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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Catholic Family and Human Rights Institute, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Statement on Promotion of the Family by the Catholic Family and Human Rights Institute

1. We welcome the decision of the Human Rights Council to hold a panel discussion on the Protection of the Family at its 27th session, as the United Nations observes the 20th anniversary of the International Year of the Family. Because of the specific mission and objective of C-Fam, this statement will highlight the special bearing of the family as a subject of rights and the nature of marriage as the union between a man and a woman.

2. The family is of paramount importance to all persons as individual human beings and as members of society more broadly. As Human Rights Council resolution 26/11 emphasizes, the family is the “natural and fundamental group unit of society” and the “natural environment for the growth and well-being of all its members.” States have a compelling moral and social interest in the protection and promotion of the family. Without the family societies cannot exist, let alone develop.

3. Children are especially affected by the family in which they are brought up. As UN member states have recognized on multiple occasions, “for the full and harmonious development of their personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding” (Doha Declaration, A/59/592).

4. International law recognizes the family as a legal subject “entitled to protection from society and the state.” It is formed when individual men and women exercise their fundamental “right to marry and to found a family” (UDHR 16). The Universal Declaration of Human Rights unambiguously refers to the family as the result of the union of a man and a woman in marriage. These basic principles are recognized in the laws of all nations and cemented in binding international instruments. Only few countries recognize same-sex relationships in law, let alone allow persons of the same-sex to marry.

5. The protection of the family as a subject of rights invariably begins with the “protection of marriage in the framework of human rights and of family life as an objective of every juridical system” (The Family and Human Rights 9).¹ Laws that protect marriage are essential for the protection of the family. Laws that help spouses to welcome children into their family, as well as laws that strive to ensure work and family balance, are also important components to protect the family.

6. Despite claims that the situation of humanity has changed dramatically in recent decades, when it comes to the family very little has changed since the beginning of time. “The family, by its very nature, is a subject of rights, the foundational element of human society, and the most necessary force in the full development of the human person. The importance of the family's social mediation is undeniable. This is something that maintains all its value, despite the changes that have affected the family over the course of history” (The Family and Human Rights 16).

7. Recent legal changes in a few developed countries affecting individuals who identify as homosexual is being used as a reason to change the longstanding definition of family enshrined in the Universal Declaration of Human Rights and binding international instruments. Unsuccessful attempts to re-define the family to include relations between persons of the same-sex should not find a place within the United Nations, and resolution 26/11 provides no mandate for contemplating such notions. The sexual preference of a minority does not warrant the redefinition of the family for all. Individuals of the same-sex who present themselves as a “couple”, should be afforded all universally recognized human rights by virtue of their inherent human dignity and worth, but states are not, and should not, be obliged to recognize their relationship in law or afford them special new rights, such as benefits and protections reserved for the family.

¹ Pontifical Council for the Family, The Family and Human Rights, available at http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20001115_family-human-rights_en.html (last accessed August 25,2014).

8. Children who find themselves raised in these circumstances, or other unusual situations, will not be affected because of already existing protections in international law. Children must be afforded the same rights as other children regardless of the circumstances in which they were conceived, live, or the choices of their parents. The Universal Declaration of Human Rights recognizes as much when it says that “all children, whether born in or out of wedlock, shall enjoy the same social protection” (UDHR 25). Recognizing the rights of children does not mean that individuals who cohabit with a partner have a special right to receive legal benefits and protections afforded to the family simply by virtue of their choice to live within the same household. This distinction is especially important in light of research that shows how children do best when they are raised by their biological parents in a stable family relationship.² While states have a responsibility to help children who may be at a disadvantage in this regard, they have no obligation or interest in incentivizing relationships other than marriage between a man and a woman.

9. Of paramount importance among human rights in the context of the family is the “prior right” of parents “to choose the kind of education that shall be given to their children” (UDHR 26). There are alarming reports that states in both the developed and developing world still do not allow parents to educate their children according to their own religious beliefs or through methods and institutions other than those provided by the state.

10. The present discussion of the family in the Human Rights Council is an essential part of continuing efforts to raise the profile of the family in UN policies, by focusing on the human rights dimension of the family. It complements recent efforts to the 68th session of the General Assembly (A/RES/68/136) and the 52nd Commission on Social Development (E/CN.5/2014/L.5) to commemorate the 20th anniversary of the International Year of the Family. This discussion of family policy is also in continuity with the Doha Declaration (A/59/592).

11. We urge UN member states to continue to include the family in the work of the Human Rights Council, and to continue to examine the human rights dimension of the family, evaluate compliance with obligations under relevant provisions of international human rights law, and continue to discuss challenges and best practices in this regard, with the participation of civil society.

² See Regnerus M., How different are the adult children of parents who have same sex relationships? Findings from the New Family Structures Study. Soc Sci Res. 2012 Jul;41(4):752A70. The findings of the study are also summarized at the website www.familystructurestudies.com.