

**Human Rights Council
26th session**

Item 3 – General debate

19 June 2014

Child Rights Connect (*formerly* Groupe des ONG pour la Convention relative aux droits de l'enfant), **Defence for Children International (DCI), Edmund Rice International, Global Initiative to End All Corporal Punishment of Children, International Federation of Social Workers (IFSW), International Social Service (ISS), Plan International, Save the Children, World Vision International**

Check against delivery.

Thank you Mr President.

Several international initiatives have been launched to mark the 20th Anniversary of the International Year of the Family, and this Council may also decide to do so at this session.

Given its nature and mandate, it is worth recalling that any discussion or initiative at this Council on a social issue like 'family' must take place from a human rights perspective, within the framework of existing international human rights treaties, including the UN Convention on the Rights of the Child (UN CRC) – the most universally ratified human rights treaty with 194 States parties.

In particular, it should clearly acknowledge what 'family' means in the context of children's rights and put a strong emphasis on the rights of children and the legal responsibilities of States to respect, protect and fulfil children's rights within and outside families.

In each cultural, political and social system, children experience 'family' in a variety of ways and forms, such as nuclear families, single or children-headed families, kinship, community-based arrangements and other family structures that have emerged in response to social change, conflict, urbanization, HIV/AIDS and other crisis.

Under the UN CRC¹, it is clear that States have the obligation to respect and support, in law and practice, all types of families. Not only to respect children's unequivocal right to non-discrimination, notably on the basis of family status,² and the overarching principle of the best

¹ See in particular, the following UN CRC articles: Articles 2 (non-discrimination), 3 (best interests), 7 (the right to know and be cared for by parents), 8 (the right to identity and to preserve family relations), 9 (the right not to be separated from parents unless when in the child's best interest), 12 (the right to be heard), 16 (the right to non-interference with family), 18 (State's duty to support parents in their responsibility to secure children's upbringing), 20 (the right to protect children deprived of their family environment), 21 (domestic and inter-country adoption), 22 (the right of refugee children to be reunified with their families or provided with alternative care services), 25 (the right to periodic review of care placement), 27 (the right to adequate standards of living) and 30 (the rights of indigenous children to enjoy their culture, religion and language).

² See Article 2 of UN CRC, accessible at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

interests of the child,³ but also to ensure that all their measures, actions and policies targeting families and their children do in fact reach all families and all children.

As civil society representatives of all regions around the world working with and for children, we also recognise that sometimes supporting families is not enough. While the majority of families want the best for their children and play a key role in their upbringing, children's rights can be and have been violated in families, including by family members, through notably violence, abuse, exploitation and neglect.⁴ In such cases, it is the legal obligation of States to protect the rights of children by superseding families.

We therefore recommend States to:

- 1. Explicitly acknowledge the existence of all families by using the phrase “all forms of families in different contexts” in any discussion or international document on ‘family’.**
- 2. Reaffirm that all children remain rights-holders whose rights cannot be overlooked, limited or negated, whether they live in a family environment or not and**
- 3. Explicitly recall States’ legal obligation to protect and respect the human rights of all individuals in families.**

³ See Article 3 of UN CRC, accessible at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁴ See Committee on the Rights of the Child, General Comment No. 8, The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia) (Forty-second session, 2006), U.N. Doc. CRC/C/GC/8 (2006) : <http://www1.umn.edu/humanrts/crc/comment8.html>