

Convention (No.14) on the recording of surnames and forenames in civil status registers

signed at Berne on 13 September 1973

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of ensuring uniformity in the recording of surnames and forenames in civil status registers, have agreed as follows:

Article 1

This Convention applies to the recording in civil status registers of the surnames and forenames of all persons, whatever their nationality.

It shall not affect the application of the rules of law in force in the Contracting States concerning the determination of surnames and forenames.

It shall in no way prejudice changes legally made in surnames and forenames after the records and documents produced with a view to the making of a further record were drawn up.

It shall not prevent the authority responsible for making a further record from correcting therein any obvious clerical errors in surnames and forenames contained in the records or documents produced to it.

Article 2

Where a record is to be made in a civil status register by an authority of a Contracting State and there is produced for that purpose a copy of or extract from a civil status record or some other document that shows the surnames and forenames ¹ in the same characters as those used in the language in which the record is to be made, those surnames and forenames shall be reproduced literally without alteration or translation.

Any diacritic marks forming part of such surnames and forenames shall also be reproduced, even if such marks do not exist in the language in which the record is to be made.

Article 3

Where a record is to be made in a civil status register by an authority of a Contracting State and there is produced for that purpose a copy of or extract from a civil status record or some other document that shows the surnames and forenames in characters other than those used in the language in which the record is to be made, those surnames and forenames shall be reproduced as far as possible by transliteration, without being translated. If there are standards recommended by the International Organisation for Standardisation (ISO), they shall be applied.

Article 4

In the event of a discrepancy in the spelling of surnames or forenames between two or more of the documents produced, the person concerned shall be designated according to the civil status records or documents establishing his or her identity that were drawn up in the State of which he or she was a national at the time when they were drawn up.

For the purposes of this provision, the term "national" includes not only persons who hold the nationality of a given State but also refugees and stateless persons whose personal status is governed by the law of that State.

¹ Resolution adopted by the General Assembly at its meeting in Berlin on 11 September 1992:

"The General Assembly of the ICCS is of the opinion that the phrase 'or some other document that shows the surnames and forenames', contained in Article 2, paragraph 1, covers any public document even if it does not emanate from a civil registrar, such as the passport of the person concerned."

Article 5

Unless domestic law otherwise provides, persons who have no surname or whose surname is unknown shall be designated, in any record made in a civil status register by an authority of a Contracting State, by their forenames only. If they have no forenames or if these too are unknown, they shall be designated in the record by the name by which they are commonly known.

Article 6

If one and the same person is designated by different surnames or forenames in two or more records made in civil status registers by authorities of Contracting States, the competent authorities of each Contracting State shall, where appropriate, take steps to eliminate the discrepancies.

The authorities of the Contracting States may correspond with each other directly for this purpose.

Article 7

The signatory States shall notify the Swiss Federal Council of the completion of the procedures required 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 8

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 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 9

This Convention shall apply *ipso jure* throughout the metropolitan territory of each Contracting State.

Any State may, at the time of signature, notification 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 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 State or territory concerned on the sixtieth day following the date on which the Swiss Federal Council receives that notification.

Article 10

Any member State of the International Commission on Civil Status, the Council of Europe, the United Nations Organisation or a specialised agency of the United Nations may accede to this Convention. The instrument of accession shall be 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 11

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 one year from the notification mentioned in Article 7 or the 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 Berne, on 13 September 1973, 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.

Declaration

For the *Federal Republic of Germany*, any person who is German within the meaning of the Basic Law for the Federal Republic of Germany shall be considered as a national for the purposes of this Convention.

Territorial scope of the Convention

At the time of notification of ratification of the Convention,

- the *Federal Republic of Germany* declared that the Convention will also apply to the *Land* Berlin with effect from the day of its entry into force in the Federal Republic of Germany;
- the Royal Embassy of *the Netherlands* stated that the Convention is applicable to the Kingdom of the Netherlands in Europe and to the Netherlands Antilles (Editorial note : including Aruba).

It is to be noted that the Kingdom of the Netherlands transmitted to the Swiss Federal Council on 5 October 2010 a communication relating to the changes to the structure of the Kingdom and on 8 September 2011 a summary report of the treaties deposited with the Swiss Federal Council. The present condition is thus applicable to the European part of the Netherlands from 31 July 1977, to the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustasius and Saba) from 10 October 2010, to Aruba from 1st January 1986 and the Curaçao and Sint Maarten from 10 October 2010. It has also been applicable to the ex-Netherlands Antilles since 31 July 1977.

The Kingdom of the Netherlands has also reformulated its declaration of 13 September 1973 in the following terms :

“ As concerns the Kingdom of the Netherlands, the terms ‘Metropolitan territory’ and ‘extrametropolitan territories’, used in the text of the Convention, as regards the relation existing in terms of public law between the European part of the Netherlands, Aruba, Curaçao, Sint Maarten and the Netherlands Antilles (the islands of Bonaire, Sint Eustasius and Saba), shall consequently be considered, respectively, to signify “European territory” and “Non-European territories”.”