



## Human Rights and Family Life

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**Abstract:** Of late, we have been listening often allegations about violation of Human Rights not only in the context of India, but also across the globe. Thus, the issue of HRs has been drawing the attention of politicians, the judiciary, social workers, civil right forums, intelligentsia; the media etc. The cause of much listened concern is due to the well accepted fundamental proposition that all individuals who live on the planet earth should enjoy all inherent privileges and rights without any deviation or discrimination. Thus, the common characteristic feature among all residents of planet earth irrespective of their country or nationality or sex or gender or age aims to bring all of them under one umbrella. Various rights of individuals and family mutually reinforce a culture of freedom in which human beings can contribute to the common good of the society. It is understood that a good family system help in the establishment of a good society, while Human Rights pave a way for establishing a good family system. Thus by carefully following rights and duties at the level of individuals as well family, definitely one can promote the wellbeing of the society. Hence the family counseling institutions/ counselors should make an attempt in creating awareness among the individuals as well as families in understanding the Human Rights and consequent duties they have to perform. Further, they also explain the role of family in moulding an individual as a responsible and good citizen so that health and happiness of not only that family but also of the entire society can be promoted.

**Key words:** Human Rights, nationality, Economic, Social and Cultural Rights

### Introduction:

Of late, we have been listening often allegations about violation of Human Rights (here after referred as HRs) not only in the context of India, but also across the globe. Thus, the issue of HRs has been drawing the attention of politicians, the judiciary, social workers, civil right forums, intelligentsia; the media etc. The cause of much listened concern is due to the well accepted fundamental proposition that all individuals who live on the planet earth should enjoy all inherent privileges and rights without any deviation or discrimination. Thus, the common characteristic feature among all residents

of planet earth irrespective of their country or nationality or sex or gender or age aims to bring all of them under one umbrella. Accordingly, if somebody living in USA acknowledges that somebody else living in India or in some other country has the same right to a safe living or non-violent environment, then this link can lead to a better cooperation in resolving key issues affecting human existence. HRs not only covers domestic circumstances, but also covers international circumstances. Hence, unless individuals, communities, corporations, governments and other organizations recognize the spirit and importance of HRs at home, it is not possible to promote HRs on a broader



level. Accordingly, it is most appropriate to examine the study of HRs in the context of a person or an individual's environment. Once, the individual thoroughly understands the HRs in a local sense then it will be very much easy to extend them to a broader spectrum of circumstances such as a family, a group, a community, a city, a country etc. Thus, micro to macro approach is said to be more fitting in understanding the concept of HRs.

#### **Human Rights:**

Before discussing about HRs, one should thoroughly know about what are Human Rights? What for they are? Whom for they are? For instance, American politicians often attack the third world countries particularly India and China on the plea that HRs is being violated by these countries. The episode of visa denial by USA to Narendra Modi during 2004 on the plea that he is responsible for violation of HRs is a standing example of hue and Cry of USA with regard to HRs. But, the same USA extended red carpet welcome to the same person after becoming the Prime Minister of India. Hence, the pertinent question here is- do violation of HRs occurs only in India and China? Or violation of HRs by persons change from time to time based on their positions? At the same time, what about US war with Iraq and Afghanistan? Is it not violation of HRs? We all know that innocent civilians including large number of women and children were died in merciless and brutal bombing by USA and its allies just to catch hold of Bin Loden. Is the destruction made by USA does not come under violation to HRs? Of course, at the same time definitely we don't support the barbaric attack of WTC by Loden group as it costed very dearly so many thousands of innocent lives.

Under these circumstances, one should know about HRs. We know that by nature human beings are very rational. They by virtue of human beings and qualities definitely possess certain basic rights, which are commonly known as HRs. As these rights are applicable to human beings because of their very existence, HRs are said to operate with their birth.

Further, HRs also implies a guarantee that certain things should not be carried against the will and wish of an individual. For instance, even parents being the well-wishers of their children are not supposed to force their own children in many important aspects relating to marriage, education, job choosing etc. The parents being experienced and aged are only supposed to provide the counseling/guidance and explain what is good/bad etc. Thus, the parents have to provide the choice of alternatives and their consequences only and leave the ultimate decision to their children. In other words, no individual in any capacity is expected to exercise forcibly any decision on another individual against his will and wish.

Thus, human beings by virtue of their humanity ought to be protected against unjust, degrading and discriminating treatment. However, it is possible to ensure the HRs only in an organized community i.e., a state in which civil social order prevails. As HRs being essential for all-round development of personality of individuals, there is obligation on the part of every government to protect these rights and make available to every individual without any discrimination.

#### **Kinds of Human Rights:**

As a matter of fact HRs is indivisible and interdependent and hence, cannot be different kinds as all



HRs are equal and important to all human beings. However, due to the vast developments in the field of HRs, the United Nations Organization (UNO) has drawn a sharp distinction between (a) Civil and Political Rights (b) Economic, Social and Cultural Rights.

**Civil and Political Rights:**

Though basically civil and political rights may be different, but however they are interrelated. Civil rights or liberties are referred to those rights, which are related to protection of life and personal liberty. These rights are essentially required to any person to lead a dignified and decent life. These rights include right to life, liberty and security, right to privacy, right to own property, freedom of thought and expression, freedom of religious matters, freedom of mobility etc. Political rights are those which allow a person to participate in Government or State. Thus, right to vote, right to contest, right to take part in the conduct of public affairs etc.,

**Economic, Social and Cultural Rights:**

These rights help ensure minimum necessities of life to human beings. These rights include the right to adequate food, clothing, housing, adequate standard of living, freedom from hunger, right to work, right to social security, right to education etc. As these rights are very important to human beings, the mere absence of such rights indicate endangers of human beings. Further, to bestow these rights to the citizens an active intervention on the part of state is essential. However, the enjoyment of these rights requires resources and hence the fulfillment of these rights cannot be considered as automatic just like the civil and political rights.

The United Nations General Assembly in 1977 reiterated that all human rights and fundamental freedoms are indivisible and interdependent and hence felt that urgent consideration should be given to implementation, promotion and protection of both types of rights i.e., civil and political rights and economic, social and cultural rights.

**Family - its Role & Importance:**

The 'family' can be regarded as a basis and backbone of any society. In any society, 'marriage' is to be considered as a powerful instrument and institution, which brings a couple to live together with their children resulting to form a family. The members of the family share the pleasure or pain, happy or unhappy, wealth or poverty and thus live together. The different families in turn form a society. Development of good family system is essential for any society as it promotes the general welfare of the society. In general, an individual living in isolation without any family bondage may not well behave as such individual don't have the sentiments of love and affection. Even some such individuals may behave in an extreme manner - may be perverted, sadistic and unkind to fellow citizens. For instance, we can read some clue for the most controversial and highly objectionable behaviour of the then World Heavy Boxing Champion, Mike Tyson from his personal life background. Once, we look at his personal life, his parents left him at his early childhood deserting the boy. Consequently, he led a solitary life in isolation, which ultimately shaped him with all the perverseness and sadistic approach. Thus, an individual with mere isolation and without any family bondage may have ample scope to develop the negative character.

At the same time, the family life enriches the belongingness, the love, the



affection, the peace and hence can be considered as a pillar of the society. One of the fundamental importances for the promotion of human rights is recognition of the rights of the family. This calls for the protection of marriage in the framework of HRs and of family life as an objective of every judicial system. Hence, the family and marriage need to be protected and promoted not only by the state, but also by the whole society. At the same time, both these aspects of family and marriage require the commitment of every individual, because it is starting from family and marriage that provides a complete solution to the present problems and future risks.

Challenges such as threats to survival, namely suicides, violence, disease, the lack of safety, under development, unemployment, poverty, migration etc., can only be tackled successfully based on HRs that are developed through the family there by transforming the society that is generated in and by the family. Respect for HRs is necessary for the human development of individuals living in a community and it requires the values relating to life, health, knowledge, work, the community and the religion. Above all the family is in fact a community of persons, whose proper way of existing and living together is essential. The values essential to the family can only be achieved, when a man and woman share themselves to one another totally in marriage, a community of love and life. Parents give that new life a home in which the child can grow and develop. Thus, the family life enriches the prosperity and well being of the community.

#### **Human Rights and Family Life:**

The important characteristic feature of human needs is such that their

satisfaction in respect of an individual is not merely a matter of choice, but more importantly an imperative of basic justice. Accordingly, the transition from needs orientation to rights affirmation is to be ensured. Thus, a substantial need is to be translated in to a positive right and state should take necessary steps so that benefits of that right being met by the individuals.

UN Report (1987), defines the HRs as those rights, which are inherent in our nature and without which we cannot live as human beings. HRs and fundamental freedom allow us to fully develop and use our human qualities, our intelligence, our talents and our spiritual and other needs. There is a need on the part of any society to apply the HRs to the family context for maximization of happiness and wellbeing of the society. Hence, in any society, denial of these rights results in conditions of exploitation, deprivation and destitution. The 'right to life' is said to be key to all other rights. According to Declaration of Human Rights, promulgated by the United Nations (1948) "everyone has the right to life, liberty and security of person". Human beings have this right from the very moment of their existence begins, i.e., from the moment of their conception and not only from birth. Thus, certain rights are conferred to even unborn child and they are as follows:

- From the first moment of his existence through the fertilization of the ovule, a human being is endowed with his own innate, special dignity and enjoys the rights that correspond to him according to the stage of his development.
- From the beginning of his prenatal life, a human being is an individual



who has the right to life and personal safety.

- The unborn child has a right to legislation that guarantees its survival and development to the greatest degree possible.

The HRs with reference to family may be considered at three levels:

- The individuals' right to have a family.
- The individuals' right with in the family.
- The familys' rights with reference to its environment.

#### **The individuals' right to have a family:**

These rights imply the following important aspects.

- Every child has the right to be reared by his or her family i.e., the family has the obligation to look after the child.
- Every parent has the responsibility to rear his or her children i.e., the parent has to look after the children.
- Every adult has the right to marry and found a family.

#### **The individuals' right with in the family:**

These rights include the following aspects.

- Every family member has the right to equal allocation of family resources and accordingly implies the under stated rights.
  - (a) Every family member has equal right to physical care and development through housing, food and health care.
  - (b) Every family member has equal right to education and training, free choice of employment, rest and leisure, and opportunities for cultural and moral development.
  - (c) Every family member has equal right to participate in community life.

(d) Every family member has a right to social security in crises events such as unemployment, disability, illness and in old age.

- Every married partner has the right to gender equality in marriage with respect to role, power and status, parenting, guardianship and custody of children.
- Every family member has the right to life and personal security and accordingly implies the following rights.

(a) No family member is supposed to interfere with the privacy of some other family member nor supposed to dishonour the sentiments of other family member.

(b) No family member is supposed to torture or degrade the dignity of some other family member. Further no family member is supposed to punish some other family member.

(c) No family member is supposed to be made a slave by some other family member. Every family member has the right to exercise his or her choice and accordingly enjoys the following rights.

(a) Every family member enjoys the right to freedom of thought, opinion and expression.

(b) Every adult family member enjoys the rights relating to marriage with regard to selection of suitable partner according to personal will, age at marriage, marriage rituals, residence, child bearing, adoption and lineage.

(c) Every family member enjoys the right to choose not to marry and or not to have children. Every family has duties and responsibilities towards the family and should recognize and respect the rights of other family members.



**The familys' rights with reference to its environment:**

Every family is equal in dignity and rights without any discrimination of race, colour, language, caste, religion, status, nationality etc. Accordingly, the following rights are being conferred to every family.

- Every family enjoys the right to privacy, freedom of residence and movement. No family shall be held in slavery or servitude.
- Every family enjoys the right to acquire adequate housing in a healthy environment.
- Every family and all of its members enjoys the right of access to utilize the public services such as financial, legal, health, education and training, child care, transport and other systems.
- Every family has the right to social security in crises events such as disability, chronic illness and aging of individual members and victimization of the family by political violence and environment disasters.
- Every family and all of its members have duties towards its environment and to protect the right of other families.

**Conclusion:**

The various rights of individuals and family mutually reinforce a culture of freedom in which human beings can contribute to the common good of the society. In fact, the Universal Declaration of Human Rights affirms in many ways that human beings are perfected through individual initiative, private associations and political associations and political engagement for the sake of common good. It is understood that a good family system help in the establishment of a good

society, while Human Rights pave a way for establishing a good family system. Thus by carefully following rights and duties at the level of individuals as well family, definitely one can promote the well-being of the society. Hence the family counseling institutions/ counselors should make an attempt in creating awareness among the individuals as well as families in understanding the Human Rights and consequent duties they have to perform. Further, they also explain the role of family in moulding an individual as a responsible and good citizen so that health and happiness of not only that family but also of the entire society can be promoted.

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