



Committee: UN WOMEN (HS)

Topic A: Women's rights in the context of child custody and child maintenance.

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- **Introduction to the committee**

The UN Women committee has the important task of achieving gender equality and the empowerment of women through its 41 member states.

The formation of the committee initiated on January 1th, 2011, and took a stable residence on New York City's headquarters.

The UN Women has the objective of meeting women and girls needs worldwide. The members set global standards for achieving gender equality and look forward to working with governments to compose laws, policies, programmes and services, ensuring that these are effectively implemented and legitimately benefit women and girls.

The committee is principally focused on four strategic priorities, which are:

- *Women to lead, participate in and benefit equally from governance systems.*
- *Women to have income security, decent work and economic autonomy.*
- *All women and girls to live a life free from all forms of violence.*
- *Women and girls to contribute and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and humanitarian action.*

The United Nations works to locate gender equality as fundamental to the sustainable development goals, and a more inclusive world.

Women's rights in the context of child maintenance in the context of child custody and child maintenance

The separation of guardianship and responsibility for children, including financial care, is generally determined by the Family Law of the State.

Until the 19th century, males had an advantage over guardianship and legal custody of children, giving them exclusive authority regarding children personal affairs, such as property, domicile, travel, education and marriage. This ideology has been revoked in law systems, aligning with the International Human Rights law of the eradication of discrimination against women in family, but it has been maintained in religious and customary systems, which are supported by some States that maintain religious-based or plural legal systems.

Physical custody involves the day-to-day conduct of the child's life and requires residence, care, contact or visitation rights. Guardianship and physical custody can be designated to only one parent or divided between the parents in cases of divorce.

Some law systems have transferred to an equality model for child custody. As reported by the UN women committee, in the discussion paper “ *Gender Equality and Women's Rights in the Context of Child Custody and Child Maintenance*” from Argentina, both parents have the right of guardianship, and their consent is required for important decisions impacting children. Also, there are three models of child custody:

- Traditionalist model: paternal figure has the guardianship, exclusive rights of authority and the faculty to make decisions regarding the child. The most prevalent system using this model is the Sharia, which is incorporated into the majority of 57 states that belong to the Organization of Islamic Cooperation. Religious systems have not adapted, remaining devoted to religious law even if it is in contradiction with International Human Rights to mandate equality in marriage.
- Secular law: this model gives advantage to the mother. In some East Asian countries, maternal custody is a trend. The maternal preference is very evident in Japan and in Hong Kong. In the Russian Federation, in more than 90 percent of cases the child is placed with the mother.
- Gender neutral laws: include sole parenting and shared parenting; sole parenting avoids conflict or uncertainty regarding the measurements for all aspects of the child's life. On the other hand, shared parenting is described as “the contact between the two parents as fundamental to the best interest of the child” (F.R, 2019)

Child maintenance is defined as a regular financial aid from the non-custodial parent, toward the expenditure of raising a child, given to the parent that lives most of the time with the child.

In cases of custody and maintenance, it is common to find domestic violence. In contested

custody cases the use of bargaining power is common as well: in more conservative countries women have fewer professional opportunities and therefore less financial resources, sometimes even less legal benefits, than men. Women are then at a disadvantage. Based on interviews in Canada, the United States, European and Middle East countries, Chasler found out that when fathers “fight” for the custody in 70% of the cases they win it (Douglas, 2011).

The Parliamentary Assembly of Europe is concerned for the financial struggle created on mothers, when child support is not provided punctually.

The payment of maintenance by non-custodial parents is required by many but not all legal systems. In systems where non-custodial parents have an obligation to pay child maintenance, the lack of payment can result in both civil and criminal penalties. In most systems, custodial mothers are not sufficiently protected financially, because there are often problems in the calculation of custody payments, few criminal prosecutions and low levels of public support. Failures in enforcement and support systems are a significant factor in producing a gender gap in income after divorce and in contributing to gender-based poverty.

Viable solutions

Our committee has made an alliance with The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 189 states are part of it. CEDAW guarantees women the right to equality in all areas of family life, including custody.

The UN Women committee recommends the following solutions:

- Promoting gender equality within religion-based law countries.
- To avoid the lack of financial support, the UN women highly recommends establishing more strict policies, such as revoking visitation rights until the payment is done.
- Our committee highly encourages to implement public defenders for women with financial difficulties..

Conclusion

In conclusion, women around the world aren't getting the financial and legal support they should. The UN Women committee extends an invitation to all the states and countries involved to develop viable solutions. To successfully help women in these situations, and to attain gender equality.

References

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- Douglas.G. (2011) Sex discrimination in child custody and child support. *Article Based on Turner V. Rogers case*. US: Purple notes. Retrieved from: <https://www.purplemotes.net/2011/04/24/sex-discrimination-in-child-custody-and-child-support/>
- Wurm, G. (2019). Gender equality and child maintenance. *Council of Europe: parliamentary assembly*. Retrieved from: <http://website-pace.net/documents/19879/3143407/20170712-Genderequality-childmaintenance-EN.pdf/2b5ccb43-6d6e-4fd6-957f-a88ee1fd7399>

Useful resources

- Welcome to United Nations. (n.d.). Retrieved from <https://www.un.org/en/>.
- United Nations Entity for Gender Equality and the Empowerment of Women. (n.d.). Retrieved from <https://www.unwomen.org/en>.