

**INTERNATIONAL COMMISSION
ON CIVIL STATUS**

STATUTES

PROTOCOL
on the International Commission on Civil Status

The High Contracting Parties

Considering that, by an exchange of letters, Belgium, France, Luxembourg, the Netherlands and Switzerland have recognised the International Commission on Civil Status,

Considering that it should be specified how the exchange of documentation effected through the intermediary of the said Commission is to be carried out,

Have agreed as follows :

Article I

With a view to the compilation and updating of the documentation on legislation and case-law relating to the law of persons and nationality, tasks entrusted to the International Commission on Civil Status, the High Contracting Parties undertake to supply to the said Commission free of charge the information it needs for its studies and work.

Article II

In order to consult the documentation assembled by the International Commission on Civil Status, government departments, diplomatic missions, consuls general, consuls, vice-consuls or consular agents of each of the High Contracting Parties may correspond directly with the Secretary General of the said Commission.

Article III

The High Contracting Parties undertake to share in the operating expenses of the Commission by means of an annual contribution.

Article IV

The High Contracting Parties will cause the competent authorities of their respective countries to receive the instructions necessary for the application of the present agreement, which will enter into force on 1 October 1950.

In witness whereof the undersigned, duly authorised to this end, have signed the present Protocol, which shall be deposited in the archives of the Swiss Confederation and a certified copy of which shall be transmitted, through diplomatic channels, to each of the High Contracting Parties.

Done at Bern on 25 September 1950.

For Belgium:

(sgd.) *K. de Lantsheere*

For France:

(sgd.) *Guy Deltel*

For Luxembourg:

(sgd.) *V. Feyder*

For the Netherlands:

(sgd.) *P.J. de Kanter*

For Switzerland:

(sgd.) *E. Alexander*

**ADDITIONAL PROTOCOL
to the Protocol on the International Commission on
Civil Status signed at Bern on 25 September 1950**

The High Contracting Parties, signatories to the Bern Protocol of 25 September 1950 on the International Commission on Civil Status,

Considering that the work of the said Commission has developed in such a way that the accession of further States is to be foreseen,

Have agreed as follows :

Single Article

1° States that have not signed the Bern Protocol of 25 September 1950 on the International Commission on Civil Status may be admitted to accede to the Commission.

2° By applying for accession such States accept the rules of the Commission and undertake to pay the amount of the contribution resulting from Article III of the above-mentioned Protocol and the rules laid down for its application. The application for accession shall be addressed through diplomatic channels to the Swiss Confederation, which shall communicate it to each of the signatory and acceding States and also to the Secretariat General of the Commission.

3° Any new accession must be approved by vote of the General Assembly of the Commission, with the delegates empowered by the States party to the Protocol of 25 September 1950 voting unanimously in favour. The accession will take effect thirty days after the date of the said vote and will be communicated to each of the signatory and acceding States shall be notified thereof.

In witness whereof the undersigned, duly authorised to this end, have signed the present Additional Protocol, which shall be deposited in the archives of the Grand Duchy of Luxembourg and a certified copy of which shall be transmitted, through diplomatic channels, to each of the High Contracting Parties.

Done at Luxembourg on 25 September 1952

(There follow the signatures of the delegates authorised to sign the Additional Protocol

For Belgium : Vicomte Joseph BERRYER, Minister for Belgium in Luxembourg,

For France : Guy DELTEL, Judge at the Court of Appeal, Paris,

For Luxembourg : Henri DELVAUX, Deputy State Public Prosecutor at Luxembourg,

For the Netherlands : J. de KANTER, Administrator at the Ministry of Foreign Affairs at The Hague,

For Switzerland : Charles KNAPP, Professor of Law at the University of Neuchâtel.)

In accordance with this Article the following States have been admitted to the International Commission on Civil Status :

the Turkish Republic on 24 September 1953
the Federal Republic of Germany on 27 September 1956
the Italian Republic on 4 September 1958
the Greek Republic on 3 September 1959
the Republic of Austria on 14 September 1961
the Portuguese Republic on 13 September 1973
the Kingdom of Spain on 13 September 1974
the United Kingdom of Great Britain and Northern Ireland on 11 September 1996
the Republic of Poland on 9 September 1998
the Republic of Croatia on 25 March 1999
the Republic of Hungary on 15 September 1999

RULES

of the International Commission on Civil Status

First chapter

GENERAL PROVISIONS

Article 1

Status and functions of the ICCS

The aim of the International Commission on Civil Status ("ICCS") is to facilitate international co-operation in civil-status matters and to further the exchange of information between civil registrars. To this end, it carries out any studies and work, in particular by drawing up recommendations or draft conventions, aimed at harmonising the provisions in force in the member States on matters relating to the status and capacity of persons, to the family and to nationality and at improving the operation of civil-status departments in those States. The ICCS also compiles and keeps up to date a documentation on legislation and case-law setting out the law of the member States on the aforesaid matters and provides, on the basis of that documentation, information to the authorities referred to in Article II of the Bern Protocol of 25 September 1950.

In the matters referred to in the preceding paragraph, the ICCS co-ordinates its activities with those of other international bodies¹ and furthers relations with bodies dealing with matters having an interest for civil-status purposes.

The ICCS may also, in areas within its competence, enter into collaboration with third States with a view to furthering co-operation between them and the member States.

Article 2

Admission of new members

Any State party to the Convention for the Protection of Human Rights and Fundamental Freedoms or to the International Covenant on Civil and Political Rights may become a member of the ICCS in accordance with the procedure laid down by the Luxembourg Protocol of 25 September 1952 and the present Rules.

Article 3

Withdrawal and suspension of a member State

Any member State may withdraw from the ICCS by notifying the Swiss Confederation of its decision. The decision shall be communicated by the Swiss Confederation to the other member States and shall take effect six months after the date of the notification.

If a member State does not fulfil its financial obligations, its right to be represented on the Bureau and at the General Assembly may be suspended by the General Assembly, for as long as it has not complied with those obligations.

Article 4

Observers

Observer status may be granted to international organisations or to States. Such status shall entitle the holders to be represented at General Assemblies of the ICCS at which questions of interest to them are to be examined.

Article 5

Language

French is the official language of the Commission.

Article 6

National Sections

Each member State shall set up in its territory a National Section responsible in particular for representing the member State within the ICCS, promoting the aims of the ICCS in its territory, notably with the national authorities, proposing new activities and ensuring liaison with the other Sections through, if appropriate, the intermediary of the Secretary General.

The National Section shall prepare and transmit to the Secretary General an annual report on its activities and on legislative and case-law developments in its State.

¹ Agreements have notably been concluded with the Council of Europe (in October 1955), with the Hague Conference on Private International Law (in October 1969), with the United Nations High Commissioner for Refugees (in May 1981) and with the Commission of the European Communities (in July 1983).

Article 7

Votes

Save as hereinafter provided, decisions shall be taken by a simple majority of the votes cast. Abstentions shall not be taken into account. Each member State represented shall have one vote. In the event of a tie, the proposal shall be considered as rejected.

The admission of a State to the ICCS and the grant of observer status, or its renewal, shall be decided by a majority of two-thirds of the member States. The decision shall become final if, within three months, no member State has objected thereto by written declaration addressed to the Secretary General.

The adoption of a Convention or Recommendation shall be decided by a simple majority of the member States.

Second chapter ORGANS OF THE ICCS

Article 8

Organs of the ICCS

The organs of the ICCS are :

1. The General Assembly ;
2. The Bureau ;
3. The President ;
4. The Secretary General.

GENERAL ASSEMBLY

Article 9

Meetings of the General Assembly

The ICCS shall meet in General Assembly in principle twice every year. The first meeting shall be held in March at the seat of the ICCS and the second in September in a member State, at the place and on the date chosen by the General Assembly the previous year, failing which by the Bureau.

The dates and places of the General Assembly may be modified by the General Assembly or the Bureau. The Bureau may also decide that the March General Assembly shall not be held.

Additional meetings shall be held if requested by more than half of the member States or when the Bureau considers them to be necessary.

Article 10

Composition of the General Assembly

The General Assembly shall be composed of the members of the National Sections and, if appropriate, experts, designated to that end by each of the member States. No State may be represented by more than eight persons. However, an unlimited number of members of the National Section and experts of the country where the September General Assembly is being held may participate in the proceedings thereof.

Observers and any experts or personalities invited by the Bureau or the Secretary General in accordance with the provisions of Articles 16 and 25 may also attend the proceedings of the General Assembly.

Article 11

Functions of the General Assembly

The General Assembly shall exercise the following functions :

1. deciding on any proposal of the Bureau concerning the admission of a State to the ICCS ;
2. reviewing the conclusions of the working parties it has set up and determining the follow-up thereto ;
3. adopting the text of any Convention or Recommendation and the explanatory report thereto ;
4. deciding on any proposal to modify the text of a Convention, submitted to it by a National Section in accordance with Article 27 ;
5. deciding on any proposal for new activities submitted to it by the Bureau, and in particular the proposals for Conventions referred to in Article 27 ;
6. deciding on any proposal to modify these Rules or the Financial Regulations.

Article 12

Procedure of the General Assembly

The General Assembly shall examine the items included in the agenda fixed by the President in accordance with Article 21.

If the President, one or more National Sections or the Secretary General tables a motion to adjourn or postpone one or more of those items, to modify the agenda, or exceptionally to examine an item not included therein, the Assembly shall take an immediate decision on that motion. If the motion is rejected, it cannot be tabled again during the same session.

Article 13

Record

A record of the proceedings and decisions of the General Assembly shall be drawn up by the Secretary General and submitted to the General Assembly for approval.

BUREAU

Article 14

Meetings of the Bureau

The Bureau shall meet twice every year. Additional meetings shall be held if requested by more than half of the member States or when the Bureau considers them to be necessary.

Article 15

Composition of the Bureau

The Bureau shall be composed of the Presidents of the National Sections. If they are prevented from attending, they may be represented by a member of their National Section. They may be assisted by one or two members of that Section, after having so informed the Secretary General.

Article 16

Functions of the Bureau

The Bureau shall take all decisions concerning the ICCS other than those expressly attributed to other organs thereof.

The Bureau shall exercise, in particular, the following functions :

- 1° seeing to the implementation of the decisions of the General Assembly ;
- 2° taking all decisions pending the next meeting of the General Assembly and fixing the date and place of that meeting if that has not been done ;
- 3° designating the President, the Vice-President, the Secretary General and the Deputy Secretary General of the ICCS ; it may confer an honorary title on former Presidents or Secretaries General who have rendered exceptional services to the ICCS ;
- 4° examining any application by a State to accede to the ICCS and, if appropriate, submitting to the General Assembly a proposal that that State be admitted ;
- 5° it can grant to international organisations the right to participate, as an observer, in the General Assembly and in other activities of the ICCS ;
- 6° it can also grant, for a renewable period of five years, the same rights to a State and, in case of renewal, request that State to pay a contribution of an amount fixed by the Bureau ;
- 7° it can grant a special status to certain subjects of international law ;
- 8° it can invite experts or personalities to attend a General Assembly ;
- 9° carrying out studies preliminary to the launching of a new activity and, if appropriate, submitting to the General Assembly a proposal concerning the conduct and priority-ranking of that activity ;
- 10° determining how the documentation referred to in the first paragraph of Article 1 is to be compiled and updated and also the utilisation thereof ;
- 11° exercising the functions conferred on it by the Financial Regulations, and in particular the adoption of the budget, the approval of the accounts of the Secretary General and the nomination of an auditor ;
- 12° fixing the amount of the shares of the member States in the operating expenses of the ICCS, provided for by Article III of the Bern Protocol of 25 September 1950 ; it can, when a new State is admitted, decide that it shall pay a reduced contribution during a period to be determined ;
- 13° modifying, in case of urgency, the agenda fixed by the President pursuant to Article 21.

Article 17

Procedure of the Bureau

The Bureau shall examine the items included in the agenda fixed by the President in accordance with Article 21. Deliberations of the Bureau shall be valid only if more than half of the member States are represented. The Bureau may, however, take by correspondence a decision on any item on which a decision cannot be deferred.

Article 18

Record

A record of the proceedings and decisions of the Bureau shall be drawn up by the Secretary General and submitted to the Bureau for approval.

PRESIDENCY

Article 19

Designation

The President and the Vice-President shall be designated by the Bureau from amongst its members or, exceptionally, the members of the National Sections.

Article 20

Term of office

The President and the Vice-President shall hold office for a term of two years and shall not be immediately re-eligible. If the President is temporarily prevented from carrying out his or her duties, he or she shall be replaced by the Vice-President. If the President ceases to carry out his or her duties prematurely, he or she shall be replaced by the Vice-President until the Bureau has proceeded to elect a new President.

Article 21

Functions

The President shall represent the ICCS in its relations with authorities ; for this purpose he or she may delegate signing powers to the Secretary General. The President shall chair meetings of the General Assembly and the Bureau and fix their agendas.

Article 22

Plurality of offices

The office of President or Vice-President of the ICCS may be held concurrently with the office of President of a National Section.

SECRETARIAT GENERAL

Article 23

Composition

The Secretariat General shall be composed of the Secretary General, the Deputy Secretary General and the person responsible for the administrative services.

The Secretary General and the Deputy Secretary General shall be designated by the Bureau from amongst the members of the National Sections or, exceptionally, persons qualified in the matters falling within the competence of the Commission. The person responsible for the administrative services shall be nominated by the Secretary General.

Article 24

Term of office

The Secretary General and the Deputy Secretary General shall hold office for a term of three years. They shall be immediately re-eligible. If the Secretary General is temporarily prevented from carrying out his or her duties, he or she shall be replaced by the Deputy Secretary General. If the Secretary General ceases to carry out his or her duties prematurely, the Bureau shall proceed with a minimum of delay to his or her replacement, with the Deputy Secretary General acting in his or her place in the interim.

Article 25

Functions

The Secretary General shall exercise the following functions :

- 1° implementing the decisions taken by the ICCS ;
- 2° fulfilling the obligations imposed on him or her by the Financial Regulations ;
- 3° convening, on the instructions of the President, meetings of the General Assembly and the Bureau ; he or she can also, of his or her own motion, convene such meetings with a precise agenda, if the President or Vice-President cannot be contacted ;
- 4° he or she can, in case of urgency and after consulting the President, invite in the name of the latter experts or personalities to participate in a General Assembly ;
- 5° participating, in a purely advisory capacity, in the proceedings of the General Assembly and the Bureau ; drawing up the record of the proceedings and the decisions taken and transmitting it to the National Sections as soon as possible ;
- 6° ensuring liaison between the National Sections, in particular by transmitting and circulating all correspondence and documentation that may be of interest to them ;
- 7° ensuring the keeping and custody of the records, registers and archives of the ICCS ;
- 8° preparing and keeping up to date the table of signatures and ratifications of the Conventions drafted under the aegis of the ICCS ;
- 9° ensuring, with the agreement of the President, liaison and collaboration with the other interested institutions ;
- 10° organising the Secretariat General and recruiting the necessary staff ;

11° submitting to the September General Assembly an annual report on legislative and case-law developments in the member States, based on reports from the National Sections, and on the activities of the Secretariat General.

Article 26
Incompatibilities

The functions of Secretary General and Deputy Secretary General shall be incompatible with any other function in the Commission.

Third chapter
MISCELLANEOUS PROVISIONS

Article 27
Drafting of Conventions

1° Proposals that a Convention be drafted can emanate from a National Section or the Bureau. In the former case they must be submitted to the Bureau.

2° A proposal emanating from a National Section must be addressed to the Secretary General, who will transmit it to the other Sections. In order to be included in the agenda of the Bureau, the proposal, together with an explanatory report, must reach the Secretary General at least two months before the date fixed for the meeting.

3° The Bureau shall transmit to the General Assembly the proposals which it has retained.

4° The text of a Convention shall be final once it has been adopted by the General Assembly. It can then be the object only of corrections, effected by the Secretary General, of purely clerical or grammatical errors.

5° However, if a National Section deems it indispensable to modify the said text, it must so inform the Secretary General by sending to him or her, within the three months following the General Assembly that adopted the text which that National Section wishes to see modified, a detailed explanatory report which must set out the new text proposed. The same power of initiative shall be vested in the Secretary General. The modification proposed shall be submitted to a new General Assembly which will adopt the final text of the Convention on a second reading.

6° The text of the Convention so adopted shall be transmitted to the Swiss Federal Council, which shall be responsible for notifying the member States thereof through diplomatic channels, with an indication that it is open to their signature.

Article 28
Drafting of Recommendations

The provisions of paragraphs 1 to 5 of Article 27 shall be applicable to the drafting of Recommendations. The text adopted by the General Assembly shall be communicated to the member States through the good offices of the Secretary General.

Article 29
Notices of meetings

Notices of meetings of the General Assembly or the Bureau shall be sent to the National Sections by the Secretary General at least, save in case of urgency, six weeks before the intended date of the meeting. The agenda and the working documents shall be appended thereto.

Article 30
Working parties

The General Assembly or the Bureau may refer the study of a question to a working party having a mandate determined by them. Each member State shall be entitled to be represented on working parties.

Article 31
Modification of the Rules

The present Rules may be modified by decision of the General Assembly taken by a majority of two-thirds of the member States.

Article 32
Entry into force

The present Rules, which were considered and adopted by the General Assembly of the ICCS during its meeting held in Athens on 19 September 2001, shall enter into force on 1 January 2002.

FINANCIAL REGULATIONS
of the International Commission on Civil Status

Article 1

Budget

Each year the Secretary General shall prepare a draft budget for the forthcoming financial year, which shall include detailed estimates of expenditure. The financial year shall begin on 1 January and end on 31 December.

The draft budget shall be submitted, before 1 May, to the Bureau for approval. The members of the Bureau shall then, if appropriate, submit the approved draft to their respective Governments for agreement.

The budget shall be adopted each year, no later than 30 November, by the Bureau.

The Secretary General shall subsequently call for the contributions of the member States, provided for by Article III of the Bern Protocol of 25 September 1950.

Article 2

Accounts

The functions of the Secretary General shall include the keeping of the accounts. During the course of the financial year, he or she shall proceed, within the limits of and in conformity with the budget adopted by the Bureau, to pay the items of expenditure, against receipts or vouchers.

The Secretary General shall keep the funds of the ICCS on an account opened in its name with a bank known to be solvent.

Article 3

Audit of the accounts

The Secretary General shall submit his or her accounts each year to an auditor nominated by the Bureau. After examining the receipts and vouchers, the auditor shall prepare a report setting out the financial situation of the past financial year and, if appropriate, indicating his or her approval of the accounts. This report shall be submitted, before 1 May, to the Bureau which, on the proposal of the auditor, shall discharge the Secretary General for his or her financial management for the said financial year.

Article 4

National Sections

The National Sections may not, on their own initiative, incur any expenditure chargeable to the budget of the ICCS.

Article 5

Modifications

The present Financial Regulations may be modified by decision of the General Assembly taken by a majority of two-thirds of the member States.

Article 6

Adoption and entry into force

The present Financial Regulations, which were considered and adopted by the General Assembly of the ICCS during its meeting held in Athens on 19 September 2001, shall enter into force on the same date as the Rules of the ICCS adopted on the same day.