



“Input to Human Rights Council resolution 29/22 on the protection of the family”

By: Associazione Comunità Papa Giovanni XXIII (NGO in Special Consultative Status with ECOSOC)

1. Introduction

Associazione Comunità Papa Giovanni XXIII - Association Pope John 23rd (APG23) is an International Catholic NGO, accredited with Special Consultative Status to ECOSOC since 2006. Founded in Italy in the early '60 by Fr. Oreste Benzi, the Association is present today in 30 countries in five continents.

The members of the Association of different ages and states of life, share life directly with the poor and disadvantaged, and are committed to removing the root causes of poverty and exclusion and to being the voice of the voiceless through nonviolent actions and means.

The Association runs 500 welcoming structures all over the world, of which 300 are family homes where orphaned children, mentally and physically disabled, and other marginalised persons find a substitutive family. It runs also emergency shelters, open families, houses of fraternity, cooperatives and day-centres, therapeutic communities for drug addicts and centres for alcoholics.

Sharing life directly with the poor, marginalised and oppressed persons is the mission of the Association and this characterizes all its activities. Therefore, the APG23 does not act for the poor but with the poor ones, enabling them to have an active role in their own liberation. The Association's non-violent political action springs out from this shared life and is carried out wherever the Association is present around the world, even at the United Nations.

2. The protection of the family

The right of the family to live as an integral whole is protected by a variety of international instruments whether under international human rights law or international humanitarian law.

States have the obligation to provide the widest possible support and protection for the family as the natural and fundamental group unit of the society and allow it to fully assume its own role in the community, providing in this way a conducive environment for the growth and well-being of its members.

Several internationally agreed documents reaffirm the central and vital role of the family in society, acknowledging its key role in fostering social development, its strong force for social cohesion and integration, underscoring its primary responsibility for the nurturing, guidance, and protection of children.

Art. 16.3 of the UDHR states: *“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”*. The Convention on the Rights of the Child (CRC) in its preamble states very clearly 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 so that it can fully assume its responsibilities within the community,”* and that *“the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”*. The CRC also says in article 20, paragraph 1, that a child who is temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. Paragraph 2 of the same above-mentioned article states that *“States Parties shall in accordance with their national laws ensure alternative care for such a child”*.

Other international Treaties and Conventions clearly protecting the family are the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the Convention on the Rights of

Persons with Disabilities. These treaties all state that: *“the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”*

At national level, many States have endorsed within their national laws and constitutions, elements and principles as to ensure the protection of the family and recognize its central role within society. As an example, the Italian Constitution states under Article 29 that: *“The Republic recognises the rights of the family as a natural society based on marriage”*.

The term *“recognises”* is fundamental: the State does not allow neither authorise, but recognises what already exists as to signify that the family is an institution that comes before the State. The reference to a *“natural society”* implies the meta-juridical *“entity”* (beyond the law) of the family intended as a marital bond between a man and a woman, two persons that in their complementarity and mutual love are open to the procreation of children and to their upbringing and education.

APG23 promotes and defends the family, being it the natural environment for the growth and well being of all its members, in particular, children. The family is the first shield against any form of violation of children’s rights violations. Children without parental care are more exposed to violence, discrimination, sexual exploitation, abuses, traffic in human organs, and any others forms of maltreatment. States have to guarantee and protect the right of a child to have a family, and to support and protect those persons who take care of children.

The family is much more than the sum of its individuals. Indeed the family is a community of persons bonded by love and life, where husband and wife, parents and children, grand parents and relatives live in reciprocity, mutual donation and a sense of belonging contributing as a whole to the good of society.

Within the family, a person learns how to socialise and develops the ability to relate with others; a person learns cooperation and solidarity and how to love. The family is the most adequate place for responsible procreation and education, and it constitutes a bridge among generations. In times of economic crisis and unemployment, the family represents a very important and irreplaceable social security cushion.

In all countries and cultures, the family plays a very precious role in the care of children, elderly and sick persons. For example, the African extended family is a very important coping mechanism in countries most affected by epidemics such HIV and AIDS, Ebola etc. both in the care for the sick and the orphans. Moreover, the family is the natural place for hospitality and welcoming of people in need.

In this regard, APG23 has witnessed in several occasion how the family has been a great instrument in combating poverty and ensuring the best living conditions to its members. In fact, our open families and family homes throughout the world, welcome many children and people in need who have been taken out from poverty, abandonment and marginalisation. Marginalized people have, in this way, a *“familiar”* place where to rebuild themselves.

Being a part of a real and natural family they become a resource for the family itself and for society.

Being part of a real and natural family they avoid being placed in overcrowded shelters in living conditions, which are often undignified, and can lead a normal life and contribute to the society.

This implies less cost for the *“social protection floors”* and for States and, more importantly, it implies a process of personal rebuilding: every person becomes a resource for the whole society and can express all his/her dignity.

APG23 intends the family home as an educational and residential community entirely built according to the model of the natural family. The firm foundation of the family home are the two parental figures, maternal and paternal, who have chosen to share their life in a stable, on-going, definitive and altruistic way with the people, coming from different vulnerable situations, they have welcomed in.

A family home is seen as a real family with relationships of a parental and fraternal type, just as it happens in natural families. It is a welcoming place where the utmost care is provided, where the weakest members are equally as important as the others. The family experience enables mutual regeneration. It is an environment

that provides a mother, father, sisters and brothers for people who no longer have a natural family or who can no longer remain with their natural parents.

In a family home we all help each other because we believe that welcomed and welcoming people can be mutually enriched by a daily and equal exchange.

The family's natural children grew up with these people who had mastered the art of living and whom, despite their major disabilities, are capable of giving so much.

This helps children to immediately build loving relationship, learn how to share with others, to move swiftly from "I" to "WE", from "everything is for me" to "what is necessary for me and for the others".

The effect of being part of a complete family, children, teenagers, grandparents, everyone brother and sister, generates well-balanced growth, developing the essential altercentrism.

The fundamental and specific characteristics of a family home are:

- precise, stable, unique and definitive "parental" figures;
- heterogeneity of the people in the family;
- an organisation of the daily activities as in a family;
- an effective and real integration of the people accepted in the home through the active participation to social life in all its aspects.

The love and care of stable parental figures is key to children for developing a sense of belonging, mastery, self-esteem and reach full autonomy. The family of origin is the natural place to welcome children. The first priority should be to support the family of origin to continue caring for its children but, when the family of origin is not available, a substitute family such as a family home or a fostering family may be the best answer to children in need.

3. Conclusion

Due to the rapid socio-economic and demographic changes, which have affected society and culture in recent years, the family, as the first, fundamental and vital cell of society, finds itself increasingly challenged.

The economic situation has caused many families to be separated by migration and job search; with financial problems straining many households in almost all countries. While all too many people live in dire poverty, others are caught up in materialism and lifestyles that are destructive of family life. The family is also threatened by growing efforts on the part of some to redefine the very institution of marriage, by relativism, by the culture of the ephemeral, by a lack of openness to life. A new form of aggression to the family is also the commercial maternal surrogacy, a phenomenon that violates the human dignity since it considers newborn babies as commodities open to the market where businesses companies are exploiting natural mothers forced to this form of trade as a coping strategy to survive from poverty.

In spite of this scenario, the family, intended as the stable and true relationship of a man and a woman bond in marriage and open to the procreation of children, remains the greatest source of strength and security for today's social challenges.

As conditions have worsened for many families around the world, States and international organizations must commit to enacting effective policies and measures to provide the necessary comprehensive support to the family and its members.

The States should promote affordable, accessible and quality care services for children and other dependents, parental and other leave schemes, as well as 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.

The post-2015 agenda and the SDGs will be implemented in the future through national agenda and plans of actions; national policies promoting, sustaining and endorsing the family as "*the natural and fundamental group unit of society*" will be key factors to the implementation for all the 17 new SDGs.

National policies that support the family are the most effective actions to promote sustainable development.

Moreover, States and international institutions should defend the family in order to protect the values of love, freedom, equality, and intra/inter-generational solidarity.

By protecting the family, every society actually protects itself.