

No. 16549

MULTILATERAL

Convention concerning the recording of family and given names in civil registers. Concluded at Berne on 13 September 1973

Authentic text: French.

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

MULTILATÉRAL

Convention relative à l'indication des noms et prénoms dans les registres de l'état civil. Conclue à Berne le 13 septembre 1973

Texte authentique : français.

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

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING THE RECORDING OF FAMILY AND GIVEN NAMES IN CIVIL REGISTERS

The States signatories to this Convention, members of the International Commission on Civil Status, wishing to ensure uniform recording of family and given names in civil registers, have agreed as follows:

Article 1. This Convention shall apply to the recording in civil registers of the family and given names of any person, regardless of nationality.

It shall not affect the application of the legal rules in force in the Contracting States concerning the determination of family and given names.

It shall in no way prejudice any changes made legally in family and given names after the certificates or documents submitted with a view to the preparation of a new certificate have been drawn up.

It shall not prevent the authority required to prepare a new certificate from correcting therein any obvious clerical errors contained in the certificates or documents submitted to it with respect to family and given names.

Article 2. Where an entry is to be made in a civil register by an authority of a Contracting State, and for that purpose a copy of or extract from a civil registration document or other document is presented, in which the family and given names are written in the same characters as those of the language in which the entry is to be made, such family and given names shall be reproduced literally, without any change or translation.

The diacritical marks on such family and given names shall also be reproduced, even if the marks do not exist in the language in which the entry is to be made.

Article 3. Where an entry is to be made in a civil register by an authority of a Contracting State, and for that purpose a copy of or extract from a civil registration document or other document is presented, in which the family and given names are written in characters other than those of the language in which the entry is to be

¹ Came into force on 16 February 1977 in respect of the following States, i.e., on the thirtieth day following the date of deposit with the Government of Switzerland of the second instrument of ratification, in accordance with article 8:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Turkey	9 February 1976
Federal Republic of Germany*	17 January 1977
(With a declaration of application to Berlin (West).)	

Subsequently, the Convention came into force for the State listed below on the thirtieth day following the date of deposit with the Government of Switzerland of its instrument of ratification, in accordance with article 8:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Netherlands	1 July 1977
(With effect from 31 July 1977.)	

*See p. 281 of this volume for the text of the declaration made upon ratification.

made, such family and given names shall be reproduced, without translation, by a transliteration as far as possible.

If any standards recommended by the International Organization for Standardization (ISO) are in existence, such standards shall be applied.

Article 4. In the case of a discrepancy in the spelling of the family or given names in various documents submitted, the name of the person concerned shall be given as it appears in the civil registration documents or documents establishing his identity drawn up in the State of which he was a national at the time when the civil registration document or other document was drawn up.

For the purpose of applying this provision, the term “national” shall include persons having the nationality of that State as well as refugees and stateless persons whose personal status is governed by the law of that State.

Article 5. Where there are no national legal rules to the contrary in the matter, in any entry made in a civil register by an authority of a Contracting State, a person who has no family name or whose family name is not known shall be designated by his given names alone. If he has no given names or if those names are also not known, he shall be designated in the entry by the name by which he is known.

Article 6. Where in one or more civil register entries made by the authorities of the Contracting States the same person is designated by different family or given names, the competent authorities of each Contracting State shall take steps, as necessary, to eliminate such discrepancies.

To that end, the authorities of the Contracting States may correspond directly with each other.

Article 7. The signatory States shall notify the Swiss Federal Council of the completion of the procedures necessary to make this Convention applicable in their territory.

The Swiss Federal Council shall inform the Contracting States and the Secretary-General of the International Commission on Civil Status of any notification of the kind referred to in the foregoing paragraph.

Article 8. This Convention shall enter into force on the thirtieth day following the date of deposit of the second notification and shall, as of that date, take effect between the two States having completed this formality. For each Contracting State subsequently completing the formality referred to in the foregoing article, the Convention shall take effect on the thirtieth day following the date of deposit of its notification.

Article 9. This Convention shall automatically apply throughout the metropolitan territory of each Contracting State.

Any State may, at the time of signature, notification or accession or subsequently, declare by notification addressed to the Swiss Federal Council that the provisions of this Convention will be applicable to one or more of its extra-metropolitan territories, or 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 such notification. The provisions of this Convention shall become applicable in the territory or territories

mentioned in the notification on the sixtieth day following the date on which the Swiss Federal Council received the said notification.

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

The Convention shall cease to be applicable to the State or territory concerned on the sixtieth day following the date on which the Swiss Federal Council received the said notification.

Article 10. Any State member of the International Commission on Civil Status, the Council of Europe, the United Nations or a specialized agency of the United Nations 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 the deposit of any instrument of accession. The Convention shall enter into force, for the acceding State, on the thirtieth day following the date of deposit of the instrument of accession.

Instruments of accession may not be deposited until this Convention has entered into force.

Article 11. This Convention shall remain in force for an indefinite period. Each of the Contracting States shall, however, be entitled to denounce it at any time by means of a written notification addressed to the Swiss Federal Council, which shall so inform the other Contracting States and the Secretary-General of the International Commission on Civil Status.

This right of denunciation may be exercised only after a period of one year has elapsed from the date of the notification provided for in article 8, or of the date of accession.

The denunciation shall take effect six months after the date on which the Swiss Federal Council received the notification provided for in the first paragraph of this article.

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

DONE at Berne, on 13 September 1973, in a single copy to be deposited in the archives of the Swiss Federal Council, a certified copy of which shall be transmitted through the 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:

In the case of the Federal Republic of Germany, anyone who is a German within the meaning of the Basic Law of the Federal Republic of Germany shall be considered a national within the meaning of this Convention.

[FERID]

[MÜHLENHÖVER]

For the Republic of Austria:

[Dr. FRITZ SCHWIND]

For the Kingdom of Belgium:

[LEROY]

For the Grand Duchy of Luxembourg:

[HENRI DELVAUX]

For the Kingdom of the Netherlands:

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

[J. VAN RIJN VAN ALKEMADE]

For the Republic of Turkey:

[Dr. SUAT BILGE]

DECLARATION MADE UPON RATIFICATION

FEDERAL REPUBLIC OF GERMANY

[Confirming the declaration made upon signature. For the text, see above.]