

Convention (No.21) on the issue of a certificate of differing surnames

signed at The Hague on 8 September 1982

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of easing the difficulties encountered by certain persons to whom the law of one State attributes a surname different from the one that they are recognised to have in another State, have agreed as follows:

Article 1

1. The certificate of differing surnames created by this Convention is intended to facilitate proof of identity for persons who, owing to differences between the laws of certain States, particularly regarding marriage, filiation or adoption, are not designated by one and the same surname.
2. The sole purpose of this certificate is to record that the various surnames it mentions designate, under different laws, the same person. It cannot have the effect of overriding legal rules governing names.

Article 2

The certificate described in the preceding Article must, on production of supporting documents, be issued to any person concerned, either by the competent authorities of the Contracting State of which he or she is a national or by the competent authorities of the Contracting State whose law has attributed to that person, although a national of another State, a surname different from the one resulting from the application of his or her national law.

Article 3

Certificates issued pursuant to this Convention shall be accepted in each Contracting State as evidencing the correctness of the particulars they contain concerning the different surnames of the person designated therein, unless and until the contrary is proved.

Article 4

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 5

The certificate of differing surnames must comply with the model appended to this Convention.

No modification of this model may be made by a Contracting State without the prior approval of the International Commission on Civil Status.

Article 6

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 7

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.

Article 8

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 9

1. With the exception of the symbols for dates specified in Article 7, 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 5, 6, 7 and 8 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 10

1. Certificates shall be dated and bear the signature and seal of the issuing authority.
2. Certificates shall be exempted from legalisation or any equivalent formality in the territory of the Contracting States.

Article 11

1. At the time of signature, ratification, acceptance or approval of or accession to this Convention, each Contracting State must designate the authorities empowered to issue the certificate.
2. Any subsequent amendment to this designation shall be notified to the Swiss Federal Council.

Article 12

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 13

1. This Convention shall enter into force on the first day of the third month following the month of deposit of the second 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 14

Any member State of the International Commission on Civil Status, the European Communities or the Council of Europe may accede to this Convention. The instrument of accession shall be deposited with the Swiss Federal Council.

Article 15

No reservation to this Convention shall be permitted.

Article 16

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 apply 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 17

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 18

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 designation of the competent authorities effected pursuant to Article 11, paragraph 1, and any amendment made pursuant to paragraph 2 of that Article.
2. The Swiss Federal Council shall inform the Secretary General of the International Commission on Civil Status of any notification made pursuant 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 The Hague, on 8 September 1982, 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.

Territorial scope of the Convention

At the time of acceptance of the Convention, the Kingdom of the Netherlands declared that the Convention is applicable to the Kingdom in Europe.

Declarations made pursuant to Article 11 of the Convention

The Kingdom of Spain made (on 7 April 1988, at the time of ratification of the Convention) the following declaration : "España designa a los efectos del artículo 2 del Convenio, como autoridad competente a: El Juez encargado del Registro Civil correspondiente."

For the French Republic : The certificates created by Article 1 are issued on the national territory by the French civil registrars and, abroad, by the diplomatic and consular representatives of the French Republic.

For the Republic of Italy (on 25 July 1989, at the time of notification of ratification of the Convention) : "... the authority empowered to issue the certificate concerning differing surnames which is the object of the Convention is either the civil registrar for the place of residence in Italy of the person concerned if there are records in that person's name at that place or, failing that, the civil registrar for that person's place of birth. The authority empowered to issue the certificate for residents abroad is the consular authority responsible for the territory where there exist civil-status records in the name of the persons concerned."

For the Kingdom of the Netherlands (on 10 October 1989, at the time of acceptance of the Convention) : the national authorities empowered to issue the certificate of differing surnames are the civil registrars.