

G L O B A L H A W C

Helping to Advance Women and Children

**Comments on Resolution HRC/Res/29/22
“Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development”**

**Submitted to the Office of the High Commissioner for Human Rights
by Global Helping to Advance Women and Children and the UN Family Rights Caucus**

The critical role of the family, as recognized in the family resolution, has been largely overlooked in the 2030 Agenda. Yet research show that when the family is empowered as the fundamental unit of society it can contribute to development in powerful ways. Therefore, we call upon nations to place the family at the center of their domestic development agenda.

The “Protection of the Family” resolution outlines a number of the important obligations of UN Member States to protect and strengthen the family. Below are excerpts from UN treaties and major conference documents highlighting some of these obligations, which we recommend to the office of the High Commissioner in the preparation of the important report.

**Binding Obligation of States to Protect the Family**

**Multiple binding and nonbinding UN documents call for the protection of the family.[[1]](#footnote-1) (An asterisk indicates a binding treaty.)**

* **The family** is the natural and fundamental group unit of society and is **entitled to protection** by society and the State – Universal Declaration, Article 16 (3).
* Convinced that **the family, as the fundamental group of society** and the natural environment for the growth and well-being of all its members and particularly children, **should be afforded the necessary protection and assistance** – CRC, Preamble. \*
* **The widest possible protection and assistance** **should be accorded to the family**, which is **the natural and fundamental group unit of society**, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses – ICESCR, Article 10-1\*
* **The family** is the **natural and fundamental group unit of society and is entitled to protection** by society and the State – ICCPR, Article 23-1\*
* Convincedthat **the family** is the natural and fundamental group unit of society and is **entitled to** **protection** by society and the State – Disabilities, Preamble (x)\*
* Recognizing that **the family** is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall **take appropriate measures to ensure the protection of the unity of the families** of migrant workers – Migrant Workers Convention (Article 44).\*
* **The family**, as a fundamental group and natural environment for the growth and well-being of children, **should be given all necessary protection and assistance**. – Children’s Summit (1990), 14.
* **Recognize the family as the basic unit of society,** and acknowledge that **it plays a key role in social development and as such should be strengthened** … It is entitled to receive comprehensive **protection** and support – Social Summit (1995), 26(h).
* **The family** is the basic unit of society and as such should be strengthened. **It is entitled to receive comprehensive protection and support** – Habitat (1996), 31.

**States are Obligated to Create Family-Friendly Policies to Protect the Family. Multiple UN documents indicate States’ obligation to create family-supportive policies:**

* **Design, implement and promote family friendly policies and services** – Beijing +5 (2000), 82(d).
* **Governments should formulate family-sensitive policies in the field of housing, work, health, social security and education** in order to create an environment supportive of the family … monitor the impact of social and economic decisions and actions on the well-being of families, on the status of women within families, and on the ability of families to meet the basic needs of their members – ICPD (1994), 5.9.
* Analyse, from a gender perspective, policies and programmes … **assess their impact on family well-being** – Beijing (1995), 58(b).
* To **develop policies and laws that better support the family** – ICPD (1994), 5.2(a).
* **Governments should formulate family-sensitive policies** in the field of housing, work, health, social security and education in order **to create an environment supportive of the family** – ICPD (1994), 5.9.
* **Formulate policies and programmes to help the family**, as defined in paragraph 29 **above, in its supporting, educating and nurturing roles** – Beijing (1995), 285(a).

# Preventing Family Disintegration

* **Greater attention should be paid** to helping the family in its supporting, educating and nurturing roles**, to the causes and consequences of family disintegration** – Social Summit +5 (2000), III 56.
* There are increasing numbers of vulnerable families, including … **families with members affected by** … **disintegration** … millions of children and youths are left to their own devices as **family ties break down**, and hence are increasingly exposed to risks such as dropping out of school, labour exploitation, sexual exploitation, unwanted pregnancies and sexually transmitted diseases. AIDS or other terminal diseases – ICPD (1994), 5.4.

# Lifting Families Out of Poverty

* **Families are sensitive to strains induced by social and economic changes. It is essential to grant particular assistance to families in difficult life situations** – ICPD (1994), 5.4.
* When formulating socio-economic development policies, **special consideration should be given to increasing the earning power of all adult members of economically deprived families** – ICPD (1994), 5.4.
* **Society should facilitate**, as appropriate, all necessary conditions for its [the family’s] integration, reunification, preservation, improvement, and **protection within adequate shelter and with access to basic services and a sustainable livelihood –** Habitat +5 (2001), 30.

**Respecting Parental Rights Duties and Responsibilities**

* **Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child**. – CRC (1990), Article 18-1.\*
* **Parents, families, legal guardians and other caregivers have the primary role and responsibility for the well-being of children**, and must be supported in the performance of their child-rearing responsibilities. – Children Summit +10 (1990), 32(2).
* **The best interests of the child shall be the guiding principle of those responsible for his or her education and guidance; that responsibility lies in the first place with the parents**. – ICPD (1994), II, Principle 10.
* **States Parties shall respect the responsibilities, rights and duties of parents**. – CRC (1990), Articles 5, 14-2.\*
* **Parents have a prior right to choose the kind of education that shall be given to their children.**– Universal Declaration (1948), Article 26(3).
* **Recognizing the rights, duties and responsibilities of parents** – ICPD (1994), 7.4
1. Please note that (1) UN consensus language calling for the protection of the family has never been used by UN Member States to promote or protect abusive families or physical or sexual abuse of any kind, nor is there any intent to use it for this purpose; (2) Protection of the family encompasses the promotion of equality between husband and wife. (See Section III.); (3) Governments are under obligation to protect and support single-parent, extended, and multigenerational families. (See section III.) [↑](#footnote-ref-1)