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# COMMITTEE ON THE FAMILY



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INTERNATIONAL YEAR OF THE FAMILY - 1994

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10/20/20

# FOREWORD

*In 1985 the Non-Governmental Organizations Committee on the Family based at the UN in Vienna created Working Group 2: "Family Charter/Family Rights" , with the specific purpose of studying a possible declaration on the family.*

*This group, encouraged by the United Nations General Assembly Resolution to proclaim 1994 as the International Year of the Family, has prepared the following document entitled "Guiding Principles on the Family" (GPF).*

*Prior to the discussions, a survey was made of 58 United Nations documents on 26 topics, called "The Family and Human Rights". Hence, many paragraphs in the GPF recall the basic principles of the United Nations and specific provisions of certain relevant human rights treaties and covenants.*

*In an effort to avoid further duplications, the "Guiding Principles on the Family" does not quote the elements and sections on families as stated in the UN Convention on the Rights of the Child (1989), the UN Convention on the Elimination of All Forms of Discrimination against Women (1990) and the Geneva Convention on Refugees (1951). The "Guiding Principles on the Family" acknowledges these documents as accepted and as already covering those elements not dealt with in the GPF.*

*The GPF also includes part of a previous paper discussed by the Group: "Basic Tenets for Strengthening the Family", which was adopted unanimously by the Vienna NGO Committee on the Family.*

*In the GPF no definition of the family is given because of the great variety of types, cultures and customs existing in families throughout the world and because it is felt that, starting from this document, the different ethnic and cultural groups will develop their own image of the family prevailing in their particular society and culture.*

*The "Guiding Principles on the Family" drafted by NGOs reflects their ideas about the functions, responsibilities and rights of the family. Such a document might serve as the basis for a declaration to be adopted by the General Assembly of the United Nations as one of the objectives of the International Year of the Family 1994.*

*This document was prepared by Working Group 2 and discussed in various Full Committee Meetings (in particular on June 3rd and November 18th, 1991). It was then reformulated by Working Group 2 in several meetings, the last one concerning the articles in Brussels on July 4th and 5th, 1992. The resulting draft text was then presented to the Board of the Vienna NGO Committee on the Family. At its meeting on December 16th, 1992 the Board discussed the draft text, supplemented it with some amendments and decided to approve and issue the "Guiding Principles on the Family".*

*Several NGOs and individual persons contributed to the document.*

*The permanent members of Working Group 2 were:*

*Lily BOEYKENS, ICW*

*Geneviève GRANGY, A.I.C.*

*Canon Joseph MOERMAN, ICCB*

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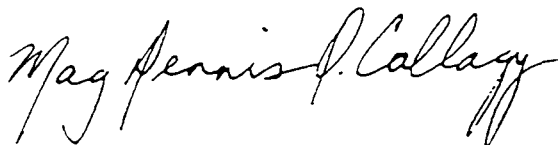
*Rosina SANTA OLALLA, PRODEFA*

*Helmuth SCHATTOVITS, IUFO, Chairperson*

*Andrée THOMANEK, A.I.C.*

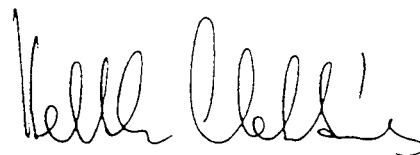
*Rosy WEISS, IAW*

*The Board of the Vienna NGO Committee on the Family recognizes the "Guiding Principles on the Family" as a working paper and offers it in the hope that it may serve as a useful tool especially for Member States in the elaboration of a possible United Nations declaration on family rights and responsibilities, in particular on the occasion of the International Year of the Family (IYF), 1994.*



*(Mag. Dennis O. Callagy)*

*Chairman of the Vienna  
NGO Committee on the Family*



*(Dr. Helmuth Schattovits)*

*Chairman of Working Group 2*

*Vienna, January 1993*

# PREAMBLE

Society is formed by a plurality of entwined groups and entities and a multitude of individual persons, with their own specific objectives and purposes. Among these groups, families are the basic social unit and are acknowledged to be among their society's fundamental and most important characteristics.

For, in all countries, at all times and in all civilizations, the family, regardless of its form and organization, is recognized as a social reality and as an essential element for development.

The term "family" covers a wide range of structures, types, values and functions. These differ within countries and from region to region. In every society the family is continuously evolving and changes occur as its members pass through the different stages of their life cycle.

— The family aims to provide a source of mutual love, respect, solidarity and affection and to act as a support system for the individual rights of its members. Families are the setting where values are transmitted from one generation to another.

Families also play a fundamental role as intermediate bodies between the individual and the state and other social agents.

The family is a powerful agent for social, political, economic and cultural change and a potential vehicle for development. However, the family can also be influenced by the nature and pace of change, which often exerts pressure on families. Such forces can make the family extremely vulnerable and in need of support from other institutions.

Therefore, the family should be granted protection and assistance so that it can fully assume its responsibilities as the basic unit of society, the natural environment for its members, particularly children and youth, and in many cases, as the only support system for the ageing and the disabled.

For this purpose, policies and appropriate legislation for the promotion and strengthening of families should be a priority concern of national governments and intergovernmental organizations.

The role and contribution of the concerned non-governmental organizations in strengthening the family should also be stressed at all levels.

The proclamation of the International Year of the Family 1994 is a consequence of the particular appreciation for the family shown by the United Nations and a proof of its intention to give stronger support to families as the basis of society.

In fact, over the years various United Nations policies and strategies have been formulated which support and strengthen the family unit. One of the earliest statements about families is contained in the Universal Declaration on Human Rights, which states that "the family is the fundamental group unit of society and is entitled to protection by society and the State".

Many other international legal documents repeatedly declare that the family is the basic unit of society and that, as such, it should be protected and assisted by society and the State.

It might therefore be desirable to embody all these references to the family in a coherent and detailed declaration on the functions, responsibilities and rights of the family, as one of the objectives of the International Year of the Family 1994, on the understanding that rights already established by the United Nations should in no way be restricted in such a declaration.

# Family formation

## Article 1

1. The best conditions should be promoted for family formation and family life.
2. The free and full consent of the partners should be secured when entering a union as a basis of a family. A minimum age for entering such a union should be fixed by law.

## Respect for all types of families

### Article 2

Regional, national and cultural differences in all types of families should be respected and discrimination among them avoided. This respect and non-discrimination should aim at the dignity of the family, the protection of family life and the full development of individual family members.

### Article 3

Respect should be shown for the religious, philosophical and ethical values or political opinions of each family member and for his or her freedom to manifest, as a family or in community with others, their culture and religion.

## Autonomy and support of family functions

### Article 4

All families have the right and the responsibility to freely organize their internal functioning, taking into account the best interest of each of their members.

### Article 5

1. Legislation which has a direct bearing on the welfare of families and their members should be flexible and periodically reviewed and adapted to the changing social, cultural and economic conditions, in particular with a view to the concept of equality between women and men.
2. Social welfare programmes and activities should be designed to strengthen and revitalize families in their functions.
3. All policies, at national and international levels, in developing as well as in industrialized countries, should take into account their impact on families.

## Family needs

### Article 6

It should be recognized that families need an adequate standard of living to meet their basic human needs and for the physical, mental, spiritual, ethical, cultural and social development of their members and as a family.



## Article 7

The special needs of disadvantaged families should be addressed and help given to them to overcome their adversity. The following should receive special economic and social protection:

- Disadvantaged families in rural and poor urban areas;
- Families confronted with special problems - e.g. disabled members, inability to obtain gainful employment, low income, dependent ageing members, large families and single parent families;
- Young people taking up family responsibilities;
- Families affected by war and environmental disasters, and for political and economic reasons.

## Parenthood

### Article 8

1. Parents have the basic right to determine freely and responsibly the number and spacing of their children as well as to have access to the knowledge and means necessary to enable them to exercise this right.
2. Family-planning programmes should direct information and services towards men and women alike, to ensure responsible parenthood, mutual respect, understanding and co-operation.
3. Reproductive, pre- and post-natal care should be strengthened within social and health systems.

### Article 9

1. Parental leave regulations should address both mothers and fathers, since recent research discloses the important role fathers are playing in the socialization of their children. Therefore, special efforts should be made to enhance the role of fathers, thus ensuring at the same time equality between both parents.
2. Appropriate maternity leave, social and financial support should be made available to all mothers, employed or not.
3. Adequate child-care facilities should be provided in the interest of family life.

## The child

### Article 10

1. All children shall enjoy the same social protection and rights and be given equal opportunities to develop their full potential.
2. All children should have fair chances to grow up in a family environment. In case they are deprived of their family environment, they shall be entitled to special protection and assistance.

3. Whenever a legal guardian or tutor needs to be established for a family member, legal authorities should consider the eligibility of another member of the same family as a matter of priority.

## **Responsibilities of parents**

### **Article 11**

1. Parents share the primary responsibility for bringing up their children and providing them with an adequate standard of living.
2. The right and responsibility of parents to provide guidance appropriate to the child's evolving capacities should be respected, without infringing on the child's right to freedom of thought, conscience and expression.

## **Education**

### **Article 12**

1. The family shall respect and foster the right of each of its members, especially girls and women, to receive formal education and continuous education. This education shall be free and compulsory at least in the elementary and fundamental stages.
2. Young people of both sexes should receive special preparation for responsible family and sexual life and parenthood as well as adequate education for managing the resources necessary for everyday life.
3. Parents have the responsibility to continuously educate and improve themselves and to instill in their children the values of mutual respect and understanding and a sense of responsibility for the environment and sustainable development. In this they should be supported by the educational system, the media and other networks.

## **Intra-family relations and roles**

### **Article 13**

1. To be a member of a family implies communication and solidarity with other family members and mutual responsibility. Within the family unit, joint decision-making should be encouraged. The more-able members should endeavour to support the less-able ones, when these are impaired by age, infirmity or other forms of hardship.
2. Full development of each individual family member is necessary for the exercise of his/her rights and responsibilities within and outside the family, as well as for the family's welfare.
3. Major attention should be given to equal rights and equal responsibilities for men and women within the family, including equitable sharing of roles and tasks in the household.

# Harmonizing family life and work

## Article 14

1. The family members and the family as a group are entitled to free time, rest and family life.
2. Policies and programmes should be developed to enable family members to harmonize activities of professional life with family life.
3. Unpaid work inside and outside the family - e.g. household activities, food production at the family level, social and voluntary work - have generally been perceived as having low economic and social prestige. All societies should place a higher value on these activities by including them in the GNP (gross national product), in official statistical data and by providing certain corresponding forms of social security.

## Violence and neglect

### Article 15

1. All efforts should be made to prevent violence, neglect, abuse and exploitation within the family and to raise public awareness of such hidden crimes. Legislation and other measures should be enacted and implemented in order to eradicate this violence and protect the victims.
2. The full physical and mental integrity of young girls and boys is a prerequisite to enable them to develop into mature and responsible adults. Therefore, all kinds of mutilations should be forbidden.
3. Measures should be provided by public authorities to eliminate social conditions leading to drug and alcohol addiction and to all forms of violence, such as vandalism, delinquency, aggression and crime. Help and rehabilitation should be made available to families confronted with such problems.

## Family counselling

### Article 16

1. All efforts should be made to establish a well organized network of family counselling services, inter alia to provide educational, psychological and social assistance.
2. Adequate training is essential for those who may become responsible for family counselling.
3. Even though the courts of justice should be the ultimate recourse for legal aid, it is indispensable that the magistrates of these courts are also adequately trained.

## **Consumer protection**

### Article 17

All legal measures or policies should be adopted to protect the family against unsafe and unhealthy goods, mislabelling and unethical and exploitative marketing practices.

## **Tax liability**

### Article 18

Any tax system should encourage family solidarity and help to ensure the family's minimum standard of living.

## **Association and participation**

### Article 19

The Declaration of Human Rights entitles individuals to create associations. Hence, families are entitled to establish associations and enjoy freedom of public and private assembly.

## **Mass communications media**

### Article 20

Given the great potential of the mass-media as a vehicle for social change, every effort should be made to have the media exercise a positive, educative and respectful attitude regarding the family and family life.

## **Peace and security**

### Article 21

1. Peace and security are a prerequisite for a healthy environment, sustainable development and for social and economic progress for the benefit of all and particularly the family.
2. To this end, resources should be progressively channelled from military to social programmes.
3. All feasible measures shall be taken to ensure that persons below the age of 18 do not take a direct part in armed conflicts.

# ANNEX

## SOME OF THE UNITED NATIONS DOCUMENTS REVIEWED

- Universal Declaration of Human Rights (General Assembly Resolution 217 A <III>)
- Declaration of the Rights of the Child (General Assembly Resolution 1386 <XVI>)
- Declaration on the Elimination of all Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights (General Assembly Resolution 2200 A<XXI>)
- International Covenant on Civil and Political Rights (General Assembly Resolution 2200 A<XXI>)
- Optional Protocols on the International Covenants
- Declaration on the Elimination of Discrimination against Women (General Assembly Resolution 2263 A<XXII>)
- Proclamation of Teheran on Human Rights (General Assembly Resolution 2081 A<XX>)
- Declaration of Social Progress and Development (General Assembly Resolution 2542 A<XXIV>)
- Report of the United Nations World Population Conference, 1974, Bucarest (E/Conf. 60/19)
- Report on the International Conference on Population, Mexico City 1984 (A/Conf.76/19)
- The Proclamation of the International Year of the Child (General Assembly Resolution 31/169)
- Strengthening Developmental Social Welfare and Programmes (ECOSOC 1979/18-1981/20)
- Welfare of Migrant Workers and their Families (ECOSOC, 1979/12)
- The Proclamation of the International Youth Year (General Assembly Resolution 34/151)
- Vienna International Plan of Action on Aging (World Assembly on Aging Vienna 1981/ECOSOC)
- The World Programme of Action concerning Disabled Persons (General Assembly Resolution 37/52)
- Universal Declaration on the Eradication of Hunger and Malnutrition (General Assembly Resolution 3348)
- Convention on the Elimination of all Forms of Discrimination against Women (General Assembly Resolution 34/180)
- The Nairobi Forward Looking strategies for the Advancement of Women (General Assembly Resolution 40/108)
- The Role of the Family in the Development Process (1983/23, 14th Plenary Session)
- Domestic Violence (4036), General Assembly)
- World Social Situation including the elimination of all major social obstacles (1989 Report on the World Situation, Commission for Social Development, Vienna-E/CN.5/1989/2)
- Convention on the Rights of the Child (Resolution 44/25 of 5th December 1989 General Assembly)

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