

convened by the United Nations in 1956 to prepare a Convention on the Abolition of Slavery.

This year, against the background of a report on existing legislation in 44 countries, which had been prepared by the Secretary-General from government replies to a questionnaire, the Commission considered draft texts of a convention and a recommendation on the three phases of the question.

A sense of the urgency of the issue pervaded the meeting, but the question had many aspects and the debate brought out sharp differences of opinion. Free consent of the parties to a marriage and compulsory registration of marriage presented no problem, but a legal minimum age was another matter. There were questions whether it should be the same for both sexes and whether it was reasonable for the representatives of a few countries to decide upon a minimum age of marriage that would be universally applicable. For some delegates it would mean endorsing a standard lower than that in their own countries. For others it would require revision to a higher age. The effect of declaring invalid any marriage contracted at an age younger than that stated in the instrument had to be considered. There were differing points of view, also, regarding the type of instrument that would be appropriate — whether it should be a convention or a recommendation.

Under the federal system of Canada, the solemnization of marriage is a matter of provincial jurisdiction, and among the provinces there is considerable diversity in the legal minimum age of marriage. In several provinces no absolute minimum is fixed by statute, although in the absence of a statute, the minimal ages under the Common Law, 14 for boys and 12 for girls, presumably would apply. In Quebec the Civil Code fixes a minimum of 14 years for boys and 12 for girls. Other provinces have adopted 14, 15 or 16, the same age for both boys and girls. In view of this situation, the Canadian delegate was not in a position to commit the government of her country. As for the type of instrument, she favoured a recommendation, both because the constitutional situation would prevent Canada from acceding to a convention on aspects of the solemnization of marriage, and also because in the long run a recommendation that set a social objective to work towards would probably be more effective than a convention ratified by only a few governments. Also, the Canadian delegate thought it would be advisable to refer the draft texts agreed on, with a transcript of the discussion in the Commission, back to governments before final decisions were taken regarding international instruments. This procedure was opposed by a slight majority of delegates who felt that it would delay action.

The Canadian delegate, therefore, with seven others, supported an alternative wording for a recommendation that, without arbitrarily setting forth a definite age, urged governments to examine their legislation and practice and consider whether, in the light of prevailing circumstances, changes should be enacted with respect to the minimum age of marriage, the assurance of full and free consent of the prospective spouses, and the maintenance of a public register of marriages. This