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Working Group on the issue of discrimination against women in law and in practice
Special Rapporteur on violence against women, its causes and consequences
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of
physical and mental health
Special Rapporteur on the sale of children, child prostitution and child pornography

3 July 2015

Excellency,

We have the honor to write to you with regard to the debate at the Human Rights Council on the protection of the family and its members, which we have been following closely since the adoption of a procedural resolution, 26/11 and the subsequent panel discussion. We highlighted then the utmost importance of ensuring equality within the family between women and men as well as between girls and boys, an aspect that was overlooked in the resolution, the panel discussion and its concept note. We also called upon the Council to ensure that in all future deliberations the right to equality within the family be explicitly included as a fundamental human right, as provided for in the UDHR, ICCPR and CEDAW. (see statement of the Chairperson of the Coordination Committee issued on behalf of all mandate holders on the occasion of the annual meeting of special procedures mandate holders in October 2014 and the letter from the Chairperson of the Working Group on discrimination against women in law and in practice).

In this context, we welcome the recognition in the current draft resolution L25 on the protection of the family that equality between women and men is essential to family well-being and society at large. However, we are concerned that this provision falls short of requiring States to respect, protect and fulfil women's and girls' fundamental human right to equality in the family.

We reiterate our appreciation of the emphasis on the structural problems of care responsibilities and the need to redistribute them not only between women and men, but also between the family and the State, as recommended by the Working Group on discrimination against women in law and in practice and by the Special Rapporteur on extreme poverty and human rights in their thematic reports.

H.E. Mr. Joachim Rucker,
President of the Human Rights Council

We are further concerned that only one type of family is being considered as playing a crucial role in preservation of cultural identity, tradition, moral heritage and the value system of society, which ignores the existence and questions the role of other non-traditional families. We respectfully recommend that the Council adhere to agreed language as reflected in the International Conference on Population and Development Programme for Action, the Beijing Declaration and Platform for Action, and more recently in three General Assembly resolutions and to explicitly recognise that families are diverse, as discussed at the September 2014 panel discussion and cited by the Coordination Committee in its statement, and that there should be no discrimination against non-traditional families.

We welcome the recognition that protection against violence, abuses and sexual exploitation within the family should be enhanced. Nevertheless we are deeply concerned that this is limited to a reference to policies and measures and does not explicitly require States to prohibit, criminalize, prevent and punish violence in the family, including marital rape or corporal punishment of children.

We are concerned that the reaffirmation that parents have a prior right to choose the kind of education that shall be given to their children is not qualified by the right of the child to an education directed, as required by the CRC, to, inter alia, the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

We wish to further highlight the important goals that need to be taken into account as essential elements for the protection of the family, in accordance with international standards:

1. The respect, protection and fulfilment of the human rights and freedoms of individual members of the family, including women and children, must occupy a front and central place, as an integral aspect of the protection of the families.
2. All manifestations of violence, exploitation, abuses, harmful practices, discriminatory traditions, as well as patriarchal norms and practices which are perpetuated within the family must be recognized, acknowledged and condemned, as a first step towards their elimination. States must exercise their responsibility to act with due diligence in interventions to protect individuals from harm, in particular women and girls.
3. Children have the right to be protected from all forms of violence, including from violence against them in families. In this regard, the protection of family values cannot serve as a justification to tolerate or accept any form of violence against children in families, which have a detrimental impact on their health and development.

4. The existence of multiple forms of family must be recognized in order to ensure the protection of all individual members in all families.
5. In order to achieve these goals for the protection of the family, human rights education must be provided by the State for all children.

In this regard, we wish to point out that the UN human rights mechanisms, including special procedures and treaty bodies have developed a wealth of expertise in this field. We stand ready to continue contributing to the Council's discussion on this subject. We kindly request that you bring this letter to the attention of all delegations for their consideration when adopting the resolution and also that it be made publicly available.

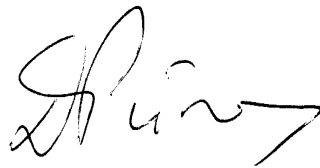
Please accept, Excellency, the assurances of our highest consideration.



Eleonora Zielinska
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice



Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences



Dainius Pūras
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Maud de Boer-Buquicchio
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