

CHAPTER 3

The family, its roles, rights, composition and structure

SUMMARY

The Programme of Action recognized the diversity of the family with regard to its structure and composition and urged Member States to develop policies and laws to better support it, taking into account its plurality of forms, in particular the rise in single-parent households. In stressing the relevance of the family as the basic unit of society, the Cairo Declaration advocated for promoting family well-being, intergenerational support, and family-friendly policies in the field of housing, work, health, social security and education. Governments and the international community were particularly urged to support vulnerable families and their most vulnerable members, such as children, dependent older persons and family members with disabilities, as well as those with HIV/AIDS.

Over the years, the Commission on Population and Development reiterated its recognition of the role of the family in society and called upon governments to protect and support it. Even though no single session of the Commission between 1994 and 2014 was devoted to the subject, resolutions referred to the family and its role, rights, composition and structure in different contexts.

Resolutions have called on member States to enact and strictly enforce laws that ensure that marriage is entered into only with the free and full consent of the intending spouses. Furthermore, resolutions have urged Governments to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age at marriage, and to raise the minimum age at marriage, where required. In fact, at the forty-seventh session of the Commission in 2014, child, early and forced marriages were identified as harmful practices that need to be prevented and eliminated. Furthermore, countries were asked to promote family-friendly policies allowing family members to better combine work and parenting, including supporting men in their role as fathers, helping their children to transition into adulthood, and helping adult children to care for older parents. Recent resolutions have discussed vulnerable families, including those affected by migration, and the special needs of unaccompanied migrant children, urging Governments to facilitate family reunification regardless of the migration status of family members.

EXCERPTS FROM THE PROGRAMME OF ACTION

Chapter V: The Family, Its Roles, Rights, Composition and Structure

A. Diversity of family structure and composition

Objectives

5.2. The objectives are:

- (a) To develop policies and laws that better support the family, contribute to its stability and take into account its plurality of forms, particularly the growing number of single-parent households;
- (b) To establish social security measures that address the social, cultural and economic factors behind the increasing costs of child-rearing;

(c) To promote equality of opportunity for family members, especially the rights of women and children in the family.

Actions

5.3. Governments, in cooperation with employers, should provide and promote means to facilitate compatibility between labour force participation and parental responsibilities, especially for single-parent households with young children. Such means could include health insurance and social security, day-care centres and facilities for breast-feeding mothers within the work premises, kindergartens, part-time jobs, paid parental leave, paid maternity leave, flexible work schedules, and reproductive and child health services.

5.4. When formulating socio-economic development policies, special consideration should be given to increasing the earning power of all adult members of economically deprived families, including the elderly and women who work in the home, and to enabling children to be educated rather than compelled to work. Particular attention should be paid to needy single parents, especially those who are responsible wholly or in part for the support of children and other dependants, through ensuring payment of at least minimum wages and allowances, credit, education, funding for women's self-help groups and stronger legal enforcement of male parental financial responsibilities.

5.5. Governments should take effective action to eliminate all forms of coercion and discrimination in policies and practices. Measures should be adopted and enforced to eliminate child marriages and female genital mutilation. Assistance should be provided to persons with disabilities in the exercise of their family and reproductive rights and responsibilities.

5.6. Governments should maintain and further develop mechanisms to document changes and undertake studies on family composition and structure, especially on the prevalence of one-person households, and single-parent and multigenerational families.

B. Socio-economic support to the family

Objective

5.8. The objective is to ensure that all social and economic development policies are fully responsive to the diverse and changing needs and to the rights of families and their individual members, and provide necessary support and protection, particularly to the most vulnerable families and the most vulnerable family members.

Actions

5.9. Governments should formulate family-sensitive policies in the field of housing, work, health, social security and education in order to create an environment supportive of the family, taking into account its various forms and functions, and should support educational programmes concerning parental roles, parental skills and child development. Governments should, in conjunction with other relevant parties, develop the capacity to monitor the impact of social and economic decisions and actions on the well-being of families, on the status of women within families, and on the ability of families to meet the basic needs of their members.

5.10. All levels of Government, non-governmental organizations and concerned community organizations should develop innovative ways to provide more effective assistance to families and the individuals within them who may be affected by specific problems, such as extreme poverty, chronic unemployment, illness, domestic and sexual violence, dowry payments, drug or alcohol dependence, incest, and child abuse, neglect or abandonment.

5.11. Governments should support and develop the appropriate mechanisms to assist families caring for children, the dependent elderly and family members with disabilities, including those resulting from HIV/AIDS, encourage the sharing of those responsibilities by men and women, and support the viability of multigenerational families.

5.12. Governments and the international community should give greater attention to, and manifest greater solidarity with, poor families and families that have been victimized by war, drought, famine, natural disasters and racial and ethnic discrimination or violence. Every effort should be made to keep their members together, to reunite them in case of separation and to ensure access to government programmes designed to support and assist those vulnerable families.

5.13. Governments should assist single-parent families, and pay special attention to the needs of widows and orphans. All efforts should be made to assist the building of family-like ties in especially difficult circumstances, for example, those involving street children.

EXCERPTS FROM RESOLUTIONS

Resolution 2005/1

Population, development and HIV/AIDS, with particular emphasis on poverty

[...]

6. *Recognizes* that the HIV pandemic is having a devastating impact on children, that the global number of orphans continues to increase, and that other children are vulnerable because they have an ill parent, live in poor households that have taken in orphans, live in child-headed households, or are discriminated against, and that more than million children are living with HIV/AIDS themselves; and stresses the need to strengthen multisectoral responses in this regard, including psychosocial support to children and families infected and affected by HIV/AIDS;

[...]

Resolution 2006/2

International migration and development

[...]

11. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard for applicable laws, as such reunification has a positive effect on the integration of migrants;

[...]

Resolution 2007/1

Changing age structures of populations and their implications for development

[...]

11. *Stresses* the importance of fully mobilizing the active population through family-friendly policies that support parents and legal guardians in combining work and parental roles;

12. *Invites* countries with ageing populations to promote measures to address this situation, including with family-friendly policies;

[...]

Resolution 2008/1

Population distribution, urbanization, internal migration and development

[...]

9. *Calls upon* Governments to take into account the impacts of population distribution, urbanization, internal migration and development in the formulation of family-sensitive policies in the field of housing, work, health, social security and education;

[...]

Resolution 2009/1

The contribution of the Programme of Action of the International Conference on Population and Development to the internationally agreed development goals, including the Millennium Development Goals

[...]

8. *Also urges* States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

[...]

Resolution 2010/1

Health, morbidity, mortality and development

[...]

11. *Emphasizes* that advances in health depend, among other factors, on the promotion and protection of all human rights, the promotion of gender equality and the empowerment of women, and the elimination of gender-based discrimination, especially by ensuring equal opportunities for women and men in education, employment and access to social services, including health services; by instituting zero tolerance regarding violence against women and girls, including harmful traditional practices such as female genital mutilation or cutting; by preventing child and forced marriage; and by ensuring women's and men's access to the means to determine the number and spacing of their children;

[...]

Resolution 2011/1

Fertility, reproductive health and development

[...]

18. *Recognizes* the rights, duties and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance on sexual and reproductive matters, and that countries must ensure that the programmes and attitudes of health-care providers do not restrict the access of adolescents to appropriate services and the information they need, including on sexually transmitted infections and sexual abuse, and recognizes that in doing so, and in order to, inter alia, address sexual abuse, these services must safeguard the right of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs, and that in this context, countries should, where appropriate, remove legal, regulatory and social barriers to reproductive health information and care for adolescents;

[...]

22. *Urges* Member States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and to raise the minimum age for marriage where necessary;

[...]

26. *Encourages* Member States to adopt and implement legislation and policies to promote the reconciliation of paid work and family responsibilities through, inter alia, family-friendly and gender-sensitive work environments, the facilitation of breastfeeding for working mothers and the provision of the necessary care for working women's children and other dependants and increased flexibility in working arrangements, and to ensure that both women and men have access to maternity, paternity, parental and other forms of leave and are not discriminated against when availing themselves of such benefits;

[...]

28. *Recognizes also* that children often form the majority within poor households and therefore calls upon Governments to develop and implement appropriate social protection measures to provide for the basic needs of children in poor households, especially for orphans and vulnerable children;

[...]

Resolution 2012/1
Adolescents and youth

[...]

8. *Urges* Member States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and to raise the minimum age for marriage, where necessary;

9. *Urges* all States to develop, adopt and fully implement laws and to take other measures, such as policies and educational programmes, as appropriate, to eradicate harmful practices, including female genital mutilation and early and forced marriage, which are violations of the human rights of women and girls, and to intensify efforts, in cooperation with local women's and youth groups, to raise collective and individual awareness on how such harmful practices violate the human rights of women and girls;

[...]

17. *Also calls upon* Governments to support and encourage men in their important role as fathers and in helping their children transition successfully to adulthood, including by providing adequate financial support for their children and families, to promote positive male role models and programmes for boys to become gender-sensitive adults and to enable men to support, promote and respect women's sexual and reproductive health and reproductive rights, recognizing the inherent dignity of all human beings;

[...]

25. *Recognizes* the rights, duties and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance on sexual and reproductive matters, and that countries must ensure that the programmes and attitudes of health-care providers do not restrict the access by adolescents to appropriate services and the information they need, including on sexually transmitted infections and sexual abuse, and recognizes that in doing so, and in order to, inter alia, address sexual abuse, these services must safeguard the right of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs, and that in this context, countries should, where appropriate, remove legal, regulatory and social barriers to reproductive health information and care for adolescents;

[...]

Resolution 2013/1
New trends in migration: demographic aspects

[...]

24. *Welcomes* programmes that allow migrants to integrate fully into society, facilitate family reunification in accordance with the laws and specific criteria of each Member State and promote a harmonious, tolerant and

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respectful environment, and encourages host countries to take appropriate measures aimed at the full integration of long-term, regular migrants staying in the country;

25. *Calls upon* States to protect the human rights of migrant children, especially migrant girls, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in State policies on integration, return and family reunification, including repatriation mechanisms;

[...]

Resolution 2014/1

Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development

[...]

10. *Recognizes* the rights, duties and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance on sexual and reproductive matters, and that countries must ensure that the programmes and attitudes of health-care providers do not restrict the access by adolescents to appropriate services and the information they need, including on sexually transmitted infections and sexual abuse, and also recognizes that in doing so, and in order to address, inter alia, sexual abuse, these services must safeguard the right of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs, and that in this context countries should, where appropriate, remove legal, regulatory and social barriers to reproductive health information and care for adolescents;

[...]