

## **Convention (No.6) on the establishment of maternal descent of natural children**

*signed at Brussels on 12 September 1962*

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 Turkish Republic, members of the International Commission on Civil Status, being desirous of harmonising the rules relating to the establishment of maternal descent of natural children, have agreed as follows:

### **Article 1**

Where a person is named in the record of birth of a natural child as the mother of that child, maternal descent shall be established by that naming. Such descent may, however, be contested.

### **Article 2**

Where the mother is not named in the record of birth, she may make a declaration of acknowledgment before the competent authority of any of the Contracting States.

### **Article 3**

Where the mother is named in the record of birth but establishes that a declaration of acknowledgment is still necessary to meet the requirements of the law of a non-contracting State, she may make such a declaration before the competent authority of any of the Contracting States.

### **Article 4**

The provisions of Articles 2 and 3 shall not prejudice the question of the validity of the acknowledgment.

### **Article 5**

For each Contracting State, the provisions of Article 1 shall apply only to births occurring after the entry into force of this Convention.

### **Article 6**

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

The Council shall inform the Contracting States and the Secretariat General of the International Commission on Civil Status of every deposit of an instrument of ratification.

### **Article 7**

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 8**

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 and the Secretariat General of the International Commission on Civil Status 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 that declaration.

The Swiss Federal Council shall inform each of the Contracting States and the Secretariat General of the International Commission on Civil Status 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 9**

Any member State of the Council of Europe or 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 and the Secretariat General of the International Commission on Civil Status 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 10**

This Convention shall remain in force indefinitely. However, each Contracting State shall have the option of denouncing it at any time by written notification to the Swiss Federal Council, which shall give notice thereof to the other Contracting States and the Secretariat General of the International Commission on Civil Status.

The option to denounce may not be exercised before the expiry of a period of five years from the date of ratification or accession.

Denunciation shall take effect six months after the date on which the Swiss Federal Council receives the said notification.

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

Done at Brussels, on 12 September 1962, 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 and to the Secretariat General of the International Commission on Civil Status.

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#### **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.*

*By note dated 17 June 1986, received on 19 June 1986, the Embassy of the Netherlands in Bern informed the Federal Department of Foreign Affairs, for the attention of the Governments of the member States of the International Commission on Civil Status, that as from 1 January 1986 the Convention is also applicable, as regards the Kingdom of the Netherlands, to Aruba, whereas until then it had been applicable only to the Kingdom in Europe.*

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**Declaration**

*At the time of deposit of the instrument of ratification of the Convention, the Embassy of the Federal Republic of Germany in Bern made the following declaration : "Die Botschaft erklärt hierzu im Auftrage der deutschen Bundesregierung, dass das Übereinkommen mit Wirkung von dem Tage, an dem es für die Bundesrepublik Deutschland in Kraft treten wird, auch in dem Lande Berlin gilt."*