

Original: English

COMMISSION ON HUMAN RIGHTS  
Forty-Fourth Session  
Pre-sessional open-ended Working Group  
on the Question of a Convention on the  
Rights of the Child

25-29 January 1988

Proposal submitted by The  
Federal Republic of Germany  
Article 4<sup>bis</sup>

The States Parties to the present Convention undertake to ensure the conformity of their Law with the following provisions:

1. Maternal affiliation of every child born out of wedlock shall be based solely on the fact of the birth of the child.
2. Paternal affiliation of every child born out of wedlock may be evidenced or established by voluntary recognition or by judicial decision.
3. The voluntary recognition of paternity may not be opposed or contested insofar as the internal law provides for these procedures unless the person seeking to recognise or having recognised the child is not the biological father.
4. In actions relating to paternal affiliation scientific evidence which may help to establish or disprove paternity shall be admissible.
5. (a) The father and mother of a child born out of wedlock shall have the same obligation to maintain the child as if it were born in wedlock.  
  
(b) Where a legal obligation to maintain a child born in wedlock falls on certain members of the family of the father or mother, this obligation shall also apply for the benefit of a child born out of wedlock.

6. (a) Where the affiliation of a child born out of wedlock has been established as regards both parents, parental authority may not be attributed automatically to the father alone.  
  
(b) There shall be power to transfer parental authority; cases of transfer shall be governed by the internal law.
7. Where the father or mother of a child born out of wedlock does not have parental authority over or the custody of the child, that parent may obtain a right of access to the child in appropriate cases.
8. A child born out of wedlock shall have the same right of succession in the estate of its father and its mother and of a member of its father's or mother's family, as if it had been born in wedlock.
9. The marriage between the father and mother of a child born out of wedlock shall confer on the child the legal status of a child born in wedlock."

: