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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 550
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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,

W i t h reference to Article 4, parag r a p h 1, of t h e Agreement of 31st October 1955 between t h e Council of E u r o p e and t he I n t e r n a t i o n a l Commission on Civil S t a t u s , I h a v e the honour to t r a n s m i t the following r e p o r t on the activities of the Commission d u r i n g t h e period October 1955—October 1956..

I should begin b y informing you t h a t, a t t h e first s i t t i n g of i t s a n n u a l General Assemb l y on 27th September 1956, t h e Commission u n a n i m o u s l y a d m i t t e d to membership the F e d e r a l Republic of Germany. This brings t h e n u m b e r of member countries to 7, namely Belgium, France, the Federal Republic of Germany, t h e Grand Duchy of Luxembourg, t h e N e t h e r l a n d s , Switzerland and Turkey

2. Exchange of the texts of laws and regulations

I n accordance with its S t a t u t e , the Commission has circulated among its member c o u n t r i e s the t e x t s of recent laws and regul a t i o n s concerning civil s t a t u s . It h a s b r o u g ht t h e following t e x t s t o t h e notice of t h e various n a t i o n a l b r a n c h e s :

t h e Belgian L a w of 2 7 t h J u l y 1953 d e t e r m i n i n g the effects of t h e a p p l i c a t i o n of German law t o Belgian t e r r i t o r y annexed by Germany in May 1940;

h e Belgian L a w of 3 0 t h December 1953 concerning loss of Belgian n a t i o n a l i t y;

t h e Belgian Law of 15th March 1954 r e p e a l i n g Article 315 of the Civil Code on t h e l e g i t i m a c y of children born 300 days after t h e d i s s o l u t i o n of a m a r r i a g e;

t h e Belgian Law of 2nd J u l y 1956 a u t h o r i s i n g , b u r g o m a s t e r s and registrars to d e l e g a t e t o local g o v e r n m e n t officials a u t h o r i t y t o issue certificates r e l a t i n g t o civil s t a t u s or copies thereof;

t h e Belgian Law of 15th J u l y 1956 a m e n d i n g the provisions of the Civil Code r e l a t i n g t o second marriages and divorce;

t h e circulars of t h e Belgian Minister of J u s t i c e , d a t e d 7 t h May 1953 a n d 18th J u ne 1953 concerning, r e s p e c t i v e l y , t h e official t r a n s c r i p t i o n and r e g i s t r a t i o n of divorces granted a b r o a d , and t h e i m p l e m e n t a t i o n of t h e laws on a d o p t i o n;

t h e F r e n c h law of 16th J u l y 1956 on t h e l e g i t i m a t i o n of a d u l t e r i n e children;

t h e two r e c e n t s u p p l e m e n t s to t he F r e n c h r e g u l a t i o n of 25th September 1955 c o n c e r n i n g Civil S t a t u s;

t h e N e t h e r l a n d s Law of 26th Jan u a r y 1956 on a d o p t i o n;

t h e Swiss Federal Order of 1st J u ne 1953 on Civil S t a t u s.

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

I n t h e course of 1956, t h e Commission p u b l i s h e d its 9 t h set of d o c u m e n t a r y m a t e r i a l, which is d e v o t e d to Civil S t a t u s under intern a t i o n a l law. It also p r e p a r e d t h e 10th set concerning m a r r i a g e , m a d e a draft of t h e 11th on t h e severance of t h e m a r r i a g e t i e a n d p l a n n ed t h e 12th on affiliation.

I n accordance with t h e principles of t h e I n t e r n a t i o n a l Commission on Civil S t a t u s, t h e s e collections—the purpose of which is to simplify t h e work of t h o s e who are called upon t o a p p l y t h e law r e l a t i n g t o i n d i v i d u a l s t a t us a n d n a t i o n a l i t y in t h e various Member States —conform t o a s t a n d a r d l a y - o u t and s t a n d a rd n o m e n c l a t u r e and headings, in order to facil i t a t e research and b r i n g out similarities and differences between t h e legislation or case law of the various States. The main t e x t s are r e p r o d u c e d in full and t h e leading decisions a n d i n s t r u c t i o n s 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 e n d e a v o u r to i m p r o v e b y legal a n d technical measures t h e m e t h o d s of registeri n g b i r t h s , m a r r i a g e s , etc. and to h a r m o n i s e as far as possible t h e n a t i o n a l laws in t h i s m a t t e r, t h e Commission has i n s t i g a t e d research into t h e law on adoption, and l e g i t i m a t i o n by a d o p t i o n , in each of i t s Member S t a t e s . Papers on this subject were r e a d d u r i n g t h e Lugano General Assembly in 1955.

At t h e P a r i s General Assembly, papers were read on t h e following subjects :

Changes of surnames and first n a m e s " , followed by a discussion on the d e s i r a b i l i t y of a n i n t e r n a t i o n a l c o n v e n t i o n;

" T h e proposed reform of Luxemb o u r g law in t h e i n t e r e s t s ofi l l e g i t i m a t e childr e n "

T h e " family r e g i s t r a t i o n book ", followed by a discussion on t h i s s y s t em or its c o u n t e r p a r t s in other member countries.

" Domicile a n d residence ", followed b y a discussion on the precise meaning and i m p l i c a t i o n s of these concepts in t h e various c o u n t r i e s 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 draf t 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

D u r i n g the year under review the n a t i o n a l branches of t h e I n t e r n a t i o n a l Commission on Civil S t a t u s were consulted with r e g a r d t o v a r i o u s t e c h n i c a l difficulties connected w i t h civil s t a t u s and t h e law r e l a t i n g t o indiv i d u a l s t a t u s.

I have t h e honour to be

Your obedient S e r v a n t,

Signed : VAN PRAAG,

S e c r e t a r y - G e n e r a l .