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First report on the work of the International Commission on Civil Status during 1956

Report

1.

The Hague, 3rd October 1956

Sir,

With reference to Article 4, paragraph 1, of the Agreement of 31st October 1955 between the Council of Europe and the International Commission on Civil Status, I have the honour to transmit the following report on the activities of the Commission during the period October 1955—October 1956..

I should begin by informing you that, at the first sitting of its annual General Assembly on 27th September 1956, the Commission unanimously admitted to membership the Federal Republic of Germany. This brings the number of member countries to 7, namely Belgium, France, the Federal Republic of Germany, the Grand Duchy of Luxembourg, the Netherlands, Switzerland and Turkey

2. Exchange of the texts of laws and regulations

In accordance with its Statute, the Commission has circulated among its member countries the texts of recent laws and regulations concerning civil status. It has brought the following texts to the notice of the various national branches:

the Belgian Law of 27th July 1953 determining the effects of the application of German law to Belgian territory annexed by Germany in May 1940;

the Belgian Law of 30th December 1953 concerning loss of Belgian nationality;

the Belgian Law of 15th March 1954 repealing Article 315 of the Civil Code on the legitimacy of children born 300 days after the dissolution of a marriage;

the Belgian Law of 2nd July 1956 authorising, burgomasters and registrars to delegate to local government officials authority to issue certificates relating to civil status or copies thereof;

the Belgian Law of 15th July 1956 amending the provisions of the Civil Code relating to second marriages and divorce;

the circulars of the Belgian Minister of Justice, dated 7th May 1953 and 18th June 1953 concerning, respectively, the official transcription and registration of divorces granted abroad, and the implementation of the laws on adoption;

the French law of 16th July 1956 on the legitimation of adulterine children;

the two recent supplements to the French regulation of 25th September 1955 concerning Civil Status;



the Netherlands Law of 26th January 1956 on adoption;

the Swiss Federal Order of 1st June 1953 on Civil Status.

3. Publication of the international file of information on Civil Status

In the course of 1956, the Commission published its 9th set of documentary material, which is devoted to Civil Status under international law. It also prepared the 10th set concerning marriage, made a draft of the 11th on the severance of the marriage tie and planned the 12th on affiliation.

In accordance with the principles of the International Commission on Civil Status, these collections—the purpose of which is to simplify the work of those who are called upon to apply the law relating to individual status and nationality in the various Member States—conform to a standard lay-out and standard nomenclature and headings, in order to facilitate research and bring out similarities and differences between the legislation or case law of the various States. The main texts are reproduced in full and the leading decisions and instructions are cited.

4. Methods of simplifying or standardising the law on personal status and practice in regard to registration of births, marriages, etc

In its endeavour to improve by legal and technical measures the methods of registering births, marriages, etc. and to harmonise as far as possible the national laws in this matter, the Commission has instigated research into the law on adoption, and legitimation by adoption, in each of its Member States. Papers on this subject were read during the Lugano General Assembly in 1955.

At the Paris General Assembly, papers were read on the following subjects :

Changes of surnames and first names", followed by a discussion on the desirability of an international convention;

"The proposed reform of Luxembourg law in the interests of illegitimate children"

The "family registration book", followed by a discussion on this system or its counterparts in other member countries.

"Domicile and residence", followed by a discussion on the precise meaning and implications of these concepts in the various countries concerned.

On the practical side, the Commission has elaborated an international agreement standardising the lay-out of birth, marriage, divorce and death certificates for use abroad. This agreement, a copy of which will be transmitted to you in due course, was signed by the Representatives of Belgium, France, the Netherlands, Luxembourg, Switzerland and Turkey at the formal opening of the General Assembly in Paris. The effect of the Convention will be to do away with the need for applications and enquiries and to simplify the work of registrars. Certificates will all use the same terminology; they will be printed in seven languages and will be accepted in the territory of every signatory State without any form of authentication, having the same validity as if they had been drawn up in accordance with domestic law.

Lastly, the Commission has approved a draft Convention concerning the free issue of certain certificates relating to civil status; it has considered the advisability of a convention on consultation between registrars and has carried out studies with a view to a draft Convention on adoption.

5. Consultations granted to administrative or other authorities of Member States

During the year under review the national branches of the International Commission on Civil Status were consulted with regard to various technical difficulties connected with civil status and the law relating to individual status.

I have the honour to be

Your obedient Servant,

Signed : VAN PRAAG,

Secretary-General.