

Convention (No.31) on the recognition of surnames

signed at Antalya on 16 September 2005

The signatory States to this Convention, members of the International Commission on Civil Status,
Being desirous of facilitating the recognition of surnames attributed at birth or modified, notably by
declaration, following a marriage or a divorce or for some other cause,

Have agreed as follows:

Article 1

In the event of marriage of a national of a Contracting State, a declaration made by the spouses concerning the surname that they will bear during the marriage or by one of them concerning the surname that he or she will bear during the marriage shall, if made in a Contracting State of which one of the spouses is a national or in the Contracting State where both spouses are habitually resident on the day of the declaration, be recognised in the Contracting States.

Article 2

1. In the event of dissolution or annulment of a marriage, a declaration whereby a spouse or former spouse having the nationality of a Contracting State either reverts to a surname that he or she bore previously or elects to keep the surname that he or she bore during the marriage shall, if made in the Contracting State or one of the Contracting States of which he or she is a national or in the Contracting State where he or she was habitually resident on the day of the declaration, be recognised in the Contracting States.
2. The reversion by operation of law, in the event of divorce or annulment of a marriage, of a former spouse having the nationality of a Contracting State to the surname that he or she bore before the marriage shall be recognised in the Contracting States if such reversion is provided for by the law of the Contracting State where the divorce or annulment was pronounced and if the former spouse is a national of that State and does not make the declaration to the contrary referred to in paragraph 1.

Article 3

Any Contracting State may declare that it will extend the provisions of Articles 1 and 2 to registered partnerships.

Article 4

1. The surname attributed, in the Contracting State where he or she was born, to a child possessing two or more nationalities shall, if that State is one of those of which the child is a national, be recognised in the other Contracting States.
2. However, by way of derogation from the preceding paragraph, the surname attributed at the request of the parents in another Contracting State of which the child is a national shall be recognised in the other Contracting States. Notice of such attribution shall be sent to the civil registrar for the place of the birth of the child, for entry in the relevant official registers.

Article 5

1. A change of surname of a person possessing two or more nationalities that has occurred in a Contracting State of which he or she is a national shall be recognised in the other Contracting States. However, when such a change is the consequence of a judicial decision modifying personal status, a Contracting State may refuse to recognise the change if it does not recognise that decision.

2. The preceding paragraph shall not apply to changes of surname resulting from a marriage or a registered partnership or from the dissolution or annulment of a marriage or a registered partnership.

Article 6

1. For the purposes of the application of Articles 1 and 2, a declaration made before the competent consular authorities of a Contracting State shall be deemed to have been made in that State.
2. For the purposes of the application of Articles 4 and 5, an attribution or change of surname occurring before the competent consular authorities of a Contracting State shall be deemed to have occurred in that State.

Article 7

Save in the case referred to in Article 5, paragraph 1, recognition can be refused only if it is manifestly incompatible with public policy in the Contracting State in which it is sought.

Article 8

A surname recognised pursuant to this Convention shall be entered in the relevant official registers, without any special procedure being required.

Article 9

1. This Convention shall apply in a Contracting State to attributions and changes of surname occurring after the Convention has entered into force for that State.
2. However, persons whose surname was attributed or changed by means of a declaration before the entry into force of the Convention for a State may request the entry in the relevant official records of that State of that attribution or change, provided that it satisfies the conditions for recognition laid down in the Convention.

Article 10

1. The notice referred to in paragraph 2 of Article 4 shall be drawn up in conformity with the model appearing in Appendix I to this Convention. The standard entries appearing in the notice shall bear code numbers a list whereof is set out in Appendix 2 to this Convention. The formal rules applicable to the notice are set out in Appendix 3 to this Convention. Appendices 1, 2 and 3 may be modified by a resolution adopted by a simple majority of the representatives of the member States of the International Commission on Civil Status and the non-member Contracting States. Any such resolution shall be deposited with the Swiss Federal Council and shall take effect, in relations between the Contracting States, on the first day of the sixth month following such deposit.
2. At the time of ratification, acceptance or approval of or accession to this Convention, each Contracting State shall deposit with the Secretariat General of the International Commission on Civil Status the translation in its official language or languages of the terms which must, in conformity with Appendix 3 to this Convention, appear in the notice. This translation must be approved by the Bureau of the International Commission on Civil Status.
3. Any modification of this translation shall be deposited with the Secretariat General of the International Commission on Civil Status and approved by the Bureau of the International Commission on Civil Status.

Article 11

1. This Convention is open to signature by the member States of the International Commission on Civil Status.
2. The 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. Any member State of the Council of Europe may accede to this Convention. Any other State may accede to this Convention if so invited pursuant to a unanimous decision of the member States of the International Commission on Civil Status.
2. The instruments of accession shall be deposited with the Swiss Federal Council.

Article 13

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

Article 14

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right to recognise a declaration referred to in Article 1 that affects the surname of one of its nationals, only if such declaration is made in the State where both spouses are habitually resident and if one of the spouses is a national of the latter State.
2. No other reservation shall be permitted.
3. Any State may at any time withdraw the reservation which it has made. The withdrawal shall be notified to the Swiss Federal Council and shall take effect on the first day of the fourth month following the month of receipt of that notification.

Article 15

1. Any State may, at the time of signature, ratification, acceptance, approval or accession or at any later date, declare
 - (a) that this Convention shall extend to all of the territories for whose international relations it is responsible, or to one or more of them;
 - (b) that it will extend the provisions of Articles 1 and 2 to registered partnerships.
2. The Swiss Federal Council shall be notified of any declaration made pursuant to paragraph 1. It shall take effect when the Convention enters into force for that State or, subsequently, on the first day of the fourth month following the month of receipt of the notification.
3. Any declaration made pursuant to paragraph 1(a) may be withdrawn by notification to the Swiss Federal Council. The Convention shall cease to apply to the designated territory on the first day of the fourth 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 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 fourth 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 reservation made pursuant to Article 14, paragraph 1, or its withdrawal, together with the date on which the withdrawal will take effect;

- (d) any resolution adopted pursuant to Article 10, paragraph 1, together with the date on which it will take effect;
 - (e) any declaration made pursuant to Article 15, paragraph 1(a), or its withdrawal, together with the date on which the declaration or withdrawal will take effect;
 - (f) any declaration made pursuant to Article 15, paragraph 1(b), together with the date on which it will take effect;
 - (g) any denunciation of the Convention made pursuant to Article 16, paragraph 2, 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 pursuant to 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 Antalya, on 16 September 2005 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.