

BYLAE I

DIE GESIN IN INTERNASIONALE MENSEREGTE DOKUMENTE¹

1 Universal Declaration of Human Rights (1948)

Article 12

No one shall be subjected to arbitrary interference with his privacy, *family*,² home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to *found a family*. They are entitled to equal rights as to marriage, and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*

Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself *and his family* an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

2 International Covenant on Economic, Social and Cultural Rights (1966)

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provide all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves *and their families* in accordance with the provisions of the present Covenant;

Article 10

The States Parties to the present Covenant recognize that:

¹ Dokumente soos vervat in Patel en Watters *Human Rights Fundamental Instruments and Documents* (1994); Brownlie *Basic Documents on Human Rights* (1993).

² Alle kursiverings in Bylae I-V is deur skrywer self.



1. *The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependant children. Marriage must be entered into with the free consent of the intending spouses.*
2. *Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.*
3. *Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.*

Article 11

1. *The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

3 International Covenant on Civil and Political Rights (1966)

Article 17

1. *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*

Article 23

1. *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*
2. *The right of men and women of marriageable age to marry and to found a family shall be recognized.*
3. *No marriage shall be entered into without the free and full consent of the intending spouses.*
4. *State Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.*

Article 24

1. *Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*

BYLAE II

DIE GESIN IN STREEKS-MENSERECHE INSTRUMENTE

1 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

Article 8(1)

Everyone has the *right to respect for his private and family life, his home and his correspondence.*

Article 12

Men and women of marriageable age have the right to marry and *to found a family*, according to the national laws governing the exercise of this right.

2 European Social Charter (1961)

Article 4: The Right to a Fair Remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

- (1) to recognize the right of workers to a remuneration such as will give them *and their families* a decent standard of living;

Article 16: The Right of the Family to Social, Legal and Economic Protection

With a view to ensuring the necessary conditions *for the full development of the family, which is a fundamental unit of society*, the Contracting Parties undertake to *promote the economic, legal and social protection of family life* by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

Article 19: The Right of Migrant Workers and their Families to Protection and Assistance

With a view to ensuring the effective exercise of the right of migrant workers *and their families* to protection and assistance in the territory of any other Contracting Parties undertake:

- (1) to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
- (2) to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers *and their families*, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
- (3) to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
- (4) to secure for such workers lawfully within their territories, in so far as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that for their own nationals in respect of the following matters:
 - (a) remuneration and other employment and working conditions;
 - (b) membership of trade unions and enjoyment of the benefits of collective bargaining;



IV

- (c) accommodation;
- (5) to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regards to employment taxes, dues or conditions payable in respect of employed persons;
- (6) to *facilitate as far as possible the reunion of the family* of a foreign worker permitted to establish himself in the territory;
- (7) to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
- (8) to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
- (9) to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;

3 American Convention on Human Rights (1969)

Article 11(2)

No one may be the object of arbitrary or abusive interference with his private life, his family, his name, or his correspondence, or of unlawful attacks on his honor or reputation.

Article 17: Rights of the Family

1. *The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.*
2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, in so far as such conditions do not affect the principle of nondiscrimination established in this Convention.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.
5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

4 Additional Protocol to the American Convention on Human Rights: Economic, Social and Cultural Rights (Protocol of San Salvador) (1988)

Article 6: Right to Work

1. Everyone has the right to work, which includes the opportunity to secure the means for living a dignified and decent existence by performing a freely elected or accepted lawful activity.
2. The States Parties undertake to adopt measures that will make the right to work fully effective, especially with regard to the achievement of full employment, vocational guidance, and the development of technical and vocational training projects, in particular those directed to the disabled. *The States Parties also undertake to implement and strengthen programs that help to ensure suitable family care, so that women may enjoy a real opportunity to exercise the right to work.*

Article 15: Right to the Formation and the Protection of Families

1. *The family is the natural and fundamental element of society and ought to be protected by the State, which should see to the improvement of its spiritual and material conditions.*



2. *Everyone has the right to form a family, which shall be exercised in accordance with the provisions of the pertinent domestic legislation.*
3. The States Parties hereby undertake to accord *adequate protection to the family unit* and in particular:
 - (a) To provide special care and assistance to mothers during a reasonable period before and after childbirth;
 - (b) To guarantee adequate nutrition for children at the nursing stage and during school attendance years;
 - (c) To adopt special measures for the protection of adolescents in order to ensure the full development of their physical, intellectual and moral capacities;
 - (d) To undertake special programs of family training so as to help create a stable and positive environment in which children will receive and develop the values of understanding, solidarity, respect and responsibility.

5 African Charter on Human and People's Rights (1981)

Article 18

1. *The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.*
2. *The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.*
3. *The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.*
4. *The aged and disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.*

Article 27

1. *Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.*

Article 29

The individual shall also have the duty:

1. *To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;*

BYLAE III

DIE GESIN IN VERSKEIE DEKLARASIES

1 American Declaration of the Rights and Duties of Man (1948)

Article VI

Every person has the right to establish a *family, the basic element of society, and to receive protection therefor.*

Article VII

All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.

Article XIV

Every person has the right to work, under proper conditions, and to follow his vocation freely, in so far as existing conditions of employment permit.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself *and for his family.*

2 Declaration on Social Progress and Development (1969)

Article 4

The family as a basic unit of society and the natural environment for the growth and well-being of all its members, particularly children and youth, should be assisted and protected so that it may fully assume its responsibilities within the community.

3 Vienna Declaration and Programme of Action (1993)

21. *The World Conference on Human Rights also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.*

4 Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally

A. GENERAL FAMILY AND CHILD WELFARE

Article 1

Every state should give a high priority *to family and child welfare.*

Article 2

Child welfare depends on good *family welfare.*

Article 3

The first priority for a child is to be cared for by his or her own parents.

Article 16

The relationship between the child to be adopted and the prospective adoptive parents should be observed by child welfare agencies or services prior to the adoption. Legislation should ensure that the child is recognized in law as a member of the *adoptive family* and enjoys all the rights pertinent thereto.

5 Declaration of the Family Rights (1994)

The International Union of Family Organisations (IUFO) declares:

Article 1

The family is the fundamental element of Society. It is a community of people, of functions, of rights and duties, and an emotional educative, cultural civic, economic and social reality.

A natural framework for the development and well-being of all its members, it is a privileged area of exchanges, communication and solidarity between generations. *It must be respected to receive protection and support and have access to necessary rights and services to exercise entirely its functions and responsibilities.*

The unity and natural community of the family must be respected.

Article 2

Every person has the right to dignity and respect for his privacy and *family life*.

To found a family is an essential liberty. This right is independent of philosophical, political or religious choices of individuals and States.

"Men and women of full age, without any limitation due to race, nationality of religion, have the right to marry and to found a family ..." (Universal Declaration of Human Rights, a 16.1).

"Marriage shall be entered into only with the free and full consent of the intending spouses." (Universal Declaration of Human Rights, a 16.2).

in consequence, each of the spouses must have equal rights.

Article 3

The parents have the responsibility of deciding the number of children they wish to bring into the world. States, the guardians of the common goods and individual liberties shall have the duty to create conditions allowing parents to exercise their choices and responsibilities.

Article 4

The responsibility of bringing up the children falls primarily and jointly on the parents. The solidarity demonstrated in the upkeep and education of the children must work in their interest whatever the conjugal status of the parents and its evolution. A child is not responsible for the status of its parents and must not be the victim of it.

The parents must be the first persons responsible for the education that shall be given to their children. States have the duty to provide educative support and their social and material assistance to the families.

In fact, education is a human right. It is therefore directed to the full development of personalities in respect of differences, and to the strengthening of the respect for human rights and fundamental freedom. It must promote understanding, tolerance and friendship among all Nations, all the ethnical or religious groups, all families, all individuals.

Article 5

Motherhood and childhood, before and after birth, have the right to respect, and are entitled to appropriate assistance and protection.



All children, whether born in or out of wedlock shall enjoy the same rights, especially with regard to social protection.

A child has a natural need for a father and a mother. States have the duty to encourage the full exercise of paternal, maternal and parental responsibilities by legislation and appropriate means.

If the parents judge that the interest of their child needs the permanent presence of one of them near him, the conditions of choice should be facilitated by adequate dispositions.

Legislations, rules and applications relative to the organisation of work and time, by means of custody of children, must take into account the necessity, for the parents, to harmonize, in conditions humanly bearable and efficient, the exercise of their activities notably professional with their responsibilities and family pressures.

The international agreements must take into account the child's interests in and outside his family.

Article 6

Each family has the right to have at its disposal economic and social conditions and means - revenues from a professional activity, different financial benefits, and services, - adapted to the reality of situations and needs.

The parents invest part of the resources of the family and part of their time in the upkeep and education of their children. This investment serves in the interest of the children and, because of this, that of the Society which, on the other hand, of such a social effort must combine to compensate it.

The economic indicators must integrate the value of the time that the parents devote to the maintenance of their children and their education. The family policy must take this into account.

Article 7

Owing to the importance of accommodation for personal and family life, housing constitutes an essential family right. Because of this, all families, for their piety, must have an adapted place for living and the necessary fittings.

Article 8

The environment is a factor indispensable for the quality of family lives. It must be, in all forms, the object of adapted policies, notably for its protection and the management of space.

Article 9

Families must have access to all the means of communication in so far as elements of education, information, culture, development of interpersonal relationships and spare time.

Article 10

The ethnical consequences of scientific research of life must be taken into account for their effect on the individual and the family and must respect the nature and the rights of one and the other.

Article 11

Families have the right to join forces to defend their moral and material interests. States have the duty to watch over their permanent representation and to guarantee it. This is the joint interest of families and States.

Article 12

In order to assure their responsibilities and create conditions of dignity and success of their members, families need Peace. The States, whatever be the conflicts which oppose them, must firstly and always seek, by negotiation, pacific solutions.

6 Cairo Declaration on Human Rights in Islam (1990)

Article 5

- (a) The *family is the foundation of society* and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right.
- (b) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. *They shall ensure family protection and welfare.*

Article 6

- (a) Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.
- (b) The husband is responsible for the support and *welfare of the family.*

7 World Declaration on the Survival, Protection, and Development of Children (1990)

Role of the Family:

18. The *family* has the primary responsibility for the nurturing and protection of children from infancy to adolescence. Introduction of children in the culture, values, and norms of their society *begins in the family*. For the full and harmonious development of their personality, children should grow up in a *family environment*, in an atmosphere of happiness, love, and understanding. Accordingly, all institutions of society should respect and support the efforts of parents and other caregivers to nurture and care for children in a *family environment*.

19. Every effort should be made to *prevent the separation of children from their families*. Whenever children are separated from their family owing to *force majeure* or in their own best interest, arrangements should be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in a child's upbringing in his or her own cultural milieu. *Extended families, relatives, and community institutions should be given support* to help to meet the special needs of orphaned, displaced, and abandoned children. Efforts must be made to ensure that no child is treated as an outcast from society.

8 Declaration on the Rights of Mentally Retarded Persons (1971)

4. Whenever possible, the mentally retarded person should *live with his own family* ...

9 Declaration on the Rights of Disabled Persons (1975)

2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political, or other opinions, national or social origin, state of wealth, birth, or any other situation applying either to the disabled person himself or herself or to *his or her family*.

9. Disabled persons have the right to live *with their families*.

10 Standard Rules on Equalization of Opportunity (1993)

Rule 9. Family Life and Personal Integrity. States should promote the full participation of persons with disabilities in *family life*. They should promote their right to personal integrity, and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage, and parenthood.

1. Persons with disabilities should be enabled to live *with their families*. States should encourage the inclusion in family counselling of appropriate modules regarding disability and its effects on *family life*. Respite-care and attendant-care services should be made available to families which include a person with disabilities. States should remove all unnecessary obstacles to persons who want to foster or adopt a child or adult with disabilities.



11 Declaration of the Basic Rights of Asean Peoples and Governments

11. It is the duty of government to assist physically and mentally disabled persons to lead as normal a life as possible, consistent with their disability, as integrated members of their family and community, to provide them with the best possible therapeutic and medical treatment within its means, to make special provisions to meet their needs, to prevent all forms of neglect, cruelty or exploitation of disabled persons, and to consult with organizations of disabled persons on all matters of direct concern to them.
12. It is the duty of government to assist the aged to lead as normal a life as possible, consistent with their age, as integrated members of their family and community, to provide them with all possible facilities, care and requirements, including old age pensions and security, within its means, and to prevent all forms of neglect, cruelty or exploitation of the aged.

12 Universal Declaration of Islamic Human Rights (1981)

XIX Right to Found a Family and Related Matters

- (a) Every person is entitled to marry, to *found a family* and to bring up children in conformity with his religion, traditions and culture. Every spouse is entitled to such rights and privileges and carries such obligations as are stipulated by the Law.
- (b) Each of the partners in a marriage is entitled to respect and consideration from the other.
- (c) Every husband is obliged to maintain his wife and children according to his means.
- (d) Every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development.
- (e) If parents are for some reason unable to discharge their obligations towards a child, it becomes the responsibility of the community to fulfil these obligations at public expense.
- (f) Every person is entitled to material support, *as well as care and protection, from his family* during his childhood, old age or incapacity. Parents are entitled to material support as well as care and protection from their children.
- (g) Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (*Ummah*).

13 Workers with Family Responsibilities Convention (1981)

Article 4

With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken -

- (a) to enable *workers with family responsibilities* to exercise their right to free choice of employment; and
- (b) to take account of their needs in terms and conditions of employment and in social security.

Article 5

All measures compatible with national conditions and possibilities shall further be taken -

- (a) to take account of the needs of *workers with family responsibilities* in community planning; and
- (b) to develop or promote community services, public or private, such as child-care and *family services* and facilities.

Article 8

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

14 Declaration on the Elimination of Discrimination Against Women (1967)

Article 6

1. *Without prejudice to the safeguard of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:*
 - (a) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage;
 - (b) The right to equality in legal capacity and the exercise thereof;
 - (c) The same rights as men with regard to the law on the movement of persons.

15 Proclamation of Teheran (1968)

16. The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine freely and responsibly the number and the spacing of their children;

16 Standard Minimum Rules for the Treatment of Prisoners (1955)

Contact with the Outside World

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals both by correspondence and by receiving visits.

17 Declaration on the Protection of All Persons from Enforced Disappearance

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

18 United Nations Convention on the Rights of the Child (1989)

Preamble

(Par 5): The States Parties to the present Convention, -
Convinced that 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, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

(Par 6): Recognizing that the child, for the full and harmonious development of his personality, should grow up in a *family environment*.

Article 8

1. States Parties undertake to *respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.*



BYLAE IV

DIE GESIN IN SEKERE NASIONALE INSTRUMENTE (GRONDWETTE)

1 Duitsland

Article 6 (Marriage, Family, Illegitimate children)

- (1) Marriage and family shall enjoy the special protection of the state.
- (2) The care and upbringing of children are a natural right of, and a duty primarily incumbent on, the parents. The national community shall watch over their endeavours in this respect.
- (3) Children may not be separated from their families against the will of the persons entitled to bring them up, except pursuant to a law, if those so entitled fail or the children are otherwise treated with neglect.
- (4) Every mother shall be entitled to the protection and care of the community.
- (5) Illegitimate children shall be provided by legislation with the same opportunities for their physical and spiritual development and their place in society as are enjoyed by legitimate children.

2 Ierland

Article 41

- (1) *The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.*
- (2) *The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.*
- (1) In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.
- (2) The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.
- (1) The State pledges itself to guard with special care the Institution of Marriage, on which the Family is founded, and to protect it against attack.
- (2) No law shall be enacted providing for the grant of a dissolution of marriage.
- (3) No person whose marriage has been dissolved under the civil law of any other State but is a subsisting valid marriage under the law of the time being in force within the jurisdiction of the Government and Parliament established by this Constitution shall be capable of contracting a valid marriage within that jurisdiction during the lifetime of the other party to the marriage so dissolved.

3 België

A 22 BW

Ieder heeft *recht op eerbiediging* van zijn privé-leven *en zijn gezinsleven*, behoudens in de gevallen en onder de voorwaarden door de wet bepaald.



4 Switzerland

Article 34

- (1) The Confederation shall, in the exercise of the power conferred upon it and within the limits of the Constitution have due regard for the needs of the family.
- (2) The Confederation is entitled to legislate in the field of family compensation funds. It may de... adherence thereto compulsory for all or for specific categories of citizens. It shall take account ... existing funds, assist the efforts of the Cantons and professional associations to set up new funds it is entitled to establish a central compensation fund. It may make its financial contributions dependent on adequate participation of the Cantons.

5 Japan

Article 24 (Matrimonial Equality)

- (1) Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.
- (2) With regards to choice of spouse, property rights, inheritance, choice of domicile, divorce, and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

6 Suid-Korea

Article 36 (Marriage, Family, Mothers, Health)

- (1) Marriage and family life are entered into and sustained on the basis of individual dignity and equality of the sexes, and the State must do everything in its power to achieve that goal.
- (2) The State endeavors to protect mothers.
- (3) The health of all citizens is protected by the State.

7 Italië

A 29 van Italiaanse Grondwet

La Repubblica riconosce i diritti della famiglia come società naturale fondata sul matrimonio.

The Republic recognizes the rights of the family as a natural association founded upon matrimony.

8 Griekeland

Article 9 (Inviolability of Home)

- (1) Each man's home is inviolable. *A person's personal and family life is inviolable.* No house searches shall be made except when and as the law directs, and always in the presence of representatives of the judicial authorities.
- (2) Offenders against the foregoing provision shall be punished for forced entry into a private house and abuse of power, and shall be obliged to indemnify in full the injured party as the law provides.

9 Hongarye

Article 15 (Family, Marriage)

The Republic of Hungary protects the institution of marriage and the family.



10 Lesotho

8. Right to respect for private and family life.

(1) Every person shall be entitled to respect for his private and *family life* and his home.

11 Namibië

Article 14 Family

(1) Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to *found a family*. They shall be entitled to equal rights as to marriage, and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

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

12 Brasilië

TITLE VIII - SOCIAL ORDER

CHAPTER VII - FAMILY, CHILDREN, ADOLESCENTS AND ELDERLY

Article 226. - The *family*, the foundation of society, enjoys special protection from the state.

Paragraph 1. - Marriage is civil and the marriage ceremony is free of charge.

Paragraph 2. - Church marriage has civil effects according to the law.

Paragraph 3. - For purposes of State protection, a stable union between a man and a woman as a family unit shall be recognized and the law shall facilitate conversion of such unions into marriage.

Paragraph 4. - The community formed by any parent and his/her descendants is also considered a family unit.

Paragraph 5. - The rights and duties of matrimonial society shall be exercised equally by men and women.

Paragraph 6. - Civil marriage may be dissolved by divorce, after legal separation for more than one year in the cases foreseen in the law, or after "de facto" separation for more than two years.

BYLAE V

ANDER

1 Kwazulu/Natal Indaba (1986)

A 6 (1) No one shall be subjected to arbitrary interference with his privacy, family, home or communications, nor to attacks upon his honour and reputation.

(2) The widest possible protection and assistance shall be accorded to the family, which is the natural and fundamental group in society, and the care and upbringing of children are a natural right of, and a duty primarily incumbent on, the parents. The national community shall watch over their endeavours in this respect.

2 The Freedom Charter

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;

Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

3 A Bill of Rights for a Democratic South Africa - Working draft for consultation

The Right to Home Life

25. No-one shall be deprived of her home on the grounds of race, colour, language, gender or creed.

26. The privacy of the home shall be respected, save that reasonable steps shall be permitted to prevent domestic violence or abuse.

27. People shall have the right to establish families, live together with partners of their choice and to marry.

28. Marriage shall be based upon the free consent of the partners, and spouses shall enjoy equal rights at and during the marriage and after its dissolution.

4 Nasionale Party / Regeringsvoorstelle

Die gesin

12. Elke persoon het die reg op die beskerming van sy of haar gesin.

Nota

Die gesin maak die natuurlike en fundamentele eenheid van die samelewing uit, en verdien beskerming deur die Staat.

5 South African Chamber of Business - Charter of Economic, Social and Political Rights

Part II : Article 5: Everyone has the right to respect for his private and family life, and the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group in society.

LYS VAN AFKORTINGS

(i) **Tydskrifte**

AA - *Ars Aequi*

BYIL - *The British Yearbook of International Law*

BYUJ of Pub L - *Brigham Young University Journal of Public Law*

BYULR - *Brigham Young University Law Review*

CILSA - *Comparative and International Law Journal of South Africa*

DJ - *De Jure*

EHRLR - *European Human Rights Law Review*

ELR - *European Law Review*

FJR - *Tijdschrift van Familie- en Jeugdrecht*

HRLJ - *Human Rights Law Journal*

HRQ - *Human Rights Quarterly*

ICLQ - *International and Comparative Law Quarterly*

LQR - *Law Quarterly Review*

MJ - *Maastricht Journal of European and Comparative Law*

MLR - *Modern Law Review*

NILR - *Netherlands International Law Review*

NJB - *Nederlands Juristenblad*

NJCM - *Bulletin van het Nederlands Juristencomité voor de Menserechten*

NJW - *Neue Juristische Wochenschrift*

NQHR - *Nederlands Quarterly of Human Rights*

RW - *Rechtskundig Weekblad*

SAJHR - *South African Journal on Human Rights*

SALJ - South African Law Journal

Stell LR - Stellenbosch Law Review

THRHR - Tydskrif vir Hedendaagse Romeins-Hollandse Reg

TP - Tijdschrift voor Privaatrecht

TRW - Tydskrif vir Regswetenskap

TSAR - Tydskrif vir Suid-Afrikaanse Reg

TVR - Tijdschrift voor Vreemdelingen Recht

WPNR - Weekblad voor Privaatrecht, Notariaat en Registratie

YB - Yearbook of the European Convention on Human Rights

YEL - Yearbook of European Law

(ii) Hofverslae

All ER - The All England Law Reports

All SA - The All South African Law Reports

BVerfG - Bundesverfassungsgericht (Federale Grondwetlike Hof)

BVerfGE - Entscheidungen des Bundesverfassungsgerichts (Beslissings van die Federale Grondwetlike Hof)

CD - European Commission Decisions

Coll - Collection of Decisions of the European Commission of Human Rights

NJ - Nederlandse Jurisprudentie

RvdW - Rechtspraak van de Week

SA - Suid-Afrikaanse hofverslae

(iii) Ander

A-G - Advocaat-Generaal

BGB - Bürgerliches Gesetzbuch

BW - Burgerlijk Wetboek

D - *Digesta*

EHRM - Europese Hof vir die Regte van die Mens

EVRM - Europese Verdrag vir die Beskerming van die Regte en Vryhede van die Mens

G - Institute van Gaius

GG - Grundgesetz für die Bundesrepublik Deutschland

I - Institute van Justinianus

ICCPR - International Covenant on Civil and Political Rights

kn - kantnommer

Stb - Staatsblad van het Koninkrijk der Nederlanden

UDHR - Universal Declaration on Human Rights

Ulp - Reëls van Ulpianus

Association na Ass

Family na Fam

Journal na J

Law na L

Law Journal na LJ

Law Review na LR

Quarterly na Q

Review na R

South Africa na SA

University na Univ

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