

YEARBOOK OF PRIVATE INTERNATIONAL LAW

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YEARBOOK OF
PRIVATE INTERNATIONAL LAW

VOLUME XXV – 2023 / 2024

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PUBLISHED IN ASSOCIATION WITH

SWISS INSTITUTE OF COMPARATIVE LAW
LAUSANNE, SWITZERLAND

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The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.dnb.de>.

Verlag Dr. Otto Schmidt KG
Gustav-Heinemann-Ufer 58, 50968 Köln
Tel. +49 221/93738-01, Fax +49 221/93738-943
info@otto-schmidt.de, www.otto-schmidt.de

ISBN (print) 978-3-504-08025-9
ISBN (eBook) 978-3-504-38922-2

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Swiss Institute of Comparative Law, Lausanne

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Printing and binding: Beltz Grafische Betriebe GmbH,
Bad Langensalza
Printed in Germany.

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DOCTRINE

NEW PERSPECTIVES FOR THE CIEC/ICCS AND ITS WORK

Hans VAN LOON*

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I. Introduction – Twenty-Five and Five Years on

The appearance of the XXVth volume of the Yearbook of Private International Law is a remarkable milestone. Petar Šarčević and Paul Volken, who founded the Yearbook, were true visionaries. Founding an annual publication is one thing; keeping it going for 25 years is another, and so the Editors and all those who have contributed to the Yearbook over the years also deserve praise for their commitment and hard work.

Not only does the Yearbook remain a much sought-after medium for the publication of scholarly articles, information on foreign law, court decisions and

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Yearbook of Private International Law, Volume 25 (2023/2024), pp. 1-12

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Printed in Germany

much more, but it has also, on occasion, enabled contributions that have sounded the alarm about certain developments and called for action. At least, that was the case with our contribution “Requiem or transformation? Perspectives for the CIEC/ICCS and its Work” which the editors accepted to include in Volume XX (2018/2019).

That article was, as the Editors put it, a “warning call” about the existential crisis in which the International Commission on Civil Status, CIEC/ICCS, found itself five years ago. It outlined the practical importance of the Organisation and its work, not only for today but also for the future, in light of its global potential, and sketched a way forward, with several action points. Its message was that CIEC/ICCS’s work and worldwide potential – to facilitate international cooperation in civil-status matters and to promote the exchange of information between civil registrars, but also as a forum in which questions relating to civil status, broadly understood, are studied and discussed¹ – could and should be “preserved and developed, in the interest of States, civil registries, administrations, judges, and, indeed, individuals and families all over the world.”²

The article analysed the interaction between, on the one hand, the prominent CIEC/ICCS Conventions No 16 and 34 on multilingual and coded extracts from civil status records, and, on the other, Regulation (EU) 2016/1191 on promoting the free movement of citizens by simplifying the requirements for producing certain public documents in the European Union. It made the point that, while the development of the Regulation had caused a stir in the Organisation and had affected its work, in fact the CIEC/ICCS instruments and the Regulation could well live together and, in actual practice, were complementary. The article discussed in detail the current and potential benefits of existing CIEC/ICCS instruments –

- a) in relations between EU Member States, where the Regulation coexists with these instruments that continue to bring benefits to EU citizens and residents and would bring even greater benefits if these instruments were in force across the EU,
- b) in the relations between each of the EU Member States that are Parties to CIEC/ICCS Conventions and non-EU Member States (“third States” from an EU standpoint) that are Parties to those Conventions, where the Regulation does not apply, and the Conventions continue providing benefits, including to EU citizens and residents, and would do so even more if a larger number of third States were Parties to the Conventions,
- c) among non-EU Member States Parties to the Conventions, where the Regulation does not apply, because their citizens and residents, and occasionally also EU citizens and residents, benefit from those instruments.

¹ See <https://notariat-francophone.org/2023/01/23/entretien-avec-nicolas-nord-secretaire-general-de-la-ciec/> (all websites referred to in this paper were last accessed on 5.6.2024).

² H. VAN LOON, “Requiem or Transformation? Perspective for the CIEC/ICCS and Its Work”, in this *Yearbook*, Vol. XX, 2018/2019, pp. 73-93, at p. 93.

The article flagged a number of features of the Conventions which could be improved to attract wider adherence and made some suggestions for achieving that, notably by adding English (and Spanish) as an authentic language and enabling EU accession/approval of the Conventions.

Ways to strengthen the structure of the Organisation were also suggested, including by enabling EU accession to the CIEC/ICCS. The eventual possibility of the Hague Conference “taking over” (part of) the work of CIEC/ICCS was raised somewhat pessimistically.³

II. New Grounds for Cautious Optimism

Fortunately, five years on, there is some reason for optimism, even if much work remains to be done.

A. Progress in Respect of the Conventions

1. *Entry into Force of Convention (No 34) on the Issue of Multilingual and Coded Certificates and Extracts from Civil-Status Records*

Convention (No 34) on the issue of multilingual and coded certificates and extracts from civil-status records enables the issue of multi-lingual and coded extracts from civil-status records concerning births, acknowledgments of paternity of a child, marriages, registered partnerships, and deaths, and specifies their evidential value. It also applies to the issue of a multilingual and coded certificate confirming the registration of a partnership by a public authority other than a civil registrar.

Convention No 34 revises and updates the popular Convention No 16, which is in force for 16 EU Member States and 8 non-EU Member States and continues to be used intensively. The new Convention introduces provisions to take into account new developments in family law – same-sex marriages (and parenthood) and registered partnerships – and in digital technology, it modernises the standard models and adds a verification procedure to combat fraud and the circulation of incorrect documents. In short, a most useful instrument in support of international mobility.

The ratification by Switzerland, depositary of the Convention, on 25 March 2022, in addition to Belgium’s ratification in 2017, enabled the entry into force of the Convention on 1 July 2022, including for Germany, whose ratification of the Convention in 2017 had remained without effect because of Germany’s withdrawal from the Organisation in 2015! The Convention’s entry into force gave rise to a successful and well-attended one-day CIEC/ICCS Colloquium in September

³ As a precautionary measure, Article 32 (Dissolution or Transformation of the ICCS) of the new Rules of the Organisation (see fn. 20 below) addresses the possibility of “its absorption into another international organisation.”

2022 in Strasbourg on “The Multilingual Forms of the CIEC/ICCS – Present and future of cooperation in matters of civil status.”

It is now to be hoped that the remaining 14 EU Member States and seven non-EU Member States which are Parties to Convention No. 16, as well as many other States, will not hesitate to modernise their civil registration systems for issuing civil status extracts by joining Convention No. 34 soon.

2. *Near-Completion of Convention (No 35) on the Issue of Certificates of Legal Capacity to Marry*

In April 2024 a preliminary draft Convention to modernise Convention (No 20) on the issue of certificates of legal capacity to marry, signed at Munich on 5 September 1980 and in force between eight EU Member States and three non-EU Member States, saw the light of the day.⁴ It should be ready, as Convention No 35, for adoption at the next CIEC/ICCS General Assembly in September 2024.

Like Convention No 34, it will facilitate mobile people’s lives, in this case by streamlining the issue of certificates of matrimonial capacity and capacity to enter into a registered partnership. Each Contracting State will issue a certificate of matrimonial capacity to a national or habitual resident of that State who meets the conditions for entering marriage under the law⁵ of that State. Moreover, if the law⁶ of a Contracting State “provides for other forms of cohabitation than marriage, giving rise to registration by a public authority”, such State will – under the same conditions as those that apply to marriage – issue “a certificate of capacity to enter into a registered partnership, that is to say, a document attesting to the absence of any legal impediment to the conclusion of such a union under its domestic rules”.⁷

As the draft Preamble points out, the new Convention will be relevant to Regulation (EU) 2016/1191 and provide support for it. Indeed, the question of marriage capacity in cross-border situations, especially regarding child marriages, has recently given rise to legislative initiatives and case law in several European countries.⁸ The new CIEC/ICCS Convention will contribute to clarity and legal certainty regarding the issue, while extending it to the capacity to enter registered partnerships. The draft Preamble also puts the new instrument in its global context, by referring notably to the – forward-looking but underutilised – 1978 Hague Mar-

⁴ See https://www.ciecl.org/TravauxEnCoursPDF/Conv_35FR.pdf and ICCS - Presentation (ciecl.org).

⁵ Presumably including its choice of law rules.

⁶ *Idem*.

⁷ *Idem*.

⁸ See e.g., N. YASSARI/ R. MICHAELS (eds), *Die Frühehe im Recht – Praxis, Rechtsvergleich, Kollisionsrecht, höherrangiges Recht*, Mohr Siebeck, Tübingen 2021, and also the Report on the Symposium “Grundrechte und IPR im Lichte der Entscheidung des Bundesverfassungsgerichts zum Kinderehenbekämpfungsgesetz”, *RabelsZ*, 2023, Volume 87. On the issue of child marriages, see also a specific section in this *Yearbook*.



riage Convention⁹ and the Resolutions of the UN General Assembly on child, early and forced marriage. While Convention No 35 will have no direct impact on the still widespread practice of child marriage,¹⁰ it will help reduce the additional complexities that may arise in cross-border situations.

Two important innovations, both echoing suggestions made in our contribution to Yearbook XX, should be noted. First, *both the French and English texts of the Convention will be authentic*. This will enlarge the Convention's accessibility and stimulate more ratifications and accessions – provided *accession* as a method to join the treaty will be made possible in the final text (see below).

Secondly, the Convention will be *open to Regional Economic Integration Organisations* (REIO's) which means, in practice, the European Union. The draft foresees the conclusion of the Convention by the EU both in the case where the EU and its Member States share competences in the field covered by the instrument (the present situation) and where the EU would have exclusive competence in this area.¹¹ This will enable the EU to join the Convention independently of its possible membership of the Organisation itself (on which see B. below).

The draft Convention contains several possibilities for reservations concerning, among others, same-sex marriages and registered partnerships, to accommodate legal systems that do not (yet) admit such relationships. The issue of including a non-binary gender option in the accompanying model certificate remains to be resolved taking into account human rights obligations such as under Articles 8 and 14 of the European Convention on Human Rights.¹²

There is one provision in the draft relating to its formal scope, which is not only unusual but also problematic. Contrary to other, including CIEC/ICCS, multi-

⁹ Hague Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages, in force for Australia, Luxembourg and the Netherlands. The rules on recognition of the validity of marriages established by this Convention inspired CIEC/ICCS Conventions Nos 31 on the Recognition of Surnames and 32 on the Recognition of Registered Partnerships.

¹⁰ See UNICEF, *Is an End to Child Marriage within Reach? Latest trends and future prospects*, May 2023, p. 5, <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>. “Despite global advances, reductions are not fast enough to meet the target of eliminating the practice by 2030. In fact, at the current rate, it will take another 300 years until child marriage is eliminated.” *Ibid.*, p. 4.

¹¹ Provisions inspired by the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, Art. 59, and its Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, Art. 24.

¹² See Commissioner for Human Rights of the Council of Europe *Human Rights and Intersex People* (June 2015), Recommendation 4. “Member states should facilitate the recognition of intersex individuals before the law through the expeditious provision of birth certificates, civil registration documents, identity papers, passports and other official personal documentation while respecting intersex persons' right to self-determination. Flexible procedures should be observed in assigning and reassigning sex/gender in official documents while also providing for the possibility of not choosing a specified male or female gender marker. Member states should consider the proportionality of requiring gender markers in official documents.”

lateral treaties, the draft does *not* provide for *accession* (as the case may be, subject to certain conditions) by non-Member States of the Organisation.¹³ Instead, it permits non-Member States to *sign* and *ratify* the instrument, provided they –

“undertake to carry out the work relating to the monitoring of the present Convention and to pay each year a financial contribution to the ICCS amounting to 2 000 euros (...).”

While concerns about the financial soundness of the organisation and reluctance to allow “free-riding” by non-Member States (although each additional State Party will increase the scope and thus the usefulness of the treaty!) are understandable, this may well act as a red flag and discourage such States from joining the treaty, thus hindering the expansion of the treaty and, on balance, be counterproductive for the Organisation. Financial problems are better solved at the level of the organisation itself, see below, B.2.

3. *New Projects*

In addition to the ongoing work on Convention No 35, CIEC/ICCS has established a new working group on the authentication of electronic documents, to prepare a resolution/recommendation on this topical matter. Work is also under way to update and complete the *Practical Guide on Civil Status*.¹⁴

In addition, cooperation has been developed with the Council of Europe to revise the 1968 London *European Convention on Information on Foreign Law*, in particular given that civil registrars, not being judicial authorities solely empowered under the Convention to request information on foreign law, cannot currently invoke the Convention. The EU is supporting this work, and one would hope that the Hague Conference, which has done important work on the treatment of foreign law,¹⁵ will also be associated with this endeavour.

¹³ Art. 9(1): “The present Convention is exclusively open for signature and ratification by the States and regional economic integration organizations, members of the ICCS, as well as to the States non-members of the ICCS which undertake to carry out the work relating to the monitoring of the present Convention and to pay each year a financial contribution to the ICCS amounting to 2 000 euros (value on the day of adoption of the present Convention). This amount will be re-evaluated every 3 years by decision of the ICCS Bureau by comparison with the French consumer price index of the *Institut national de la statistique et des études économiques* (INSEE).” Meanwhile a CIEC/ICCS working group that met in June 2024 took the necessary steps to amend the text to allow accession to the convention by non-member States, without financial conditions.

¹⁴ See <https://www.ciec1.org/guide-pratique-en> or <https://www.ciec1.org/guide-pratique-fr>.

¹⁵ See Preliminary Documents No 11A, B and C of March 2009, <https://assets.hcch.net/docs/ec2804c3-f55c-427d-9761-e0fa4eac41a7.pdf>, <https://assets.hcch.net/docs/d9c58909-e39e-45b1-aa82-a9b13a00ad19.pdf> and ICCS - Presentation (ciec1.org). See also the Report, ICCS - Presentation (ciec1.org) and the Conclusions and Recommendations of the Joint Conference of the European Commission and the Hague

B. Progress in Respect of the Organisation

1. Membership

The contribution to Yearbook XX addressed the unfortunate exodus of Member States from the Organisation since 2008. Following publication of that paper, yet another Member State left the Organisation in 2019: France. This is all the more regrettable, and indeed paradoxical, given that France is not only a Founding Member but also the Host State of the Organisation and is linked to it by a headquarters agreement.¹⁶ The French exit has provoked critiques from French academics and professionals.¹⁷ One would hope that this criticism from eminently competent quarters¹⁸ will lead French authorities to undo this unusual move.¹⁹

Despite these headwinds, the remaining five Member States, Belgium, Luxembourg, Spain, Switzerland and Turkey, stood firm. They have also been fortunate to find in Nicolas Nord an exceptionally active and effective Secretary-General, who has injected new dynamism into the Organisation.

In September 2019, the Bureau decided to continue the Organisation initially until the end of 2025, a period now extended to at least 2027, while contributions will resume in 2025 under the new Financial Regulations.

Moreover, echoing again suggestions made in the contribution to Yearbook XX, the Organisation has revised its basic rules.²⁰ A new Art. 2(2) provides:

“Membership of the ICCS is also open to any international organisation, any regional economic integration organisation and any other international entity which has submitted an application for membership to the Secretary General and whose application has been ac-

Conference on Access to Foreign Law in Civil and Commercial Matters (15-17 February 2012), <https://assets.hcch.net/docs/b093f152-a4b3-4530-949e-65c1bfc9cda1.pdf>.

¹⁶ <https://assets.hcch.net/docs/95142ed0-0a6a-4a2c-a449-4136531006c7.pdf>.

¹⁷ See C. NOURISSAT, “Il faut sauver le soldat CIEC”, Éditorial, *DEFRÉNOIS* N° 11 12 March 2020, Professors Paul Lagarde, Hélène Gaudemet-Tallon, Catherine Kessedjian, Fabienne Jault-Seseke, and Étienne Pataut, *POINT de Vue*, issue N° 42, 3 December 2020, p. 2355, English translation at <https://conflictflaws.net/2020/just-published-the-international-commission-on-civil-status-in-danger/>; G. CERQUEIRA, “La Commission internationale de l’état civil - Une organisation internationale unique, exemplaire et nécessaire”, *La Semaine du Droit, Éd.gén.*, 2021, No 7, pp. 314-315.

¹⁸ See also the Recommendation concerning the need to maintain and develop international cooperation in matters of civil status, adopted by the European Group for Private International Law (GEDIP) in 2019, https://www.gedip-egpil.eu/reunions-travail/2019_Katowice/CIEC-Recom-ENG.pdf.

¹⁹ See also the following question from a French senator and the answer from the minister responsible in 2022: <https://www.senat.fr/questions/base/2022/qSEQ220701974.html>. Surely, one would think that the Organisation’s recent reforms would have addressed the government’s remaining concerns.

²⁰ Adopted in Strasbourg on 24 September 2020, see https://www.ciecl.org/GouvernancePDF/Rules_of_the_ICCS.pdf, and ICCS - Presentation ([ciecl.org](https://www.ciecl.org)).

cepted by the General Assembly. Admission becomes final only after the acceptance of the present Rules by the organisation or entity concerned.”

On 21 March 2024, benefitting from this new Membership option, the first international (non-governmental) organisation has joined the Organisation: the *Association du Notariat Francophone* (ANF).²¹ Since this organisation comprises 28 countries,²² this can support the reach of CIEC/ICCS, in particular on the African continent. ANF’s membership also sets a precedent that may encourage other specialised organisations to join the Organisation, including those active on the American continent such as the Latin American and Caribbean Council of Civil Registry, Identity and Vital Statistics (CLARCIEV).²³

Above all, the new provision enables the European Union, having become active in the field of civil status by adopting its Regulation 2016/1191, to take its place in this Organisation.

According to another welcome new rule, Article 5 – Language: “French and English are the official languages of the Commission.”

As we saw, draft Convention No 35 is already being drawn up in both languages. The CIEC/ICCS Secretariat has helpfully prepared unofficial English translations of existing Conventions, all of which were drafted only in French. Spanish and Portuguese translations of these Conventions are also available.

Apart from this progress in constitutional terms, the fact that the working group tasked with preparing Convention No 35 was so well attended is also testimony to the Organisation’s new momentum. Indeed, in addition to the Member States and new Member organisation ANF, several non-Member States are participating in this preparatory work: Armenia, Austria (former Member State), Benin, Estonia, Kosovo, Republic of Moldova, Montenegro, the Netherlands (former Member State), Portugal (former Member State), Holy See, and Serbia, as well as the Hague Conference (HCCH), the Council of Europe, the European Law Institute (ELI), and the Association of European Civil Status Officers (EVS).

2. *Financial Aspects*

Some former Member States of the Organisation have given financial reasons for terminating their membership. Although the very modest membership dues can hardly have prompted this, the distribution of membership dues among Member States could be improved. The Bureau therefore set up a new membership fee system, and new Financial Regulations came into force on 13 June 2023. Under

²¹ See <https://notariat-francophone.org/>.

²² Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Côte d’Ivoire, France, Gabon, Guinea, Lebanon, Luxembourg, North Macedonia, Madagascar, Mali, Mauritius, Morocco, Niger, Poland, Quebec (Canada), Romania, Senegal, Switzerland, Chad, Togo, and Tunisia.

²³ Referred to in H. VAN LOON (note 2). See <https://www.oas.org/ext/en/democracy/clarciev>.

the new system, all Members (*i.e.* Member States) must pay a fixed contribution of 5000 Euros “corresponding to the organisation’s incompressible operating costs”. The additional operating costs are shared between the Member States on a proportional basis, a combination of three objective factors (population, Gross Domestic Product, and per capita Gross National Income).²⁴

The new system should not only bring calm to the discussion on CIEC/ICCS finances, but also encourage former member States to rejoin the Organisation, which has proven its resilience in recent years. As for any new Member States, experience including in the framework of the Hague Conference, shows that they will often become interested in membership of the organisation after experiencing its usefulness by becoming a party to one or more of its instruments. From this perspective, the inclusion of the draft financial clause in Article 9(1) of Convention No 35 (above, II.A.2) risks complicating participation in the Convention by States, and ultimately hindering membership of the Organisation.

III. Outlook – Continuing and Increasing Relevance of CIEC/ICCS’ Mission

Since the publication of Yearbook XX five years ago, issues relating to civil status have only become more prominent globally. UNICEF has sounded the alarm over lack of birth registration in several parts of the world. International cooperation regarding persons seeking asylum and refugees is now a hot issue. More generally, migration has become “the most divisive issue in politics.”²⁵ A brief word on each of these major issues, and CIEC/ICCS’s (potential) role.

A. Birth Registration

Sustainable Development Goal 16.9 of the United Nations 2030 Agenda for Sustainable Development²⁶ makes the appeal: “By 2030, provide legal identity for all, including birth registration.”

According to the latest update of UNICEF’s regular report on birth registration in the world (2023),

²⁴ See <https://www.ciec1.org/GouvernancePDF/FinancialRegulations.pdf>.

²⁵ Subtitle of the important book by migration expert H DE HAAS, *How Migration Really Works – A Factful Guide to the Most Divisive Issue in Politics*, Penguin Books 2023.

²⁶ UN General Assembly, A/RES/70/1, “Transforming Our World: the 2030 Agenda for Sustainable Development”, <https://sdgs.un.org/2030agenda>. See also S. CORNELOUP/J. VERHELLEN, SDG 16: Peace, Justice and Strong Institutions, in R. MICHAELS, V. RUIZ ABOU-NIGM and H. VAN LOON (eds.), *The Private Side of Transforming our World*, <https://www.intersentiaonline.com/library/the-private-side-of-transforming-our-world-un-sustainable-development-goals-2030-and-the-role-of-p>, p. 505-540, referring to the importance of CIEC/ICCS’ work at p. 521-522.

“1 in 4 children in the world under the age of 5 do not officially exist [...] Functioning civil registration systems are the main vehicles through which a legal identity for all – and target 16.9 – can be achieved [...] While most countries have mechanisms in place for registering births, systematic recording remains a serious challenge, highlighting the urgent need to improve and strengthen civil registration and vital statistics.”²⁷

Potentially, there is an eminent role here for the CIEC/ICCS to exercise in collaboration with UNICEF, the UN High Commission on Human Rights²⁸ and specialised NGO's such as Child Identity Protection (CHIP)²⁹, a role that the Organisation, also in the light of the urgency of SDG 16.9, may wish to explore further.

B. Refugees

The 1951 Geneva Convention relating to the Status of Refugees provides in its Article 25 that the authorities of the State in whose territory the refugee is residing shall deliver such documents or certifications as would normally be delivered by the national authorities to whom the refugee can no longer have recourse. These documents replace the official instrument issues by the national authorities and shall be given credence in the absence of proof of the contrary.

The CIEC/ICCS has long been mindful of refugees' civil status problems and built cooperation with the UNCHR. Convention (No 22) *on international cooperation in the matter of administrative assistance to refugees* is a useful practical instrument that deserves far more ratifications than the seven that it currently has. More generally, there is a wide scope for further developing cooperation with UNHCR.

C. Migrants

The United Nations 2030 Agenda for Sustainable Development for the first time included migration among the UN's political objectives. Target 10.7 calls for action to –

“[...] facilitate the orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

²⁷ UNICEF, Birth registration (June 2023), <https://data.unicef.org/topic/child-protection/birth-registration/>.

²⁸ See Resolution A/HRC/RES/52/25, Birth registration and the right of everyone to recognition everywhere as a person before the law, adopted by the Human Rights Council on 4 April 2023.

²⁹ <https://child-identity.org>.

Legal certainty regarding civil status in the cross-border context, international portability of civil status documents,³⁰ interoperability of civil status systems, channels for easy and safe communication between civil registrars are all vital aspects of “orderly, safe, regular and responsible migration and mobility of people”. The CIEC/ICCS has made a pioneering contribution to this objective. Indeed, all its work may be seen as relevant in this regard, and the Organisation has the potential to play a global role in this respect.

The recent Partnership, which the EU has concluded with countries of the “Global South” acknowledges the need for cooperation in matters of civil status. The Regional Protocol for Africa to the Samoa Partnership Agreement between the European Union and its Member States and the members of the Organisation of African, Caribbean and Pacific States of 19 July 2023, which applies provisionally from 1 January 2024, provides in Article 70, *Public Administration, statistics and personal data*,

“3. The Parties shall ... develop robust, secure, and inclusive identification systems to ensure the provision of a legal identity for every citizen, including by strengthening the system of civil registration and vital statistics.”

and in Article 74, *Legal Migration and Mobility*,

“9. The Parties shall cooperate to improve and modernise civil registration systems and to issue biometric travel documents based on the specifications of the International Civil Aviation Organization, including by making efforts to combat identity fraud and document forgery.”

Although the CIEC/ICCS is not explicitly mentioned in these provisions, involving the Organisation in this cooperation would undoubtedly be very helpful, also in view of the connections with Africa which the CIEC/ICCS has developed including through its new Member, the *Association du Notariat Francophone* (ANF), with its network on the African continent (above II.B.1).

IV. Conclusion

The recent entry into force of Convention (No 34) on the Issue of Multilingual and Coded Certificates and Extracts from Civil-Status Records confirms CIEC/ICCS' continued relevance as the leading expert organisation in the field of international civil status. The treaty brings the intensively used Convention (No 16), ratified by

³⁰ See the 2019 Resolution on Human Rights and Private International Law of the *Institut de Droit International*, Article 12: “Registration and documentation of identity - Every person has the right to be registered immediately after birth, and to have their identity, including name and date of birth, recorded in a document accessible to the public and portable across borders”, see Institut de Droit International – Justitia et Pace (idi-iii.org).

24 States, up to date, and therefore citizens have a keen interest in ensuring that all States parties to the old treaty join the new Convention (No 34).

The near completion of a new bilingual (French/English) multilateral treaty, Convention (No 35) on the Issue of Certificates of Legal Capacity to Marry, the CIEC/ICCS work on the authentication of electronic documents and on the revision of the Practical Guide on Civil Status, and the reform of its Statute, which re-establishes the Organisation as a bilingual institution, open to accession by other international organisations, notably the European Union, provide further evidence that the CIEC/ICCS has gained new momentum

If one adds to this the concern about the unacceptable but widespread lack of birth registration and the manifold civil status issues in respect of refugees and migrants, one realises how necessary and urgent CIEC/ICCS' mission is, not just in Europe, but worldwide.

The organisation has great potential; it is now up to governments and the EU, in the interest of their citizens, to develop this potential and give their full, renewed support to CIEC/ICCS.

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