



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA
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OHCHR REGISTRY

- 9 NOV. 2015

Mr. Saranbaatar Bayarmagnai
Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland

Recipients : *S.B.*.....
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Enclosure

Dear Mr. Bayarmagnai:

Thank you for your letter dated September 15, 2015, requesting any information and contributions in response to Human Rights Council resolution 29/22 on the “Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development.”^[1] In response to that request, the United States provides the following information:

As a general matter, information on the United States’ implementation of its obligations under International Covenant on Civil and Political Rights relating to the protection of the family and its members is available in the Fourth Periodic Report of the United States of America to the United Nations Committee on Human Rights Concerning the International Covenant on Civil and Political Rights (available at <http://www.state.gov/j/drl/rls/179781.htm#art23>) and previous reports (available at <http://www.state.gov/j/drl/rls/c16069.htm>).^[2] Resolution 29/22 points to a range of policy areas that bear substantially on the protection of the family, such as gender equality, the status of children, poverty reduction, and access to education. In the United States, the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution embody the principle that rights and freedoms are guaranteed equally to women and men. Children in the United States are also entitled to constitutional protections against discrimination on the basis of race, color, sex, language, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, and, in the context of the equal protection doctrine generally, U.S. law provides some special protections that protect

^[1] Though the Resolution’s title references the right to an adequate standard of living, the United States is not a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and interprets references to rights set out in the ICESCR with respect to States Parties to the ICESCR, in light of its Article 2(1).

^[2] The United States previous filings do have one important discrepancy with current U.S. law pertaining to same-sex marriage. Following the U.S. Supreme Court ruling in *Obergefell v. Hodge*, 135 S. Ct. 2584 (2015), same-sex marriage is now legal throughout the United States and same-sex married couples are entitled to the same protections under the law as other legally married couples.

children and prevent discrimination against classes of children. Moreover, federal legislation, court decisions, regulations, and executive actions ensure that the rights of women, men, and children are protected in a manner supportive of the family throughout a range of policy areas, including employment and labor practices, housing practices, access to education, and access to healthcare.

Globally, the United States contributes to the promotion and protection of the family, directly or indirectly, through its foreign assistance programs, through its work in various regional and international multilateral fora, and through its endorsement of global initiatives such as the Post-2015 Sustainable Development Goals (SDGs). The SDGs have the potential to benefit the family in that they seek to realize the human rights of all, advance prosperity and peace for all, and pursue inclusive economic opportunity and addressing poverty.

The United States supports the vision for development represented by the global goals and is committed to advancing the approaches they include, such as inclusive growth, ending extreme poverty, and advancing gender equality and the empowerment of women and girls. The SDGs represent an opportunity to use the tools, technologies, and new approaches we have now to end extreme poverty within a generation and ensure that every one of us will be able to share in this progress: to see our children grow up healthy, to contribute to their families and communities, to have a voice in their own future, and to have the opportunity to better their lives while sustainably using the earth's resources. We also understand the importance of greater gender equality. When we invest in women and girls, we see the ripple effect on their potential as individuals, as well as the potential of their families, and their communities.

While the United States remains steadfast in its commitment to pursuing a broad range of policies, both domestically and globally, that directly or indirectly benefit the family, it voted NO on the adoption of Resolution 29/22, which calls upon States to undertake efforts to foster and promote international protection and support for the family as the fundamental group unit of society. The resolution as written is insufficient in helping to realize universal protection and support for the family, primarily, because its main sponsors declined to incorporate edits from a cross-regional group of countries that would have acknowledged the full spectrum of family arrangements that currently exist throughout the world. Consequently, the resolution falls short in addressing the need to protect and promote the human rights of family members in different family contexts. Resolution 29/22 would have benefitted from the incorporation of the following important considerations.

First, States have a responsibility to respect the human rights of all family members without distinction of any kind. Further, States should recognize that the family unit assumes a wide variety of forms in different societies. These include not only families headed by a mother and a father but also families headed by single persons, by same-sex spouses or partners, or by grandparents or other relatives, and even quasi-institutional family arrangements, such as foster care. It was clear during negotiations on this text that the lead sponsors intended to purposely leave out some of these arrangements in an attempt to narrow the United Nations' understanding of what constitutes a family. Moreover, States should recognize that the various family units are comprised of diverse individuals, each of whom has a distinct set of needs that must be met in order to support physical, mental, and emotional well-being and individual growth.

States should acknowledge that any family unit, regardless of its composition, is capable of fulfilling its responsibility to foster a familial, loving, understanding, and happy environment in which all family members are nurtured, protected, and supported in the full development of their individual personalities. The resolution's focus on the family as a group unit, rather than focusing on the human rights of individuals within a family is troubling and inconsistent with international human rights law. The United States remains concerned that in certain contexts, protection of the family as a unit can foster an environment where abuses against individual family members, such as elder abuse, spousal or child rape, and various other serious abuses are ignored or excused on the pretext of protecting the family unit.

In carrying out their applicable obligations under international human rights law, States should promote, strengthen, sustain, and protect all families irrespective of their structures or the identities of their constituent members. It is imperative that the United Nations and its constituent bodies recognize the various forms of the family as we further address human rights and the family throughout all UN fora. Resolution 29/22 ignores this reality and prevents us from advancing the human rights of all individuals in all families.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Hamamoto", with a long horizontal flourish extending to the right.

Pamela Hamamoto
Ambassador