Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 836
26 June 1958

Reply to the Second Report of the International Commission on Civil Status

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Eduard WAHL, Germany

1. 1958 - 10th Session - Second part

A. Draft Recommendation

The Assembly,

Having considered the Second Report on the activities of the International Commission on Civil Status (Doc. 765) ;

Whereas the Commission has drafted a " Convention on the issue of birth, marriage and death certificates for transmission abroad," signed on 27th September 1956, and a " Convention on the free issue of certificates of civil status and exemption from the need for legalisation, " signed on 26th September 1957;

Whereas the first of these conventions standardises the layout of birth, marriage, divorce and death certificates for use abroad, and the second facilitates the issue free of charge by one Contracting Party of full copies of extracts from certificates of civil status drawn up on its territory relating to nationals of other Contracting Parties, when the request is made for administrative purposes or on behalf of indigent persons;

Whereas under the terms of these conventions full copies and extracts of such certificates are exempted from the requirement of legalisation;

Whereas the Committee of Ministers has included in its programme of work the abolition of the need for the legalisation of certain official papers (see the Special Message,Doc. 238 para. 93) and has also, in Resolution (54) 23, urged Member States of the Council to join the International Commission;

And whereas these conventions have not yet been ratified by all the Member States of the Council of Europe which are already Members of the said International Commission,

Recommends that the Committee of Ministers:

1. should urge Member States of the Council of Europe which are Members of the International Commission on Civil Status to ratify the " Convention on the issue of birth, marriage and death certificates for transmission abroad " and the " Convention on the free issue of certificates of civil status and exemption from the need for legalisation ";
2. should inform the Assembly in due course of the action taken on this Recommendation.

B. Explanatory Memorandum

1. Introduction

1.1.

The International Commission on Civil Status, whose member countries are as follows: Belgium, France, Federal Republic of Germany, Luxembourg, Netherlands, Switzerland and Turnkey, has an agreement with the Council of Europe, Tvhich was concluded in 1955, whereby it undertakes to present to the Council an annual xeport on its work.

In its first report (Doc. 550) the Commission explained the scope of the Convention юп the issue of birth, marriage and death certificates for transmission abroad, signed on 27th September 1956 (see text in Doc. AS/JA (8) 26).

Appended to the Commission's second Teport (Doc. 765) is the Convention on the free issue of certificates of civil, status and exemption from the need for legalisation signed on 26th September 1957.

Only France and the Netherlands have so far ratified the first of the two Conventions and no country has yet ratified the second.

The Assembly's attention should be drawn to another aspect of the Commission's "work also mentioned in the two reports and consisting in the publication of an " International File of Information on Civil Status " designed to simplify the work of those whose duty it is to administer the law relating to individual status and nationality in the various States. This file is planned by member countries jointly, with a view to bringing out the similarities and differences between their legislation or case law. it should also be noted that at the Assembly's suggestion, the Committee of Ministers, in Resolution (54) 23, urged Member Governments to join the International Commission. The Conventions drafted by the Commission are of great value in view of the present intei national flow of manpower which is likely to be accentuated still further with the introduction of the Common Market. Such movements necessitate the standardisation of civil status regulations as well as close liaison and contacts between the responsible authorities in the countries concerned.

2. Purpose of the two Conventions

The first-mentioned Convention establishes standard birth, marriage and death certificates in seven languages (French, German, English, Spanish, Italian, Dutch, Turkish) to be filled in using only words requiring no translation (surname, first names, place names, dates, etc.) and agreed symbols (M = male, F = female, Dm = husband deceased, Df = wife deceased, Div = divorce, A = annulment of marriage). Such certificates do not require legalisation in the territory of signatory States.

Under the second Convention, each Contracting State agrees to issue free of charge to other Contracting States full copies of or extracts from certificates of civil status drawn up in its territory and relating to nationals of the requesting country, where the request is made for administrative purposes or on behalf of indigent persons.

Such certificates will not require legalisation in the territory of Contracting States.

The terms of this Convention comply with the principle set out in Article 8, paragraph 2, of the European Convention on Establishment of 15th December 1955, relating to the free issue of extracts from certificates of civil status to indigent persons. The new convention goes much further, however, than the Article in question, since it eliminates the need for legalisation, thereby constituting a valuable addition to the Convention on Establishment.

3. Conclusions

The work of the International Commission gives cause for satisfaction, particularly as, although in a limited sphere, it furthers one of the aims of the Council of Europe: the harmonisation and unification of national legislation.

Your Rapporteur therefore suggests that the Assembly recommend that the Committee of Ministers should urge Member States of the Council which are also members of the Commission to ratify both these Conventions, if they have not already done so.

Your Rapporteur does not consider it advisable, at any rate for the moment, to propose the accession of Member States of the Council which are not members of the Commission, firstly because these Conventions can apply only to countries with similar rules on civil status, and secondly because such countries, if interested, may become Members of the International Commission.