

Statement on the Protection of the Family

Asian-Pacific Resource and Research Centre for Women (ARROW), a non-governmental organisation in consultative status with the Economic and Social Council and Partners from the Global South

ARROW and its partners from the Global South make this written submission to inform the Report on the Protection of the Family by the High Commissioner of Human Rights to be presented at the 31st Session of the Human Rights Council.

At ARROW, an NGO based in Malaysia, we have been working to advance women's health and rights, empowering women through information and knowledge, monitoring international commitments, advocacy and mobilisation along with our national partners across the Asia-Pacific region, regional partners from the global South and allies from the global North.

Firstly, at the outset, we ask of that human rights treaties and laws that oblige State Parties to ensure human rights of all, including the recognition of the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination Against Women that ensure gender equality and the empowerment of women and girls.

We call for the recognition of the Programme of Action of the International Conference on Population and Development (ICPD) into the list of recognized and cited obligatory mechanisms. Additionally, Principle 9 in CPD 1994, which upheld the family as the basic unit of society that is entitled to receive comprehensive protection and support and must be strengthened, should be highlighted in this regard.

We reiterate that the family needs to be discussed beyond narrow ideas of 'marriage' or 'marriage between a man and woman' alone, so as not to exclude all other families that may not have their origins in marriage (including single-parent families, child-headed families, extended families, families of divorced individuals, same-sex families, intergenerational families, families headed by children orphaned by AIDS or grandparents, among others), thus implying that these families are not entitled to similar protection. Therefore, efforts towards ensuring necessary protection and assistance to families must ensure that all forms of families are recognised, protected and provided for without coercion and exclusion. We also believe that narrow formulations will marginalise people including sexual and gender minorities, single-headed households, child-headed families, families of HIV orphans amongst others.

We remind State Parties of the calls for recognition of diversity amongst families in form and function in different countries and regions, the inclusion of individual preference and societal conditions during the International Year of the Family in 1994. We also state that any commemorations should promote basic human rights and fundamental freedoms as set out in international instruments in whatever status of individuals and in whatever form of the family. It recognises the caregivers' role and fostering of equality between women and men within families, to bring about a fuller sharing of domestic responsibilities and employment opportunities.

While we commend the recognition of responsibilities of the family, in order for this to happen gender equality for women and girls has to be ensured throughout the life cycle, including the recognition and realisation of their sexual and reproductive health and rights (SRHR). Women and girls have to have choices and be able to realise their full human rights, within an atmosphere of safety and security in the family, where they are free from violence, abuse and coercion. Some of the main causes of maternal mortality and morbidity include abortion-related injuries, restrictive and inadequate abortion policies, unavailability of safe, legal abortion services without conditions. These issues must be considered in order to break out of the cycle of poverty and have opportunities to improve overall wellbeing such as quality education, including comprehensive sexuality education. Gender equality thus cannot be achieved without ensuring SRHR of all women and girls and must be considered a fundamental right.

Strengthening of national capacities to address national priorities relating to family issues should recognize needs of sexually diverse groups and their rights related to cohabitation and having children. The fact that sexual diversity continues to be criminalised in many countries is further proof of the refusal to recognize that in different contexts, various forms of the family exist and should be protected and upheld.

At the same time, State parties should not interpret the preservation of cultural identity, traditions, morals, heritage and value system of the society in a manner that limits the potential of women and girls within the family and society, entrenching inequalities and gender biases within the family and society at large. Furthermore, a focus on preserving these helps to conceal human rights violations and abuses such as marital rape, child abuse, early marriages, incest and honour killings that occur within families. Individuals within the family have to be seen as right holders in their own right.

The choice of education should include decisions regarding Comprehensive Sexuality Education (CSE) in formal or informal curricular development and delivery. This is noted particularly in relation to protecting the health and wellbeing of girls who are often seen as the guardians of family honour. In relation to such views, CSE would be considered inappropriate for boys and girls within notions of corrupting young minds and encouraging sexual activity rather than a means to empowering them with much needed information to make decisions about their own bodies and sexual choices.

We therefore call on governments and the international community to recognize and respect the differences and diversity that exist among families all around the world so that laws and policies may adequately address their concerns, and services and interventions may be directed to prevent and eliminate discrimination and violence irrespective of their diversity.

Endorsements

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Likhaan Center for Women's Health, Philippines
Moroccan Family Planning Association (MFPA), Morocco
Naripokkho, Bangladesh
Rural Women's Social Education Centre (RUWSEC), India
Shirkat Gah, Pakistan
Sisters In Islam, Malaysia

championing
women's sexual and
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Society for Health Education, Maldives

Women and Media Collective, Sri Lanka

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