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## **25<sup>th</sup> CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE**

*Sofia (9-10 October 2003)*

- **INTERNATIONAL CO-OPERATION IN THE  
FIGHT AGAINST INTERNATIONAL  
TERRORISM AND IMPLEMENTATION OF  
THE RELEVANT INSTRUMENTS OF THE  
COUNCIL OF EUROPE**
  
- **THE RESPONSE OF THE JUSTICE SYSTEM  
- CIVIL AND CRIMINAL - TO TERRORISM**

*Memorandum presented by the*

**INTERNATIONAL COMMISSION  
ON CIVIL STATUS**



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The International Commission on Civil Status (ICCS) is an intergovernmental organisation currently having 16 member States<sup>1</sup>, all of which are also members of the Council of Europe. Under the instruments which established it and its Rules, the ICCS deals with matters relating to the status of persons, to the family and to nationality and carries out studies and work aimed at harmonising the provisions in force in the member States on these matters. To date, the ICCS has prepared 30 international Conventions.

Mainly following its 1992 General Assembly, the International Commission on Civil Status has undertaken an in-depth investigation into the phenomenon of fraud in the field of civil-status documents, leading to the drafting of a study on this question<sup>2</sup>. During its General Assembly held in Madrid in the week of 23 September 2003, the ICCS decided to study in greater detail methods of combating fraud in civil-status matters that could be implemented on international level, notably by preparing a "guide to good practice".

The regular exchange of information on fraud in civil-status matters in the ICCS member States reveals that the numbers of cases of attempted fraud is on the increase and that mainly three means are being utilised :

- documentary fraud, namely using documents –sometimes delivered by the official authorities- whose contents do not correspond to reality (for example the paternity or the parentage attested therein) ;
- a marriage of convenience between a foreigner and a spouse who is a national of one of the member States;
- a false acknowledgment of paternity by a foreigner of a child who is a national of one of the member States.

The International Commission of Civil Status has noted with interest the work carried out by the Council of Europe concerning the fight against terrorism and the proposals made on this issue to the member States. It shares the view that the combat against fraud in the field of civil-status documents cannot be pursued solely at national level and respectfully reminds the Ministers of Justice of the member States of the Council of Europe assembled at this 25<sup>th</sup> Conference of the importance which international co-operation in repressing fraud in civil-status matters also has for the fight against international terrorism.

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<sup>1</sup> **Member States** : Austria, Belgium, Croatia, France, Germany, Greece, Hungary, Italy, Luxemburg, the Netherlands, Poland, Portugal, Spain, Switzerland, Turkey and the United Kingdom. **Observer States** : Cyprus, The Holy See, Lithuania, the Russian Federation, Slovenia, Sweden. **Co-operation agreements** have been concluded with the Council of Europe, the Hague Conference on Private International Law, the United Nations High Commissioner for Refugees and the European Union.

<sup>2</sup> Study on "Fraud with respect to Civil Status in ICCS member States", published in several languages and several journals in 1996 and 1997, and up-dated in December 2000.



