

FAMILIES



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POSITION STATEMENT ON FAMILIES

The word ‘family’ has different meanings to people around the world. Diverse family structures exist in various parts of the world, with the nature of relationships and the power dynamics between men and women, and adults and children, girls and boys varying across countries and cultures. New variants on traditional family structures have emerged in response to social change, conflict, urbanization, HIV/AIDS and other crisis.

Save the Children believes that while there are many different types of families, their functions with respect to nurturing, rearing and protecting children remain the same.

Save the Children understands families as “social groups connected by kinship, marriage, adoption or choice. Family members have clearly defined relationships, long-term commitments, mutual obligations and responsibilities, and a shared sense of togetherness. Families are the primary providers of protection, support and socialisation for children and youth.”¹

The term family has not been defined in any international legal instrument. The preamble of the UN Convention on the Rights of the Child (1989) refers to the family as “the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children”. The text of the Convention refers in many articles to the importance of the family environment¹. This is further elaborated by the Committee on the Rights of the Child as a concept reaching beyond the so-called nuclear family model and encompassing a range of care-giving environments, including the extended family and other traditional and more recent arrangements, provided these are consistent with children’s rights and best interests². Adults’ interest of the maintenance of the family structure should never be at the expenses of a child’s rights. Very importantly, as the first setting where children can learn about the practice of democratic decision-making, children should be involved in all decision-making that affects them, according to their evolving capacity.

Within these diverse environments all family members for example, parents, siblings, aunts, uncles, grandparents, step-parents, foster or adoptive parents, have particular responsibilities and have a crucial role to play to ensure that children survive, thrive and develop according to their age, gender and their evolving capacity³.

¹ Several Articles of the CRC relate to the importance of the family environment and the child’s right to alternative care if he or she is ever, for whatever reason, deprived of this environment. Articles: 2 (non-discrimination), 3 (best interests), 7 (the right to know and be cared for by parents), 8 (the right to identity and to preserve family relations), 9 (the right not to be separated from parents unless when in the child’s best interest), 12 (the right to be heard), 16 (the right to non-interference with family), 18 (State’s duty to support parents in their responsibility to secure children’s upbringing), 20 (the right to protect children deprived of their family environment), 21 (domestic and inter-country adoption), 22 (the right of refugee children to be reunified with their families or provided with alternative care services), 25 (the right to periodic review of care placement), 27 (adequate standards of living) and 30 (the rights of indigenous children to enjoy their culture, religion and language).

² Committee on the Rights of the Child, General Comment 7, paragraph 15, CRC/C/GC/7/Rev.1, 2006

³ Protect for the Future: http://www.everychild.org.uk/docs/protect_for_the_future.pdf

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Children as individual members of families

Save the Children's position is anchored in both the UN Convention on the Rights of the Child and other regional treaties such as the African Charter on the Rights and Welfare of Children. Both instruments recognize that the family is the fundamental unit of society and a natural environment to support the development and well-being of children. They also state that Governments have the responsibility to support parents and care-givers in their child-rearing role⁴. Therefore the support that States provide to families has the fundamental aim at ensuring that children can enjoy all their rights and in particular their rights to protection, participation, survival, and development.

Save the Children strongly believes that the best interest of the child should be the cornerstone of any family policy.

Family policies should aim to support family caregivers in delivering their responsibilities for the care and protection of children. Such policies – which may include financial support, parenting education and daycare provision – should be assessed according to their success in promoting the best interests of children.

Preventing Unnecessary Separation

Save the Children recognizes that in many countries families struggle to balance multiple needs. Poverty, war, natural disasters, and migration can inadvertently separate families, thus breaking down the most fundamental protective mechanism for children. States need to provide services for families who are struggling to keep their children and work to reunite those who have been separated if in children's best interest.

Necessity and appropriateness of alternative care for children

Although families should be the primary place where children grow up and thrive, they can also be places where children can also suffer from violence, abuse, exploitation and neglect. In such cases Governments have the responsibility to take action to prevent and respond to violence against children, including violence in the home. Recognizing that there are times when alternative care for children is sometimes needed, with families that may be unable or unwilling to protect them, the State must also invest in a range of alternative family-based care options for children rather than institutional care. This includes support to the extended family members caring for children.

⁴ Articles 5 and 18 of the Convention on the Rights of the Child and article 20 of the African Charter