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DRAFT CONVENTION AND DRAFT RECOMMENDATION ON CONSENT TO MARRIAGE,  
MINIMUM AGE OF MARRIAGE AND REGISTRATION OF MARRIAGES

Memorandum by the Secretary-General

1. The Economic and Social Council at its thirty-second session adopted resolution 821 III A (XXXII) in which it recommended to the General Assembly that an international convention on free consent to marriage, minimum age of marriage and registration of marriages be adopted as soon as possible, and transmitted to the General Assembly as the basis for such a convention the texts of the preamble and the substantive articles adopted by the Commission on the Status of Women at its fifteenth session (which appear in annex I to the present report) as well as the amendments to these texts proposed at the thirty-second session of the Council (annex II) and the records of the relevant discussions.<sup>1/</sup> During these discussions it was agreed<sup>2/</sup> that draft final and formal clauses would be prepared by the Secretariat. These draft clauses appear in annex III. At the same session, the Economic and Social Council also adopted resolution 821 III B (XXXII) whereby it transmitted to the General Assembly the text of the draft recommendation on consent to marriage, minimum age of marriage and registration of marriages adopted by the Commission on the Status of Women at its fifteenth session (annex IV), as well as the text of the amendments proposed at the thirty-second session of the Council (annex V), together with the records of the relevant discussions.<sup>1/</sup>

<sup>1/</sup> See summary records of the 435th, 436th, 439th and 440th meetings of the Social Committee of the Economic and Social Council (E/AC.7/SR.435, 436, 439 and 440) and of the 1171st plenary meeting of the Council (E/SR.1171).

<sup>2/</sup> See summary record of the 1171st plenary meeting of the Council (E/SR.1171).

2. The question of free consent to marriage and the establishment of a minimum age of marriage had been raised in 1956 by a Conference of Plenipotentiaries which, having been convened for this purpose by the United Nations, adopted on 4 September 1956 a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery.
3. The Conference also adopted a resolution recommending the Economic and Social Council (E/CONF.24/33):

"to consider the appropriateness of initiating a study of the question of marriage with the object of drawing attention to the desirability of free consent of both parties and of the establishment of a minimum age for marriage, preferably of not less than fourteen years."

4. At its eleventh session, in 1957, the Commission on the Status of Women was informed of this recommendation of the Conference, and several members of the Commission expressed the hope that the study referred to in the recommendation would be entrusted to the Commission. Accordingly, the Commission adopted a resolution (resolution 8 (XI)) in which it requested the Economic and Social Council:

"... to adopt the recommendation of the United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery, and to decide that the study referred to in this recommendation should be undertaken by the Commission on the Status of Women."

It also requested the Secretary-General to prepare a report on the subject for its twelfth session, if the Economic and Social Council decided to refer the above-mentioned subject to the Commission.

5. At its twenty-third session, the Economic and Social Council adopted resolution 640 (XXIII) in which it noted the recommendation of the Conference of Plenipotentiaries and decided that a study of the questions referred to in the recommendation should be undertaken by the Commission on the Status of Women. In accordance with the request contained in this resolution, the Secretary-General prepared a preliminary report (E/CN.6/317 and Add.1) for the twelfth session of the Commission on the Status of Women.

6. At its twelfth session, in 1958, the Commission on the Status of Women, having considered this report, adopted resolution 2 (XII) in which it requested

the Economic and Social Council to invite the Secretary-General to circulate to Governments of Member States and to non-governmental organizations in consultative status a questionnaire designed to obtain information on consent to marriage and requirements as to age and registration of marriages, and also to prepare for the fourteenth session of the Commission on the Status of Women a report based on the information received. The Commission also asked the Economic and Social Council to invite the Secretary-General to prepare for its fourteenth session a draft convention on these subjects which would provide for a minimum age of marriage, preferably of not less than sixteen years; the requirement of the free consent of both parties to the marriage; and the compulsory registration of marriages.

7. At its twenty-sixth session, the Economic and Social Council adopted resolution 680 B I (XXVI) in which it endorsed the requests of the Commission concerning the questionnaire and the report to be prepared by the Secretary-General, but decided that a draft recommendation rather than a draft convention on these subjects should be prepared for the fourteenth session of the Commission.

8. At its thirteenth session, in 1959, the Commission on the Status of Women adopted resolution 3 (XIII) in which it invited the Economic and Social Council to reconsider its decision to replace a draft convention by a recommendation.

9. At its twenty-eighth session, the Economic and Social Council adopted resolution 722 B (XXVIII) by which it requested the Secretary-General to prepare for the fourteenth session of the Commission on the Status of Women both a draft convention and a draft recommendation dealing with the minimum age of marriage, the requirement of free consent of both parties to the marriage and the compulsory registration of marriages.

10. At its fourteenth session, in 1960, the Commission on the Status of Women had before it a report by the Secretary-General based on the replies received from Governments and from non-governmental organizations in consultative status (E/CN.6/356, Corr.1 and Add.1) and another report by the Secretary-General containing a draft convention and a draft recommendation on the same subjects (E/CN.6/353). After having considered these reports, the Commission adopted resolution 4 (XIV) transmitting to the Economic and Social Council the preamble

and substantive articles of a draft convention<sup>3/</sup> as well as a draft recommendation on the minimum age of marriage, consent to marriage and registration of marriages. The Commission asked the Council to adopt the draft recommendation and to recommend that the General Assembly adopt a convention containing the preamble and the substantive articles drafted by the Commission.

11. At its thirtieth session, the Economic and Social Council adopted resolution 771 C (XXX) in which it requested the Secretary-General to transmit the drafts prepared by the Commission on the Status of Women to Governments of Member States for their observations concerning (a) the question of whether a convention or a recommendation or both should be prepared; and (b) the provisions of the drafts drawn up by the Commission.

12. In accordance with the resolution, the Secretary-General circulated the draft convention and the draft recommendation to the Governments of Member States and prepared, for the fifteenth session of the Commission, a report containing their observations (E/CN.6/376 and Add.1-3).

13. At its fifteenth session,<sup>4/</sup> the Commission on the Status of Women considered this report and took also into account the discussions at the thirtieth session of the Economic and Social Council concerning the texts which had been previously submitted by it to the Council. It was noted that the minimum age of marriage of fifteen years prescribed in the draft convention previously adopted by the Commission conflicted with the provisions of the municipal law of many States. It was agreed that in a legally-binding instrument, such as the proposed convention, there would be great difficulty in fixing a suitable minimum age of marriage acceptable to a large majority of Governments. The Commission decided to incorporate instead in the draft convention the general principle that the States parties will undertake to include in their legislation provisions specifying a minimum age of marriage. With respect to the consent of both parties to the marriage, the Commission felt that the principle of full and free consent

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<sup>3/</sup> See Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 7 (E/3360), para. 67.

<sup>4/</sup> See Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 7 (E/3464), paras. 49-73.

was the most important and that the article of the proposed convention embodying this principle should be, therefore, placed as article 1 of the new instrument. Finally, the Commission took into account the concern of some Governments with the fact that articles 1 and 2 of the draft convention prepared by the Commission at its previous session would have the effect of invalidating marriages when the provisions of the instrument were not observed. As a result, the Commission decided to change the form of these articles, leaving to the national legislatures the responsibility of determining the effect of non-compliance with their provisions.

14. In the draft recommendation, the Commission adopted the same principles concerning consent to marriage and registration of marriages as those contained in the draft convention. However, in the provision on the minimum age of marriage, the Commission specified fifteen years as the age below which no marriage may be legally entered into. It was felt that this provision of the recommendation might be used as a desirable minimum standard by Governments when determining a suitable age of marriage.

15. The Commission accordingly decided, by 16 votes to none, with 2 abstentions, to transmit to the Economic and Social Council a revised text of the draft convention (see annex I). At the same time, the Commission adopted unanimously the text of a draft recommendation and recommended it for adoption by the Council (see annex IV).

ANNEX I

DRAFT CONVENTION

Text adopted by the Commission on the Status of Women  
at its fifteenth session

CONSENT TO MARRIAGE, MINIMUM AGE OF MARRIAGE  
AND REGISTRATION OF MARRIAGES

DRAFT CONVENTION

The Contracting States,

Desiring in conformity with the United Nations Charter to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language and religion,

Recognizing that, as stated in article 16 of the Universal Declaration of Human Rights:

"(1) Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

"(2) Marriage shall be entered into only with the free and full consent of the intending spouses."

Recalling that the General Assembly of the United Nations declared by resolution 843 (IX) of 17 December 1954 that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the United Nations Charter and in the Universal Declaration of Human Rights and urged all States, including States which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories, to take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded,

Hereby agree as hereinafter provided:

Article 1

No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, in the presence of the authority competent to solemnize the marriage and of such witnesses as may be prescribed by law.

Article 2

States who are party to this convention shall take legislative action to specify a minimum age of marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Article 3

All marriages shall be registered in an appropriate official register by the competent authority.

ANNEX II

Amendment to the text of the draft Convention

New Zealand and Spain: amendment<sup>5/</sup>

Article 1

Add a second paragraph reading as follows:

- "2. Notwithstanding anything in paragraph 1 of this Article, it shall not be necessary for one of the parties to be present when the authority is satisfied that the three following conditions are met, namely, that the party:
- a) Is absent from the country where the marriage is to be solemnized;  
and
  - b) Is unable because of exceptional circumstances to be present; and
  - c) Has, before such witnesses in such manner as may be prescribed by law, expressed and has not withdrawn consent".



ANNEX III

Draft Final and Formal Clauses of the Convention  
(In alternative form)

SIGNATURE AND RATIFICATION

ARTICLE 4-A

1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly.

2. This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Comment

This clause follows the example of article IV of the Convention on the Political Rights of Women (1952)

ARTICLE 4-B

1. The present Convention shall be open for signature and ratification on behalf of any State Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations

Comment

The principle of this clause has been applied in the Convention on the Nationality of Married Women (1957).

ARTICLE 5

ACCESSION

1. The present Convention shall be open for accession to all States referred to in paragraph 1 of article 4.

/...

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations,

Comment

This clause has been used in the Convention on the Political Rights of Women (1952) and in the Convention on the Nationality of Married Women (1957). See also Handbook of Final Clauses (ST/LEG/1) page 11, number 3, article XVI.

ARTICLE 6

ENTRY INTO FORCE

1. The present Convention shall come into force on the ninetieth day following the date of deposit of the instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Comment

This clause has been used in the Convention on the Political Rights of Women (1952) and in the Convention on the Nationality of Married Women (1957). Most conventions drawn up under the auspices of the United Nations and of the specialized agencies contain a similar entry into force clause (see Handbook of Final Clauses, (ST/LEG/1) pages 68-71).

TERRITORIAL APPLICATION CLAUSE

ARTICLE 7-A

1. This Convention shall apply to all Non-Self-Governing, Trust, Colonial and other non-metropolitan Territories for the international relations of which any State Party is responsible; the Party concerned shall, subject to the provisions of paragraph 2 of this article, at the time of signature, ratification or accession declare the non-metropolitan territory or territories to which the Convention shall apply ipso facto as a result of such signature, ratification or accession.

2. In any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory, the Party concerned shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by the metropolitan State, and when such consent has been obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.

3. After the expiry of the twelve month period mentioned in the preceding paragraph, the States Parties concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of this Convention may have been withheld.

#### Comment

This article follows the example of article 12 of Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

### ARTICLE 7-B

The provisions of this Convention shall extend to or be applicable equally to a metropolitan State Party to the Convention and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories which are being administered or governed by such metropolitan State.

#### Comment

This clause essentially reproduces the article which the General Assembly, by its resolutions 422 (V) of 4 December 1950, requested the Commission on Human Rights to insert in the International Covenant on Human Rights.

### ARTICLE 7-C

The word "State" as used in this Convention shall be understood to include the territories for which it bears international responsibility, unless the State

concerned, on ratifying or acceding to the Convention, has stipulated that the Convention shall not apply to certain of its territories. Any State making such a stipulation may, at any time thereafter, by notification to the Secretary-General, extend the application of the Convention to any or all of such territories.

#### Comment

The text of this clause is taken with minor modifications, from paragraph 3 of article 13 of the Convention on the Declaration of Death of Mission Persons (See Handbook, page 147). This clause is an example of a colonial clause providing for the optional exclusion from the application of the Convention of territories for the conduct of whose foreign relations the States Parties are internationally responsible. (Examples of colonial clauses providing for the optional application of the Convention to such territories, are to be found on pages 139-145 of the Handbook.)

### ARTICLE 7-D

Any Contracting State may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting State is responsible.

#### Comment

This article follows the example of article 12 of the Convention on the Prevention and Punishment of the Crime of Genocide (See Handbook, page 142). This clause is an example of a colonial clause providing for the optional application of the Convention to territories (See comment to article 7-C above).

### RESERVATIONS

#### ARTICLE 8-A

No reservations may be made to this Convention.

#### Comment

This article follows the example of article 9 of the Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery (1956).

#### ARTICLE 8-B

1. At the time of signature, ratification or accession, any State may make reservations to any article of the present Convention other than articles

2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the exception of those provisions to which the reservation relates, shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and, in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in effect as between the State making the notification and the State making the reservation.

3. Any State making a reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received.

#### Comment

This clause has been applied in the Convention on the Nationality of Married Women (1957).

#### ARTICLE 8-C

1. At any time of signature, ratification or accession, any State may make reservations to any articles of this Convention other than to articles

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time thereafter withdraw the reservation by communication to this effect addressed to the Secretary-General.

Comment

The principle of this clause has been applied in the Convention on the Status of Refugees (Geneva, 1951).

ARTICLE 9

DENUNCIATION AND ABROGATION

1. Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than \_\_\_\_\_ becomes effective.

Comment

This clause has been used in the Convention on the Political Rights of Women (1952) and in the Convention on the Nationality of Married Women (1957).

Paragraph 1 of this clause follows the usual text of such clauses to be found in conventions which have been adopted under the auspices of the United Nations (See Handbook, pages 126-129). It does not, however, provide that there shall be an initial expiration of time after the entry into force of the Convention during which States Parties may not denounce the Convention (article 25 of the Convention for the Suppression of the Traffic in Persons contains such a provision). This may or may not be suitable for the purposes of the present Convention.

Paragraph 2 of this clause reproduces the text of article 20 of the Draft Convention on the International Transmission of News and the Right of Correction (General Assembly resolution 277 (III)). It is not commonly found amongst conventions adopted under the auspices of the United Nations and may or may not be necessary for the purposes of the present Convention.

## SETTLEMENT OF DISPUTES

### ARTICLE 10-A

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

#### Comment

This clause has been used in the Convention on the Political Rights of Women (1952).

It has become common practice to insert in conventions drawn up under the auspices of the United Nations a clause providing for reference to the International Court of Justice with respect to matters of interpretation or application of the convention, concerning which a dispute arises between one or more of the contracting parties. The present clause follows the usual form of such clauses (See Handbook, pages 159-166).

### ARTICLE 10-B

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention, which is not settled by negotiation, shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

#### Comment

This clause has been used in the Convention on the Nationality of Married Women (1957).

## NOTIFICATIONS

### ARTICLE 11-A

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in paragraph 1 of article 4 of this Convention of the following:

/...

- (a) Signatures and instruments of ratification received in accordance with article 4;
- (b) Instruments of accession received in accordance with article 5;
- (c) The date upon which this Convention enters into force in accordance with article 6;
- (d) Notifications received in accordance with article 7;
- (e) Communications and notifications received in accordance with article 8;
- (f) Notifications of denunciation received in accordance with paragraph 1 of article 9;
- (g) Abrogation in accordance with paragraph 2 of article 9.

Comment

The text of this clause, with the exception of sub-clause (d), follows that used in the Convention on the Political Rights of Women (1952).

ARTICLE 11-B

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in paragraph 1 of article 4 of the present Convention of the following:

- (a) Signatures and instruments of ratification received in accordance with article 4;
- (b) Instruments of accession received in accordance with article 5;
- (c) The date upon which the present Convention enters into force in accordance with article 6;
- (d) Notifications received in accordance with article 7;
- (e) Communications and notifications received in accordance with article 8;
- (f) Notification of denunciation received in accordance with paragraph 1 of article 9;
- (g) Abrogation in accordance with paragraph 2 of article 9.

Comment

The text of this clause, with the exception of sub-clause (d), follows that used in the Convention on the Nationality of Married Women (1957).



ARTICLE 12

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-member States contemplated in paragraph 1 of article 4.

Comment

This clause has been used in the Convention on the Political Rights of Women (1952) and in the Convention on the Nationality of Married Women (1957).

ANNEX IV

DRAFT RECOMMENDATION

Text adopted by the Commission on the Status of  
Women at its fifteenth session

CONSENT TO MARRIAGE, MINIMUM AGE OF MARRIAGE  
AND REGISTRATION OF MARRIAGES

DRAFT RECOMMENDATION

The Economic and Social Council,

Recognizing that men and women of full age have the right to marry and to found a family, that they are entitled to equal rights as to marriage and that marriage shall be entered into only with the free and full consent of the intending spouses, in accordance with the provisions of article 16 of the Universal Declaration of Human Rights.

Recalling General Assembly resolution 843 (IX) of 17 December 1954,

Recalling further article 2 of the Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery of 1956, which makes certain provisions concerning the age of marriage, consent to marriage and registration of marriages,

Recalling also that, under Article 62, paragraph 2, of the Charter, the Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all, and that under Article 64 of the Charter, it may make arrangements with the Members of the United Nations to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly,

I. Recommends that, where not already provided by existing legislative or other measures, each State take the necessary steps, in accordance with its constitutional processes, to adopt such legislative or other measures as may be necessary to give effect to the following principles:

1. No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, orally,

publicly and in the presence of the authority competent to solemnize the marriage and of such witnesses as may be prescribed by law.

2. No marriage of any person under the age of fifteen shall be legally entered into except where a competent authority has granted a dispensation as to age for serious causes, in the interest of the intending spouses.

3. All marriages shall be registered in an appropriate official register by the competent authority.

II. Recommends that each Member State bring the Recommendation on the consent to marriage, the minimum age of marriage and registration of marriages contained in this resolution before the authorities competent to enact legislation or to take other action, at the earliest practicable moment and, if possible, not later than eighteen months after its adoption;

III. Recommends that Member States inform the Secretary-General, as soon as possible after the action has been taken, of the measures taken under the present Recommendation to bring it before the competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them;

IV. Recommends further that Member States report to the Secretary-General at the end of three years and thereafter at intervals of five years the position of the law and practice in their countries in regard to the matters dealt with in this Recommendation, showing the extent to which effect has been given or is proposed to be given to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adapting or applying it;

V. Requests the Secretary-General to prepare for the Commission on the Status of Women a document containing the reports received from Governments;

VI. Invites the Commission on the Status of Women to examine the reports received from Member States pursuant to the present recommendations and to report thereon to the Economic and Social Council with such recommendations as it may deem fit to make;

VII. Recommends that the General Assembly adopt the following draft resolution:

"The General Assembly,

"Recalling that, under Article 60 of the Charter, the responsibility for the discharge of the functions of the United Nations relating to international economic and social co-operation is vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council,

"Noting that the Economic and Social Council has made, in resolution ..... recommendations to the Members of the United Nations concerning the consent to marriage, the minimum age of marriage and the registration of marriages,

"Endorses the recommendations and the arrangements made by the Council in resolution ....."

ANNEX V

Amendments to the text of the draft Recommendation

1. Denmark and the United Kingdom of Great Britain and Northern Ireland:  
amendment<sup>5/</sup>

"1. In operative paragraph I, in the second line insert the word 'Member' before the word 'State',

2. In operative paragraph III delete the words 'and of the action taken by them.'

3. Delete operative paragraph VII."

2. New Zealand and Spain: amendment<sup>6/</sup>

Operative paragraph I, sub-paragraph 1

Add the following words to sub-paragraph 1:

"Notwithstanding anything in this sub-paragraph, it shall not be necessary for one of the parties to be present when the authority is satisfied that the three following conditions are met, namely, that the party:

(a) Is absent from the country where the marriage is to be solemnized; and

(b) Is unable because of exceptional circumstances to be present; and

(c) Has, before such witnesses in such manner as may be prescribed by law, expressed and has not withdrawn consent."

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<sup>5/</sup> E/AC.7/L.380.

<sup>6/</sup> E/AC.7/L.381/Rev.1 and E/3535/Corr.1. This amendment, proposed to the draft Convention, was extended orally to the draft Recommendation (see Summary Records E/AC.7/SR.440, p. 13 in the English text).