

The Family and International Law

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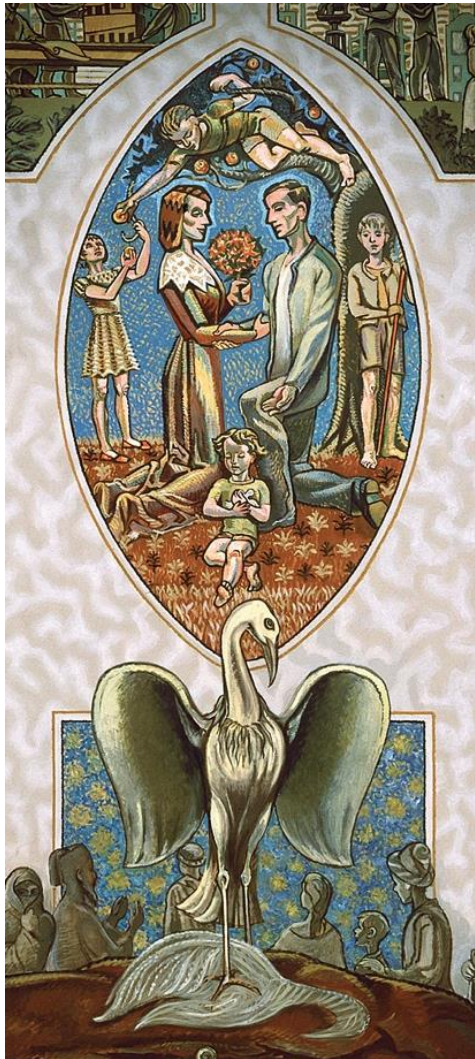
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The Family in International Law (1948-2006)



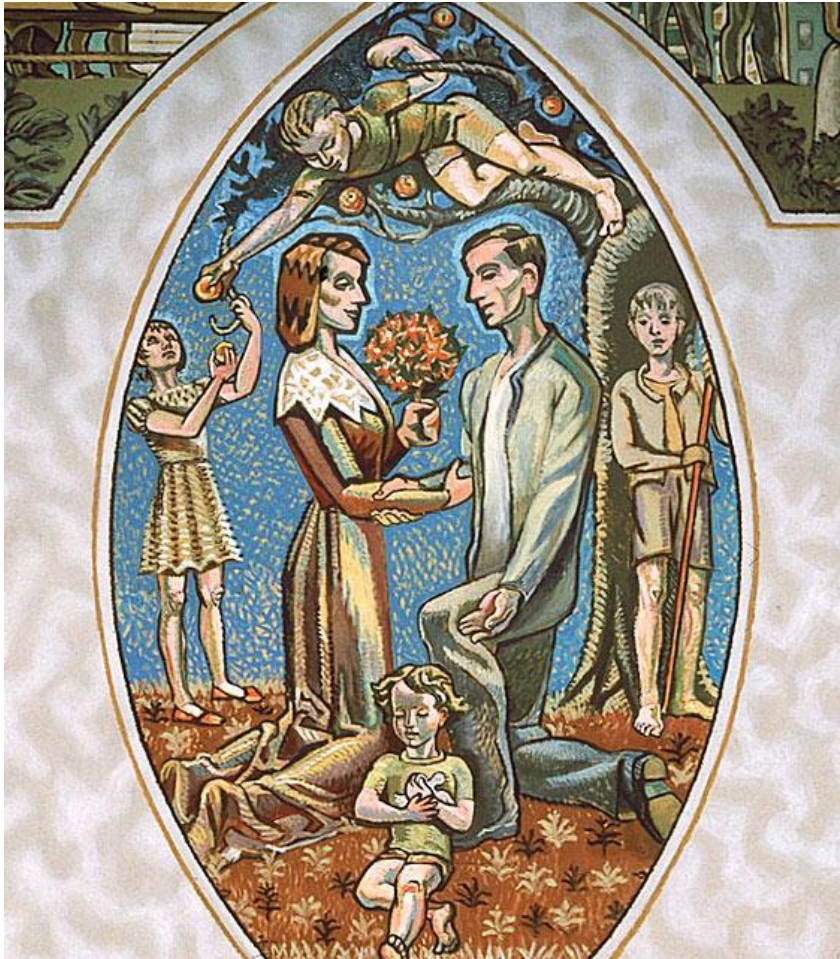
The Family in International Law (1948-2006)



The Family Defined (UDHR 16, ICCPR 23, ICESCR 10):

- The family is the **natural and fundamental group unit of society** and is entitled to protection by society and the State.
- Equal right of **men and women** to freely marry and found a family.
- CEDAW 16 (“husband and wife”)
- Prologue of CRC (1990), CRPD (2006)
- 111 Constitutions

The Family in International Law (1948-2006)



The Family and *Children*

- “...natural environment for the growth and well-being of all its members and particularly children...” (CRC Preamble).
- Right of the child to know and be cared for by her/his parents, family reunification.
- “Prior” right of parents to educate their children in accordance with their convictions, family reunification, right to cultural and religious identity.

The Family in UN Policy (2015-2021)



SG Report (A/70/61, para 64):

- ***...new family structures and compositions*** have become part of the norm and accepted by society at large.
- ***greater recognition of family diversity*** and needs is essential

“Family Diversity”

OHCHR Report on Protection of the Family

- “There is no definition of the family in international law”
- “International standards do not prescribe a specific concept of family”
- The family should be understood “in a wide sense.”



Family “Diversity”



OHCHR Report on Protection of the Family

- “A **variety of arrangements** to provide and care for children.”
- Equivalence of “the nuclear family, the extended family, and other traditional and ***modern community-based arrangements.***”
- ???

Family “Diversity”



OHCHR Report on Protection of the Family

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Far-Reaching Implications of an Open Definition of Family

- Special Rapporteur on the sale and sexual exploitation of children Maud de Boer-Buquicchio presented the first-ever thematic report on surrogacy (HRC 37th Session).
- Surrogacy “could be conducted in a way that does not constitute sale of children if it were clear that the surrogate mother was only being paid for gestational services and not for the transfer of the child.”
- The child’s right to know and be cared for by his or her parents is reduced to a right to “access origins” on a birth-by-surrogacy certificate.

www.c-fam.org

www.civilsocietyforthefamily.org

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