

## **Resolution on “Protection of the Family”: NGO Concerns and Suggestions**

### TOP FOUR CONCERNS

- 1) The focus on “protection of the family” in the title and OP1 is unclear and problematic. It would be helpful if the lead sponsors could clarify what, or whom, they feel the family requires “protection” from (famine? tsunamis? third parties? The State? Individual members of the family who defy the will of the head of the family?). International human rights law is primarily about the entitlements and freedoms of individuals; the family in and of itself is not a subject of human rights protection.
- 2) There is no recognition of the need to protect and promote the human rights of INDIVIDUALS WITHIN FAMILY CONTEXTS. It is the individuals who have human rights entitlements, which can be violated within the family context. For example, it is well known that families are often a site of violence, especially towards women, children and the elderly. According to the Special Rapporteur on violence against women, domestic violence is the most pervasive form of violence against women. Hence, the focus of this resolution must be the protection of the human rights of members of families.
- 3) There is no recognition in the resolution of the fact that various forms of the family exist in all contexts. This includes single-parent households, same-sex-parented households, child-headed families, joint families, extended families, families without children, families of divorced individuals, intergenerational families, etc. These different family forms require different types of support from Governments in order to enhance the well-being of the individuals within these families.
- 4) Procedural concerns – This is a reactionary surprise resolution whose first informal took place one hour prior to the tabling deadline. This is an affront to the spirit of the HRC institution-building text and indicates a less than serious approach to actual consultation with other delegations and stakeholders.

### SUGGESTIONS

#### ON “PROTECTION OF THE FAMILY”

**Title:** Rather than “protecting” the family against vague, undefined threats, a more positive formulation is to be preferred e.g. “**Supporting families in all their forms**”, “**Human Rights-Based Approaches to family-related policies**”, “**Protecting Human Rights in Family Contexts**”

**OP1:** The proposed focus of the panel discussion on the “issue of the protection of the family” presents a **negative focus**, presupposes **unspecified threats to the family**, does not sufficiently **link the panel to the Council’s human rights mandate**, and **does not take account of the diversity of family forms**.

We would suggest a more positive human rights-based focus for the panel discussion, such as:

- human rights-based approaches to family-related policies
- supporting families towards the implementation of international human rights
- protecting human rights in family contexts

An additional suggestion is to include explicitly agreed language on “**bearing in mind that in different cultural, political and social systems various forms of the family exist**”.

#### ON PROTECTING AND PROMOTING THE RIGHTS OF INDIVIDUALS WITHIN FAMILIES:

We note that the main co-sponsors of this resolution have selectively quoted the recent Commission for Social Development resolution recognizing the 20<sup>th</sup> anniversary of the International Year of the Family. However, it is important to note that the co-sponsors have omitted TWO key paragraphs from the same resolution within this HRC draft text:

“Stressing 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, noting the importance of reconciliation of work and family life and recognizing the principle of shared parental responsibility for the upbringing and development of the child;” – **(PP 7 of E/CN.5/2013/L.3)**

“Also encourages Member States to develop and implement policies and national strategies to prevent violence within the family as a whole and thereby enhance the well-being of all its members;” **(OP 11 of E/CN.5/2013/L.3)**

We recommend the inclusion of paragraphs which recognize the centrality of the human rights of the individuals within family contexts and which condemn abuses of human rights that take place in family contexts.

#### ON VARIOUS FORMS OF THE FAMILY

We propose the addition of a **New PP: “Bearing in mind that in different cultural, political and social systems various forms of the family exist”;**

This language is drawn from previously agreed text, including: PP 2 of GA resolution 59/147 (*“Celebration of the tenth anniversary of the International Year of the Family and beyond”*, 25 January 2005), which provides:

“Recalling also that relevant United Nations instruments on human rights as well as relevant global plans and programmes of action call for the widest possible protection and assistance to be accorded to the family, **bearing in mind that in different cultural, political and social systems various forms of the family exist;**”

There is also identical language in:

- GA resolution 65/277, para. 43
- GA resolution S-26/2, para. 31
- GA resolution S-27/2 (“A world fit for children”), para. 15
- ICPD Programme of Action Principle 9
- ICPD Programme of Action paras. 5.1 and 5.2(a)

For similar reasons, reference to “families” is preferred to “the family” throughout the text.