

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.

It seems to me that what is most important here is the spirit which lies behind the formulation of the convention. Not so many years ago it would have been inconceivable that a Committee representative of so many nations could have met to consider this subject. The fact that we are able to do so now, is, I suggest, indicative in itself of a very considerable step forward.

I shall not take up the time of the Committee to explain the point of view of my delegation on the many amendments we have before us today. It is, I am sure, the objective of all of us to do what we can to produce a clear, short and effective document which can be widely accepted. There will obviously be cases in the countries from which we come which are exceptional, and the convention should be broad enough to provide for their legitimate needs, for I am sure that it was not the intention of those who designed the convention to work a hardship on any group of people.

The acceptance of social legislation of this kind presents unique problems in many regions of the world today, where age-old customs and traditional ways of life are difficult to alter. For this reason my delegation thinks it particularly important that the convention should be a flexible one - flexible enough to take into account the wide divergence of view which prevails without destroying its effectiveness as a legal instrument to meet the purposes for which it is intended. These are the general considerations which will guide us when we come to consider the various amendments.

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