

Convention (No.3) on the international exchange on information relating to civil status

signed at Istanbul on 4 September 1958

The Governments of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Swiss Confederation and the Turkish Republic, members of the International Commission on Civil Status, being desirous of organising by mutual agreement an international exchange of information relating to civil status, have agreed as follows:

Article 1

All civil registrars performing their duties in the territory of one of the Contracting States must, when making or transcribing a record of marriage or of death, give notice thereof to the civil registrar for the place of birth of each spouse or of the deceased, if that place is situated in the territory of one of the other Contracting States.

However, any State may make the giving of such notice conditional upon its concerning a national of the receiving State.

Article 2

The notice shall be set out in accordance with the models appended to this Convention.

The information to be supplied shall be entered in the spaces provided on the form, with the words in Latin characters, the surnames and place names in block capitals and the dates in Arabic numerals, the months being indicated by an Arabic numeral corresponding to their place within the year. If the authority making out the notice does not possess an item of information, the corresponding space shall be scored through.

The notice must be signed by the civil registrar and bear his or her seal.

The notice shall be sent by post, within eight days of the making or transcription of the record, directly to the civil registrar for whom it is intended.

Article 3

The notice shall be used by the addressee in accordance with the laws and regulations of his or her country.

Article 4

The provisions of the preceding Articles shall not prevent the communication to the authorities of a Contracting State, through diplomatic channels or some other channel provided for by a special convention, of any record or decision concerning the civil status of a person born in the territory of that State.

Article 5

This Convention shall be ratified and the instruments of ratification shall be deposited with the Swiss Federal Council.

The Council shall notify the Contracting States of every deposit of an instrument of ratification.

Article 6

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification as mentioned in the preceding Article.

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

Article 7

This Convention shall apply *ipso iure* 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 to the Swiss Federal Council that the provisions of this Convention shall apply to one or more of its extra-metropolitan territories or the States or territories for whose international relations it is responsible. The Swiss Federal Council shall inform each of the Contracting States of such 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 the notification.

Any State which has made a declaration pursuant to the provisions of the second paragraph of this Article may subsequently declare at any time by notification to the Swiss Federal Council that this Convention shall cease to apply to one or more of the States or territories designated in the declaration.

The Swiss Federal Council shall inform each of the Contracting States of the further notification.

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

Article 8

Any member State of the International Commission on Civil Status may accede to this Convention. A State wishing to accede shall give notice of its intention by an instrument deposited with the Swiss Federal Council. The latter shall inform each of the Contracting States of every 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.

Deposit of an instrument of accession may take place only after the entry into force of this Convention.

Article 9

This Convention may be revised.

Any proposal for a revision shall be lodged with the Swiss Federal Council, which shall give notice thereof to the other Contracting States and the Secretary General of the International Commission on Civil Status.

Article 10

This Convention shall remain in force for a term of ten years from the date indicated in the first paragraph of Article 6.

The Convention shall be tacitly renewed every ten years, unless it is denounced.

The Swiss Federal Council must be notified of any denunciation at least six months before the expiry of a term; the Council shall inform all the other Contracting States of such denunciation.

Denunciation shall have effect only in relation to the State which has given the notification. The Convention shall remain in force for the other Contracting States.

In witness whereof the undersigned representatives, duly authorised to this end, have signed this Convention.

Done at Istanbul, on 4 September 1958, in a single copy which shall be deposited in the archives of the Swiss Federal Council and a certified copy of which shall be transmitted through diplomatic channels to each of the Contracting States.

Territorial scope of the Convention

At the time of signature of the Convention, the Government of the *Kingdom of the Netherlands* made the following declaration : Having regard to the equality that exists from the public-law perspective between the Netherlands, Surinam and the Netherlands Antilles, the terms "metropolitan" and "extra-metropolitan" mentioned in the Convention cannot be given their initial meaning as far as the Kingdom of the Netherlands is concerned; they will therefore be considered, as far as the Kingdom is concerned, as signifying "European" and "non-European" respectively.

(Editorial note: Since 25 November 1975, the date of the independence of Surinam, the Convention no longer applies in that country. The expression "non-European territory" must now be taken to mean the Netherlands Antilles, including Aruba.)

The *Kingdom of the Netherlands*, on 5 October 2010, sent to the Swiss Federal Council the appended communication concerning a change in the structure of the Kingdom and, on 8 September 2011, a recapitulation of treaties deposited with the Swiss Federal Council. The present convention, then, is applicable to the European part of the Netherlands from 27 April 1962, to the Netherland Antilles (Bonaire Islands, Sint Eustasius and Saba) from 10 October 2010, to Aruba from 1 January 1986, and to Curacao and Sint Maarten from 10 October 2010. It has also been applicable to the former Netherlands Antilles since 27 April 1962. Furthermore, the Kingdom of the Netherlands has reformulated its declaration of 4 September 1958 in these terms : having regard to the relation that exists from the public-law perspective between the European part of the Netherlands, Aruba, Curacao, Sint Maarten and the Netherlands Antilles (Bonaire Islands, Sint Eustasius and Saba), the terms "metropolitan" and "extra-metropolitan" used in the Convention lose their initial meaning as concerns the Kingdom of the Netherlands, and shall consequently be considered to signify "European" and "non-European".

Declaration

At the time of notification of ratification of the Convention, the *Federal Republic of Germany* declared that the Convention is also applicable to the *Land* of Berlin with effect from the day on which it will enter into force for the Federal Republic of Germany.

Editorial note

As regards the translation into Italian of models nos. 1 and 2, a certain number of observations were made after implementation of the Convention. The Embassy of Italy in Paris informed the Federal Ministry of Foreign Affairs that one should read *provincia* (and not *distretto*), *comune di* (and not *comune di*), *nomi* (and not *premoni*), *timbro* (and not *stampiglio*), *cognome dello sposo/della sposa* (and not *nome dello sposo/ della sposa*).