

EXPLANATORY REPORT

adopted by the General Assembly at Nanterre on 11 September 1974

A. GENERAL REMARKS

The introduction of an international family record booklet is intended to meet three concerns. Persons carrying an international booklet will be able to have events relating to civil status affecting their families recorded in the booklet in any Contracting State. Thus their booklet will always be kept up to date, even though they may move from place to place.

Secondly, the international family record booklet will enable the authorities of host countries to obtain accurate and complete information on the identity of persons settling in those countries. Designed in accordance with a uniform model and written in several languages, the booklet will form a natural complement to such persons' identity papers. It will thus be possible to verify their exact status and, where necessary, to supplement civil status information about them, particularly in order to obtain exact information as to the composition of their families.

The international family record booklet will serve a third and no less important purpose. A number of ICCS member countries, as well as many other countries, either have no such thing as a family record booklet or do not recognise such a document as having any legal value. The adoption of the international booklet will enable those countries to introduce in their territories, by virtue of this Convention, a family record booklet that will be valid not only internationally but nationally as well.

For the practical details of the production of the international family record booklet, the ICCS took as a precedent the first Convention it drew up, i.e. the Convention, signed at Paris at 27 September 1956, on the issue of certain extracts from records of births, marriages and deaths. The ICCS prepared a model family record booklet measuring 12 cm x 21 cm and containing one multilingual form for a record of marriage and a number of multilingual forms for records of birth, suitable for direct use by civil registrars in all the countries bound by this Convention. Moreover, since the majority of countries that already have a family record booklet use it to provide, in addition to extracts from civil status records properly so-called, certain other information about the persons concerned, the model booklet also has spaces for entering such information.

B. COMMENTARY ON THE ARTICLES

Article 1

This Article sets out the twofold principle that the signatory or acceding States undertake not only to issue an international family record booklet to all persons marrying in their territory, whether or not they are nationals of a country bound by this Convention, but also not to issue any other family record booklet. The ICCS adopted this solution as a general principle in order to make a noteworthy contribution to the unification of civil registration in the various member countries.

However, as the ICCS realised that in some countries such a strict rule could prevent the introduction of an international family record booklet, it provided, in Article 17 of the Convention, for the possibility of reservations whereby a Contracting State may declare that the international booklet will be issued only if the persons concerned ask for it, on the understanding that civil registrars must draw their attention to its usefulness.

It should be pointed out that the term “civil registrar” used in the first paragraph covers not only the registrars in the strict sense of the various States bound by this Convention, but also other persons authorised under national laws, such as consular agents, ship’s captains and in some cases ministers of religion. The term “civil registrar” must therefore be understood in a broad sense and include all those authorities in the various countries that are empowered to draw up the civil status records of which details are to be reproduced in the family booklet.

The international family record booklet will not always be issued at the very moment of the celebration of the marriage. This is because in some countries, where marriages are celebrated by a minister of religion, civil registrars do not transcribe the record of marriage until several days later. That will be the time when they will issue the international family record booklet.

Article 2

Inasmuch as it states in the first paragraph that “there shall be entered in the international family record booklet the original particulars and subsequent annotations appearing in the civil status records,” Article 2 covers not only civil status records properly so-called, such as records of marriage and birth, but also any events entailing the amendment or supplementing of those records, such as rectifications, changes of name, adoptions, divorces, etc., which in most of the Contracting States are shown by way of marginal annotations in the records to which they more particularly relate.

Space 11 of the forms in the booklet could be used, for example, to show information on the filiation of each spouse and on the conclusion of a marriage contract, where such information is given in the record of marriage.

In the model appended to the Convention no special form has been provided for records concerning the death of the persons entered in the booklet, namely the spouses and their children. This is because such deaths will have to be entered in space 13, which is reserved for subsequent annotations made consequent upon events affecting the civil status of those persons, using the standard symbol provided for this purpose in the Convention (third paragraph of Article 7).

In referring to “children of the marriage” the authors of the Convention intended to include under this head not only those children of whom the spouses are the biological parents but also adopted children. This broad interpretation results from reading the reference in question together with the reservation option contained in Article 17, whereby “each Contracting State may declare that adopted children will not be mentioned in the international family record booklet”.

The second paragraph identifies the civil registrar empowered to make entries – concerning original particulars and subsequent annotations – in the international family record booklet, i.e. “the civil registrar who drew up or transcribed the record”. It follows that in all cases where registrars are empowered under their national law to make entries or annotations in their registers, they are also empowered to make such entries and annotations in the international family record booklet.

Article 3

This Article deals with miscellaneous additional information peculiar to each State, a matter which is left to its discretion. The appropriate place for it is space 19.

Other information, for example relating to health (vaccinations, blood group), may be inserted there.

Article 4

This Article governs the case of spouses married before the Convention came into force or married in a State not bound by the Convention. In such cases, persons who wish to be issued with an international family record booklet should apply either to the civil registrar who performed the marriage ceremony or transcribed the record of marriage, or to the authorities competent in matters of civil status of the State of which at least one of the spouses is a national.

The same applies to births, legitimations or deaths to be recorded or noted in the booklet.

Article 5

The consecutive numbering of pages provided for in this Article is designed to prevent fraud.

Article 6

This Article governs the way in which the various entries must be made in the international family record booklet.

They must be made in Latin characters. However, in countries which use different characters – Cyrillic, Arabic, Greek, Hebrew, etc. – entries may be made in those characters as well.

The obligation to use detached script and if possible a typewriter is designed to prevent any errors in reproduction. It follows that it will be necessary to use both upper- and lower-case letters and not to omit diacritic marks.

Any place name should be followed by the name of the State in which the place is situated, if that State is not the one in which the booklet is issued.

Article 7

Article 7 states first of all the way in which dates must be written in the international family record booklet. The order in which their various components must be written is the same as for the above-mentioned Convention No.1, i.e. day, month, year. It is true that this order is not the same as that recommended by the International Organisation for Standardisation, i.e. year, month, day, but the great majority of the member States of the ICCS expressed a preference for the order used – for many years – for Convention No.1. Moreover, there is no danger of confusion between the two orders, since the printed forms for the records contained in the model booklet appended to the Convention provide individual spaces for each component of the date, with the relative symbol above them.

Secondly, Article 7 specifies the different symbols which must be used.

Lastly, for countries using an identity number, Article 7 lays down that the identity number in space 18 must be preceded by the name of the State which assigned it.

It is to be understood that, to avoid any confusion, the symbols to be used for entering the various events affecting civil status in the international family record booklet are those specified in this Article, to the exclusion of any national symbols.

Article 8

This Article lays down the way in which the standard forms of words in the international family record booklet and the glossary to be included at the back of the booklet must be printed.

Article 9

Article 9 indicates how the glossary of the symbols specified in Article 7 must be printed.

Article 10

This Article concerns solely the spaces preceding that reserved for the date of issue, the signature and the seal (space 12). It relates either to particulars which do not appear in the original record, such as certain components of a date of birth or a surname adopted after the marriage, or to the space headed "Other particulars in the record".

Article 11

It follows from this Article that particulars and annotations relating to civil status entered in the international family record booklet must be regarded as extracts from civil status records issued by the authorities of the States from which they emanate. They have everywhere the same value as those extracts.

As with the above-mentioned Convention No. 1, no legalisation is necessary.

Article 12

This Article is concerned with the updating of the international family record booklet. It was inserted because the booklet should reproduce not only extracts from civil status records but also any annotations amending those records, such as those concerning judgments ordering a rectification, legitimations, repudiations, divorces, etc. The holder of the booklet must therefore make sure that the appropriate civil registrar brings it up to date whenever the necessity arises. The use of a booklet containing information that is incorrect owing to changes in the status of the persons mentioned therein, notably in order to obtain special advantages, may lead to prosecution.

Article 13

As a general rule, the booklet will be issued and entries made in it without charge. However, having regard to some national laws, Article 17 provides that a State may declare that it will not apply Article 13 or one of its provisions.

Article 14

This Article calls for no comment.

Article 15

The idea of assimilating refugees and stateless persons to nationals of a State, which is expressed in this Article, is to be found in other international agreements.

The wording used echoes that of the Convention to facilitate the celebration of marriages abroad, signed at Paris on 10 September 1964, and the Convention on the recognition of decisions relating to the matrimonial bond, signed at Luxembourg on 8 September 1967.

Article 16

National family record booklets currently being issued by many local authorities contain at the front or the back certain information of general or local interest, such as rights and duties of the spouses, health obligations or a history of the locality. Since the international family record booklet is not to be used exclusively by persons moving to different countries, but is also to take the place of the national family record booklet issued to all newly-married couples without distinction, it is important that, to a certain extent at least, the booklet should be capable of retaining national or even local characteristics, alongside the international forms. To that end, Article 16 of the Convention formally permits the

insertion, at the front or back of the booklet, of information of general or local interest, for use by the spouses.

Article 17

In countries availing themselves of the reservation at letter (a), that is to say countries where no family record booklet exists at present, issue of the international family record booklet will be optional, on the understanding however that no other family record booklet can be issued and that the civil registrar will draw the spouses' attention to the usefulness of the international document.

The reservation provided for at letter (b) allows States availing themselves of it to issue the international family record booklet, for a period not exceeding 10 years, only to persons who ask for it in preference to the national family record booklet currently in use.

The reservation at letter (c) permits the introduction of the international family record booklet in the different local authority areas within a State's territory to be spread over a period not exceeding 5 years. This reservation will allow States availing themselves of it to use up the stocks of national record booklets held by their local authorities.

The reservation set out at letter (d) allows for adopted children to be excluded from the international family record booklet, since in certain countries such children are not considered part of the adoptive parents' family.

For the reservation at letter (e), see Article 13 above.

Articles 18 to 23

These Articles contain the final clauses governing ratification of the Convention and its entry into force and duration.