

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING THE RECOGNITION AND UP-DATING OF CIVIL STATUS BOOKLETS

The States signatories to this Convention, members of the International Commission on Civil Status, wishing to encourage and facilitate the recognition and updating of their civil status booklets, have agreed on the following provisions:

Article 1

1. For the purposes of this Convention, a civil status booklet is a document issued in accordance with the law by a civil registry official and designed to contain the original particulars of the registration and subsequent remarks by the Civil Registry Office concerning birth, marriage and death.

2. The particulars of registration and subsequent remarks by the Civil Registry Office entered in these booklets shall be dated and signed and bear the seal or stamp of the authority making the entry.

Article 2

Each Contracting State shall, without authentication or equivalent formalities accord, to the booklets referred to in article 1 and issued in another Contracting State, the same validity as that accorded to extracts from civil registry certificates issued in the said State.

Article 3

When booklets are drawn up conforming to the model annexed to the Convention establishing an international family record booklet, signed at Paris on 12 September 1974,² or when they contain codes forming part of a codification system approved by the International Commission on Civil Status, a translation cannot be required; in other cases, a translation may be requested by the authority to whom the booklets are submitted.

Article 4

When the civil registry official of one Contracting State draws up a certificate of civil status, he shall, on the basis of that certificate, update booklets drawn up by the civil registry official of another Contracting State when they are submitted to him.

¹ Came into force on 1 July 1992, i.e., the first day of the third month following the month of deposit of the second instrument of ratification, acceptance, approval or accession with the Government of Switzerland, in accordance with article 9 (1):

| <i>Participant</i> | <i>Date of deposit of the instrument of ratification or approval (AA)</i> |
|--------------------|---|
| France | 31 October 1991 AA |
| Spain* | 27 April 1992 |

* See p. 88 of this volume for the text of the reservation made upon ratification.

² United Nations, *Treaty Series*, vol. 1129, p. 83.

Article 5

1. If the authority to which a booklet is submitted has any doubt regarding the date, signature, seal, stamp or capacity of the signatory, he may request that the authority which issued or updated the booklet carry out the necessary verifications.

2. The request for verification may be made by means of a multilingual form, a model of which is annexed to this Convention.

3. This form shall be sent directly either to the authority which issued or updated the booklet to be verified, or to any central authority which may be indicated by the signatory State, and shall be accompanied by a copy of the booklet or, if necessary, by the original.

4. The verification shall be made free of charge and the response may be sent directly, where applicable, with the original booklet. This response shall be sent as quickly as possible.

Article 6

For the application of this Convention, refugees and stateless persons whose personal status is determined by the law of a Contracting State shall be assimilated to the nationals of that State.

Article 7

1. Each Contracting State shall, at the time of signature, ratification, acceptance, approval or accession, draw up, if applicable, a list of the documents which it issues and to which this Convention shall apply.

2. The Swiss Federal Council shall be notified of any list drawn up subsequently or of any modification made to a list.

Article 8

This Convention shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Swiss Federal Council.

Article 9

1. This Convention shall enter into force on the first day of the third month following the month in which the second instrument of ratification, acceptance, approval or accession is deposited.

2. For any State which ratifies, accepts, approves or accedes to this Convention after its entry into force, the Convention shall take effect on the first day of the third month following the month in which the instrument of ratification, acceptance, approval or accession is deposited by that State.

Article 10

Any State member of the International Commission on Civil Status, the European Communities or the Council of Europe may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council.

Article 11

Each Contracting State may, at the time of signature, of the ratification referred to in article 8, or of accession, declare that its civil registry officials shall not perform updates:

- (a) Which are not provided for by its internal legislation, or
- (b) The contents of which are contrary to public order in that State.

Article 12

1. Any State may, at the time of signature, ratification, acceptance, approval or accession or subsequently at any time, declare that this Convention will be applicable to one or more or all of the territories for which it has international responsibility.

2. This declaration shall be addressed to the Swiss Federal Council and the extension of applicability shall take effect at the time of the entry into force of the Convention for the said State or, subsequently, on the first day of the third month following the month in which the notification is received.

3. Any declaration of extension of applicability may be withdrawn by notification addressed to the Swiss Federal Council, and the Convention shall cease to be applicable to the designated territory on the first day of the third month following the month in which said notification is received.

Article 13

1. This Convention shall remain in force indefinitely.

2. However, any State Party to this Convention shall have the option of denouncing it at any time upon the expiry of a one-year period after the date of the entry into force of the Convention for the said State. The notification of denunciation shall be addressed to the Swiss Federal Council and shall take effect on the first day of the third month following the month in which such notification is received. The Convention shall remain in force in the other States.

Article 14

The Swiss Federal Council shall inform the States members of the International Commission on Civil Status and any other State which has acceded to this Convention of:

(a) The deposit of any instrument of ratification, acceptance, approval or accession;

(b) Any date of entry into force of the Convention;

(c) Any declaration regarding the territorial extension of the Convention or its withdrawal, together with the date on which such declaration shall take effect;

(d) Any denunciation of the Convention and the date on which it shall take effect;

(e) The lists of documents to which the Convention shall apply, as provided for in article 7, and any modifications made in accordance with article 7, paragraph 2.

2. The Swiss Federal Council shall inform the Secretary-General of the International Commission on Civil Status of any notification made in application of paragraph 1 above.

3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Swiss Federal Council to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

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

DONE at Madrid on 5 September 1990 in a single copy in the French language 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 State member of the International Commission on Civil Status and to each acceding State. A certified true copy shall also be transmitted to the Secretary-General of the International Commission on Civil Status.

For the Federal Republic of Germany:

For the Republic of Austria:

For the Kingdom of Belgium:

For the Kingdom of Spain:

[I. F. ARIAS]^{1, 2}

For the French Republic:

[J. MASSIP]

For the Hellenic Republic:

[G. A. KOUMANTOS]

For the Italian Republic:

[GIACOMO PERTICONE]

For the Grand Duchy of Luxembourg:

For the Kingdom of the Netherlands:

For the Portuguese Republic:

[F. M. PEREIRA COELHO]²

For the Swiss Confederation:

For the Republic of Turkey:

[VECDİ GÖNÜL]²

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Switzerland.

² See Annex I of the Convention for the texts of the declarations made upon signature.

- (1) Convention concerning the recognition and updating of civil status booklets, signed at Madrid on 5 September 1990

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- (2) Verification of the civil status booklet concerning
- (3) First and last names of person or persons concerned a
- (4) Extract from certificate of civil status b
- (5) Subsequent remarks relating to the extract from certificate of civil status b
- (6) Type of certificate of civil status (Marriage, birth, death) a
- (7) Number of the extract a
- (8) Type of remark a

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- (9) Authority making the inquiry (11) Name and address
- (10) Authority to which the request is made (11) Name and address

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- (12) Is the date correct? b (16) Yes b (17) No b
- (13) Is the signature authentic? b (16) Yes b (17) No b
- (14) Does the signatory have capacity? b (16) Yes b (17) No b
- (15) Is the seal or stamp authentic? b (16) Yes b (17) No b
- (18) Comments
- (19) Date, signature, seal or stamp (19) Date, signature, seal or stamp

-
- (20) Fill in the appropriate box (21) Check the appropriate box

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- (22) The verification must be made free of charge and as quickly as possible; the authority to which the request is made shall return the attached document and this form to the authority making the inquiry directly or through the diplomatic channel.

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ANNEX I

Declarations made in accordance with article 7 of the Convention

For the Kingdom of Spain: The Convention shall apply exclusively to the family booklet ("*Libro de Familia*") issued by the Ministry of Justice of Spain.

For the Portuguese Republic: The individual civil status booklet ("*Cédula pessoal*") is the only civil status booklet issued by Portugal and to which this Convention shall apply.

Declarations made in accordance with article 11 of the Convention

For the Portuguese Republic: Portugal declares that its civil registry officials shall not perform updates the contents of which are contrary to public order in Portugal, nor may they perform updates which are not provided for by its internal legislation.

For the Republic of Turkey: In accordance with article 11 of this Convention, the Government of the Republic of Turkey declares that its civil registry officials shall not perform updates:

- (a) Which are not provided for by its internal legislation;
- (b) The contents of which are contrary to public order in Turkey.

RESERVATION MADE
UPON RATIFICATION*SPAIN*RÉSERVE FAITE
LORS DE LA RATIFICATION*ESPAGNE*

[SPANISH TEXT — TEXTE ESPAGNOL]

"España, de conformidad con el artículo 11 del Acuerdo, declara que sus Encargados del Registro Civil no efectuarán las actualizaciones que no se hallen previstas por su ley interna o cuyo contenido sea contrario a su orden público."

[TRANSLATION]

Spain, in accordance with article 11 of the Convention, declares that its civil registry officials will not carry out any updating that is not provided for in its domestic legislation or the content of which is contrary to its public order.

[TRADUCTION]

Conformément à l'article 11 de la Convention, l'Espagne déclare que ses officiers de l'état civil n'effectueront pas les mises à jour non prévues par sa loi interne ou dont le contenu est contraire à son ordre public.