is separate from the practice of dowry itself and falls under domestic violence law. Moreover, not all dowry-related practices violate law. For instance, the practise of *mahr* in Arab countries (dowry given by men to their future wives or their families) is allowed and socially accepted.

120.   The issue of **post-divorce family violence**, where family breakups continue by violent acts is often overlooked. For instance, in Spain, there have been a number of cases of men killing women months or even years after the break-up. This may still be regarded family violence, but it is mostly called intimate partner violence.

121.   Cultural triggers of violence (even for murder) vary from place to place. In certain cultures there are specific triggers of violence, e.g. the exercise of parental control in India. Parental control used to be an issue in Europe, now it is more prevalent in South East Asia. In Spain post-separation violence has totally different causes. As causes of violence differ among regions and countries, it would be interesting to see if we could make inroads into prevention, taking into account such triggers, rather than classifying all cultural forms of violence as domestic violence.

122.   Addressing effectively the different forms of family-related violence requires both an effective legal framework and challenging social norms allowing for violent behaviours through education and community action. It is also necessary to develop coordinated mechanisms **to address violence in a continuum of life context**– family, school, work environment and the community at large. Using a public health approach in addressing child maltreatment and a gender equality perspective has been proved quite effective as well.

123.   There is a variety of community programmes where expectations of behaviour are discussed, e.g. community-based men's group in Scandinavian countries. Family centres in Australia are designed to be visible in the community and easily accessible. Strategies to identify violence involve not only direct services. For instance, telephone and internet services for children are sometimes the only way for children from minority groups to express themselves anonymously about violence and sexual abuse.

124.   In **the Caribbean**, there has been some inconsistency in the use of the term 'family violence'. Sibling violence such as incidence of girls being subjected to abuse by their brothers remain to a large extent a hidden issue. Similarly, elder abuse, although possibly no less uncommon than anywhere else, has remained largely ignored.

125.   Although Caribbean families are to a large extent matrifocal, this does not translate into ensuring women's rights. Children's rights also often remain unfulfilled due to unstable family structures and cultural norms. 'Child shifting', that is the phenomenon of children living in different family setting, e.g. with a mother, then a grandmother and possibly other relatives is quite common. Disciplining children through physical beatings is the norm and several family members have this authority, especially grandparents. Many family members, including aunts and uncles, as well as step-parents and older siblings have a position of power which may be misused and lead to violence.

126.   Legal provisions against different forms of violence have been developed based on international and regional instruments with NGOs and activists, especially women's organisations. Many public awareness campaigns led to the improvements in the legal systems (e.g. family courts in line with CARICOM recommendations).

127.   Nevertheless, structural challenges persist. Among them, the long process of negotiations within CARICOM countries and reaching decisions by consensus only. The pace of change also differs among countries. There is also a lack of human resources, which was to some extent remedied by the 1999 Free Movement Act, whereby any professional may go and work on any island where they are needed. This facilitated the establishment and operation of family courts.

128.   In terms of legal application of the laws, regulations on punishment are often inconsistent, where personal interpretation by judges (gender bias in both female and male judges), rather than the letter of the law prevails. There is also over-focusing on the punishment of offenders with little attention to measures addressing the culture of violence.

129.   In **South Asia** there are a variety of kinship systems, a diversity perhaps unmatched in other regions (patrilineal, matrilineal, polyandry, polygyny). The patrilineal families are centred around the patriarch, and are a model of sharing of income, resources, and responsibilities, caring for older and younger family members. Patrilineal family ideologies are rooted in gender inequality, assuming that women have to be married off as soon as possible and rely on the resources on the in-laws and the acquired family. Women have to contribute to domestic labour through childbearing, childrearing, and house work. These ideologies are closely related to seeing girls as liabilities and boys as assets.

130.   Based on surveys, there are high levels of violence in South Asia. Its worst manifestations include, infanticide, child marriage, domestic violence often related to dowry-disputes as well as the abuse of older persons. Incidences of violence are often linked to economic matters and include property disputes, while early marriage and child marriage are frequently seen as a coping strategy for poverty. Moreover, research indicates that a rise in different forms of domestic violence is often observed in post conflict situations (for instance in the aftermath of the conflict in Sri Lanka).

131.   Although systematic data on such practices is often difficult to obtain, surveys indicate that South Asia ranks high on interpersonal violence. Despite legal provisions securing individual rights, judges are more inclined to assign decision-making authority to families than individuals, especially brides or widows.

132.   There is a need for a more active use of domestic violence law, recognizing violence of extended family members, not just spouses. Although a vast number of cases are filed with the police, the rate of conviction is only one to two percent as filing of criminal cases is also a way to resolve economic issues and

negotiate for better maintenance with the issue of violence often not dealt with directly.

133.   There are also serious limitations of the law where progressive laws are on the books but they have no basis in culture and practice. Also, in rural areas, disputes are resolved by family and community courts outside the formal justice system.

134.   While strong set of laws is a good start, long-term efforts at changing attitudes, sensitization, and training of judges must also be pursued. Women's movements and organizations have proved critical in both pushing for law reforms and changing behaviours. Women's participation in village councils and other grass-roots decision-making bodies puts pressure on local authorities to make fair decisions on issues affecting women's lives, such as land allocation

135.   Moreover, the mass media and increasingly the social media play an important role in shifting public opinion on violence-related issues. Educational programmes at community level, assisted by media can also be effective.

136.   As intervention programmes have been mostly focusing on women and girls, men should be brought to the discussion table as well, not just to raise their awareness but make them agents of change. Importantly, men should not be seen as main violence perpetrators but included as contributors. Ensuring obligations and rights, e.g. by involving men in childcare, through parental leave policies is a good way towards more equal sharing of household responsibilities.

137.   As relationship violence usually starts early with young men often exerting their power and young women sometimes misusing it, education to change violent patterns of behaviour is essential. Family life education in schools, popular in the 1970s could be revisited and relationship education and awareness of legal consequences of violence taught in schools.

138.   Importantly, families headed by single parents have better outcomes for children than families where a primary caregiver engages in a number of relationships, as multiple relationships affect the quality of parenting. Moreover, there is a very strong link between family structure and violence, e.g. children in households with non-biological fathers are 5 to 6 times at a higher risk of sexual abuse, with similar statistics on child homicide.

Conclusions

139.   Family policy and family law frameworks have not kept up with rapid changes in family forms and structures and wider acceptance of women's and children's rights in families.

140.   There are also inconsistencies in national laws, and whereas women's and children's rights in families may be recognized in national laws, their practical implementation is not adequately supported and institutions designed to enforce the law and/or monitor its implementation, such as commissions, councils, and children's rights defenders, face many challenges.

141.   As research indicates that children do badly with unmanaged conflicts arising from unamicable divorce, there is clearly a need for reform and rethinking of the family judicial system in terms of conflict resolution.

142.   The three directions of possible reform may include (i) rethinking of the role of mediation (ii) reducing discretion in family law cases (iii) simplifying procedures for the more straightforward cases which require adjudication.

143.   To be sure, it is not easy to create alternatives to the pathway of lawyers and courts in resolving disputes about children. It requires a new way of thinking about what it means to make decisions in the best interests of children and the kinds of services that families need following parental separation. In fact, barring the cases of violence where safety of parents or children is in jeopardy, parenting disputes should be seen as relationships problems, where mediation could be considered before resorting to legal measures.

144.   In some parts of the world, there are attempts to redesign the legal systems, to be more community oriented and integrated with other services, such as domestic violence services as well as substance and drug counselling. Community based alternatives aimed at resolving disputes about children's custody using mediation, such as Family Relationship Centres in Australia, are another approach.

145.   The law also shapes intergenerational aspects of family life. For instance, zoning and custody laws may either promote or impede intergenerational interactions. Careful revisions of such laws may therefore be needed to facilitate intergenerational exchanges.

146.   Labour laws and the employment situation often lead women to prioritize their care obligations over their labour force participation. That is why it is also indispensable to ensure that work-family balance policies increase labour market flexibility.

147.   As affordable, high quality preschool and day care enables children to gain skills and parents to work full-time, investments should also be made in the provision of formal childcare on full-time basis and in after-school arrangements for school-age children.

148.   Expanding anti-poverty programmes for families, improving educational opportunities and helping families create and maintain social ties are also important. They tend to diminish differences in children's skills (independently of their socio-

economic background). They also reduce the reproduction of inequality and promote inclusive growth. Job-protected leave options should include care for older relatives and those with disabilities. This should be regulated at a policy level.

149.   The scale, extent and speed of family breakdown calls for systemic effort into prevention and re-education about the importance of couple relationships. In this context it is also essential to strengthen non-marital families. Such efforts may involve helping young adults make appropriate fertility choices and transit to parenthood.

150.   There has been an enormous focus on the importance of recognition of different forms of family but at the same there is a denial of importance of family structure for children. Downplaying of benefits of a nuclear family, where children reside with both biological parents so as to acknowledge the reality of changing families may have gone too far to appeal to overall political correctness.

151.   At the same time, it's important to recognize that family structure itself is not the only variable and other issues like poverty impact children's outcomes. Moreover, emphasizing the importance of nuclear family structure as beneficial/ideal for children is sometimes seen as a Western perspective.

152.   A strength-based perspective on family (as opposed to a deficit perspective) building on good aspects of family life has an often untapped potential to help families to perform their functions well.

IV. RECOMMENDATIONS

Changing families and family policy

153.   Recognize that 'family' has many forms and includes a diversity of living arrangements within and outside marriage, with needs of access to economic support and legal protections.

154.   Develop policies and educational strategies to promote safe, nurturing families that provide emotional support and stability for children and strengthen non-marital families, including helping young adults to make decisions about family formation and transition to parenthood.

155.   Enhance policies that make it possible for families to have the number of children they desire without having to compromise their members' labour force aspirations.

156.   Promote work-life balance and gender equality in families and society at large.

157.   Improve the provision of formal childcare and after-school activities in order to reduce inequalities in children's life-chances.

158.   Develop policies to ensure meeting the care needs of older persons and persons with disabilities within and outside the family.

159.   Conduct systematic family impact analysis on the effectiveness of family policies and their effect on changing families.

Family law reforms

160.   Recognize that resistance to reform of family laws in some regions persists due to political pressures and patriarchy and emphasize that even if family laws are derived from religious sources, this cannot justify inequality and injustice in the family.

161.   Highlight the egalitarian, gender-sensitive and progressive provisions found in various sources of family laws. Incorporate procedural changes to prioritize CEDAW's article 16* during discussions on issues of family law within the CEDAW review process.

162.   Support women, men and feminist movements who are engaging in the processes of family law reform and protection of existing rights.

163.   Recognise the need for economic justice to be available to the primary caregiver of children following the breakdown of non-marital relationships, in addition to the provision of child support. Encourage an ongoing relationship between a child and both parents following divorce or separation.

164.   Develop community-based alternatives to the pathway of lawyers and courts in resolving disputes about children. These should include the development of highly visible and accessible sources of assistance to parents such as educational programs on parenting after separation and family mediation, where applicable.

165.   Reduce the level of judicial discretion in family justice systems in order to promote out of court resolution of disputes and where adversarial tradition of civil litigation is present - develop judicially managed short trials without the need for legal representation to resolve the disputes of impecunious litigation.

166.   Accompany family law frameworks by broader social and economic policy interventions, to help those whose impoverishment is related to gender as well as region, class, caste, or religion.

167.   Provide assistance to countries to implement international legal instruments impacting families through national law frameworks that address cultural norms and traditional customs harmful for individual family members.

168.   Secure technical, financial and human resources to implement family laws.

169.   Develop policy evaluation mechanisms to examine the effectiveness of existing legal frameworks and policies; communicate evaluation results to different stakeholders, such as policymakers, civil society and general public and seek improvements.

Gender discrimination and violence against women and children

170.   Develop evidence-based, comprehensive policies to prevent and address different forms of discrimination and violence in families.

171.   Implement CEDAW, CRC and other international instruments impacting family law development at national level.

172.   Implement national action plans to combat violence against women in a comprehensive manner allowing for coordination and systematization across sectors.

173.   Address gender stereotyping within society and justice systems through policy and public campaigns.

174.   Facilitate the engagement of women in informal and community justice systems.

175.   Implement specific measures to ensure respect for autonomy and access to justice for rural and indigenous women.

176.   Build capacities within judicial system, including coordination of the work of the police and prosecutor teams and health systems by means of inter-sectorial protocols and other measures.

177.   Work to eliminate practices which violate the bodily integrity and consent of children, such as female genital mutilation, often condoned at family level.

178.   Prevent child marriage through holistic approaches that respond to its causes, including economic insecurities, gender-based violence and cultural pressures.

179.   Improve procedures for reporting and addressing abuse/violence in families so that the process is easy to follow and effective; develop coordinated mechanisms to address violence at multiple levels – family, school/work environment, and the community at large.

180.   Ensure that criminal provisions relating to family violence recognize the fact that families exercise control over labour, nutrition, education, property, mobility and decisions related to sexuality, which are related to gender-based violence within the family.

181.   Enhance social and sexual autonomy in policies related to sexual assault and domestic violence rather than the disciplinary authority of the family.

182.   Improve access to and quality of shelter homes for women so that they have alternatives to violent parental or marital homes, affecting forced marriage, sexual assault claims based on kinship, and domestic violence.

183.   Take measures to eliminate reconciliation mechanisms for cases of violence. Such bans tend to bolster the effectiveness of guaranteed access to justice and so highlight the importance of ensuring that all forms of reconciliation are eliminated, not only in legislation but also in judiciary conduct and practice.

Broadening the engagement in violence prevention

184.   Develop systematic and comprehensive data collection mechanisms on violence occurrences, determining factors, services available to address violence and usage and use methodology and develop datasets so that international comparisons can be conducted.

185.   Design effective informational media campaigns to alert the general public about policies, prevention and intervention programmes and services; evaluate these campaigns and revise them to increase their effectiveness.

186.   Engage men in violence prevention strategies.

* CEDAW, Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a)The same right to enter into marriage;

(b)The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c)The same rights and responsibilities during marriage and at its dissolution;

(d)The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e)The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f)The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g)The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h)The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

ANNEX I: THE OBJECTIVES OF THE INTERNATIONAL YEAR OF THE FAMILY AND ITS FOLLOW-UP PROCESSES

The Objectives of the International Year of the Family (IYF), 1994

"The objectives of the 'International Family Year" are to stimulate local, national and international actions as part of a sustained long-term effort to:

(a) Increase awareness of family issues among Governments as well as in the private sector; the international year would serve to highlight the importance of families, increase a better understanding of their functions and problems, promote knowledge of the economic, social and demographic processes affecting families and their members, and focus attention upon the rights and responsibilities of all family members;

(b) Strengthen national institutions to formulate, implement and monitor policies in respect of families;

(c) Stimulate efforts to respond to problems affecting, and affected by, the situation of families;

(d) Enhance the effectiveness of local, regional and national efforts to carry out specific programmes concerning families by generating new activities and strengthening existing ones;

(e) Improve collaboration among national and international non-governmental organizations in support of multi-sectoral activities;

(f) Build upon the results of international activities concerning women, children, youth, the aged and the disabled." [i]

The Objectives of the tenth anniversary of the IYF, 2004

(a) "Increase awareness of family issues among Governments as well as in the private sector;

(b) Strengthen the capacity of national institutions to formulate, implement and monitor policies in respect of families;

(c) Stimulate efforts to respond to problems affecting, and affected by, the situation of families;

(d) Undertake at all levels reviews and assessments of the situation and needs of families, identifying specific issues and problems;

(e) Improve collaboration among national and international non-governmental organizations in support of families." [ii]

The Objectives of the twentieth anniversary of the IYF, 2014

To make concrete efforts to improve family well-being through the implementation of effective national policies, strategies and programmes, especially in the areas guiding the preparations for the IYF+20:

(a) Poverty eradication: <u>confronting family poverty and social exclusion</u>;
(b) Full employment and decent work: <u>ensuring work-family balance</u>;
(c) Social integration: <u>advancing social integration and intergenerational solidarity</u>. [iii]

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[i] Report of the Secretary General, "Preparation for an observance of an international family year" of 23 August 1989 - A/44/407; GA resolution 46/92 "approved for implementation the proposals made by the Secretary-General in his report"

[ii] Contained in the Report of the Secretary-General on the "Follow-up of the International Year of the Family", of 4 January 2000 -CN.5/2001/4; A/RES/56/113 took note of the report and the recommendations contained therein.

[iii] The themes were recommended by the Secretary-General's report on the "Follow-up to the tenth anniversary of the International Year of the Family and beyond, of 29 November 2010 - A/66/62-E/2011/4. ECOSOC resolution 2011/29 requested the Commission for Social Development to consider those themes to guide the preparations for the IYF+20. Subsequent GA and ECOSOC resolutions recommended specific family-oriented policies and programmes related to those 3 themes.

ANNEX II: DRAFT SUSTAINABLE DEVELOPMENT GOALS (as of May 2015)

- Goal 1 **End poverty** in all its forms everywhere
- Goal 2   End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3 **Ensure healthy lives and promote well-being for all at all ages**
- Goal 4   Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5 **Achieve gender equality and empower all women and girls**
- Goal 6   Ensure availability and sustainable management of water and sanitation for all
- Goal 7   Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8   Promote sustained, inclusive and sustainable economic growth, **full and productive employment and decent work for all**
- Goal 9 Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10 **Reduce inequality** within and among countries
- Goal 11 Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12 Ensure sustainable consumption and production patterns
- Goal 13 Take urgent action to combat climate change and its impacts
- Goal 14 Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16 Promote peaceful and inclusive societies for sustainable development, provide **access to justice** for all and build effective, accountable and inclusive institutions at all levels
- Goal 17 Strengthen the means of implementation and revitalize the global partnership for sustainable development

ANNEX III: ANNOTATED AGENDA

14 May

9:00-9:30   **Registration**

9:30-10:00   **Opening Session**

                        Welcome & opening remarks
                        Objectives and expected outcomes of the meeting
                        Daniela Bas, Director, Division for Social Policy and Development
                        (DSPD)/Departments of Economic and Social Affairs (DESA)

                        Introduction of participants

10:00-12:00   **Session I**
                        Changing families: regional trends & policy implications

                        Moderator – Frank Furstenberg
                        Introductory remarks – Livia Olah *"Changing families in the*
                        European Union trends and policy implications"

                        Issues for discussion
                        - Family formation, fertility & ageing: demographic and
                          socio-economic trends in major regions
                        - Family composition, structure & stability
                        - Changing families & inequality

                        Roundtable discussion

12:00-13:15   **Lunch Break**

13:15-14:45   **Session II**
                        Family laws & their impact on family policy development,
                        family well-being, gender equality, individuals' rights: recent
                        trends and policy implications

                        Moderator – Marwa Sharafeldin
                        Introductory remarks –
                        Patrick Parkinson *"Family laws and access to justice"*
                        Clare Huntington *"Family law achievements and challenges in*
                        the United States"

Issues for discussion

- Trends in family laws in Western world
- Marriage, divorce & custody laws
- Rights of women & gender equality
- Rights of children
- Rights and obligations in non-marital cohabitation
- Family instability and access to justice
- Dispute resolution and family law courts

Roundtable discussion

14:45-15:00   Break

15:00-16:45   **Session III**
               Family laws: regional perspectives

<u>Moderator</u> – Allison Gibbons
Introductory remarks – Flavia Marco ***"Family laws in Latin America"***

Questions for discussion

- Family laws in developing countries
- Recent family law reforms
- Discrimination against women in family laws
- Maintenance and inheritance laws
- Protection of older persons
- Protection of persons with disabilities

Roundtable discussion

16:45-17:00   Summary & policy recommendations by Moderators

15 May

9:00-10:30   **Session IV**
               Violence in families: types, causes & consequences

<u>Moderator</u> – Srimati Basu

Introductory remarks – Mihaela Robila – *"Policies on family violence in Europe: developments and challenges"*

Issues and questions for discussion (sessions IV, V & VI)

- Types of family violence
- Domestic violence
- Child abuse and neglect
- Son preference
- Abuse & neglect of older persons
- Abuse and neglect of persons with disabilities, with special focus on children with disabilities
- Child, early and forced marriage
- Harmful traditional practices, including FGM
- 'Honour' killings
- Causes and consequences of violence, including its intergenerational transmission

10:30-10:45   **Break**

10:45-12:00   **Session V**
Promoting inclusive societies with access to justice for all (SDG16)*: prevention of violence in families: legal provisions, regional perspectives & good practices

Moderator - Mihaela Robila
Introductory remarks – Allison Gibbons –"*Family violence in the Caribbean"*

Additional issues for discussion

- Implementation of international and regional instruments (CEDAW, CRC) & the role of families
- Individual or family-oriented solutions?
- The role of men in family violence prevention
- Changing social norms on violence acceptance

Roundtable discussion

12:00-13:15   **Lunch break**

13:15-14:45	**Session VI: Observance of the International Day of Families, 2015**

Men in charge? Gender equality and children's rights in contemporary families

Moderator: Patrick Parkinson

 Presentations:
Frank Furstenberg *"Changing families around the world: The American family in a global context"*
Marwa Sharafeldin *"Gender and equality in Muslim family law"*
Fareda Banda *"Gender equality and children's rights in family laws: An African perspective"*
Srimati Basu *"Family violence prevention in South Asia with a focus on India"*

Issues for discussion with audience participation

- Changing families and need for policy response
- Family laws and gender equality
- Family laws and children's rights
- Family laws and their impact on family policy development
- Child marriage - a family decision?

14:45-15:00	**Break**
15:00-17:00	**Session VII** **Families & sustainable development goals: Advancing family policy development in the elaboration of the post-2015 development agenda** Moderator & introductory remarks – Renata Kaczmarska, Focal Point on the Family, DSPD/DESA

Issues for discussion

- Family-centered policies as part of an integrated, comprehensive and inclusive approach to development
- Family-oriented policies for the achievement of several sustainable development goals:
  - ensure access to justice in family laws
  - end poverty & ensure healthy lives and promote well-being for all at all ages
  - achieve gender equality and empower all women and girls
  - reduce inequality
  - promote full & productive employment (work-family balance, value of unpaid work)

Roundtable discussion

17:00-17:30   **Session VIII**
Distillation of findings, finalization of recommendations
Concluding remarks, farewell and closing

Moderator: Renata Kaczmarska, Focal Point on the Family, DSPD/DESA

ANNEX IV: LIST OF EXPERTS

Fareda Banda, Professor of Law, School of Oriental and African Studies (SOAS), University of London

Srimati Basu. Associate Professor, Gender and Women's Studies, University of Kentucky

Frank Furstenberg, Zellerbach Family Professor of Sociology, University of Pennsylvania

Allison Gibbons, Associate Professor, Family & Child Studies, Department of Social Science, McNeese State University

Clare Huntington, Professor, Fordham Law School

Flavia Marco Navarro, International Consultant, Center for Participation and Human Development, Santa Cruz de la Sienna

Livia Sz. Olah, Associate Professor, Lecturer in Demography, Department of Sociology, Stockholm University

Patrick Parkinson, Professor of Law, University of Sydney, Australia

Mihaela Robila, Professor, Human Development and Family Studies, Queens College, City University of New York

Marwa Sharafeldin, Women's rights activist & Board Member, Musawah (The Global Movement for Equality and Justice in the Muslim Family) International Advisory Group