

Convention (No.29) on the recognition of decisions recording a sex reassignment

signed at Vienna on 12 September 2000

The States signatory to this Convention, members of the International Commission on Civil Status,
Wishing to foster the recognition on their territory of decisions recording a person's sex
reassignment, taken in another Contracting State,
Have agreed on the following provisions to that end:

Article 1

Final court or administrative decisions recording a person's sex reassignment that have been taken
by the competent authorities in a Contracting State shall be recognised in the other Contracting States if,
at the time when the application was made, the person concerned was a national of or habitually resident
in the State in which the decision was taken.

Article 2

Recognition of the decisions referred to in Article 1 of this Convention may be refused in the
following cases:

- (a) the physical adaptation of the person concerned has not been carried out and has not been
recorded in the decision in question;
- (b) such recognition is contrary to public policy in the Contracting State in which the decision is
relied on;
- (c) when the decision has been obtained by fraudulent means.

Article 3

A State which recognises a decision pursuant to this Convention shall update, on the basis of that
decision and according to the arrangements provided for under its domestic law, the birth certificate of
the person concerned that has been drawn up in that State or transcribed into its civil status registers.

Article 4

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 5

1. Any member State of the International Commission on Civil Status may accede to this Convention.
It is also open to accession by any member State of the European Union.
2. The instruments of accession shall be deposited with the Swiss Federal Council.

Article 6

1. This Convention shall enter into force on the first day of the seventh month following the deposit
of the second instrument of ratification, acceptance, approval or accession by member States of
the International Commission on Civil Status.
2. In respect of any State that ratifies, accepts, approves or accedes to the Convention after it has
entered into force, the Convention shall take effect on the first day of the seventh month
following the deposit of the instrument of ratification, acceptance, approval or accession by that
State.

Article 7

1. After the entry into force of this Convention, any State other than those referred to in Article 5 may accede to it. The accession will have effect only as regards the relations between the acceding State and a Contracting State that has declared its acceptance of the accession. Such a declaration will also have to be made by any State that becomes a party to the Convention after the accession. The instruments of accession and the declarations shall be deposited with the Swiss Federal Council.
2. The Convention shall enter into force between the acceding State and the State that has declared its acceptance of the accession on the first day of the seventh month following the deposit of the declaration of acceptance.

Article 8

1. At the time of signature, ratification, acceptance, approval or accession, any State may reserve the right not to apply the provisions of this Convention to administrative decisions recording a sex reassignment.
2. No other reservation shall be admitted.
3. Any State may at any time withdraw the reservation it has made. The withdrawal shall be notified to the Swiss Federal Council and shall effect on the first day of the seventh month following receipt of such notification.

Article 9

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, declare that this Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them.
2. This declaration shall be notified to the Swiss Federal Council and the extension shall take effect when the Convention comes into force in respect of the said State or, subsequently, on the first day of the seventh month following receipt of such notification.
3. Any declaration of extension may be withdrawn by notification addressed to the Swiss Federal Council and the Convention shall cease to be applicable to the designated territory on the first day of the seventh month following receipt of such notification.

Article 10

1. This Convention shall remain in force indefinitely.
2. Any State party to this Convention may, however, denounce it at any time after one year has expired since the date on which the Convention entered into force in respect of that State. The denunciation shall be notified to the Swiss Federal Council and shall take effect on the first day of the seventh month following receipt of such notification. The Convention shall remain in force between the other States.

Article 11

1. The Swiss Federal Council shall notify the member States of the International Commission on Civil Status and any other State that has acceded to this Convention of:
 - (a) deposit of any instrument of ratification, acceptance, approval or accession;
 - (b) deposit of any declaration as mentioned in Article 7;
 - (c) each date of entry into force of the Convention;
 - (d) any declaration concerning the reservation provided for in Article 8, or its withdrawal;
 - (e) any declaration concerning the territorial extension of the Convention, or its withdrawal, and the date on which it is to take effect;
 - (f) any denunciation of the Convention and the date on which it is to take effect.
2. The Swiss Federal Council shall inform the Secretary General of the International Commission on Civil Status of any notification made pursuant to paragraph 1.

3. As soon as this Convention enters into force, the Swiss Federal Council shall send a certified true copy to the Secretary General of the United Nations for placing on record and publication, in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Vienna, on 12 September 2000, in a single copy, in French, which shall be deposited in the archives of the Swiss Federal Council, and a certified true copy of which shall be sent through diplomatic channels to each member State of the International Commission on Civil Status and to acceding States. A certified true copy shall also be addressed to the Secretary General of the International Commission on Civil Status.

Territorial scope of the Convention

At the moment of ratification, Spain made the following declaration :

« In the case where the present Convention should apply to Gibraltar, Spain wishes to make the following declaration :

1. Gibraltar is a non-autonomous territory whose exterior relations are under the responsibility of the United-Kingdom and who is the object of a decolonisation process in accordance with the relevant resolutions and decisions of the General Assembly of the United Nations.
2. The Gibraltar authorities are of a local nature and have exclusively internal competencies which find their origin and their justification in a distribution and attribution of competencies carried out by the United-Kingdom, in conformity with its internal legislation, in its quality as sovereign State of whom depends the said non-autonomous territory.
3. Consequently, the possible participation of the Gibraltar authorities in the application of the Convention shall be known to be carried out exclusively in the framework of Gibraltar's internal competencies and cannot be considered to modify anything mentioned in the two previous paragraphs.

The procedure provided for in the Regime relating to the Gibraltar authorities in the context of certain international treaties (2007), adopted by Spain and the United Kingdom on 19 December 2007 (as well as the 'regime relating to the Gibraltar authorities in the context of EU and EC instruments and related treaties', adopted on 19 April 2000, applies to the present convention. »