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**UD75647HSO84827**

COURSE NAME:

**Human Right 16**

Assignment Title**:**

**Marriage and Family**

ATLANTIC INTERNATIONAL UNIVERSITY

**February/2022**

## **Introduction**:

## Marriage is considered a sacred phenomenon by several, if not all, cultures and in many nations. It has been performed between humankind since individuals realised how significant marriage is to human civilization and development from ancient times to the present. According to some dictionaries, marriage is described as a formally enforceable commitment of both a man and a woman that legitimately binds both together as a husband and a wife. Examining the various marriage systems in contemporary society, it is reasonable to expect that many different types of marriages were influenced by religious, social, and philosophical ideas, among other things. This paper elucidates on the human right 16 as its relates to marriage and family.

**1.1. Definition:**

**1.1.1. Marriage:**

Getting married in the Christian pattern is done in public covenant between a groom and he bride as believed to be in Gods' presence[[1]](#footnote-1), with definitive purpose as believed to be planned by God for the couples spiritual, soul and bodily fulfilment and happiness. It also provide towards assistance each other and providing comfort given to one another in prosperity and adversity; and, when it is God's will, for the procreation of children and their nurturing[[2]](#footnote-2). Meanwhile, contrary to the christain tradition, is the muslim marriage. The christain marriage entails the marriage between and a man and a woman while in the Muslim context, a man can marry up to four wives and give birth to children as well.

**1.1.2. Family:**

Since the family is always evolving, it is necessary to define it subjectively. Singles , the married with their subjects, brother with the sisters, the relatives, both the grand grandparents and grandkids are all examples of family unit that meet the right to family life requirements. The modern structure constitutes the types of family ties that the law does not officially recognise pose a challenge to the law. It is generally judged whether or not there is a family life.

**1.2. The Human Right Declaration of Family and Marriage**:

The Declaration has not removed the various assaults and human rights violations committed over its 50 years of existence. Nevertheless, whenever its genuine universality is kept and not susceptible to fragmentation that might take away its true essence, acknowledgement directed against its concepts is often a remarkable impetus for the true essence and practise of justice, both within nations and between states. The Declaration acknowledges that Family as "the natural and essential collective social member of life in the society" (Art. 16). It means that everybody has equal freedom to develop and sustain family bonds, which is acknowledged as contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Perhaps the Human Rights Committee's (HRC) in that particular instance addresses the most important question to whether the right to marry protected by article 23 applied to same-sex couples; the Human Rights Committee determined that the clause solely protects heterosexual couples. The rationale for the decision has been criticised for being too brief and for being incompatible with both the doctrine of interpretation established by the Vienna Convention on the Law of Treaties 10 and the norms of human rights treaty interpretation previously elucidated by the Human Rights Council itself[[3]](#footnote-3).

**1.3. Classification/types of Marriages:**

The nature of marriage's, functions, responsibilities, qualities, and patterns vary by culture, tradition, and geographic location and may therefore change over a period of time. A legal union between two people who are not related by descent from a common ancestor must often be licenced and recognised by the state, and conversely, civil marriages, while not sanctioned under religious law, are nevertheless respected. A religious criterion is met by one spouse becoming a member of the other faith.

However, in a contemporary western societies, On the other hand, divorce and remarriage generally is a commonplace in such civilizations which must have contributed toward serial monogamy, or remarriages. Serial monogamy generally refers as couples that cohabitate without marrying.

Hollander et al (1974) identified that people of positive ethnic and/or racial minorities are more likely to have open relationships than people of negative ethnicity and/or racial minorities. An open relationship was mentioned by 4% of those polled in the 2012 National Survey of Sexual Health and Behaviour.She further highlithed that it was also shown that men and LGB persons are more likely to report open relationships, with 33% of gay men, 23% of bisexual men, 5% of lesbian women, and 22% of bisexual women reporting open relationships (Lavine et al, 2018).

**1.4. Relationship and the right to marry:**

A marriage cannot exist without a connection to a family life.Moreso, the privilege of marrying denotes the strongly linked right to a family life, although the two are interchangeable. Thus, all human rights treaties specifically state that everyone has the right to marry and have children. The right to family life refers to the right to establish and sustain family bonds. This institution of marriage far predated the age of creation. Thus, a man leaves his parents and is joined to the wife of his choice, willfully, with a form of committement taken from the man in the form of dowry, to signify their bonding to start a new life. This gave them the right to a family life and the ability to address family issues together with their spouse.

**1.4.1. What are the main differences:**

There somewhat connected, though with similarities between polyamory and polygamy but in actuality, they are distinctly diverse.

Going by classification by gender, they are both sexual identity words. These might be women with numerous male lovers, men with multiple female partners, or nonbinary persons with multiple male partners. while polygyny is defined as a guy having numerous spouses. Polyandry is having numerous spouses. However, polygyny outnumbers polyandry (Sian et al, 2021).

**1.5. Requirement to raise a healthy family**:

Every grown-up has the right to marry and have a family if they want to and are willing to be compactble and a goo dmatch for each other.

The future generations are mostly born into and raised within families. Of course, having children is a choice, but it is the right of the parents to have children or not. And society should support as well to raise a family and to secure a future generation by providing those basic needs such as guardianship, the right environment, discipline and moral support, being in the right state of mind could also contribute to as the requirement for rasing a health family.

**1.6. Parenting: Purpose of raising a family**:

At childhood through maturity, caregiving supporting a child's physical, emotional, social, and cognitive growth. Parenthood has been the process of bringing up a children, not only a biological relationship but providing them the guidance, coaching and support (Brooks, 2021).

The caregiver in the person of the parents; the ffather or mother, or both, are perhaps the frequent caregivers. It could also be an elder brother or sister, foster parent, grandparent, guardian, aunt or uncle, or a family acquaintance (Bernstein, 2008). Authorities and communities could also help raise children. Numerous orphaned are raised by non-parents or non-blood relatives while others are adopted, fostered, or placed in orphanages. A good parent is a parent or surrogate who has good parenting abilities (Johri, 2014).

Spera (2005) identified specialized parenting strategies and behaviours are necessary to teach children specific values and behaviours. Many parents read aloud to their children to help their language and cognitive growth. In cultures with strong oral traditions, parents tell stories to their children. So they are raised with cultural values; all these are requirement essesntial for the child’s develop. While in some sociaties, the neighbourhood also contributes to the child’s development in the engaging on some groups or association with peers to learn. Not to keep aside the contribution of the school system as anther avenue the train a child’s cognitive development, with contribution of religious institution such as the church and mosque that provide spiritual development of the child as well.

Parenting is the style that reflects the emotional conducsive atmosphere at home for the child's overall development, as the saying goes "charity begins at home" meaning to say, every positive atributes seen in a child begins from their influence parent had during their development (Spera, 2005). Baumrind (1967, 1971, 1978) a developmental psychologist, recognised the three basic parenting styles: authoritative, authoritarian, and permissive and additionally the four parenting styles, these are: acceptance, responsiveness, demand, and control. Overall, parenting project the home values in a child in the society.

**1.7. Required Family support needed from the Society**:

1.7.1. **Basis in theories**:

Among several views Sprey (1990) presented theories regarding family support are supported by the current resources model or on positivism ideas such as the sociology of acceptance, ecology and support, community support and life-span theories

Studies in the US in the late 1980s and 1990s, comprehensive multi-decade research brought international attention to the assistance of parents with intellectual impairments They further highlited the conventional parenting trainings turned to neighborhood building, and parents/mothers with physical impairments fought for improved lives for themselves and their children (Kirschbaum et al, 1996). Such support are provided to support families ranging from education support, multicultural and transnational families support, health care, support to the aged parents, psychological, child protection against parental abuse, parental support for children whose parents are divorced, social services support.

# **Conclusion:**

Individually and collective rights support a culture of freedom in which humans can contribute to the common good through marriage. People are refined by their own initiative, private connections, and political action for the common good. This right is recognised in the Universal Declaration for Human Righ on marriage, which emphasises that knowledge is not primarily or exclusively the state's achievement.

The practical acceptance of family rights cannot disregard the original language, end, and purpose of the 1948 Universal Declaration of Human Rights. The Declaration defines marriage as the natural institution of love between a man and a woman, a stable partnership open to reproduction and education of their kids.

The family is humanity's future. Thus, the destiny of mankind is determined by how individuals regard the family, whether they recognise its essential, irreplaceable importance or not.

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3. See, for example, Sarah Joseph, ‘Human Rights Committee: Recent Cases’ (2003) 3(1) Human Rights Law Review 91, 101; Paula Gerber and Adiva Sifris, ‘Marriage Equality in Australia’ inPaula Gerber and Melissa Castan (eds), Contemporary Perspectives on Human Rights Law in Australia (Thomson Reuters 2013) 199–202 [↑](#footnote-ref-3)