**Input to the Human Rights Council Resolution 29/22 on the protection of the family (here-in-after “HRC-29/22”)**

1. **Presentation**

The International Planned Parenthood Association – IPPF, the Swedish Association for Sexuality Education – RFSU (Sweden), Sex og Politik (Norway), Sex og Samfund (Denmark) and Rutgers (The Netherlands) hereby send their joint submission to the aforementioned consultation on “protection of the family”.

In this submission, we would like to emphasise the importance of considering a wide definition of the term “the family” prior to analysing its contribution to realising human rights and sustainable development, as well as to underline that it is individuals who are entitled the protection conferred by the international human rights framework.

1. **Different forms of the family and their contribution to realising human rights and achieving sustainable development**

The family can be regarded as a term used to describe a set of inter-individual relations. Yet, such relations have adopted different forms through history and also vary according to cultural, economic and social conditions[[1]](#endnote-1).

Given the various forms in which families exist, this term must be defined in the broadest way. An international perspective when addressing the family requires a comprehensive approach wide enough as for including different forms of family. Different forms of the family exist in every country, whether it be single-headed households as a result of a widowhood, grandparent-headed households as result of the economic migration of parents, or child-headed households as a result of epidemic or humanitarian situation. Other forms of the family may include joint families, different forms of nuclear and extended families, recomposed families, families headed by or including persons with disabilities, families headed by same-sex couples, families adopting children or using assisted fertilisation, families voluntarily or involuntarily without children, families connected by other bonds than marriage or couple-based agreements, such as households formed by siblings, etc.

Sociologically, the “family” has usually been conceived as a generic term for describing a set of relationships and bonds among a group of individuals, not based on the form, but on the nature of such bonds, including solidarity, socialisation of children, education and different kinds of emotional support, as endorsed by HRC-29/22 (preamble 7, 10, para. 5, 13). From a historical and cultural perspective, the said functions of the family cannot be exclusively attributable to one particular form of family. On the contrary, all forms of the family contribute to the development of individuals and have a positive contribution to realising the human rights of individuals[[2]](#endnote-2).

Recognising the diversity of families is central to the international human rights framework. While the International Bill on Human Rights recognises that the state has a role to play in supporting and protecting the family, such role is always related to the rights of the individuals in the family. This means that international human rights law considers the protection and assistance to the family as a means for protecting its members, on an individual basis. Accordingly, international calls for creating “a conducive environment to strengthen and support the families” (HRC-29/22,para.9), promoting “family-friendly” policies and programmes(para.23) and “facilitating” its integration into society (para.23.f) should always be interpreted as to including all forms of families.

Recognising and offering legal protection to the different forms of families would not only contribute to realising the human rights of their members. It can also be a reasonable and effective starting point for developing “innovative ways to provide more effective assistance to families and the individuals within them” (para.24). For instance, including all forms of families in programmes on housing, work, social security and education (HRC-29/22,para.23.b) may effectively contribute to addressing specific problems affecting the family, such as extreme poverty, chronic unemployment, domestic violence and abandonment (as included in HRC-29/22,para.24).

Certain measures for extending social benefits to a wide range of family forms will better reflect the social reality of the family and, consequently, improving its contribution to sustainable development and human rights. Such measures may include, among others, ensuring pensions for siblings, ensuring social benefits for single parents to protect the children from poverty, allowing multiple guardians to children, and enhancing adoption possibilities.

The Agenda 2030’s goal of “leaving no one behind” offers a unique opportunity for achieving sustainable development for all. But such a task demands a practical approach based on needs and rights of the individuals, in particular the most vulnerable. The family, when conceived as heterogeneous social institution, may contribute to achieving sustainable development of its members, but only if the rights of the individuals within the families are also respected, protected and fulfilled by states.

1. **Individuals as beneficiaries of human rights protection to the family**

International human rights instruments encourage states to protect and assist the family as “the natural and fundamental group unit of society” (UDHR art. 16.3; ICCPR, art. 23.1; ICESCR art. 10), including a set of provisions aimed to safeguard and improve the living conditions of the family and its members. However, it is clear that even when addressing “the family” of “family relations”, human rights are given to individuals, not to any group[[3]](#endnote-3).

While “protection” and “assistance” to families is generally mentioned in relevant international human rights provisions, such entitlements are subject to the rights of family members. In other words, international human rights law considers the protection to the family as an expression of individual human rights. Actually, most of human rights references to the family are made as a means for achieving the principle of non-discrimination. Therefore, the rights of the individual must remain the focus of human rights protection. This clarification is important since the family – as other social groups – may enable or hinder the fulfilment of human rights and the achievement of sustainable development.

While the state may choose to develop particular policies to support families, to ensure that they are reflecting the rights of every family member – especially the most vulnerable –, they must ensure that they are protecting all forms of the family. This will enable all families to be contributors to sustainable development and to support the community.

However, irrespective of any policies to protect and support the family, all states must guarantee that the rights of the individual within the family remain paramount. The state is responsible for ensuring that all members of a family, including the most vulnerable ones, have their individual rights realised (including a special reference to access to Sexual and Reproductive Health and Rights). It must also create strong legislative and policy frameworks to address human rights violations that take place within the family context, regardless of the family bonds between perpetrator and victim, such as early and forced marriage, domestic and sexual violence, different kinds of genital mutilation, sexual, physical or mental violence or abuse of children, marital rape and forced labour and exploitation, among others.

Promoting the role of the family and its contribution to realising human rights and sustainable development requires states to effectively prevent the family to be used as a means for oppression of its members, as well as to protect individuals from harm caused by their own families.

1. See GA Resolution 65/277, HRC Resolution 7/29, inter alia. [↑](#endnote-ref-1)
2. See, American Psychological Association, Brief in case 12-2335(L). U.S. Court of Appeals for the Second Circuit. Edith Schlain Windsor v. U.S.A. 2012, inter alia. [↑](#endnote-ref-2)
3. See: DUDH, art. 12, 16.1, 23.3, 25.1; ICESCR, art. 7.a.ii, 10.3, 11.1; ICCPR art. 17.1, 23.1; CEDAW, art. 10.h, 11.2, 12, 13, 14, 16.1; CRC. Preamble, art. 8.1, 9.4, 10; CMW. [↑](#endnote-ref-3)