

MALACANANG  
RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 52

MAKING PUBLIC THE CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES, SIGNED AT NEW YORK ON DECEMBER 10, 1962.

WHEREAS, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages was concluded at New York on December 10, 1962 and signed by the Philippines on February 5, 1963;

WHEREAS, the Senate of the Philippines, by its Resolution No. 44 adopted on May 21, 1964, concurred in the ratification of said Convention in accordance with the Constitution;

WHEREAS, the Instrument of Ratification of said Convention was deposited by the Philippines with the Secretary-General of the United Nations on January 21, 1965, with the following declaration:

"The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages was adopted for the purpose, among other things, of insuring to all persons complete freedom in the choice of a spouse. The first paragraph of Article 1 of the Convention requires that the full and free consent of both parties shall be expressed in the presence of the competent authority and of witnesses.

"Considering the provisions of its Civil Code, the Philippines, in ratifying this Convention interprets the second paragraph of Article 1 (which authorizes, in exceptional cases, the solemnization of marriage by proxy) as not imposing upon the Philippines the obligation to allow within its territory the celebration of proxy marriages or marriages of the kind contemplated in that paragraph, where such manner of marriage is not authorized by the laws of the Philippines. Rather, the solemnization within Philippine territory of a marriage in the absence of one of the parties under the conditions stated in said paragraph will be permitted only if so allowed

by Philippine law;" and

WHEREAS, Article 6 of the Convention stipulates that it shall enter into force on the ninetieth day after the deposit of the Instrument of Ratification, and accordingly, said Convention takes effect on April 21, 1965;

NOW, THEREFORE, be it known that I, FERDINAND E. MARCOS, President of the Philippines, have caused the said Convention, a certified copy of which in the English text is hereto attached, to be made public to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the Republic of the Philippines and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 20th day of July, in the year of Our Lord, nineteen hundred and sixty-six.

(SGD.) FERDINAND E. MARCOS  
President of the Philippines

By the President:

(SGD.) RAFAEL M. SALAS  
Executive Secretary

UNITED NATIONS

GENERAL

ASSEMBLY

Distr.  
LIMITED

A/RES/1763 (XVII)  
8 November 1962

Seventeenth session  
Agenda item 44

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[On the report of the Third Committee (A/5273)]

1763 (XVII). Draft Convention and draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

A

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

The General Assembly,

Considering that it is appropriate to conclude under the auspices of the United Nations an international convention on the free consent to marriage, minimum age for marriage and the registration of marriages,

Decides to open the Convention annexed to the present resolution for signature and ratification on 10 December 1962.

1167th plenary meeting,  
7 November 1962.

ANNEX

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

The Contracting States,

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

Recalling that article 16 of the Universal Declaration of Human Rights states that:

"(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 further 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 Charter of the United Nations and in the Universal Declaration of Human Rights,

Reaffirming that all States, including those which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories until their achievement of independence, should 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

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 after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

2. Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.

Article 2

States parties to the present Convention shall take legislative action to specify a minimum age for 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.

Article 4

1. The present Convention shall, until 31 December 1963 be open for signature on behalf of all States Members of the United Nations or members of any of the specialized agencies, and of any other State invited by the General Assembly of the United Nations to become party to the Convention.

2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 5

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

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

/...

Article 6

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

2. For each State ratifying or acceding to the Convention after the deposit of the eighth 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.

Article 7

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 eight becomes effective.

Article 8

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 all the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

Article 9

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in article 4, paragraph 1, 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 Convention enters into force in accordance with article 6;
- (d) Notifications of denunciation received in accordance with article 7, paragraph 1;
- (e) Abrogation in accordance with article 7, paragraph 2.

Article 10

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 article 4, paragraph 1.

B

Draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

The General Assembly

Requests the Economic and Social Council to ask the Commission on the Status of Women to consider the draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages<sup>1</sup> in the light of the discussions in the General Assembly on the draft Convention relating to the same subject, and to report back in time for consideration of the draft Recommendation by the Assembly at its eighteenth session.

1167th plenary meeting,  
7 November 1962,

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See Economic and Social Council resolution 821 III D (XXXII) of 19 July 1961.

I hereby certify that the foregoing text is a true copy of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, signed at New York on 10 December 1962, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General:

(SGD.) Illegible  
Legal Counsel

United Nations, New York  
5 April 1963