

Convention (No.20) on the issue of certificate of legal capacity to marry

signed at Paris on 5 September 1980

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of establishing common provisions on the issue to their nationals, with a view to the celebration of a marriage abroad, of a certificate of legal capacity to marry and bearing in mind the Recommendation on the law of marriage adopted by the General Assembly of the International Commission on Civil Status in Vienna on 8 September 1976, have agreed as follows:

Article 1

Each member State undertakes to issue a certificate of legal capacity to marry complying with the model appended to this Convention, where one of its nationals requests such a certificate with a view to marrying abroad and satisfies, under the law of the State issuing the certificate, the conditions for entering into that marriage.

Article 2

For the purposes of this Convention, refugees and stateless persons whose personal status is governed by the law of a Contracting State shall be assimilated to nationals of that State.

Article 3

All the entries to be made on the certificate shall be written in Latin characters in detached script; they may also be written in the characters of the language of the authority issuing the certificate.

Article 4

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 certificate 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 issuing the certificate.
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.
4. Where a previous marriage has been dissolved, the surname and forenames of the last spouse and the date, place and cause of dissolution shall be entered in space 12 of the certificate. To indicate the cause of dissolution, only the following symbols shall be used:
 - in case of death, the letter D;
 - in case of divorce, the letters DIV;
 - in case of annulment, the letter A;
 - in case of absence, the letters ABS.

Article 5

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 6

1. With the exception of the symbols for dates specified in Article 4, the standard headings on the front of each certificate shall be printed in at least two languages, including the official language or one of the official languages of the State in which the certificate is being issued 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 certificate 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 3, 4, 5 and 9 of the Convention, at least in the official language or one of the official languages of the authority issuing the certificate.
4. Any translation must be approved by the Bureau of the International Commission on Civil Status.

Article 7

Certificates shall be dated and bear the signature and seal of the issuing authority. Their period of validity shall be limited to six months from the date of issue.

Article 8

1. At the time of signature, ratification, acceptance, approval or accession, the Contracting States shall designate the authorities empowered to issue the certificates.
2. Any subsequent amendment shall be notified to the Swiss Federal Council.

Article 9

Any amendment to the certificate by a State must be approved by the International Commission on Civil Status.

Article 10

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

Article 11

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 12

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, accepting, approving 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 13

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

Article 14

No reservation to this Convention shall be permitted.

Article 15

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 16

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 17

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 concerning the territorial extension of the Convention or its withdrawal, together with the date on which it will take effect;
 - (d) any denunciation of the Convention and the date on which it will take effect;
 - (e) any declaration made under Article 8.
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 pursuant to Article 8 of the Convention

For the Federal Republic of Germany (on 6 August 1997, at the time of accession to the Convention) : "The persons responsible for drawing up and issuing certificates of legal capacity to marry are : (a) where the fiancé(e) holding German nationality has his or her usual place of residence or is living in Germany, the civil registrar for the usual place of residence, failing which for the place where the fiancé(e) is living; if both fiancés are German, the civil registrar may draw up and issue a common certificate of legal capacity to marry for the two future spouses, even if he or she is competent for only one of them; (b) when the

fiancé(e) holding German nationality neither has a usual place of residence nor is living in Germany, the civil registrar for the last place of residence; (c) where fiancé(e) has never lived in Germany, or has done so only temporarily, the civil registrar of the Berlin Civil-Status Office."

For the Republic of Austria : The civil registrar in whose area one of the fiancés has his or her usual place of residence or is living is empowered to issue the certificate of legal capacity to marry needed by an Austrian national in order to be able to contract a marriage abroad. If neither of the fiancés has his or her usual place of residence or is living in Austria, the person empowered to issue the certificate is the civil registrar in whose area one of the fiancés had his or her last usual place of residence in Austria. Failing that, the person so empowered is the civil registrar of the Wien Innere Stadt Civil-Status Office. If both fiancés are Austrian nationals, it suffices that the certificate of legal capacity to marry be issued by an Austrian civil registrar empowered under the above-mentioned provisions, even if the two fiancés do not have or have not had their usual place of residence or do not live in the area of the same civil registrar.

The Kingdom of Spain (on 2 March 1988, at the time of ratification of the Convention) made the following declaration : "España declara que las Autoridades competentes para expedir los certificados son los Cónsules o Jueces encargados de los Registros Civiles y, por delegación de estos últimos, los Jueces de Paz."

The Hellenic Republic (on 3 June 2014, at the time of ratification of the Convention) made the following declaration : The authority empowered to issue the certificate is: Ministry of Interior, DG of Administrative Support, Directorate of Civic Affairs, Registration & Civil Registry Unit.

For the Italian Republic : The authorities empowered to issue the certificates of capacity to marry are the civil registrars and those consular authorities that carry out civil-status duties.

For the Grand Duchy of Luxembourg : the civil registrar for the last usual place of residence in the Grand Duchy of Luxembourg is empowered to issue the certificate of legal capacity to marry. If the person concerned never had a usual place of residence in the Grand Duchy of Luxembourg, the person so empowered is the civil registrar for the City of Luxembourg.

The Republic of Moldova (on 8 March 2010, at the time of accession to the Convention) made the following declaration : The authorities empowered to issue the certificate are the following:

- a) the civil registrar, competent for the preparation of the certificate of legal capacity to marry and its issue on the territory of the Republic of Moldova ;
- b) the diplomatic missions and consular representations of the Republic of Moldova, responsible for the issue of a certificate of legal capacity to marry to the applicant who is abroad.

Kingdom of the Netherlands :

** On 5 October 1984, when accepting the Convention, the Kingdom of the Netherlands made following declaration:*

The authorities empowered to issue the certificate are :

- for the Kingdom in Europe :
 1. to persons having their usual place of residence in the Netherlands : the civil registrar for that place ;
 2. to persons who do not have but previously had their usual place of residence in the Netherlands : the civil registrar for their last usual place of residence in the Netherlands ;
 3. to persons who do not have and did not previously have their usual place of residence in the Netherlands : the head of the diplomatic or consular representation of the Kingdom of the Netherlands in the area where the marriage is contracted ;
- for the Netherlands Antilles (Editorial note : including Aruba) : the civil registrar in the various island territories or the authority acting on his or her behalf.

** On 5 October 2010, the Kingdom of The Netherlands sent a communication to the Swiss federal council concerning a structure modification of the Kingdom and on 8 September 2011 the Kingdom sent a table summarising the treaties deposited near the Swiss Federal Council.*

- The present convention is from then on applicable to the European part of the Netherlands from February 1st, 1985, to the Caribbean part of the Netherlands (the islands of Bonaire, Sint

Eustasius and Saba) from October 10th, 2010, to Aruba from January 1st, 1986, and to Curaçao and Sint Maarten from October 10th, 2010. It was also applicable to the ex-Netherlands Antilles from February 1st, 1985. The Kingdom of the Netherlands besides repeated its declaration of October 5th, 1984 in these terms (unofficial translation of original English):

- The following authorities are designated as competent, in application of Art. 8, to issue the certificates for Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustasius and Saba): the registrar of Curaçao, of Sint Maarten and of the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustasius and Saba) respectively.

For the Portuguese Republic : The authorities empowered to issue the certificate of legal capacity to marry are the Central Civil-Status Office (Conservatoria dos Registos Centrais) and career diplomatic or consular agents.

For the Swiss Confederation (by declaration of 24 June 1994) : "The Swiss authorities empowered to issue the certificate of legal capacity to marry are : (a) if both fiancés have their usual place of residence in Switzerland, the civil registrar for the usual place of residence of the fiancée or of the fiancé, as they may choose; (b) if one of the fiancés has a usual place of residence in Switzerland, the civil registrar for that place; (c) if neither of the fiancés has a usual place of residence in Switzerland, the civil registrar for the place of origin of the fiancé(e) who is Swiss; if they are both Swiss, the civil registrar for the place of origin of the fiancée or of the fiancé, as they may choose."

For the Republic of Turkey (on 10 March 1988, at the time of ratification of the Convention) : "The Turkish authorities empowered to issue the said certificates are the civil-status offices in Turkey and the consular representations abroad."