



General Assembly

Distr.: General
28 August 2014

English only

Human Rights Council

Twenty-seventh session

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 Howard Center for Family, Religion and Society, 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).

GE.14-14972 (E)



* 1 4 1 4 9 7 2 *

Please recycle 



The Seedbed of all Human Rights

It is no exaggeration to say that in the Universal Declaration of Human Rights the family is at the very center of rights. The family is fundamental because, among other things, it is the seedbed of all the other rights delineated in the Universal Declaration. To make the world new following the devastation of the most destructive war in history, the UN built its structure of universal human rights squarely on the foundation of the family.

Family is mentioned several times throughout the Universal Declaration,¹ and is the primary focus of Article 16, beginning in the first two paragraphs with “the right to marry and to found a family,” and the “equal rights” of the spouses. Paragraph 3 then provides a deceptively simple description of the family’s relationship to society:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

According to human rights scholar Manfred Nowak, the intent behind the phrase “natural and fundamental group unit of society” was “to emphasize that despite various traditions and social structures, a pillar of all societies is the family as the smallest group unit,” while the language “entitled to protection by society and the State” was meant to “shield the family as the cornerstone of the entire social order.”²

This language, that became section 3 of Article 16, originated with a proposed amendment by Charles Malik, the first Lebanese ambassador to the US and the UN, and a man of tremendous talent³ who is recognized as “the pivotal figure in the work of the commission”⁴ and was touted by his fellow delegates as the “driving force” behind much of the document.⁵ Malik’s proposed amendment read as follows:

The family deriving from marriage is the natural and fundamental group unit of society. It is endowed by the Creator with inalienable rights antecedent to all positive law and as such shall be protected by the State and Society.⁶

Malik explained his rationale. “He said that he had used the word ‘Creator’ because he believed that the family did not create itself... He also contended that the family was endowed with inalienable rights, rights which had not been conferred upon it by the caprice of men.” Malik further “maintained that society was not composed of individuals, but of groups, of which the family was the first and most important unit; in the family circle the fundamental human freedoms and rights were originally nurtured.”⁷

Speaking later of those key groups, “this whole plenum of intermediate institutions spanning the entire chasm between the individual and the State,” Malik declared he was convinced that they are “the real sources of our freedom and our rights.”

We speak of fundamental freedoms and of human rights; but, actually, where and when are we really free and human? Is it in the street, is it in our direct relations to our State? Is it not rather the case that we enjoy our deepest and truest freedom and humanity in our family, in the church, in our intimate circle of friends, when we are immersed in the joyful ways of life of our own people, when we seek, find, see, and acknowledge the truth?⁸

Malik was articulating not only his personal view, but also that of the other principal framers, who, “though they differed on many points, were as one in their belief on the priority of culture.” The French delegate, Ren. Cassin, wrote that: “In the eyes of the Declaration’s authors, effective respect for human rights depends primarily and above all on the mentalities of individuals and social groups.” And Eleanor Roosevelt, who had directed the drafting process, asserted: “Where, after all, do universal human rights begin? In small places, close to home.”

According to Mary Ann Glendon, these, and similar statements by others, reveal something important about the Universal Declaration:

Those convictions of the framers undergird one of the most remarkable features of the Declaration: its attention to the “small places” where people first learn about their rights and how to exercise them responsibly—families, schools, workplaces, and religious and other associations. These little seedbeds of character and competence,

together with the rule of law, political freedoms, social security, and international cooperation, are all part of the Declaration's dynamic ecology of freedom.⁹

This key premise underlying the Universal Declaration invests its family provision with colossal significance, for of all those "small places"—or, to use Malik's words, among the "whole plenum of intermediate institutions spanning the entire chasm between the individual and the State"—the only one mentioned in the Universal Declaration as having rights per se is the family, rights that the State itself is made expressly responsible to protect. Adding to this emphasis on family are the Universal Declaration's statements that "Motherhood and childhood are entitled to special care and assistance," and that "Parents have a prior right to choose the kind of education that shall be given to their children."¹⁰

Building on the Universal Declaration language that the family is "entitled to protection by society and the State," a number of United Nations treaties and conference documents have stated that the family is entitled to "comprehensive protection and support."¹¹ But the strongest language comes from the International Covenant on Economic, Social, and Cultural Rights: "The widest possible protection and assistance should be accorded to the family."¹²

This is surely the standard for every nation seeking to protect and assist the institution that is the very key to its development and success.

1. "No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence.... Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity.... Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.... Motherhood and childhood are entitled to special care and assistance.... Parents have a prior right to choose the kind of education that shall be given to their children." Universal Declaration, articles 12, 23, 25, 26.

2. Manfred Nowak, UN Covenant on Civil and Political Rights. CCPR Commentary (Kehl am Rhein, Germany: N.P. Engel, 1993), 404.

3. Malik, a Greek Orthodox Arab, was not only the Commission's Rapporteur (three years later he would succeed Eleanor Roosevelt as its chair) but also served on its Drafting Committee. During the drafting process he would also serve as president of the Economic and Social Council, and, of more direct importance to the outcome document, as chairman of the Third Committee. Having studied under Martin Heidegger in Germany and under Alfred North Whitehead at Harvard, where he earned a Ph.D., Malik had been a professor of philosophy at the American University in Beirut, and later held professorships at a number of American universities, including Harvard and Notre Dame. Malik would serve as President of the UN General Assembly, and back in his homeland as Minister of National Education and Fine Arts, and then as Minister of Foreign Affairs. Malik was also a noted theologian and prolific author, and served as Vice-President of United Bible Societies and President of the World Council on Christian Education.

4. Ali A. Allawi, *The Crisis of Islamic Civilization* (New Haven, Connecticut: Yale University Press, 2009), 188.

5. Biography on Charles Malik on the official website of the Universal Declaration, <http://www.udhr.org/history/Biographies/biocm.htm>.

6. Morsink, 254.

7. Morsink, 255.

8. Charles Malik, "What Are Human Rights?" first published in 1948 in *Rotarian*, also available on the Universal Declaration website at <http://www.udhr.org/history/whatare.htm>.

9. Glendon, 239-240.

10. Universal Declaration, art. 26(3).

11. 75. International Conference on Population and Development, Program of Action, Principle, 9; 5.1; Beijing Plan of Action, Fourth World Conference on Women, 29; Copenhagen Declaration on Social Development, World Social Summit for Development], 26-h; 80; Istanbul Declaration on Human Settlements, United Nations Conference on Human Settlements, Agenda, 31; Special Session on Children, 15.

12. International Covenant on Economic, Social and Cultural Rights, art. 10.1.