

COMMISSION ON THE STATUS OF WOMEN

Third session

SUPPLEMENTARY LIST OF QUESTIONS ON NATIONALITY AND
DOMICILE AS THEY AFFECT THE STATUS OF MARRIED PERSONS

(Transmitted to Member Governments pursuant to the
resolution of the Economic and Social
Council of 30 July 1949)

I. Law governing Personal Status

1. Which law governs the validity of marriage - the law of the nationality^{1/} or the law of domicile^{2/}
 - (a) of the bridegroom
 - (b) of the bride
 - (c) of both spouses?

Or is the validity of marriage governed by the law of the place where the marriage ceremony takes place, or by any other law?

2. Which law governs the matrimonial relationship - the law of the nationality or the law of domicile
 - (a) of the husband
 - (b) of the wife
 - (c) of both spouses?

Or is the matrimonial relationship governed by any other law?

3. Which law governs the dissolution of marriage or the separation of the spouses - the law of the nationality or the law of the domicile
 - (a) of the husband
 - (b) of the wife
 - (c) of both spouses?

Or does some other law apply, e.g. the law of the forum?^{3/}

^{1/} For the purposes of this questionnaire, the word "nationality" designates the political link between an individual and the country; nationality is not necessarily based on the place of birth or ancestry and does not necessarily involve the use of political rights.

^{2/} The word "domicile" has been taken to mean the criterion, based on physical residence and intention to remain permanently, used in some countries to determine the law governing the personal status of the individual in matters of conflicts of laws.

^{3/} Court which is seized of the case.

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II. Effect of nationality on Marriage

Does the nationality of the future spouses affect their right to marry and, if so, in what way?

III. Effect of Nullity of Marriage upon the nationality of Women

1. Upon the marriage being declared invalid, does the wife
 - (a) keep the nationality acquired by marriage
 - (b) if not, does she lose it
 - (i) automatically
 - (ii) subject to certain conditions? (State these)
2. Upon the marriage being declared invalid, does the wife re-acquire her nationality lost by marriage
 - (a) automatically
 - (b) subject to certain requirements (State these)
 - (c) by simplified naturalization procedure?

IV. Effect of Marriage on Domicile^{4/}

1. What effect, if any, has the marriage as such on the domicile of the spouses?
2. In particular, is the wife deemed to have always the same domicile as the husband in the contemplation of the law?

V. Jurisdiction

Under what conditions do the courts of your country assume jurisdiction in matters of

- (a) nullity of marriage
- (b) divorce
- (c) separation
- (d) other matrimonial causes if both spouses or one of them is
 - (i) an alien, or
 - (ii) a person domiciled abroad?

VI. Domicile of Children

What does the law provide concerning the domicile of children if the parents have different domiciles?

^{4/} The corresponding question "Effect of Marriage on Nationality" is covered by Section G of the Questionnaire (E/CN.6/W.1).