

URGENT: HRC Protection of the Family Resolution

June 20, 2016

Dear Permanent Missions in Geneva,

On behalf of the UN Family Rights Caucus representing individuals and organizations in over 170 countries, we wish to call your attention to the resolution for the Protection of the family: The role of the family in supporting the protection and promotion of human rights of persons with disabilities.

We congratulate the sponsors—Bangladesh, Belarus, Cote d'Ivoire, China, El Salvador, Egypt, Mauritania, Morocco, Qatar, Russia, Saudi Arabia, Tunisia, and Uganda.

The resolution reminds Member States of their duty to protect the family as the fundamental unit of society with a focus this year on the crucial role the family plays in the support and protection of people with disabilities.

However, we are deeply concerned by the attacks being launched against this resolution. We would like to respond to a number of false claims that were raised during the informals by some delegations.

False Claim 1: If the family is protected then individual rights will suffer.

Quite the opposite is true. The family is the first protector of children's health and rights. A wealth of social science research shows that not just children, but also women and men experience fewer violations of their rights when in a stable, intact family. Where violations do occur, there are ample existing laws that can and should be used to address them.

False Claim 2: If this resolution passes, it will enable family members to abuse more vulnerable family members.

This is a scare tactic. Protecting the family as an institution in no way negates all of the existing laws that protect the human rights of individuals either within the family or outside of the family. To imply that this resolution protecting the family will result in more men beating their wives or more parents abusing their children is outrageous.

False Claim 3: More children are abused in their families than in any other situation, therefore the family should not be protected.

This is probably the most ridiculous of all of the attacks. In fact, a global study conducted by Child Trends showed that children are more likely to die before age five when they do not live with their

mother and father. The CRC states that a child should grow up in a family environment precisely because the family is the first protector of children. Abuse does occur in families, and this needs to be addressed, but this is not the case for the majority of families.

False Claim 4: We must recognize “various forms of the family” in the resolution or families that are not considered traditional (single-parent, child-led, divorced, etc.) will be marginalized.

While the term “various forms of the family” appears in a number of nonbinding UN documents, it does not appear in *any* binding international UN human rights instrument, and States are under no obligation to accept it in any UN documents moving forward. This controversial and divisive term is too vague and thus open for interpretation.

With the emergence of multiple controversial family forms detrimental to children (i.e., incestuous, polyamorous, polyandrous, group marriage families, etc.), for the protection of children, it is now imperative that nations reject this ambiguous and elastic term unless it is clearly defined to not include family forms harmful to children.

By maintaining the reference to “the family,” which is the consensus language used in five binding UN treaties (CRC, ICESCR, ICCPR, Disabilities, and Migrant Workers) and the UDHR, this allows all nations to interpret it according to their own national laws, and thus respect national policies.

False Claim 5: The family is not a rights holder and therefore does not merit protection.

While it is true the family is not a collective rights holder, nations are under treaty obligation to protect the family. This resolution helps fill the policy gap that exists with regard to the fulfillment of those binding obligations.

False Claim 6: There is no need to protect the family.

This claim flies in the face of a plethora of UN consensus documents, which clearly indicate that the family should be protected from the effects of disintegration,¹ HIV/AIDS,² migration,³ disease,⁴ pornography,⁵ poverty,⁶ family separation,⁷ substance abuse,⁸ and unemployment.⁹

In summary, for too long the protection of the family as a unit has been largely ignored by the UN. Instead, the Human Rights Council and other UN bodies have focused solely on individual rights in a way that has undermined the institution of the family and contributed to family disintegration worldwide.

¹ Social Summit +5 (2000), III 56; Beijing (1995), 22; ICPD (1994), 5.4

² ICPD (1994), 5.4, HIV/AIDS (2011), 68; ICPD +5 (1999), 21-c; HIV/AIDS (2011), 20

³ ICPD (1994), 5.4; Migration (1995), 22

⁴ Social Summit (1995), 40(d)

⁵ Beijing (1995), 243(f); Social Summit (1995), 16(d)

⁶ ICPD (1994), 5.4; Habitat +5 (2001), 30

⁷ Social Summit (1995), 77 (b); ICPD (1994), 10.9; Habitat +5 (2001), 30

⁸ Beijing +5 (2000), 72 (q); ICPD (1994), 5.4

⁹ ICPD (1994), 5.4

A renewed thinking at the international level needs to be developed to address the family in human rights forums through a holistic approach. This resolution will help families in their critical role in assisting and supporting individuals with disabilities.

We strongly encourage you to support this resolution.

Sincerely,

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The UN Family Rights Caucus was established in 2008 to ensure that the family is protected in UN policies as called for in the Universal Declaration of Human Rights. The Family Rights Caucus has participated in multiple UN conferences and commissions, delivering speeches, sponsoring events, and holding caucus meetings to facilitate initiatives to protect the family at the United Nations. The Family Rights Caucus has individual members and member organizations in over 170 countries.