



Resolution 2207 (2018)¹

Gender equality and child maintenance

Parliamentary Assembly

1. Family patterns are evolving in Europe, with a decrease in marriages and an increase in separations and divorces. A growing number of children live in blended families or with only one parent, with an obligation for the parent who does not have day-to-day care of the child to contribute financially to their upbringing. The overwhelming majority of single-parent families in Europe are headed by a woman. Child maintenance, a particularly significant element of the life of single-parent families, is therefore not a gender-neutral matter. The way the amount of the payment is determined and the consequences of non-compliance affect women disproportionately. As a consequence, child-maintenance regulations and functioning should be considered as relevant not only to family life in general and to the well-being of children, but also specifically to gender equality.

2. The Parliamentary Assembly is concerned that non-compliance with child-maintenance payment obligations significantly affects mothers with day-to-day care responsibilities financially, adding to the inequalities that women face in the world of work, including the persistent remuneration gap, gender segregation by economic sector and difficulties in career development. The lack of flexible working arrangements and comprehensive and affordable childcare facilities makes it even more difficult to strike a balance between work and family life. Child-maintenance legislation and policies and their effective enforcement are one of the many ways of countering gender inequality.

3. The Assembly reiterates the recommendations set out in [Resolution 1921 \(2013\)](#) on gender equality, reconciliation of private and working life and co-responsibility, [Resolution 1939 \(2013\)](#) on parental leave as a way to foster gender equality and [Resolution 2079 \(2015\)](#) on equality and shared parental responsibility: the role of fathers.

4. Single-parent families are at particular risk of poverty and child poverty, which leads to social segregation and discrimination and jeopardises their human dignity. The Assembly considers that all single-parent families and their children should have access to child maintenance, in order to be able to meet their minimum needs and provide children with equal opportunities in life.

5. Child-maintenance avoidance (intentional non-compliance, irregular or partial compliance with child-maintenance payments) may be used to exert psychological pressure on the parents with day-to-day care responsibilities, which may severely affect children as well. Such behaviour should be considered a form of psychological violence, and should be treated as such. Children in particular are traumatised by witnessing domestic violence of any kind.

6. As a considerable share of marriages and relationships are binational, child maintenance is also relevant to private international law, with a need to ensure the effective international recovery of payments. This is the main aim of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which has been ratified by most, but not all, Council of Europe member States, and which entered into force on 1 August 2014 in all European Union countries except Denmark.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 16 March 2018 (see [Doc. 14499](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Gisela Wurm; and [Doc. 14504](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Liliane Maury Pasquier).*



7. In the light of these considerations, the Assembly calls on Council of Europe member and observer States and States whose parliaments enjoy observer status with the Assembly to:

7.1. sign and ratify, if they have not already done so, the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and its Protocol on the Law Applicable to Maintenance Obligations, and ensure their full implementation;

7.2. as regards non-compliance with child-maintenance payments:

7.2.1. in the best interests of the child, introduce effective substitute maintenance mechanisms, based on advance payment by the State in case of non-compliance or partial or irregular compliance with maintenance payment obligations, whether this lack of compliance is intentional or not. Advance payment should be made upon request and be granted within a reasonable time frame with no or minimal fees for the recipient;

7.2.2. ensure adequate and sustainable funding for substitute maintenance payment and adequate investment in the relevant structures for case management, including for the recoupment from the debtor of the sums advanced by the State;

7.2.3. introduce effective sanctions for child-maintenance avoidance (intentional non-compliance or partial or irregular compliance with payments), including criminal sanctions when it amounts to a form of psychological violence, in line with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention");

7.2.4. prevent child-maintenance avoidance by working closely with tax and financial investigative departments;

7.2.5. promote a "culture of paying", by conducting information and awareness-raising activities on the harmful consequences of failed, partial or delayed payments on children and parents with day-to-day care responsibilities, also with a view to preventing debt accumulation;

7.2.6. promote mediation between separated parents as a means of overcoming conflicts over child-maintenance payments;

7.3. as regards female and child poverty:

7.3.1. adopt and implement gender-focused strategies to tackle female poverty;

7.3.2. introduce benefits specifically targeting single-parent families, such as reduced rates on services provided to children and lower tax rates on typical children's products;

7.4. promote single-parent networking opportunities, for mutual advice and support;

7.5. strengthen international co-operation in the area of child maintenance with a view to facilitating the recovery of payments and exchanging relevant good practices.