

No. 16548

MULTILATERAL

Convention on legitimation by marriage (with annex). Concluded at Rome on 10 September 1970

Authentic text: French.

Registered by Switzerland, acting on behalf of the Parties, on 25 April 1978.

MULTILATÉRAL

Convention sur la légitimation par mariage (avec annexe). Conclue à Rome le 10 septembre 1970

Texte authentique : français.

Enregistrée par la Suisse, agissant au nom des Parties, le 25 avril 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON LEGITIMATION BY MARRIAGE

The States signatory to this Convention, members of the International Commission on Civil Status, desiring to promote by the adoption of uniform rules the legitimation of natural children and the recognition and publicization of legitimations effected in other countries, have agreed as follows:

TITLE I

Article 1. When, under the provisions of the domestic law of the father or mother, the marriage of the parents results in the legitimation of a natural child, such legitimation shall be valid in the Contracting States.

This rule shall apply both to legitimation resulting from the sole fact of the celebration of the marriage alone and to legitimation established subsequently by a judicial decision.

Article 2. Nevertheless, at the time of signature, the notification provided for in article 11 or accession, any Contracting State may reserve the right not to consider a legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it;
- (b) If its law does not recognize the validity of the marriage celebrated in its territory;
- (c) If its law does not recognize the validity of the marriage of its national; or
- (d) If the child born of one of its nationals is adulterine with respect to the latter.

This right may not be exercised in any case where the domestic law of that State would not prohibit such legitimation.

Article 3. The validity of a legitimation under the provisions of the domestic law of the father or of the mother may not be denied, even in the name of public order, under conditions other than those provided for in article 2.

¹ Came into force on 8 February 1976 in respect of the following States, i.e., the thirtieth day after the date of deposit with the Government of Switzerland of the second instrument of ratification, in accordance with article 12:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Austria*	28 April 1975
France	9 January 1976
(With a declaration of application to the whole of the French Territory.)	

Subsequently, the Convention came into force in respect of the following States the thirtieth day after the date of deposit with the Government of Switzerland of their instruments of ratification, in accordance with article 12:

<i>State</i>	<i>Date of deposit</i>
Turkey*	2 April 1976
(With effect from 2 May 1976.)	
Netherlands*	1 July 1977
(With effect from 31 July 1977.)	

*See p. 271 of this volume for the texts of the reservations and declarations made upon ratification.

Article 4. The decisions handed down in legal proceedings instituted under article 2 may be invoked only in the territory of the Contracting State in which they were rendered.

Article 5. The foregoing provisions shall be applicable to all States, even non-contracting ones. They shall not prevent the application of rules in force in the Contracting States that would be more favourable to legitimation.

Article 6. When the birth certificate of the child has been drawn up or transcribed by the civil status officer of one of the Contracting States, that officer shall make a note of the legitimation in his records after he has, himself or through the authority for which he works, ascertained that the conditions laid down by this Convention have been fulfilled.

This registration may not be made subject to any prior legal procedure of recognition. This is so even when the legitimation has been established after marriage by a judicial decision.

TITLE II

Article 7. When a marriage has been celebrated in one of the Contracting States and the spouses have declared that they have one or more children in common whose birth certificate has been drawn up or transcribed in the territory of another Contracting State, the civil status officer of the place of marriage, or any other competent authority, shall address, directly or through the diplomatic channel, to the civil status officer of the place where the birth certificate was drawn up or transcribed a notice making mention of the legitimation which might result from this marriage. To that notice shall be attached the relevant documents in his possession. When the legitimation has been established after marriage by a judicial decision, the notice shall be transmitted at the suit of the *Ministère public* or any other competent Government authority.

Notices shall be written on a multilingual form, the model of which is annexed to this Convention. These notices and the attached documents shall be exempt from any legalization in the respective territories of the Contracting States.

Article 8. Extracts from the birth certificate of a legitimated child shall be drawn up as if they related to a legitimate child and shall not make mention of the legitimation.

Article 9. The application of this title shall not be limited to nationals of the Contracting States.

TITLE III

Article 10. Under this Convention, the domestic law of a person shall mean the law of the State of which he is a national or, if he is a refugee or a stateless person, to the law which governs his personal status.

For the purposes of the application of this Convention, refugees and stateless persons whose personal status is governed by the law of a State shall be treated as nationals of that State.

Article 11. The Contracting States shall notify the Swiss Federal Council of the completion of the procedures required by their Constitutions to make this Convention applicable in their territories.

The Swiss Federal Council shall inform the Contracting States and the Secretary-General of the International Commission on Civil Status of any notification within the meaning of the preceding paragraph.

Article 12. This Convention shall enter into force on the thirtieth day following the date of deposit of the second notification and shall thereafter take effect between the two States having completed this formality.

For each Contracting State subsequently completing the formality provided for in the preceding article, this Convention shall take effect on the thirtieth day following the date of deposit of its notification.

Article 13. Each State may, at the time of signature, notification or accession, declare that it does not undertake to apply the provisions of title I of this Convention.

Any State which has made a declaration in accordance with the provisions of the first paragraph of this article may subsequently declare also, at any time, by a notification addressed to the Swiss Federal Council, that it undertakes also to apply the provisions of title I of this Convention.

The Swiss Federal Council shall inform each of the Contracting States and the Secretary-General of the International Commission on Civil Status of such notification.

The declaration provided for in the second paragraph of this article shall take effect on the thirtieth day following the date on which the Swiss Federal Council receives such notification.

Article 14. The reservations referred to in article 2 may be withdrawn, partially or in their entirety, at any time. The Swiss Federal Council shall be notified of the withdrawal.

The Swiss Federal Council shall inform the Contracting States and the Secretary-General of the International Commission on Civil Status of any notification under the terms of the preceding paragraph.

Article 15. This Convention shall apply *ipso jure* throughout the metropolitan territory of each Contracting State.

Each State may, at the time of the signature, notification or accession or thereafter, declare by a notification addressed to the Swiss Federal Council that the provisions of this Convention shall be applicable to one or more of its extra-metropolitan territories, States or territories for which it assumes international responsibility. The Swiss Federal Council shall inform each of the Contracting States and the Secretary-General of the International Commission on Civil Status of this last-mentioned notification. The provisions of this Convention shall become applicable in the territory or territories designated in the notification on the sixtieth day following the date on which the Swiss Federal Council receives such notification.

Any State which has made a declaration in accordance with the provisions of the second paragraph of this article may subsequently declare at any time, by a notification addressed to the Swiss Federal Council, that this Convention will cease to be applicable in one or more of the States or territories designated in the declaration.

The Swiss Federal Council shall inform each of the Contracting States and the Secretary-General of the International Commission on Civil Status of this new notification.

The Convention shall cease to be applicable to the territory concerned on the sixtieth day following the date on which the Swiss Federal Council receives such notification.

Article 16. Any State member of the Council of Europe or of the International Commission on Civil Status may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council. The latter shall inform each of the Contracting States and the Secretary-General of the International Commission on Civil Status of any deposit of an instrument of accession. The Convention shall enter into force, for the acceding State, on the thirtieth day following the date of the deposit of the instrument of accession.

The deposit of the instrument of accession may not take place until after the entry into force of this Convention.

Article 17. This Convention shall remain in force indefinitely. Each of the Contracting States shall, however, have the right to denounce it at any time by means of notification in writing to the Swiss Federal Council, which shall inform the other Contracting States and the Secretary-General of the International Commission on Civil Status of the denunciation.

This right of denunciation may not be exercised before the expiration of a period of one year from either the notification referred to in article 11 or accession.

The denunciation shall take effect six months after the date on which the Swiss Federal Council receives the notification referred to in the first paragraph of this article.

IN WITNESS WHEREOF, the undersigned representatives, being duly authorized thereto, have signed this Convention.

DONE at Rome, on 10 September 1970, in one single copy which shall be deposited in the archives of the Swiss Federal Council and a certified true copy of which shall be sent by diplomatic channel to each of the Contracting States and to the Secretary-General of the International Commission on Civil Status.

For the Federal Republic of Germany:

The Federal Republic of Germany declares, under article 2 (a) and (b), that it reserves the right not to consider a legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it, but only in the case where the lack of filiation has been established either by a German judicial decision or by a foreign judicial decision recognizable in Germany;
- (b) If, under German law, the marriage of the German national is non-existent.

[R. STEG]

[M. FERID]

For the Republic of Austria:

The Republic of Austria declares, under the terms of article 2 — subject to other possible reservations at the time of the notification referred to in article 11 — that it reserves the right not to consider a legitimation as valid if it is established that a child was not born of the persons who legitimated it.

[DR. FRITZ SCHWIND]

For the Kingdom of Belgium:

[F. X. VAN DER STRATEN WAILLET]

For the French Republic:

[GUY DELTEL]

For the Kingdom of Greece:

The Kingdom of Greece declares, under article 2, that it reserves the right not to consider a legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it;
- (b) If Greek law does not recognize the validity of the marriage celebrated in Greek territory;
- (c) If Greek law does not recognize the validity of the marriage celebrated by a Greek national.

[E. KRISPI-NICOLETOPOULOU]

For the Italian Republic:

The Italian Republic declares under article 13, that it does not undertake to apply the provisions of title I of this Convention.

[UGO CALDARERA]

For the Grand Duchy of Luxembourg:

The Grand Duchy of Luxembourg declares, under article 13, that it does not undertake to apply the provisions of title I of this Convention.

[HENRI DELVAUX]

For the Kingdom of the Netherlands:

For the Kingdom of the Netherlands, the terms “metropolitan territory” and “extra-metropolitan territories” used in the text of the Convention mean in view of the equality which exists from the point of view of public law between the Netherlands, Surinam and the Netherlands Antilles, “European territory” and “non-European territories”.

[H. F. L. K. VAN VREDENBURCH]

For the Swiss Confederation:

The Swiss Confederation declares, under article 2, that it reserves the right not to consider a legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it;
- (b) If Swiss law does not recognize the validity of the marriage celebrated in Swiss territory;
- (c) If Swiss law does not recognize the validity of the marriage of a Swiss national.

[ERNST GÖTZ]

For the Republic of Turkey:

[A. AYDA]

ANNEX

Avis prévu par l'article 7 de la Convention sur la légitimation par mariage signée à
. le

Mitteilung nach Artikel 7 des Übereinkommens über die Legitimation durch nachfolgende Ehe, geschlossen in am

Γνωστοποίησης προβλεπομένη υπό του άρθρου 7 της συμβάσεως επί τής νομιμοποιήσεως διά γάμου υπογραφείσης εις τήν

Comunicazione prevista dall'art. 7 della Convenzione sulla legittimazione per susseguente matrimonio firmata a il

Kennisgeving ingevolge artikel 7 van de overeenkomst inzake wettiging door huwelijk getekend te op

. tarihinde da imzalanmış evlenme ile nesep düzeltmesi hakkında ki sözleşmenin 7 nei da maddesiyle öngörülen bildirim.

Notice provided for in article 7 of the Convention on legitimation by marriage, signed at
. on

- I. Renseignements concernant les parents de l'enfant
 Angaben über die Eltern des Kindes
 Πληροφορίες ἀφορῶσαι εἰς τοὺς γονεῖς τοῦ τέκνου
 Notizie sui genitori
 Gegevens betreffende de ouders van het kind
 Çocugun ana babası ile ilgili bilgiler
 Information about child's parents

1. Lieu et date du mariage
 Ort und Tag der Eheschliessung
 Τόπος καί χρονολογία τοῦ γάμου
 Luogo e data del matrimonio
 Plaats en datum van het huwelijk
 Evlenme yeri ve tarihi
 Place and date of marriage

Père	Mère (*)
Vater	Mutter
Πατήρ	Μήτηρ
Padre	Madre
Vader	Moeder
Baba	Ana
Father	Mother

2. Nom de famille
 Familienname
 Ἐπώνυμον
 Cognome
 Familiennaam
 Soyadı
 Family name

3. Prénoms
 Vornamen
 Ὄνόματα
 Nome
 Voornamen
 Adı
 Given names

(*) Nom de jeune fille
 Mädchenname
 Πατρικὸν ἐπώνυμον αὐτῆς
 Cognome da ragazza
 Meisjesnaam
 Kızlık soyadı
 Maiden name

- | | | |
|---|--|-----|
| <p>4. Nationalité
Staatsangehörigkeit
Ἰθαγένεια
Cittadinanza
Nationaliteit
Vatandaşlığı
Nationality</p> <p>5. Eventuellement lieu et date du précédent mariage
Gegebenenfalls Ort und Tag der vorhergehenden Ehe
Ἐνδεχομένως τόπος καί χρονολογία προηγουμένου γάμου
Eventualmente luogo e data del precedente matrimonio
Eventueel plaats en datum van het vorige huwelijk
Muhtemel önceki evlenmenin yeri ve tarihi
Place and date of previous marriage where applicable</p> <p>6. Lieu et date de dissolution de ce précédent mariage
par :
Décès
Divorce
Annulation
Ort und Tag der Auflösung der vorhergehenden Ehe durch:
Tod
Scheidung (Aufhebung)
Nichtigerklärung
Τόπος καί χρονολογία λύσεως τοῦ προηγουμένου τούτου γάμου διά:
θανάτου
διαζύγιου
ἀκυρώσεως
Luogo e data di scioglimento di tale precedente matrimonio per:
Decesso
Divorzio
Annullamento</p> | | (*) |
|---|--|-----|

*) Avant le mariage
Vor der Eheschliessung
Πρό τοῦ γάμου
Prima del matrimonio
Voor het huwelijk
Evlenmeden önce
Before marriage

Plaats en datum van ontbinding van dat vorige
huwelijk door:
Overlijden
Echtscheiding
Nietigverklaring

Bu önceki evlenmenin zeval tarihi ve yeri:
Ölümlle
Boşanma ile
Fesih ve iptalle

Place and date of dissolution of previous marriage
by:
Death
Divorce
Annulment

II. Renseignements concernant l'enfant

Angaben über das Kind

Πληροφορία ἀφορῶσα εἰς τό τέκνον

Notizie sul figlio

Gegevens betreffende het kind

Çocuga ait bilgiler

Information about child

7. Nom de famille

Familiename

Ἐπώνυμον

Cognome

Familienaam

Soyadı

Family name

(*)

8. Prénoms

Vornamen

Ἵνόματα

Nome

Voornamen

Adı

Given names

9. Lieu et date de naissance

Geburtsort und -tag

Τόπος καί χρονολογία γεννήσεως

Luogo e data di nascita

Plaats en datum van geboorte

Dogum yeri ve tarihi

Place and date of birth

- (*) Avant le mariage des parents
Vor der Eheschliessung der Eltern
Προ τοῦ γάμου τῶν γονέων
Prima del matrimonio dei genitori
Voor het huwelijk van de ouders
Ana, babanın evlenmesinden önce
Before parents' marriage

10. Nationalité
Staatsangehörigkeit
Ἰθαγένεια
Cittadinanza
Nationaliteit
Vatandaşlığı
Nationality

Père	Mère
Vater	Mutter
Πατήρ	Μήτηρ
Padre	Madre
Vader	Moeder
Baba	Ana
Father	Mother

11. Lieu et date de la reconnaissance (*)
Ort und Tag der Anerkennung
Τόπος καί χρονολογία τῆς ἀναγνώρισεως
Luogo e data del riconoscimento da parte di
Plaats en datum van de erkenning
Tanıma yeri ve tarihi
Place and date of recognition

III. Renseignements concernant la légitimation constatée après mariage par décision judiciaire (*)
Angaben über die nach der Eheschliessung durch gerichtliche Entscheidung festgestellte Legitimation
Πληροφορία ἀφορώσαι εἰς τήν νομιμοποίησιν τήν βεβαιου μένην μετά τόν γάμον διά δικαστικῆς ἀποφάσεως
Notizie sulla legittimazione dichiarata dopo il matrimonio da una decisione giudiziale
Gegevens betreffende de wettiging vastgesteld na het huwelijk bij rechterlijke beslissing
Mahkeme kararı ile evlenmeden sonra sabit olmuş nesep düzeltmesine ait bilgiler
Information about post-marital legitimation by judicial decision

12. Lieu et date de la décision
Ort und Tag der Entscheidung
Τόπος καί χρονολογία τῆς ἀποφάσεως
Luogo e data della decisione
Plaats en datum van de beslissing
Kararın yeri ve tarihi
Place and date of decision

(*) S'il y a lieu
Zutreffendenfalls
Ἐάν ἔλαβε χώραν
Se del caso
Eventueel
Muhtemel
If applicable

13. Date de la légitimation
 Tag der Legitimation
 Χρονολογία τῆς νομιμοποίησης
 Data della legittimazione
 Datum van de wettiging
 Nesep düzeltme tarihi
 Date of legitimation

(**)

IV. 14. Observations
 Bemerkungen
 Παρατηρήσεις
 Osservazioni
 Opmerkingen
 Düşünceler
 Comments

Lieu	Date	Sceau	Signature
Ort	Datum	Stempel	Unterschrift
Τόπος	Χρονολογία	Εφραγίς	Υπογραφή
Luogo	Data	Timbro	Firma
Plaats	Datum	Zegel	Handtekening
Yeri	Tarihi	Mühür	İmza
Place	Date	Seal	Signature

Nombre de pièces justificatives annexées
 Anzahl der beigegebenen Belege
 Ἀριθμός τῶν συνημμένων δικαιολογητικῶν ἐγγράφων
 Numero dei documenti giustificativi allegati
 Aantal bijgevoegde bewijsstukken
 Eklerin sayısı
 Number of supporting documents attached

(Acte de mariage; documents de reconnaissance; document de légitimation etc.)
 (Heiratsurkunde; Anerkennungsurkunden; Legitimationsurkunde usw.)
 (πρᾶξις γάμου· ἐγγραφα ἀναγνώρισεως· ἐγγραφον νομιμοποίησης κ.τ.λ.)
 (Atto di matrimonio; documenti di riconoscimento; documento di legittimazione etc.)
 (Huwelijksakte; bewijs van de erkenning; bewijs van de wettiging enz.)
 (Evlenme, tanuma, nesep düzeltmesi belgeleri, varsa diger belgeler)
 (Marriage certificate; recognition documents; legitimation document, etc.)

(**) Lorsque cette date n'est pas celle du mariage
 Falls dieser Tag nicht der Tag der Eheschliessung ist
 Ὄταν ἡ χρονολογία δέν εἶναι ἡ τοῦ γάμου
 Qualora tale data non sia quella del matrimonio
 Indien deze datum niet met de datum van het huwelijk samenvalt
 Eger bu tarih evlenme tarihi degilse
 Where this date differs from the date of marriage

Les renseignements sont écrits en caractères latins, les dates en chiffres arabes, les mois sont représentés par un chiffre d'après leur rang dans l'année.

Die Angaben werden in lateinischen Buchstaben und die Daten in arabischen Zahlen geschrieben; die Monate werden durch eine Zahl gemäss ihrer Stellung im Jahre bezeichnet.

Αι πληροφορίες γράφονται μέ λατινικούς χαρακτήρας, αι χρονολογίαι μέ άραβικούς, οι μήνες παρίστανται δι' άριθμόσ κατά την σειράν των έντός του έτους.

Le notizie sono scritte in caratteri latini, le date in cifre arabe, i mesi sono indicati con un numero secondo la loro progressione nell'anno.

De tekst te stellen in Latijnse letters, de data in Arabische cijfers; de maanden worden aangeduid door een cijfer naar haar plaats in het jaar.

Bilgiler latin harfleri, tarihler arap harfleriyle, aylar yıl içindeki sıralarına göre rakamla yazılırlar.

Information is to be written in Roman characters and dates are to be given in Arabic numerals. Months are to be represented by a figure according to their order in the year.

RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION

AUSTRIA

The Republic of Austria declares, under article 2, that it reserves the right not to consider legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it;
- (b) If Austrian law does not recognize the validity of the marriage celebrated in Austrian territory;
- (c) If Austrian law does not recognize the validity of the marriage of an Austrian national.

FRANCE

In accordance with article 15 of the Convention, France declares that the provisions of the Convention are applicable throughout the territory of the French Republic.

NETHERLANDS

On the occasion of the deposit, this day, of the instrument of ratification, for the Kingdom of the Netherlands (the entire Kingdom), of the Convention on legitimation by marriage, with annex, concluded on 10 September 1970 at Rome, the Embassy has the honour to announce, on behalf of the Government of the Kingdom of the Netherlands that, under article 2 (b) and (c) of that Convention, the Kingdom of the Netherlands expresses the reservation that a legitimation which satisfies the domestic provisions of the national law of the father or of the mother shall nonetheless not be considered as valid in the Netherlands and in the Netherlands Antilles if one of the parties to the marriage which results in the legitimation is a Netherlands citizen and if, in the territory of the Kingdom, that marriage was not celebrated before a civil status officer, or if, in a foreign country, the marriage was not celebrated according to the law of that country.

TURKEY

The Republic of Turkey declares, under article 2 (a), (b) and (c), that it reserves the right not to consider the legitimation as valid:

- (a) If it is established that the child was not born of the persons who legitimated it;
 - (b) If Turkish law does not recognize the validity of the marriage held in Turkish territory;
 - (c) If Turkish law does not recognize the validity of the marriage of a Turkish national.
-