

FAMILY LAW

INTRODUCTION

Family as an Institution:

- There is no specific definition of family.
- There are divorced families, single parent families, foster parents, sperm donors, surrogate mothers, homosexual partnerships etc... All of these developments are reflected in a range of definitions of family in international treaties and documents.

The Human Rights Committee of the 1966 International Covenant on Civil and Political Rights (ICCPR) "the term 'family'... [should] be given a broad interpretation to include all those comprising the family as understood in the society of the State party concerned."

The same Committee put forward the need for a wide interpretation of the notion of "family" in international law, given the different social, economic, or cultural backgrounds of the various States.

The Committee characteristically noted that *"the concept of the family may differ in some respects from State to State, and even from region to region within a State, and that it is therefore not possible to give the concept a standard definition."* As a consequence, the Committee noted that *"the term 'family'... refers not solely to the family home during marriage or cohabitation, but also to relations in general between parents and child. Some minimal requirements for the existence of a family are, however, necessary, such as life together, economic ties, a regular and intense relationship, etc."*

In social context a family may refer to

- A man and a woman who share a common household.
- All persons who share blood ties.
- Intimate or caring relations may be regarded as constituting a family even if there are no blood ties.

In legal context

- Legally, the term family is a restricted concept. Nevertheless, there are certain formal pre-requisites that have to be met and the main one is a marriage ceremony.
- In law, a family is created when families enter into a legally recognised marriage.

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