



Aide Mémoire

United Nations Expert Group Meeting,
New York
14 – 15 May 2015
Conference room 12

“Family policy development: achievements and challenges”

I. BACKGROUND

Family issues at the United Nations forum

The Focal Point on the Family in the Division for Social Policy and Development (DSPD) of the Department of Economic and Social Affairs (UNDESA) is organizing an Expert Group Meeting on “Family policy development: achievements and challenges” to be held 14-15 May 2015 in New York.

The expert group meeting is taking 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

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

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

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

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

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 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.

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

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.

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 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.

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

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

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 need for making family law systems more responsive and affordable.

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.

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

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.

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 Family Law*, Paper given at the World Conference of the International Society of Family Law, Recife, Brazil, August 2014, p. 11.

⁹ Ibid.

¹⁰ Ibid, pp. 25-26.

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

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 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.

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

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

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

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

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

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: “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.”

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

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

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

¹⁶The 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

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.

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.

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 life. 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

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

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 agenda²³

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.

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

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 are contained in Annex II

against children and children's exposure to various types of family violence may contribute to the achievement of sustainable development goals.

II. OBJECTIVES AND EXPECTED OUTCOMES

The primary objective of the Meeting is to provide Member States and other stakeholders with expert analysis regarding a number of issues impacting recent family policy developments. The participants will offer expert opinion on recent trends and changes in family forms and structures in their respective regions. Some experts will focus on recent family law reforms and their impact on family wellbeing. Special attention will be 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 will be highlighted.

The meeting will conclude 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.

A minimum of ten experts will participate in the Expert Group Meeting. Experts will include academics and practitioners from the fields of family policy, family law, violence in the family and related areas. Experts will be invited from a broad geographical distribution to participate in the meeting in their personal capacities.

Experts will be 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 are also expected to provide specific examples of good practices in family policy making and offer detailed recommendations on further development of policies, programmes and strategies supporting families in the areas noted above.

The expected outcomes of the Meeting are:

- 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.

Papers by experts will focus on issues identified in the agenda below, explain their relevance, provide quantitative and qualitative evidence, analyse the roles of social institutions, give examples of good practices, summarize conclusions and provide policy recommendations. In as much as possible, an emphasis will be placed on policy actions

and good practices at the local, national, regional and international levels. The report, recommendations and experts' papers will be posted on the website of the division for Social Policy and Development/Department of Economic and Social Affairs.

The final report of the expert group meeting as well as expert papers may be used as inputs to the 2015 and subsequent Reports of the Secretary-General on the Follow-up to the twentieth anniversary of the International Year of the Family and beyond to be submitted to the General Assembly.

III. ORGANIZATIONAL AND ADMINISTRATIVE MATTERS

The expert group meeting will be convened at United Nations Headquarters in New York from 14 to 15 May, 2015 in conference room 12.

Participants are expected to arrive on 13 May and stay through the duration of the meeting, through the end of the day on 15 May.

Experts will be required to provide short presentations based on their written papers (not exceeding 15 minutes). The preparatory process, including advance preparation of written inputs by the experts is seen as very important. The participants should submit their papers to the UN Secretariat by **1 May 2015**. The list of issues to explore is given below, it should be read in conjunction with the annotated agenda provided to all participants, where experts are identified as moderators and presenters of introductory remarks.

The participants will meet in several working sessions

- Each session will have brief introductory remarks or presentation/s (power point is acceptable but not required) by expert/s which will introduce the topic and provide context for ensuing discussion
- A moderator for each session will lead the group discussion and will be responsible for compiling the recommendations from each session
- Discussions and brainstorming will be the preferred method of work and no formal conference style presentations are envisioned, except session VI devoted to the official observance of the International Day of Families.
- The working language of the meeting will be English. There will be no interpretation provided. All submissions should be made available to the Secretariat in English.

IV. PROPOSED AGENDA

Thursday, 14 May

Opening Session

Objectives and expected outcomes of the meeting

Session I

Changing families: regional trends & policy implications

Family formation, fertility & ageing: demographic and socio-economic trends

Family composition, structure & stability

Changing families & inequality

Regional trends & priorities

Session II

Family laws & their impact on family policy development, family well-being, gender equality, individuals' rights: recent trends and policy implications

Family laws in Western world

Marriage, divorce & custody laws

Rights of women & gender equality

Rights of children

Protection of older persons

Protection of persons with disabilities

Family law courts

Session III

Family laws: regional perspectives

Family laws in developing countries

Recent family law reforms

Maintenance and inheritance laws

Discrimination against women in family laws

Friday, 15 May

Session IV

Violence in families: types, causes & consequences

Causes and consequences of violence, including its intergenerational transmission

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

Session V

Promoting inclusive societies with access to justice for all (SDG16)*: prevention of violence in families: legal provisions, regional perspectives & good practices

Implementation of international and regional instruments (CEDAW, CRC) & the role of families

Individual or family-oriented solutions?
The role of men in violence prevention
Changing social norms on violence acceptance

Session VI

Observance of the International Day of Families:

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?
Engaging men in violence prevention

Session VII

Families & sustainable development goals: Advancing family policy development in the elaboration of the post-2015 development agenda*

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)

Session VIII

Distillation of findings, finalization of recommendations

Concluding remarks, farewell and closing

V. OTHER ARRANGEMENTS

Passports, visas and travel arrangements

Participants will be expected to make necessary arrangements to have up-to-date passports. An official invitation letter should be used to obtain visa. An information note will be sent out to participants to assist with travel arrangement to New York.

The United Nations assumes that experts invited to participate in meetings are in good health, and that they will inform the Organization of illness or disability that could prevent travel to or participation in the meeting.

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ANNEX I

The Objectives of the International Year of the Family & 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: confronting family poverty and social exclusion;
- (b) Full employment and decent work: ensuring work-family balance;
- (c) Social integration: advancing social integration and intergenerational solidarity.ⁱⁱⁱ

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

- 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