

Convention (No.28) on the issue of a certificate of nationality

Adopted at an Extraordinary General Assembly in Strasbourg on 25 March 1999

signed at Lisbon on 14 September 1999

The signatory States to this Convention, members of the International Commission on Civil Status,
Being desirous of facilitating proof abroad of the nationality of their nationals,
Having regard to the provisions concerning certification of nationality found in the European
Convention on Nationality, done at Strasbourg on 6 November 1997,
Have agreed as follows:

Article 1

For the purposes of this Convention, the term "nationality" means the legal bond between a person and a State and does not indicate the person's ethnic origin.

Article 2

The Contracting States undertake to issue a certificate of nationality designed to furnish proof of the nationality of their nationals to the authorities of the other Contracting States.

Article 3

1. The certificate shall be issued on application by the person whose nationality it is to attest. It shall also be issued, following a request supported by reasons, to any other person establishing a legitimate legal interest.
2. The certificate shall be drawn up by the competent authority designated by the domestic law of the issuing State.
3. If the applicant so requests, the certificate shall be sent directly by the authority which drew it up to the authority of the State seeking its production.
4. The certificate must be issued within a reasonable time.

Article 4

1. Certificates drawn up in conformity with this Convention shall be recognised in all the Contracting States.
2. Such certificates must be accepted during the period prescribed by the law or the administrative practices of the State in which they are to be used.

Article 5

1. Certificates shall be accepted as correct unless and until the contrary is proved.
2. In case of serious doubt as to the authenticity of the document or the nationality of the person concerned, the authorities of the State where the certificate is being used may request the issuing authority to send them a fresh certificate or to effect a verification of the nationality. Communications between these authorities shall take place directly.

Article 6

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

Article 7

1. The certificate shall be drawn up in conformity with the model appearing in Appendix 1 to this Convention and shall be written in the language of the issuing authority and the French language.
2. All the entries 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.
3. 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.
4. The name of any place mentioned in the certificate shall be followed by the name of the State in which that place is situated.

Article 8

On the reverse of each certificate there shall appear:

- (a) a reference to the Convention, 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,
- (b) a summary of Articles 2, 3, 4, 5, 7 and 12 of the Convention, at least in the language of the authority issuing the certificate.

Article 9

The standard entries appearing on the front of the certificate shall bear code numbers a list whereof is set out in Appendix 2 to this Convention.

Article 10

1. 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 included in the list in Appendix 2 to this Convention. This translation must be approved by the Bureau of the International Commission on Civil Status.
2. 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. The coding of the entries contained in the certificate and the list of code numbers in Appendix 2 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 modification must take account of the code numbers used in the other Conventions of the International Commission on Civil Status.
2. Any such resolution shall be deposited with the Swiss Federal Council.

Article 12

1. If the person applying for the certificate so requests, the issuing authority shall append a list of the code numbers appearing in the certificate and their translation into the official language or one of the official languages of the State where the certificate is to be used or into the official languages of the Contracting States. That authority may also decode the certificate by translating it into the official language or one of the official languages of the State where it is to be used.
2. Any interested party may request the competent authority of the State in which the certificate is being used to translate the code numbers into the official language or one of the official languages of that State or to decode the certificate.
3. At the time of signature, ratification, acceptance or approval of or accession to this Convention, each Contracting State shall designate the authorities empowered to translate the code numbers or decode certificates in accordance with the provisions of paragraph 2 of this Article. Any

subsequent modification to the identity of such authorities shall be notified to the Swiss Federal Council.

Article 13

1. Certificates shall indicate the name and capacity of the person issuing them. They shall be dated and signed and bear the requisite seal or stamp.
2. Certificates shall be exempt from translation and from legalisation or any equivalent formality.

Article 14

The provisions of this Convention shall not prevent use of other documents habitually accepted as proof of nationality.

Article 15

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 16

1. Any member State of the International Commission on Civil Status, the European Union or the Council of Europe may accede to this Convention.
2. Any other State may accede to this Convention after its entry into force. Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in Article 21, paragraph 1. Such an objection may also be raised by any State at the time when it ratifies, accepts or approves the Convention after an accession. Any such objection shall be notified to the Swiss Federal Council.
3. The instruments of accession shall be deposited with the Swiss Federal Council.

Article 17

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, approval or accession by two member States of the International Commission on Civil Status.
2. In respect of a State ratifying, approving, accepting 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.
3. Any resolution adopted in pursuance of Article 11 shall take effect, in relations between the Contracting States, from the first day of the fourth month following its deposit.

Article 18

No reservation to this Convention shall be permitted.

Article 19

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 fourth 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 fourth month following the month of receipt of that notification.

Article 20

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 21

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 made under Article 6 or Article 12;
 - (d) any resolution adopted in pursuance of Article 11, together with the date on which it will take effect;
 - (e) any objection made under Article 16;
 - (f) any declaration concerning the territorial extension of the Convention or its withdrawal, together with the date on which it will take effect;
 - (g) 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 Lisbon, on 14 September 1999, 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 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. »

Declaration

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

« In accordance with article 6.1 of the Convention, the competent Spanish authorities to issue the certificate of nationality are the municipal or consular civil registrar of the person concerned's place of residence. »

« In accordance with Article 12.3 of the Convention, the competent Spanish authorities to translate the codes or proceed to decode the certificate of nationality are the municipal registrars and the *Direccion General de los Registros y del Notariado*. »