

Convention (No.19) on the law applicable to surnames and forenames

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 the harmonisation of the law relating to surnames and forenames by means of common rules of private international law, have agreed as follows:

Article 1

1. The surnames and forenames of a person shall be determined by the law of the State of which he or she is a national. For this purpose exclusively, the situations on which surnames and forenames depend shall be assessed in accordance with the law of that State.
2. In case of a change of nationality, the law of the State of the new nationality shall apply.

Article 2

The law designated by this Convention shall apply even if it is the law of a State which is not a Contracting State.

Article 3

Every extract from a record of birth must state the surnames and forenames of the child.

Article 4

The application of the law designated by this Convention may be excluded only if it is manifestly incompatible with public policy.

Article 5

1. If civil registrars who are drawing up a record cannot obtain information about the law applicable to the determination of the surnames and forenames of the person concerned, they shall apply their domestic law and so inform the authority to which they are answerable.
2. It must be possible for a record thus drawn up to be rectified by means of a procedure free of charge, which each State undertakes to establish.

Article 6

1. At the time of signature, ratification, acceptance, approval or accession, any State may reserve the right to apply its domestic law if the person concerned has his or her habitual place of residence in its territory.
2. A determination of surnames and forenames in accordance with that law shall be valid only for the Contracting State which made the reservation.
3. No other reservations shall be permitted.
4. Any State party to this Convention may at any time wholly or partly withdraw the reservation which it had made. The Swiss Federal Council shall be notified of the withdrawal, which shall take effect on the first day of the third month following the month of receipt of that notification.

Article 7

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 8

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 9

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

Article 10

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 11

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 12

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.

Territorial scope of the Convention

At the moment of notifying the acceptance of the Convention, the Kingdom of the Netherlands declared that this Convention applies to the Kingdom in Europe.