

External Affairs
Supplementary Paper

Draft Convention on Consent to Marriage

No. 61/15

Statement of Mrs. Jean Casselman, Canadian Representative on the 3rd Committee of the United Nations General Assembly, on October 9, 1961.

Mr. Chairman,

My delegation has listened with great interest to the comments of those who have spoken on this draft convention and we have been much impressed by the high quality of them. The difficulties involved in drafting such a document, to make it flexible enough to meet the needs of people whose traditions, customs and legal systems are so varied, must have been very great indeed. I should like to commend the Commission on the Status of Women for the excellent work they have done.

While we are aware of the difficulties which the convention presents for many countries, we are also very much aware of the need for such a convention. The effectiveness of marriage legislation is dependent to a very considerable extent upon the social and economic conditions which exist in the areas in which it is to be applied. It is to be hoped that the convention will help to bring about the necessary social and economic changes which will eventually mean the end of child marriage.

In my own country we have a federal system of government, by virtue of which the legislative powers are divided between the federal and provincial governments. As at least some of the matters deal with in this convention would appear to fall within the provincial field of jurisdiction, Canada is therefore not able to take any definite position until the provinces have been consulted. In these circumstances, the Canadian delegation will have to abstain in the voting on this convention. In doing so, however, the delegation wishes to stress that it considers that the convention has very worthy objectives, which Canada heartily endorses.

In Canada, the consent to marriage of both parties has always been required. In the provinces a minimum age for marriage, without the consent of the parents or guardians, has been set, usually at 18. In exceptional circumstances, provision is made by the courts for the marriage of minors. Registration of marriages has been compulsory for many years in Canada.

Our Canadian women's groups have been for many years keenly interested in social legislation and are frequently in touch with the government authorities on matters which are of direct concern to them. They have often been responsible for changes in legislation which have improved immeasurably the status of women in Canada. (They were instrumental in obtaining the right of women to vote). I know from my own experience in the Canadian House of Commons that they are very much in sympathy with the splendid objectives which are embodied in this convention.