
Convention on the issue of a certificate of legal capacity to marry
signed at Munich on 5 September 1980

The signatory States to this Convention, members of the International Commission on Civil Status, being desirous of establishing common provisions on the issue to their nationals, with a view to the celebration of a marriage abroad, of a certificate of legal capacity to marry and bearing in mind the Recommendation on the law of marriage adopted by the General Assembly of the International Commission on Civil Status in Vienna on 8 September 1976, have agreed as follows:

Article 1

Each member State undertakes to issue a certificate of legal capacity to marry complying with the model appended to this Convention, where one of its nationals requests such a certificate with a view to marrying abroad and satisfies, under the law of the State issuing the certificate, the conditions for entering into that marriage.

Article 2

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 3

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 4

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.
4. Where a previous marriage has been dissolved, the surname and forenames of the last spouse and the date, place and cause of dissolution shall be entered in space 12 of the certificate. To indicate the cause of dissolution, only the following symbols shall be used:
 - in case of death, the letter D;
 - in case of divorce, the letters DIV;
 - in case of annulment, the letter A;
 - in case of absence, the letters ABS.

Article 5

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 6

1. With the exception of the symbols for dates specified in Article 4, 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 3, 4, 5 and 9 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 7

Certificates shall be dated and bear the signature and seal of the issuing authority. Their period of validity shall be limited to six months from the date of issue.

Article 8

1. At the time of signature, ratification, acceptance, approval or accession, the Contracting States shall designate the authorities empowered to issue the certificates.
2. Any subsequent amendment shall be notified to the Swiss Federal Council.

Article 9

Any amendment to the certificate by a State must be approved by the International Commission on Civil Status.

Article 10

Certificates shall be exempted from legalisation or any equivalent formality in the territory of the States bound by this Convention.

Article 11

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 12

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 13

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

Article 14

No reservation to this Convention shall be permitted.

Article 15

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 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 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 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 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 declaration made under Article 8.
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.

EXPLANATORY REPORT*adopted by the General Assembly in Munich on 3 September 1980***1. GENERAL REMARKS**

Many countries issue certificates of legal capacity to marry to those of their nationals who need such a document to marry abroad. The countries which are still bound by the 1902 Hague Convention governing Conflicts of Laws Concerning Marriage issue such certificates under Article 4 of that Convention, but other countries which have denounced it or have never acceded to it nevertheless issue such certificates to their nationals. The Convention on Celebration and Recognition of the Validity of Marriages drawn up by the Hague Conference in 1976¹, which is intended to replace the 1902 Convention, does not regulate this matter. In view of the importance and usefulness of certificates of legal capacity to marry, the International Commission on Civil Status considered it desirable to conclude a Convention regulating the issue of such certificates in a uniform multilingual form.

The purpose of the Convention is to facilitate proof that the persons concerned satisfy the conditions laid down for conclusion of the marriage. It does not stand in the way of the application of rules in force in the Contracting States which do not require a certificate of legal capacity to marry. The Convention does not, furthermore, prevent the authorities of a Contracting State from issuing a certificate relating to the provisions of its national law on marriage when one of its nationals needs such a document in order to be able to marry abroad.

2. COMMENTARY ON THE ARTICLES**Article 1**

Article 1 contains the main provision of the Convention. It obliges a State to issue a certificate of legal capacity to marry on the request of one of its nationals who wishes to marry in any foreign country and, under the law of his or her State, satisfies the conditions for entering into that marriage. The question of whether those conditions are satisfied will be resolved on the basis of the documents submitted by the applicant. States in which it is compulsory to give notice of the marriage, even if it is to be contracted abroad, may make the issue of the certificate conditional on such notice being given.

The Convention does not oblige the authority of the place where the marriage is to be celebrated to perform the marriage. Nor does the 1902 Convention lay down such an obligation. In practice, however, certificates of legal capacity to marry issued under that Convention have always been accepted. It seems, therefore, that there is good reason to expect that the same will apply to certificates issued under this Convention. It can also be anticipated that Contracting States which undertake to issue certificates of legal capacity to marry to their nationals will in practice recognise the certificates issued by the other Contracting States. Should the authority of the country where a marriage is to be celebrated consider that the details given in the certificate are inadequate to permit the marriage to take place, the Convention does not prohibit it from requesting additional documents. If an impediment to the marriage exists, the authority can refuse to perform it.

If the future spouses are of the same nationality, the issue of a single certificate is sufficient.

Article 2

The idea of assimilating refugees and stateless persons to nationals of the State in which they have their domicile or residence, which is expressed in this Article, is to be found in other international agreements.

Article 3

The provisions of this Article are to be found in several Conventions drawn up by the International Commission on Civil Status, in particular the Convention on the issue of multilingual extracts from civil status records, signed at Vienna on 8 September 1976.

Article 4

The manner of entering dates and using symbols is also to be found in other Conventions of the International Commission on Civil Status.

¹ Concluded on 14 March 1978.

Paragraph 2 stipulates that places must be identified by giving the name of the State in which they are situated at the time of issue of the certificate, if that State is not the one in which the certificate is issued.

Paragraph 3 specifies the symbols to be used to indicate sex, nationality and the condition of refugee or stateless person. If the nationality of the foreign party is unknown, the space on the form provided for that information is to be scored through, as provided in Article 5.

An entry indicating absence can be made only if remarriage is possible.

Article 5

This Article corresponds to provisions already adopted in Conventions of the International Commission on Civil Status, inter alia the above-mentioned Convention of 1976.

Article 6

Paragraphs 1, 2 and 3 do not call for comment. Only the French text of the form is fixed by the model appended to this Convention. The approval by the Bureau of the International Commission on Civil Status of any translation into other languages, provided for in paragraph 4, guarantees that not only translations into the various languages of the Contracting States but also translations into the languages of States subsequently acceding to the Convention will be verified before being incorporated into the form.

Article 7

The value of the certificate can be guaranteed only if it is of recent date. For this reason the period of validity of the certificate is limited to six months from the date of issue.

Article 8

Each State must designate the authorities empowered to issue certificates of legal capacity to marry. It is to be understood that the authorities which can be designated will be restricted to officials of the civil registration service (see the form), that is to civil registrars, civil status supervisory authorities and professional diplomatic or consular agents who are entitled to perform the functions of civil registrar.

Article 9

Experience has shown that it is difficult to avoid errors in multilingual forms. There should be a simple way of correcting these errors. Furthermore, the accession to the Convention of a State whose language does not appear in the form will mean that that language will have to be inserted. Lastly, it is possible that changes in legislation in the Contracting States will necessitate amendment of the form. To avoid in all these cases having to draw up a new Convention, Article 9 provides that such amendments can be made after approval by the International Commission on Civil Status.

Article 10

This Article deals only with exemption from legalisation. Owing to the requirements of revenue law in some member States of the International Commission on Civil Status, it was not possible to prescribe that certificates issued in pursuance of the Convention should be free of charge. However, since civil registration constitutes a public service, it would be desirable for States to do everything possible to enable the certificates to be issued free of charge or at least at a reduced cost.

Articles 11 - 17

These Articles contain the final clauses governing ratification of the Convention and its entry into force and duration.

The Convention is an open Convention, which means that any State, whether a member of the International Commission on Civil Status or not, may accede to it.