

No. 13274

MULTILATERAL

Convention on the extension of the competence of authorities qualified to receive acknowledgements of children born out of wedlock. Concluded at Rome on 14 September 1961

Authentic text: French.

Registered by Switzerland on 3 May 1974.

MULTILATÉRAL

Convention portant extension de la compétence des autorités qualifiées pour recevoir les reconnaissances d'enfants naturels. Conclue à Rome le 14 septembre 1961

Texte authentique: français.

Enregistrée par la Suisse le 3 mai 1974.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON THE EXTENSION OF THE COMPETENCE OF
AUTHORITIES QUALIFIED TO RECEIVE ACKNOWLEDGEMENTS
OF CHILDREN BORN OUT OF WEDLOCK

The Governments of the Federal Republic of Germany, the Republic of Austria, the Kingdom of Belgium, the French Republic, the Kingdom of Greece, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Swiss Confederation and the Republic of Turkey.

Members of the International Commission on Civil Status, desiring to enable the nationals of their respective States to sign acknowledgements of children born out of wedlock in the territory of other Contracting States in the same manner as in the territory of their own State, and thus to facilitate such acknowledgements, have agreed on the following provisions:

Article 1. For the purposes of the present Convention, the act by which a person declares that he is the father of a child born out of wedlock is designated by the terms “acknowledgement with filiation” or “acknowledgement without filiation”, depending on whether or not the declaration is intended to establish a legal relationship of filiation between the person signing it and the child born out of wedlock in question.

Article 2. In the territory of Contracting States whose legislation provides only for acknowledgement without filiation, nationals of other Contracting States, whose legislation provides for acknowledgement with filiation, shall be allowed to sign an acknowledgement with filiation.

Article 3. In the territory of Contracting States whose legislation provides only for acknowledgement with filiation, nationals of other Contracting States, whose legislation provides for acknowledgement without filiation, shall be allowed to sign an acknowledgement without filiation.

¹ Came into force on 29 July 1963 in respect of the following States, i.e. the thirtieth day that followed the date of deposit of the second instrument of ratification with the Government of Switzerland, in accordance with article 7:

<i>State</i>	<i>Date of deposit of instrument of ratification</i>
France	20 June 1962
Netherlands	29 June 1963

Thereafter, the instruments of ratification by the following States were deposited with the Government of Switzerland on the dates indicated, with effect from the thirtieth day after those dates, in accordance with article 7:

<i>State</i>	<i>Date of deposit of instrument of ratification</i>
Switzerland (With effect from 29 May 1964.)	29 April 1964
Turkey (With effect from 21 July 1965.)	21 June 1965
Germany, Federal Republic of (With effect from 24 July 1965. With a declaration to the effect that the Convention also applies to <i>Land Berlin</i> .)	24 June 1965
Belgium (With effect from 16 September 1967.)	17 August 1967

Article 4. The declarations referred to in articles 2 and 3 shall be received by the Civil Registry official or by any other competent authority, in due form as determined by local law, and must always indicate the nationality claimed by the person making the declaration. They shall be as valid as if they had been signed before the competent authority of the country of the person making the declaration.

Article 5. Copies of or certified true extracts from documents containing the declarations mentioned in articles 2 and 3 and bearing the signature and seal of the authority issuing them shall not require authentication in the territory of Contracting States.

Article 6. The present Convention shall be ratified and the instruments of ratification shall be deposited with the Swiss Federal Council.

The latter shall inform the contracting States and the General Secretariat of the International Commission on Civil Status of any deposit of an instrument of ratification.

Article 7. The present Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification mentioned in the preceding article.

For each signatory State subsequently ratifying the Convention, the latter shall enter into force on the thirtieth day following the date of deposit of its instrument of ratification.

Article 8. This Convention shall automatically apply throughout the metropolitan territory of each Contracting State.

Any Contracting State may, at the time of signature, ratification or accession, or subsequently, declare by notification addressed to the Swiss Federal Council that the provisions of the present Convention will be applicable to one or more of its extra-metropolitan territories, States or territories for whose international relations it is responsible. The Swiss Federal Council shall inform each Contracting State and the General Secretariat of the International Commission on Civil Status of the said notification. The provisions of the present 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 the present Convention will cease to be applicable to one or more of the States or territories mentioned in the declaration.

The Swiss Federal Council shall inform each Contracting State and the General Secretariat of the International Commission on Civil Status of the 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 received the said notification.

Article 9. Any State member of the International Commission on Civil Status may accede to the present Convention. The State wishing to do so shall indicate its intention in an instrument which shall be deposited with the Swiss Federal Council. The latter shall inform each Contracting State and the General Secretariat 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 deposit of the instrument of accession.

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

Article 10. The present Convention may be revised.

Proposals for revision shall be submitted to the Swiss Federal Council, which shall transmit them to the Contracting States and to the General Secretariat of the International Commission on Civil Status.

Article 11. The present Convention shall be valid for 10 years from the date indicated in the first paragraph of article 7.

The Convention shall be tacitly renewed for periods of 10 years, provided it is not denounced.

Notification of such denunciation must be submitted, at least six months before the expiry of the period to the Swiss Federal Council, which shall inform all the other Contracting States and the General Secretariat of the International Commission on Civil Status.

The denunciation shall have effect only with regard to the State which submitted it. The Convention shall remain in force for the other Contracting States.

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

DONE at Rome on 14 September 1961 in a single copy which shall be deposited in the archives of the Swiss Federal Council and a certified true copy of which shall be transmitted through the diplomatic channel to each Contracting State and to the General Secretariat of the International Commission on Civil Status.

For the Government of the Federal Republic of Germany:

[Dr. M. KLAIBER]

[Dr. HANS G. FICKER]

For the Government of the Republic of Austria:

For the Government of the Kingdom of Belgium:

[ROBERT VAES]

For the Government of the French Republic:

[GUY DELTEL]

For the Government of the Kingdom of Greece:

[CL. SYNDICAS]

For the Government of the Italian Republic:

[CARLO RUSSO]

For the Government of the Grand Duchy of Luxembourg:

For the Government of the Kingdom of the Netherlands:

With regard to 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".

[P. J. DE KANTER]

[TH. VAN SASSE]

For the Government of the Swiss Confederation:
[Dr. ERNST GÖTZ]

For the Government of the Republic of Turkey:
[M. KENANOĞLU]
