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WORKING GROUP ON A NEW INSTRUMENT  
OR INSTRUMENTS OF INTERNATIONAL  
LAW TO ELIMINATE DISCRIMINATION  
AGAINST WOMEN  
Item 4 of the agenda

**DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN**

Working paper submitted by the Philippines and the  
Union of Soviet Socialist Republics

**CIVIL AND FAMILY RIGHTS**

**Article 16 - Legal Capacity**

1. The States Parties shall accord to women equal civil capacity and competence with men and undertake to remove any restrictions on the capacity and competence of women.
2. The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed to be null and void.
3. The States Parties shall accord men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence.

**Article 17**

1. States Parties shall accord to women and men
  - (a) Equality before the law;
  - (b) Equal rights in all phases of procedure<sup>1</sup> in courts and tribunals.

Article 18

1. The States Parties shall adopt all necessary measures to ensure the full equality of women with men in all matters relating to marriage and family relations, including:

- (a) Women shall have the same right as men to enter into the marriage state;
- (b) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;
- (c) Women shall have equal rights and duties with men during marriage and at its dissolution;
- (d) Parents shall have equal rights and duties in matters relating to their children except in cases where the mother exercises full parental authority over her child born out of wedlock. In all cases the interests of the children shall be paramount;
- (e) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;
- (f) Provision for the right to receive family allowances on equal terms with men;
- (g) Provision in law for the equal personal rights of men and women, including the right to choose a family name, profession, occupation and place of residence;
- (h) Recognition of equal rights of men and women in respect of the ownership, use and disposition of their property, while the existence in law of a compulsory régime of conjugal property - community or division - must not entail a reduction or restriction of the property rights of women;

2. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

3. To eliminate discrimination against unwed mothers and to give effect to the principle proclaimed in the Declaration of the Rights of the Child that all children shall be protected irrespective of the circumstances of their birth, the States Parties undertake to create no distinctions of legal status as between children born in and out of wedlock and shall provide that all children shall enjoy an equal measure of social protection.

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