

Convention (No.9) on decisions concerning the rectification of civil status records

signed at Paris on 10 September 1964

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 ensuring that decisions concerning the rectification of civil status records have effect and are implemented in the territory of their States, have agreed as follows:

Article 1

For the purposes of this Convention, the expression "decision concerning rectification" means any decision by the competent authority which, without ruling on a question relating to personal status or on the right to a title of nobility or honorific title, makes good an error in a civil status record.

Article 2

The authority of a Contracting State which is competent to take a decision concerning rectification of a civil status record containing an error, drawn up in the territory of that State, shall also be competent to rectify, by that decision, any reproduction of the same error in a record concerning the same person or his or her descendants, drawn up subsequently in the territory of another Contracting State.

The decision shall be enforceable without any formality in the territory of the other State.

To that end, the competent authority of the State in which the decision was taken must send a copy of the decision and a copy of the rectified record to the competent authority of the State in which the decision has also to be implemented.

Article 3

Where a decision concerning rectification of a civil status record has been taken by the competent authority of one of the Contracting States, transcripts of or annotations referring to that record in the civil status registers of another Contracting State shall be rectified accordingly, merely upon presentation of a copy of the decision concerning rectification and a copy of the rectified record.

Article 4

Notwithstanding the provisions of Articles 2 and 3, the judicial authority or higher administrative authority designated in the Appendix by each Contracting State may direct by a reasoned decision that the making of a rectification that goes beyond the limits of this Convention or itself constitutes an error be refused.

Such refusal shall be notified to the authority of the State in which the decision concerning rectification was taken.

Article 5

For each Contracting State, the authorities empowered to send or receive documents or notifications shall be designated in an Appendix to this Convention.

Those authorities may correspond directly.

Article 6

The Contracting States shall notify the Swiss Federal Council of the completion of the procedures required by their Constitutions to render 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 made pursuant to the preceding paragraph.

Article 7

This Convention shall enter into force from the thirtieth day following the date of deposit of the second notification and shall take effect from that day between the two States which have completed that formality.

For each signatory State which completes the formality mentioned in the preceding Article at a later date, this Convention shall take effect from the thirtieth day following the date of deposit of its notification.

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, of the notification mentioned in Article 6 or of 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 Secretary General of the International Commission on Civil Status of the last-mentioned 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 and the Secretary 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 Secretary 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 Secretary 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 the notification mentioned in Article 6 or the date of accession.

Denunciation shall take effect six months after the date on which the Swiss Federal Council receives the notification mentioned in the first paragraph of this Article.

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

Done at Paris, on 10 September 1964, 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 Secretary General of the International Commission on Civil Status.

Territorial scope of the Convention

At the time of notification of ratification of the Convention, the Royal Embassy of *the Netherlands* in Bern stated that the implementation of the Convention relates exclusively to the territory in Europe and Surinam and hence not to the Netherlands Antilles.

(Editorial note: Since 25 November 1975, the date of the independence of Surinam, the Convention no longer applies in that country.)

Declaration

At the time of notification of ratification of the Convention, the Embassy of the *Federal Republic of Germany* in Bern declared as follows: "Die Botschaft beehrt sich, im Zusammenhang mit der obigen Notifikation zu erklären, dass das vorgenannte Übereinkommen mit Wirkung von dem Tage, an dem es für die Bundesrepublik Deutschland in Kraft treten wird, auch für das Land Berlin gilt."