

***“Input to Human Rights Council resolution 29/22 on the protection of the family” –
Submission by Center for Economic and Social Rights***

Certainly, families in all their diverse forms will make a crucial contribution to the achievement of the Sustainable Development Goals (SDGs) by 2030. However, it is not the role and responsibility of families themselves to achieve the SDGs, but governments themselves. In their efforts to achieve the goals, governments should take into account the real struggles that many families face, their diverse forms¹ and needs, and the wellbeing of the individuals therein – and should design their policies with these considerations in mind.

From a human rights perspective, the individuals that make up the family are the primary subject to which governments owe human rights obligations. Families are undoubtedly important units of consideration for policies and programmes implemented under (and beyond) the rubric of the SDGs, many of which include target improvements at the level of the household. In acknowledging the role of families and realizing the rights of their members in this context, States’ policy choices should be guided primarily by their human rights obligations. It is important to note that families are not always positive spaces for all their members; the family can also be a site of oppression, violence, discrimination and human rights abuses. The family sphere is not a realm that should be shielded from human rights scrutiny. Governments have an obligation to act with due diligence to prevent and respond to abuses, including violence or harmful traditional practices, rather than to condone them in the name of protecting the sanctity of the family. In the SDG context, they also have an obligation to track progress beyond the household level, to ensure that gender and other intra-household disparities in human rights fulfillment are tackled.

In this submission, CESR will highlight several cross-cutting issues and policy areas that States should consider in terms of their policy with regard to the family in the context of the SDGs. These are issues of particular concern to CESR given its work to promote economic and social rights in development policy and processes. As always, the civil, cultural, economic, political and social rights of all people should guide decisions, including but not limited to the right to an adequate standard of living.

Unpaid care work

HRC Resolution 29/22 emphasizes the need for family-friendly services and policies, including “providing and promoting means to facilitate compatibility between labour force participation and parental responsibilities”, and notes “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”. Target 5.4 of the SDGs commits to “Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection

¹ Recalling that General Assembly Resolution 59/147 (2005) acknowledges that “in different cultural, political and social systems various forms of the family exist”

policies and the promotion of shared responsibility within the household and the family as nationally appropriate.”

Recognizing, redistributing and reducing unpaid care work is also an important part of States’ human rights obligations, as heavy unequal burdens of unpaid care work are a major obstacle for many women in realizing their rights to, *inter alia*, education, work, health and political participation.² Care is an important part of family life and a crucial foundation of our societies and economies, but families must be supported in domestic tasks such as cooking, cleaning, care of children and the elderly and collecting water and fuel. States must play a larger role in providing care services and relevant infrastructure (e.g. water pumps), implementing family leave policies and in ensuring unpaid care work is more fairly distributed between women and men.

Social protection

Social protection is a crucial means of supporting families, as well as tackling poverty and inequality (as recognized in SDG targets 1.3, 5.4 and 10.4). It is also a human rights obligation, enshrined in the Universal Declaration of Human Rights (article 22) and the International Covenant on Economic, Social and Cultural Rights (see article 9 and General Comment 19). Social protection systems must be human rights-based and promote substantive equality.³ Social protection payments to families should be non-discriminatory and inclusive of diverse forms of family⁴ (including those headed by single parents or same sex couples), while recognizing that some types of families e.g. single-parent families may need extra assistance to realize their rights. Social protection systems should be careful not to exacerbate or entrench existing gender inequalities or harmful power dynamics within families and households. For instance, benefits should not be automatically paid to male heads of households. However, social protection payments designed to help with care-giving (e.g. child benefits) could be paid to the primary carer regardless of gender, not automatically to the mother. Meanwhile, social transfers (such as cash transfer programmes) which target women must avoid conditionalities that take for granted/increase women’s care responsibilities. Similarly, contributory pension schemes should be carefully designed to ensure that neither women nor men are penalized for gaps in their contributions due to time taken out of the workplace to care for family members.

Fiscal policies

The SDGs recognize fiscal policies as an important tool for progressively achieving greater equality (see target 10.4). Fiscal policies – both the revenue-raising and expenditure aspects – are crucial for determining or redressing economic inequality, which is a major issue faced by millions of families in countries around the world. They also determine to a large extent the quality of services (e.g. schools, health care services) and social protection systems on which

² See e.g. UN Special Rapporteur on extreme poverty and human rights, report on unpaid care work and women’s human rights A/68/293, 2013: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2437791

³ See Social Protection and Human Rights resource platform: <http://socialprotection-humanrights.org/>

⁴ See e.g. UN Committee on Economic, Social and Cultural Rights, General Comment 20, para. 31.

families are able to depend for their well being and human rights enjoyment. In formulating and implementing government budgets and deciding on development plans, investment in programmes and policies that can improve the wellbeing of families and boost human rights enjoyment should be the priority. This is in line with the obligation of States parties to the ICESCR to devote the “maximum of their available resources” to the realization of economic, social and cultural rights (article 2).

Progressive, redistributive tax policies will be essential for meeting many of the SDGs and providing sufficient, equitable and accountable financing for sustainable development. Policy-makers should also examine the intra-household and gender impacts of taxation policies. For example, tax systems which use joint income tax filing for married or cohabiting couples often effectively penalize the lower earner, therefore disincentivizing work for many women and propping up the ‘male breadwinner’ family model. It is also important that the next 15 years see an effort to collect better data on distribution of income and other resources *within* households, as this will help us to better understand (gendered) levels of poverty and inequality without taking for granted equal household distribution, which unfortunately is not the case in many families.

Public services

The need to improve the quality, reach and accessibility of various public services is explicitly mentioned in many of the SDG targets, including under goals 3 (health), 4 (education), 6 (water) and 7 (energy). However, high-quality and accessible public services should also be seen as a cross-cutting ‘means of implementation’ for all the SDGs. Several goals – including those on poverty, gender inequality, and inequality within and between countries – will simply be impossible to achieve without sustained investment in this area. Public services are also crucial for realizing many human rights, especially the economic, social and cultural rights of family members at all stages of the life-cycle. For families living in lower- and middle-income brackets, public services are absolutely non-negotiable to realizing (inter alia) their rights to an adequate standard of living, and families therefore suffer when public services are not accessible or adequate.

The provision of public services should be guided by human rights principles including non-discrimination and the criteria of availability, accessibility, acceptability and quality (AAAQ), as outlined by the Committee on Economic, Social and Cultural Rights in several General Comments.⁵ Among other things, this means that in order to serve all families and their individual members well, public services must be gender-sensitive and must not discriminate against marginalized social groups or non-traditional families.

⁵ See e.g. Committee on Economic, Social and Cultural Rights, General Comments 14 and 15