CHARTER OF THE RIGHTS OF THE FAMILY

Presented by the Holy See to all persons, institutions and authorities concerned with the mission of the family in today's world October 22, 1983

Preamble

Considering that:

A. The rights of the person, even though they are expressed as rights of the individual, have a fundamental social dimension which finds an innate and vital expression in the family;

B. the family is based on marriage, that intimate union of life in complementarity between a man and a woman which is constituted in the freely contracted and publicly expressed indissoluble bond of matrimony and is open to the transmission of life;

C. marriage is the natural institution to which the mission of transmitting life is exclusively entrusted;

D. the family, a natural society, exists prior to the State or any other community, and possesses inherent rights which are inalienable;

E. the family constitutes, much more than a mere juridical, social and economic unit, a community of love and solidarity, which is uniquely suited to teach and transmit cultural, ethical, social, spiritual and religious values, essential for the development and well-being of its own members and of society.

F. the family is the place where different generations come together and help one another to grow in human wisdom and to harmonize the rights of individuals with other demands of social life;

G. the family and society, which are mutually linked by vital and organic bonds, have a complementary function in the defense and advancement of the good of every person and of humanity;

H. the experience of different cultures throughout history has shown the need for society to recognize and defend the institution of the family;

I. society, and in a particular manner the State and International Organizations, must protect the family through measures of a political, economic, social and juridical character, which aim at consolidating the unity and stability of the family so that it can exercise its specific function;

J. the rights, the fundamental needs, the well-being and the values of the family, even though they are progressively safeguarded in some cases, are often ignored and not rarely undermined by laws, institutions and socio-economic programs;

K. many families are forced to live in situations of poverty which prevent them from carrying out their role with dignity;

L. the Catholic Church, aware that the good of the person, of society and of the Church herself passes by way of the family, has always held it part of her mission to proclaim to all the plan of God instilled in human nature concerning marriage and the family, to promote these two institutions and to defend them against all those who attack them;

M. the Synod of Bishops celebrated in 1980 explicitly recommended that a Charter of the Rights of the Family be drawn up and circulated to all concerned;

the Holy See, having consulted the Bishops' Conferences, now presents this "Charter of the Rights of the Family" and urges all States, International Organizations, and all interested Institutions and persons to promote respect for these rights, and to secure their effective recognition and observance.

Article 1

All persons have the right to the free choice of their state of life and thus to marry and establish a family or to remain single.

a) Every man and every woman, having reached marriageable age and having the necessary capacity, has the right to marry and establish a family without any discrimination whatsoever; legal restrictions to the exercise of this right, whether they be of a permanent or temporary nature, can be introduced only when they are required by grave and objective demands of the institution of marriage itself and its social and public significance; they must respect in all cases the dignity and the fundamental rights of the person.

b) Those who wish to marry and establish a family have the right to expect from society the moral, educational, social and economic conditions which will enable them to exercise their right to marry in all maturity and responsibility.

c) The institutional value of marriage should be upheld by the public authorities; the situation of non-married couples must not be placed on the same level as marriage duly contracted. Article

2 Marriage cannot be contracted except by free and full consent duly expressed by the spouses.

a) With due respect for the traditional role of the families in certain cultures in guiding the decision of their children, all pressure which would impede the choice of a specific person as spouse is to be avoided.

b) The future spouses have the right to their religious liberty. Therefore to impose as a prior condition for marriage a denial of faith or a profession of faith which is contrary to conscience, constitutes a violation of this right.

c) The spouses, in the natural complementarity which exists between man and woman, enjoy the same dignity and equal rights regarding the marriage.

Article 3

The spouses have the inalienable right to found a family and to decide on the spacing of births and the number of children to be born, taking into full consideration their duties towards themselves, their children already born, the family and society, in a just hierarchy of values and in accordance with the objective moral order which excludes recourse to contraception, sterilization and abortion.

a) The activities of public authorities and private organizations which attempt in any way to limit the freedom of couples in deciding about their children constitute a grave offense against human dignity and justice.

b) In international relations, economic aid for the advancement of peoples must not be conditioned on acceptance of programs of contraception, sterilization or abortion.

c) The family has a right to assistance by society in the bearing and rearing of children. Those married couples who have a large family have a right to adequate aid and should not be subjected to discrimination.

Article 4

Human life must be respected and protected absolutely from the moment of conception.

a) Abortion is a direct violation of the fundamental right to life of the human being.

b) Respect of the dignity of the human being excludes all experimental manipulation or exploitation of the human embryo.

c) All interventions on the genetic heritage of the human person that are not aimed at correcting anomalies constitute a violation of the right to bodily integrity and contradict the good of the family.

d) Children, both before and after birth, have the right to special protection and assistance, as do their mothers during pregnancy and for a reasonable period of time after childbirth.

e) All children, whether born in or out of wedlock, enjoy the same right to social protection, with a view to their integral personal development.

f) Orphans or children who are deprived of the assistance of their parents or guardians must receive particular protection on the part of society. The State, with regard to foster-care or adoption, must provide legislation which assists suitable families to welcome into their homes children who are in need of permanent or temporary care. This legislation must, at the same time, respect the natural rights of the parents.

g) Children who are handicapped have the right to find in the home and the school an environment suitable to their human development.

Article 5

Since they have conferred life on their children, parents have the original, primary and inalienable right to educate them; hence they must be acknowledged as the first and foremost educators of their children.

a) Parents have the right to educate their children in conformity with their moral and religious convictions, taking into account the cultural traditions of the family which favor the good and the dignity of the child; they should also receive from society the necessary aid and assistance to perform their educational role properly.

b) Parents have the right to freely choose schools or other means necessary to educate their children in keeping with their convictions. Public authorities must ensure that public subsidies are so allocated that parents are truly free to exercise this right without incurring unjust burdens. Parents should not have to sustain, directly or indirectly, extra charges which would deny or unjustly limit the exercise of this freedom.

c) Parents have the right to ensure that their children are not compelled to attend classes which are not in agreement with their own moral and religious convictions. In particular, sex education is a basic right of the parents and must always be carried out under their close supervision, whether at home or in educational centers chosen and controlled by them.

d) The rights of parents are violated when a compulsory system of education is imposed by the State from which all religious formation is excluded.

e) The primary right of parents to educate their children must be upheld in all forms of collaboration between parents, teachers and school authorities, and particularly in forms of participation designed to give citizens a voice in the functioning of schools and in the formulation and implementation of educational policies.

f) The family has the right to expect that the means of social communication will be positive instruments for the building up of society, and will reinforce the fundamental values of the family. At the same time the family has the right to be adequately protected, especially with regard to its youngest members, from the negative effects and misuse of the mass media.

Article 6

The family has the right to exist and to progress as a family.

a) Public authorities must respect and foster the dignity, lawful independence, privacy, integrity and stability of every family.

b) Divorce attacks the very institution of marriage and of the family.

c) The extended family system, where it exists, should be held in esteem and helped to carry out better its traditional role of solidarity and mutual assistance, while at the same time respecting the rights of the nuclear family and the personal dignity of each member.

Article 7

Every family has the right to live freely its own domestic religious life under the guidance of the parents, as well as the right to profess publicly and to propagate the faith, to take part in public worship and in freely chosen programs of religious instruction, without suffering discrimination.

Article 8

The family has the right to exercise its social and political function in the construction of society.

a) Families have the right to form associations with other families and institutions, in order to fulfill the family's role suitably and effectively, as well as to protect the rights, foster the good and represent the interests of the family.

b) On the economic, social, juridical and cultural levels, the rightful role of families and family associations must be recognized in the planning and development of programs which touch on family life.

Article 9

Families have the right to be able to rely on an adequate family policy on the part of public authorities in the juridical, economic, social and fiscal domains, without any discrimination whatsoever.

a) Families have the right to economic conditions which assure them a standard of living appropriate to their dignity and full development. They should not be impeded from acquiring and maintaining private possessions which would favor stable family life; the laws concerning inheritance or transmission of property must respect the needs and rights of family members.

b) Families have the right to measures in the social domain which take into account their needs, especially in the event of the premature death of one or both parents, of the abandonment of one of the spouses, of accident, or sickness or invalidity, in the case of unemployment, or whenever the family has to bear extra burdens on behalf of its members for reasons of old age, physical or mental handicaps or the education of children.

c) The elderly have the right to find within their own family or, when this is not possible, in suitable institutions, an environment which will enable them to live their later years of life in serenity while pursuing those activities which are compatible with their age and which enable them to participate in social life.

d) The rights and necessities of the family, and especially the value of family unity, must be taken into consideration in penal legislation and policy, in such a way that a detainee remains in contact with his or her family and that the family is adequately sustained during the period of detention.

Article 10

Families have a right to a social and economic order in which the organization of work permits the members to live together, and does not hinder the unity, well-being, health and the stability of the family, while offering also the possibility of wholesome recreation.

a) Remuneration for work must be sufficient for establishing and maintaining a family with dignity, either through a suitable salary, called a "family wage," or through other social measures such as family allowances or the remuneration of the work in the home of one of the parents; it should be such that mothers will not be obliged to work outside the home to the detriment of family life and especially of the education of the children.

b) The work of the mother in the home must be recognized and respected because of its value for the family and for society.

Article 11

The family has the right to decent housing, fitting for family life and commensurate to the number of the members, in a physical environment that provides the basic services for the life of the family and the community.

Article 12

The families of migrants have the right to the same protection as that accorded other families.

a) The families of immigrants have the right to respect for their own culture and to receive support and assistance towards their integration into the community to which they contribute.

b) Emigrant workers have the right to see their family united as soon as possible.

c) Refugees have the right to the assistance of public authorities and International Organizations in facilitating the reunion of their families.

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C. "Gaudium et spes", no. 50; "Humanae vitae", no. 12; "Familiaris consortio", no. 28.
D. "Rerum novarum", nos. 9 and 10; "Familiaris consortio", no. 45.
E. "Familiaris consortio", no. 43.
F. "Gaudium et spes", no. 52; "Familiaris consortio", no. 21.
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I. "Familiaris consortio", no. 45.
J. "Familiaris consortio", nos. 46.
K. "Familiaris consortio", nos. 6 and 77.
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art. 1

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art. 2

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a) "Gaudium et spes", no. 52.
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b) Familiaris consortio, no. 30.
c) Gaudium et spes, no. 50.

art. 4

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a) Humanae vitae, no. 14; Sacred Congregation for the Doctrine of the Faith, Declaration on Procured Abortion, November 18, 1974; Familiaris consortio, no. 30.
b) Pope John Paul II, Address to the Pontifical Academy of Sciences, October 23, 1982.
d) Universal Declaration, no. 25, 2; Convention on the Rights of the Child, Preamble and no. 4.
e) Universal Declaration, no. 25, 2.
f) Familiaris consortio, no. 41.
g) Familiaris consortio, no. 77.

art. 5

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a) Familiaris consortio, no. 46.
b) Gravissimum educationis, no. 7; Dignitatis humanae, no. 5; Pope John Paul II, Religious Freedom and the Helsinki Final Act
(Letter to the Heads of State of the nations which signed the Helsinki Final Act), 4b; Familiaris consortio, no. 40; Codex Iuris Canonici, no. 797.
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d) Dignitatis humanae, no. 5; Familiaris consortio, no. 40.
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art. 6

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art. 7

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art. 8

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art. 9

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art. 10

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art. 11

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art. 12

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