

UN Human Rights Council: Egypt and others' initiative to "protect the family" bodes ill for family members' human rights

Joint statement by the International Commission of Jurists and Amnesty International for the 29th session of the UN Human Rights Council (15 June – 3 July 2015)

A group of States, led by Egypt, have proposed a resolution on "protection of the family"¹ at the ongoing 29th regular session of the UN Human Rights Council. Bangladesh, Belarus, China, Cote d'Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, the Russian Federation, Saudi Arabia and Tunisia have submitted a seemingly innocuous draft resolution (A/HRC/29/L.25) that, in fact, underhandedly seeks to divert the Council from its institutional mandate focused on the effective promotion and protection of the human rights of the individuals towards protecting the purported rights of a social institution, namely, "the family".

By subordinating the human rights of individual members of "the family", especially women and girls, to the protection of the institution, the resolution, if adopted in its current form, would turn a blind eye to laws, policies and practices that violate or lead to the violation of the human rights of individuals within families, while, supposedly, simultaneously, "protecting the family".

The draft resolution refers in vague terms to the need to "protect the family" without ever making clear from what, while simultaneously ignoring the fact that, pursuant to its institutional mandate, the Council's work should address human rights violations and abuses, including those perpetrated by family members against one another. Such abuses are aided and abetted by States' failures to exercise due diligence to prevent them and to protect the human rights of each individual family member.

Council members should reject this nefarious initiative, since under the pretext of "protecting the family" the resolution would undercut the Council's important work on human rights abuses and violations, such as preventable maternal mortality and morbidity, the prevention of child, early and forced marriage, female genital mutilation, domestic violence, including marital rape and intimate partner violence, crimes committed in the name of "honour" and instances of child abuse. Supporting an initiative that disingenuously fails to adequately acknowledge these abuses and violations, which have been addressed in Council's resolutions led by States from many regions, bodes ill for family members' human rights. Moreover, it risks fostering their root-causes, including widespread and systematic discrimination and inequality within certain families and in societies all over the world.

In light of the above, Amnesty International and the International Commission of Jurists urge States committed to the promotion and protection of human rights of all persons to reject this draft resolution.

A resolution that seeks to encourage State's policies aimed at effectively supporting families must contain the following minimum elements, which are currently missing from the draft text or are reflected in ways that are counterproductive to efforts aimed at addressing the above-mentioned concerns. The sponsors of the resolution have rejected many proposals made in the negotiations that would have helped rectify the inexcusable omissions and concerns identified above.

Any resolution on the family should, at a minimum,

- reaffirm that, pursuant to international human rights standards, whatever measures States take with the stated view of protecting families, must be consistent with the human rights of each individual family member;
- recognise that various forms of the family exist in all regions of the world, and that State family-oriented policies should address the needs of all family-members in all families, in

¹ The title of earlier versions of the draft resolution was "protection of the family". It has been changed to "Protection of the family: The contribution of the family to the realization of the right to adequate standard of living for its members particularly through its role in poverty eradication and achieving sustainable development".

compliance with international human rights standards;

- reaffirm the right of every person to enjoy family life, which includes the right to found a family, as well as to dissolve it;
- reaffirm the right to non-discrimination, equality before the law and equal protection of the law, including equal protection of the human rights of individual members of families;
- recognise that human rights abuses occur within some families and are perpetrated by family members against one another and that, pursuant to international human rights law, States are obliged to address these abuses, including by taking measures to protect victims of abuse, bringing those responsible to justice and promoting gender equality;
- reaffirm the duty of States to exercise due diligence to prevent, investigate and remedy human rights violations and abuses against all individuals, whether those acts are perpetrated by the State or by private persons, including by family members against one another;
- align itself with and build on the Human Rights Council's work on a number of related issues such as preventable maternal mortality and morbidity, the prevention of child, early and forced marriage, female genital mutilation, domestic violence, including marital rape and intimate partner violence, crimes committed in the name of "honour", and child abuse within families;
- recognise that concepts such as "traditions", "morals", "heritage" and "values" are ambiguous and have often been used to justify the marginalization of minority groups and gender-based inequalities, discrimination and violence, including in the context of the family, and reaffirm that such concepts may not be invoked to violate human rights nor to limit their scope;
- recognise that, pursuant to international human rights law, States a positive obligation to work towards the elimination of harmful traditional or cultural beliefs, values, stereotypes or practices that are inconsistent with human rights, including in the context of the family.

The Human Rights Council needs to send an unequivocal message: States must promote the human rights of all members of every family. Protecting and promoting the rights and needs of individuals must be States' primary concern.

Background

In June 2014, the UN Human Rights Council at its 26th session adopted a resolution on "Protection of the family" (resolution 26/11). The resolution requested a panel discussion on "protection of the family and its members", which was held at the Council's 27th session on 15 September 2014. A summary of the discussion was submitted to the 28th session of the Council (March 2014) as UN report A/HRC/24/40.