Attention: OHCHR and the High Commissioner of the Human Rights Council

Subject: Civil Society submissions concerning the High Commissioner’s Report on States’ Obligations Under Relevant International Law With Regard to Protection of the Family

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October 27, 2015

During the 29th Session of the Human Rights Council, member states adopted a resolution on protection of the family (A/HRC/29/22), an important initiative that has been called for in United Nations documents over a period of years. The long-overdue resolution is balanced, reasonable, and uncontroversial. It promotes principles stated in widely ratified UN instruments, and is not discriminatory.

As requested in Resolution 29/22, the High Commissioner will prepare a report on:

“the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family, and on the contribution of families in realizing the right to an adequate standard of living for their members, particularly through their role in poverty eradication and in achieving sustainable development, while giving due consideration to the status of the family in the developments related to the ongoing work on the future sustainable development goals and the post-2015 development agenda.”

The importance of the High Commissioner’s report is clear, because it has the potential to focus on and demonstrate the impact of the family unit not only upon individual rights, obviously of significance for the Council, but also upon projects and initiatives within the UN system related to social cohesiveness and development, the latter which have and will require significant amounts of funding and human resources as the UN sets its 15-year global initiative goals. It is appropriate for the Human Rights Council to give attention to these relationships among the family, its individual members, and larger society, because the level of Member States’ compliance with international human rights law in all areas is clearly within the scope of responsibility and expertise of the Council.

The resolution is procedural, and calls for ongoing discussions on how to integrate family protection, called for in core treaties and conventions, into the work of the council. This is a constructive way to proceed, because it will by its nature take into account the particular needs and challenges faced by various States while upholding the fundamental and appropriate framework of obligations incumbent upon all States. Provisions within ratified and binding UN documents clearly call for family protection:

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.

Convinced that **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).

Outcome documents of pivotal UN conferences, which it must be remembered are frequently promoted as strong support for human rights promotion in other areas of discourse at the UN, contain strong support for family protection:

**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.

**Design, implement and promote family friendly policies and services** – Beijing +5 (2000), 82(d).

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.

It is clearly logical that if the family is supported and protected, the human rights of individuals within the family will be enhanced, but this truth apparently needs occasionally to be reiterated in discussions among delegations and NGOs.

Questions arose during debates on the family protection resolution as to what form family protection would take, and from what exactly the family needs to be protected.

To the first question, it seems clear that in UN resolutions, conventions, and other documents with recommendations that States take certain actions in the area of human rights, it would be inappropriate and impractical for the texts to be overly specific or proscriptive in any detail, as this would risk overstepping national competence and/or capacity, and would fail to take into account political and cultural diversity, sensibilities, and rights. In that regard, general principles should be applied through recommendations that capture inherent established rights without imposing a set of action items that are most justly determined at the national level.

The second question has been addressed by pointing out statistically significant social science research that demonstrates the negative affects on children, women, adolescents, and societies in the absence of intact mother-father family structures. The affects can affect individuals, such as poor academic performance and lower graduation rates and increased risk for drug abuse among young people, and increased levels of violence and poverty for women. Affects are also societal, such as increased crime rates and violence in communities suffering a preponderance of absent fathers. Well-documented poverty among single mothers contributes overall to poverty at the national level.

Acknowledging the existence of living arrangements other than the one that provides the best outcomes for individuals and communities, whether entered into voluntarily or as a result of crisis or misfortune, does nothing to prove that such arrangements are best for children. It simply proves that they exist. Research shows that women and children in these situations suffer poor outcomes, so the discussion becomes about women’s and children’s rights, or it should.

The resolution on family protection is not discriminatory, it simply addresses, as so many resolutions do, a specific area needing attention. The resolution fulfills a long-standing obligation to protect. It is not a resolution against something, it is a resolution in favor of something. A resolution is reasonable if it treats a certain topic relevant to the obligations and responsibilities of the Council, and is not discriminatory because it omits other topics. It is balanced because it provides space for individual nations and cultures to determine through consultation and internally how they will interpret what family protection will look like in their countries.

We are confident that the High Commissioner will take into account documented evidence of the positive affects on individuals and societies when family protection and family-friendly policies are in place. As States take on their responsibilities in the area of family policy that are in accord with obligations under established international law, existing data should be supplemented with new findings, and we look forward to a report that examines authentic research from a wide variety of sources, giving equal weight to the input of all stakeholders. We hope to see increasing commitment to resource development in the areas of measurement and data collection, to enable the best possible analysis, and we thank the High Commissioner and UN agencies in advance for their best efforts in these regards.