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International Council  
on Shared Parenting

P R E S E N T S

INTERNATIONAL CONFERENCE ON SHARED PARENTING 2018

Résidence alternée  
Justice sociale  
et droits de l'enfant

Shared parenting  
Social justice  
and children's rights

STRASBOURG (FR)  
22 & 23 NOVEMBER 2018  
PALAIS DE L'EUROPE

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ORGANIZED UNDER THE AUSPICES OF THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE, ALSO SUPPORTED BY  
THE CITY OF STRASBOURG, THE UNIVERSITY OF STRASBOURG AND "LE JARDIN DES SCIENCES"



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## Conference concept note

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The fourth International Conference on Shared Parenting had been held in **Strasbourg**, France, on November 22<sup>d</sup> and 23<sup>th</sup>, 2018, at Palais de l'Europe.

The theme of this conference was: **Shared Parenting, Social Justice and Children's Rights**.

The conference was organized **under the auspices of the Secretary General of the Council of Europe**, Mr. Thorbjørn Jagland. It was **opened by Ms. Gabriella Battaini-Dragnoni**, Deputy Secretary General of the Council of Europe. The conference was also supported by the **City of Strasbourg**, the **University of Strasbourg** and the **Jardin des Sciences**.

The conference intended to report how, within judicial systems and social work practices, both parents are recognized as vital in their children's lives, even after separation and divorce. It explored how **shared parenting seems a means for keeping with the principles and articles of the UN Convention on the Rights of the Child**. Thus, a focus of the conference was to stress how shared parenting, viewed as in the best interests of children of separated parents, is a crucial issue for practitioners and policymakers around the globe, regarding the alignment of national law and practices with the articles of the UN CRC.

The conference was structured along four main questions.

- First, what are **the existing legal systems and the challenges** regarding the legal presumption of shared parenting as a children's right, in different countries?
- Second, what are **the current trends and research outcomes** regarding social attitudes and knowledge about shared parenting?
- Third, to what extent could shared parenting, **gender equality and work-life balance** be combined to improve health and wellbeing of children whose parents are separated?
- Fourth, **how should national laws and international regulations be adapted** for considering these social evolutions?

International specialists in the field of shared parenting – representing both **the academic sciences, and the legal and family professions** – were invited to present their recent research results and professional practices at this interdisciplinary conference.

In parallel, the ICSP Conference Strasbourg 2018 call for papers reached the interest of many scientists, professionals and members of civil society from around the world. **The scientific committee selected 24 presentations from 17 countries** including Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Greece, Norway, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, UK, and USA. To ensure the quality of the presentations and to facilitate the discussions, two workshops and poster sessions offered the opportunity for exchanging about new research outcomes, and helpful professional or collective practices.

### **Three panel discussions addressed specific and crucial issues:**

- Legislation on shared parenting in France
- Nordic benefits and challenges in gender equality and shared parenting
- Shared parenting and family violence

The audience consisted of **180 people from about 40 countries**.

### Plenary sessions for 18 international experts

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The conference program featured key international experts on children’s rights, justice and law, sociology, psychology, and public health.

- **Regina Jensdottir**, Head of the Children’s Rights Division of the **Council of Europe**
- **Jean Zermatten** President and Member of **UN Committee for Children’s rights** (2005-2013), University of Geneva – **Switzerland**
- **Kristina Pardalos**, Judge (2009-2018) at and Vice-President of the first Section (2016-2018) of **European Court of Human Rights** - Member of the Parliamentary Equal Opportunities Commission - Member of the Bar – **San Marino**
- **Adeline Gouttenoire**, Professor of Law, University of Bordeaux – **France**
- **Marie-France Carlier**, Judge at the Namur Family Court (division of the Namur and Dinant Family Court) – **Belgium**
- **Josiane Bigot**, President of the National Convention of Child Protection Associations (CNAPE), Former judge at the Family Chamber of the Court of Appeal of Colmar – **France**
- **Hildegund Sünderhauf**, Professor for family law and youth welfare law, Lutheran University of Applied Sciences, Nuremberg – **Germany**
- **José Manuel de Torres Perea**, Professor of Civil Law, University of Málaga – **Spain**
- **Lluís Flaquer**, Emeritus Professor of Sociology, University Autònoma de Barcelona – **Spain**
- **Livia Olah**, Associate Professor, Dept. of Sociology, Stockholm University – **Sweden**
- **Gerardo Meil**, Professor of Sociology, University Autónoma of Madrid – **Spain**
- **Malin Bergström**, Centre for Health Equity Studies (CHESS), Stockholm University – **Sweden**
- **William Fabricius**, Associate Professor of Psychology, Arizona State University – **USA**
- **Michael Lamb**, Professor of Psychology, University of Cambridge – **United Kingdom**
- **Blaise Pierrehumbert**, former Privat-Docent in psychology, University of Lausanne – **Switzerland**
- **Derrick Gordon**, Associate Professor of Psychiatry (Psychology Section), Yale University School of Medicine – **USA**
- **Christine Simon**, Department of Social and Behavioral Sciences, Harvard T.H. Chan School of Public Health – **USA**
- **Edward Kruk**, Associate Professor of Social Work, ICSP/CIRA President, The University of British Columbia – **Canada**

## **Six key perspectives emerging from the interventions during the conference**

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After reading and listening to the presentations of the plenary and workshop speakers, we highlight six key perspectives for upholding the child's right after parental breakdown.

### **Considering the aftermaths of parental break-up on children**

In many countries, not just in Western countries, family life is challenged by changes in societal and professional contexts. A significant proportion of children experiences parental break-up. They live with a single parent or share residence with a parent's new partner, possibly with half- and step-siblings at some point during their childhood.

Divorce and separation proceedings can therefore have crucial consequences for children's well-being and rights.

We should prevent that children's perspective will be side-lined when their parents separate.

### **Enhancing both parents' involvement in work and family life**

The traditional gender division of labour has been challenged. Companies and policy-makers have policies in place to alleviate some of the tensions between work and family. Supporting both women's engagement in professional careers and men's active involvement in daily family life, these policies often combine mother and father leaves to share caregiving and rearing for children.

A leave system that explicitly encourages fathers to take a sufficiently long period of leave to care alone for their children proves to be more effective in socializing fathers in caregiving and rearing for the child than a system that only focuses on a short paternity leave that must be taken right after childbirth.

We should promote leave systems that allow enough time for both parents to build strong relationships and attachment bonds with their child, while supporting mothers' recovery after childbirth and breastfeeding, according to parent's wishes, and allowing fathers to take sufficiently long period of leave for childcaring alone.

### **Children living in sole physical custody are disadvantaged**

Research results concur for demonstrating the benefits of shared parenting on children well-being and behaviour. There are not significant differences amongst adolescents living in equal shared parenting or nuclear families in terms of their physical health, their emotions and their social behaviour. Neither children in equal shared parenting nor their parents are disadvantaged or hampered due to the frequent change in their place of residence. Pre-school children who live in equal shared parenting have a level of wellbeing equivalent to that of the children from intact families. These benefits are also valid for very young children, under the age of three: regardless of the degree of conflict of the parents, their level of study or their income, the more the baby or toddler has spent nights at father's and at mother's home, the more the relationship with both parents at the age of young adult is good and balanced.

Accordingly, infants, children and adolescent living under a sole physical custody arrangement that separates them from one of their parents are disadvantaged on health, psychological and social levels, compared to those living on other residential arrangements.

We should promote equal joint physical custody and increasing its use in each legal system and its dissemination through media. Inequal shared custody (more than one third of time with each parent) could be conceived as a first step toward a more equal residential arrangement.

### **Supporting the parents through conciliation and cooperation**

Judicial practices demonstrate that conciliation, cooperation and establishing parental plan help parents find a win-win arrangement that is beneficial for their children. Systems of cooperation based on interdisciplinary reflection and rapid management of separation aim at empowering the parents in order to help them find an agreement that considers the child wellbeing. Lawyers can work upstream with their clients regarding their role and responsibility as parents for the needs of their children. Conciliation, mediation or family therapy, in the absence of domestic violence, can help parents put aside their resentment to consider the needs and well-being of their children.

Nevertheless, children are not to be seen solely as dependent or vulnerable. Children can be conceived as actor of their destiny, who have something to say and who need to be listened to and heard.

We should disseminate most relevant and reliable systems for children to voice their views, needs and desires regarding the aftermaths of their parents' break-up. Children's access to the family judge should be facilitated when they need to complain or discuss about their residential arrangement or shared parenting conditions.

### **Changing the national legal systems**

UN CRC provides useful guidelines and regulation to overcome the current challenges we encounter in improving children's well-being and growth after parental break-up. Nevertheless, the concept of Best Interest of the Child needs to be interpreted according to societal challenges and actual scientific knowledge on parental break-up aftermaths. In most cases, this leads to establish equal shared parenting as a legal presumption when children face parental break-up.

Many countries have already implemented laws to limit sole physical custody decisions and to encourage as much as possible shared parent-child time to promote the positive development of the child. In other countries, sole physical custody, in most cases with the mother, represents an implicit standard that is often detrimental for children, fathers and mothers.

We should claim for legal systems that focus on maximizing the amount and quality of time from which the children could benefit with each parent.

### **Shared parenting in case of family violence needs specific attention**

The above apply to most children and families, including high conflict families, but not to situations of substantiated family violence and child abuse. In such cases, a rebuttable presumption against shared parenting should apply.

On one hand, shared parenting is often recognized as an effective means for both reducing high parental conflict and preventing first-time family violence. On the other hand, we need to better explore some crucial points of the logistics in case of domestic violence: screening for and identification of family violence, special procedures to be taken in cases of violence, safety measures that need to be in place when violence is a factor, and conditions necessary for shared parenting to be put in place in cases of past family violence. Nonetheless, the research findings demonstrate that the absence of a father —due to incarceration, death, separation or divorce — has adverse physical and behavioural consequences for a growing child.

We should promote research on the intersection between domestic violence and shared parenting.

## **Conference conclusions**

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In accordance with the articles of the UN Convention on the Rights of the Child, the ICSP calls upon the UN Committee on the Rights of the Child, the Council of Europe, governments and professional associations:

1. to identify shared parenting as a fundamental right of the child.
2. to focus on the specific need of children of separated and divorced parents to know and be raised by both of their parents, and to endorse shared parenting as best ensuring that this need is protected.
3. to respect the views of children of separated and divorced parents in regard to their stated preferences for post-separation living arrangement.
4. to clearly define and operationalize the concept of the “best interests of the child” in the context of parental separation, toward an evidence-based, child-focused understanding of “best interests.”
5. to identify shared parenting as in the best interests of the child, as it maintains children’s relationship with both parents and reduces conflict between parents.
6. to ensure to the maximum extent possible the survival and development of children of separated and divorced parents, and to take all appropriate legislative, administrative, social and educational measures to protect these children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including parental alienation as a form of emotional child abuse and family violence.

We call upon governments and employers:

7. to institute family policies that support and protect both parents’ involvement in work and family life, including equal support for mothers and fathers in regard to parental leave and leave for family reasons.

We call upon the UN Committee on the Rights of the Child, the Council of Europe, and International Institutions:

8. to take measures to ensure that member states do not discriminate against children of separated and divorced parents on the basis of parental status, specifically in regard to removing a parent from the daily life of a child.
9. to encourage states that are signatories to the Convention to adopt shared parenting as the foundation of family law.

## About the Organizers

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The International Council on Shared Parenting (ICSP), founded 2014 and based in Bonn, Germany, is an international association with individual members from the sectors science, family professions and civil society. The purpose of the association is first, the dissemination and advancement of scientific knowledge on the needs and rights (“best interests”) of children whose parents are living apart, and second, to formulate evidence-based recommendations about the legal, judicial and practical implementation of shared parenting.

The first ICSP conference, held in July 2014 in Bonn, Germany, focused on bridging the gap between empirical evidence and socio-legal practice. The second conference, held in December 2015, also in Bonn, Germany, discussed best practices for the legislative and psycho-social implementation of shared parenting as a viable and beneficial solution for children whose parents are living apart. The third conference, held in May 2017 in Boston, MA, USA, examined whether the current state of knowledge has reached a watershed in regard to understanding children’s best interests in separation and divorce, and concluded that shared parenting is in fact commensurate with children’s best interests in the great majority of cases. A set of selected papers from this last conference was published in special issues of the Journal of Divorce and Remarriage and of Journal of Child Custody in 2018.

The 5th ICSP conference will be held in 2020 May 29-31, in Vancouver, under the theme “The intersections between family violence and shared parenting”.

### **Chairs of the 4<sup>th</sup> International Conference on Shared Parenting Scientific Committee**

Michel Grangeat, Emeritus Professor, University Grenoble Alpes – France

Chantal Clot-Grangeat, PhD in Psychology, Psychologist, ICSP Vice-President.

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### **ICSP President**

Edward Kruk, Associate Professor of Social Work, University of British Columbia – Canada.

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### **Information about the 4<sup>th</sup> conference** (e.g. programs of the plenary and workshop sessions)

<https://strasbourg2018.org/>

<http://cira2018.fr/>