

**Convention (No.18) on the voluntary acknowledgment
of children born out of wedlock**
signed at Munich on 5 September 1980

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of furthering, by the adoption of uniform rules of conflict of laws, the acknowledgment of children born out of wedlock as well as the effectiveness of and publicity for such acknowledgments in the Contracting States, have agreed as follows:

SECTION I

Article 1

The substantive conditions for the voluntary acknowledgment of a child born out of wedlock and the conditions regarding capacity shall be governed by the domestic provisions either of the national law or of the law of the habitual place of residence at the time of the act of the author of the acknowledgment or of the child.

Article 2

The formal conditions for the acknowledgment shall be governed by one of the laws mentioned in the preceding Article or by the law of the place where the acknowledgment is made.

Article 3

Acknowledgments made in conformity with Articles 1 and 2 above shall be recognised *ipso jure* in all the Contracting States.

Article 4

At the time of signature, ratification, acceptance, approval or accession, each Contracting State may reserve the right not to apply the preceding Articles in the following cases:

- (a) as regards the substantive conditions or the conditions regarding capacity, the acknowledgment conforms with neither the domestic national law of its author nor that of the child;
- (b) the acknowledgment discloses an incestuous filiation, and the author of the acknowledgment or the child is one of its nationals;
- (c) the acknowledgment was made without the consent of the child or his or her legal representative, and the child is one of its nationals;
- (d) the acknowledgment was made without the consent of the mother, and both she and the child are its nationals;
- (e) the acknowledgment was not made in writing.

Article 5

An acknowledgment made in conformity with Articles 1 and 2 cannot be treated as invalid in a Contracting State, even on grounds of public policy, except in so far as that State has formulated one of the reservations provided for by the preceding Article.

Article 6

Judicial decisions pronounced in a Contracting State in pursuance of one of the reservations provided for in Article 4 can be invoked only in the territory of that State.

Article 7

1. The provisions of this Section shall not apply where the acknowledgment contradicts a filiation which has already been established.
2. The provisions of this Section shall not preclude the possibility of the acknowledgment being contested on the ground that the child is not the biological child of the person who acknowledged him or her.

Article 8

The provisions of this Section shall not preclude the application of any rules in force in the Contracting States which may be more favourable as regards acknowledgment.

Article 9

1. The provisions of this Section shall apply in relation to nationals of all States, even if they are not Contracting States.
2. However, each Contracting State may, at the time of signature, ratification, acceptance, approval or accession, declare that it reserves the right not to apply the law of the habitual place of residence within the meaning of Article 1, if that place of residence is situated outside the territory of the Contracting States, the member States of the International Commission on Civil Status or the member States of the Council of Europe.

SECTION II

Article 10

1. An authority receiving or transcribing a declaration of acknowledgment of a child shall send a notice either directly or through diplomatic channels to the civil registrar for the place where, in another Contracting State, the record of birth of the child was drawn up or transcribed, so that an annotation may be made referring to the acknowledgment.
2. The notices shall be set out on a form, a model whereof is appended to this Convention. Any amendment to this form by a State must be approved by the International Commission on Civil Status.

Article 11

All entries to be made on the form shall be written in Latin characters in detached script; they may also be written in the characters of the language of the authority drawing up the notice.

Article 12

1. Dates shall be written in Arabic numerals, denoting successively, under the symbols Jo, Mo and An, the day, month and year. The day and the month shall be indicated by two figures, and the year by four figures. The first nine days of the month and the first nine months of the year shall be indicated by numbers running from 01 to 09.
2. The name of any place mentioned in the notice shall be followed by the name of the State in which that place is situated, whenever that State is not the State whose authority is drawing up the notice.
3. Only the following symbols shall be used:
 - to indicate male, the letter M, female, the letter F;
 - to indicate nationality, the letters used to designate the country of registration of motor vehicles;
 - to indicate the condition of refugee, the letters REF;
 - to indicate the condition of stateless person, the letters APA.

Article 13

If the competent authority is not in a position to fill in a space or part of a space, that space or part of a space shall be scored through.

Article 14

1. With the exception of the symbols for dates specified in Article 12, the standard headings on the front of each notice shall be printed in at least two languages, including the official language or one of the official languages of the State in which the notice is being drawn up and the French language.
2. The meaning of the symbols must be indicated at least in the official language or one of the official languages of each of the States which, at the time of signature of this Convention, are members of the International Commission on Civil Status, and in the English language.
3. On the reverse of each notice there shall appear:
 - a reference to the Convention, in the languages indicated in paragraph 2 of this Article;
 - a translation of the standard headings, in the languages indicated in paragraph 2 of this Article, if those languages have not been used on the front;
 - a summary of Articles 11, 12, paragraphs 1 and 2, 13 and 14, paragraph 4, of the Convention, at least in the official language or one of the official languages of the authority issuing the notice.
4. Any translation must be approved by the Bureau of the International Commission on Civil Status.

Article 15

Notices shall be dated and bear the signature and seal of the issuing authority.

Article 16

Notices shall be exempted from legalisation or any equivalent formality in the territory of each of the States bound by this Convention.

Article 17

On receiving the notice, the civil registrar who drew up or transcribed the record of birth shall make an annotation referring to the acknowledgment in his or her registers after verifying or having verified by the authority to which he or she is answerable that the conditions laid down by this Convention are satisfied.

SECTION III

Article 18

Where a child is born abroad out of wedlock and, under the provisions of the domestic national law of the mother, filiation is entailed solely by the fact of the birth or by the naming of the mother in the record of birth, maternity shall be considered to be established also in countries whose legislation requires a voluntary acknowledgment for the establishment of maternity.

Article 19

The provisions of the preceding Article shall not preclude the possibility of maternity being contested where the child is not the biological child of the person stated to be the mother in the record of birth.

SECTION IV

Article 20

1. For the purposes of this Convention, the term "national law" of a person shall mean the law of the State of which that person is a national or, in the case of a refugee or a stateless person, the law governing his or her personal status.
2. For the purposes of this Convention, refugees and stateless persons whose personal status is governed by the law of a particular State shall be assimilated to nationals of that State.

Article 21

This Convention shall apply only to acknowledgments made after its entry into force.

SECTION V

Article 22

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 23

1. This Convention shall enter into force on the first day of the third month following the month of deposit of the third instrument of ratification, acceptance, approval or accession.
2. For a State ratifying, approving, accepting or acceding after its entry into force, the Convention shall take effect on the first day of the third month following the month of deposit by that State of the instrument of ratification, acceptance, approval or accession.

Article 24

Any State may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council.

Article 25

1. At the time of signature, ratification, acceptance, approval or accession, any State may make one or more of the reservations provided for in Articles 4 and 9.
2. Any State party to this Convention may at any time wholly or partly withdraw a reservation which it had made. The withdrawal shall be notified to the Swiss Federal Council and shall take effect on the first day of the third month following the month of receipt of the notification.

Article 26

1. Any State may, at the time of signature, ratification, acceptance, approval or accession or at any later date, declare that this Convention shall extend to all of the territories for whose international relations it is responsible, or to one or more of them.
2. The Swiss Federal Council shall be notified of such declaration and the extension shall take effect when the Convention enters into force for that State or, subsequently, on the first day of the third month following the month of receipt of the notification.
3. Any declaration of extension may be withdrawn by notification to the Swiss Federal Council, and the Convention shall cease to apply to the designated territory on the first day of the third month following the month of receipt of that notification.

Article 27

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 after the expiry of a period of one year from the date of the entry into force of the Convention in respect of that State. Denunciation shall be notified to the Swiss Federal Council and shall take effect on the first day of the sixth month following the month of receipt of that notification. The Convention shall remain in force among the other States.

Article 28

1. The Swiss Federal Council shall notify the member States 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 reservations or their withdrawal;

- (d) any declaration concerning the territorial extension of the Convention or its withdrawal, together with the date on which it will take effect;
 - (e) any denunciation of the Convention and the date on which it will take effect.
2. The Swiss Federal Council shall inform the Secretary General of the International Commission on Civil Status of any notification made in pursuance of paragraph 1.
 3. On the entry into force of this Convention, a certified copy shall be transmitted by the Swiss Federal Council to the Secretary General of the United Nations for the purposes of registration and publication, in accordance with Article 102 of the United Nations Charter.

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

Done at Munich, on 5 September 1980, in a single copy in the French language, 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 member States of the International Commission on Civil Status and to the acceding States. A certified copy shall also be sent to the Secretary General of the International Commission on Civil Status.

Declarations made under Article 4 of the Convention

Turkey declares that it is availing itself of the reservations provided for at letters (b) and (e) of Article 4.