RESOLUTION (72) 29

ON THE LOWERING OF THE AGE OF FULL LEGAL CAPACITY

(Adopted by the Committee of Ministers on 19 September 1972 at the 213th meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve greater unity among its Members, inter alia by promoting the adoption of common rules in legal matters;

Noting that, whereas in the majority of member States the age of full legal capacity was established for a considerable period at 21 years, this age is now fixed below 21 in most member States;

Aware of the fact that under the laws of several member States minors of a certain age enjoy special legal capacity to act independently in some important matters and that in fact in other States very similar results have been achieved by other means;

Believing that even though life today is more complex than formerly, the education gained during a prolonged compulsory schooling and the abundance of information available enable young people to meet the exigencies of life at an earlier age than before;

Recognising that the need of protecting young people is diminishing in importance as a result of measures designed to protect people of all ages in the economic field;

Believing that lowering the age of majority should encourage the development of a sense of responsibility in young people,

1. Recommends governments of member States to lower the age of majority below 21 years and, if they deem it advisable, to fix that age at 18 years, provided that States may retain a higher age of capacity for the performance of certain limited and specified acts in fields where they believe that a higher degree of maturity is required;

2. Recommends governments of member States especially those States where the age of majority may remain above 18 years, to consider the advisability of granting to certain minors capacity to carry out everyday transactions and to act independently in other appropriate fields;

3. Recommends governments of member States in which the lowering of the age of majority would substantially curtail the rights enjoyed by children under their parents' maintenance obligations, with the possible consequence of depriving them of the necessary assistance for pursuing their education or training, to take appropriate measures to remedy such consequences;

4. Invites governments of member States to inform the Secretary General of the Council of Europe in due course of the action taken on the recommendation contained in this resolution.