



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have the honour to write to you, in my capacity as Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice, with regard to Human Rights Council resolution 26/11, adopted on 23 June 2014, on the “protection of the family”. The resolution reaffirmed that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. It also requested the Council to convene a panel discussion on this topic. The panel discussion has now been scheduled to take place on 15 September 2014.

This is a subject of direct relevance to the mandate of the Working Group. As you may recall, the next report of the Working Group to the Human Rights Council, currently under preparation, will address issues related to women’s participation in family and cultural life.

The Working Group has read with interest the concept note for this panel and noted with appreciation the emphasis on the structural problems of care responsibilities and the need to redistribute them not only between women and men, as was established in CEDAW in 1980, but also between the family and the State. The Working Group believes that this is a welcome departure. In calling for states to design, implement and promote family-friendly policies and services, such as affordable, accessible and quality care services for children and other dependents the concept note goes far beyond CEDAW’s requirement to encourage child care services. This was indeed a central measure recommended by this Working Group in its 2014 report to the Human Rights Council which focused on women’s economic and social life and called for the establishment of a social protection floor for care services in order to offer women a realistic choice as to the balance of their participation in economic and in family life. Furthermore, the concern expressed in the concept note regarding the severe impact of austerity measures on women’s economic and social life also reflects concerns raised by the Working Group in the same report.

Yet the Working Group also noted that the resolution and the concept note do not make any reference to women’s right to equality within the family. In this regard it wishes to underline that the right to equality between women and men within the family is a fundamental right which was recognized in the Universal Declaration of Human Rights in 1948, made an enforceable treaty right in the International Covenant on Civil and Political Rights in 1966, and expanded by Article 16 of the International Convention on the Elimination of all Forms of Discrimination against Women in 1980. Recognition of women’s right to equality in the family constituted a significant departure from the prior social and religious status quo of the patriarchal family. While

H.E. Mr. Baudelaire Ndong Ella
President
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the concern for women's economic and social welfare as emphasized in the resolution and concept note is of essential importance, this cannot be pursued at the cost of women's equality and autonomy in all entities and spheres of life. The Working Group is of the view that the advancement of women and girls depends on the recognition in law and practice of their right to equality as members of communities and families.

In addition while noting that members of UN treaty bodies feature as panelists, we regret the absence, so far, of any expert from the special procedures system despite an explicit reference of the resolution to their inclusion. Relevant special procedures mandate-holders have developed a wealth of expertise in this field and could make a valuable and necessary contribution to the panel discussion. The Working Group would appreciate your intervention to achieve the participation of relevant mandate-holders.

Allow me to conclude, Excellency, by stating that the Working Group hopes that the panel discussion and the future work of the Council in this regard will carefully base their consideration of the issue of protection of families on States' obligations to respect, protect and fulfil the well-established international law right of women to equality in the family and on recognition of the fact that the foundation of families' role in development must be built on women's equality within the family. The Working Group looks forward to being informed of the outcome of this process.

Finally the Working Group would kindly like to request that this letter be circulated to the members of the Human Rights Council and made publicly available as a contribution to the panel discussion.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Frances Raday
Chairperson-Rapporteur
Working Group on discrimination against women in law and in practice