

N° 183.

PORTUGAL ET SUÈDE

Echange de notes comportant un arrangement relatif à l'échange de notifications concernant les aliénés. Madrid le 4 juillet 1921, et Lisbonne le 20 septembre 1921.

PORTUGAL AND SWEDEN

Exchange of notes constituting an Agreement concerning the exchange of notifications with regard to persons of unsound mind. Madrid July 4, 1921, and Lisbon September 20, 1921.

¹ TRADUCTION — TRANSLATION.

No. 183. — EXCHANGE OF NOTES BETWEEN THE PORTUGUESE AND SWEDISH GOVERNMENTS, CONSTITUTING AN AGREEMENT CONCERNING THE EXCHANGE OF NOTIFICATIONS WITH REGARD TO PERSONS OF UNSOUND MIND². MADRID, JULY 4, 1921 AND LISBON, SEPTEMBER 20, 1921.

French and Portuguese official texts communicated by the Ministries for Foreign Affairs of Portugal and Sweden. The registration of this exchange of notes took place on November 21, 1921.

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MADRID, July 4, 1921.

YOUR EXCELLENCY,

In accordance with the stipulations of Conventions concluded under condition of reciprocity between Sweden and several other countries, the admission of lunatics who are nationals of these countries, into Swedish lunatic asylums, their release from these institutions, and their death have been for some time regularly communicated to their respective Governments through their diplomatic representatives accredited to His Majesty, the King.

These communications are made in order that the relatives of the patient may be informed and to make it possible to safeguard their interests as well as those of the patient. Moreover they enable the authorities of the patient's country to take the necessary measures in order to provide for the care of his person and of his fortune.

My Government considers that it would be very desirable that similar notification should be made with regard to any Swedish nationals who are attacked abroad by mental diseases, and has instructed me to propose to your Excellency the adoption of the following articles under conditions of reciprocity.

Article 1.

Should any Portuguese subject be attacked in Sweden with mental disease, his confinement in a lunatic asylum or his release from such an institution or his death, as the case may be, shall be notified to the Portuguese Legation at Stockholm.

Article 2.

In the notifications provided for under Article 1 mention shall be made of the name of the lunatic asylum where the patient is confined and they shall, if possible, contain the following information regarding the patient :

- (1) Name and surname ;
- (2) Date and place of birth ;

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² According to a letter of June 6, 1922, emanating from the Swedish Ministry for Foreign Affairs, this agreement does not entail ratification.

- (3) Trade or profession ;
- (4) Place of residence at the time when the confinement in the lunatic asylum took place ;
- (5) The patient's last place of residence in his native country ;
- (6) Name and surname, etc., of the father and mother, or if these are dead, the names and surnames of the nearest relatives with information as to their domicile ;
- (7) If the patient is married, name and surname of the husband or wife, and the indication of his or her domicile ;
- (8) The date at which the patient was confined in the institution, or on which he left it, or on which he died ;
- (9) The name of the person at whose request the patient was confined in the institution ;
- (10) If the patient was admitted on a medical report, the date of this report and the name and residence of the doctor ;
- (11) The condition of the patient and whether his state allows of his repatriation, and also an indication of the number of attendants required in order to take care of the patient during the journey.

Article 3.

In all cases where the Swedish Government demands the repatriation of a Portuguese subject suffering from mental disease, the request shall be accompanied by a notification containing the information referred to under Article 2.

Article 4.

When a Portuguese subject suffering from mental disease is repatriated, the medical record of the patient, which is kept in the lunatic asylum, shall be communicated to the competent Portuguese authorities.

In communicating the above to Your Excellency, I have the honour to request you to be so good as to inform me whether Your Government is prepared to conclude the agreement in question with Sweden.

I am authorised to state that this proposal will be considered binding by my Government whenever the Portuguese Government undertakes to grant reciprocal treatment. This treatment would, in the opinion of my Government, be secured if you would embody in your reply the above provisions, with any modifications which may be considered necessary.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

(Signed) IVAN DANIELSSON.

To His Excellency
the Minister for Foreign Affairs,
etc., etc., etc.,
Lisbon.

¹ TRANSLATION.

MINISTRY FOR FOREIGN
AFFAIRS.

General Directorate of Political
and Diplomatic Affairs.

LISBON, *September 20, 1921.*

SIR,

I have the honour to acknowledge the note dated July 4 last, communicated by your Legation, with regard to the conclusion of an agreement by means of an interchange of Notes between your Government and the Government of the Portuguese Republic on the subject of a reciprocal exchange of information with reference to the confinement, release or death of insane persons, who are nationals of either of the two countries, and are detained in the asylums of the other country.

In reply, I have the honour to inform you that the Government of the Republic accepts the proposal as submitted by your Government and containing the following provisions :

Article 1.

Should any Swedish subject be attacked in Portugal with mental disease, his confinement in a lunatic asylum or his release from such an institution or his death, as the case may be, shall be notified to the Swedish Legation at Lisbon.

Article 2.

In the notifications provided for under Article 1 mention shall be made of the name of the lunatic asylum where the patient is confined and they shall, if possible, contain the following information regarding the patient :

- (1) Name and surname ;
- (2) Date and place of birth ;
- (3) Trade or profession ;
- (4) Place of residence at the time when the confinement in the lunatic asylum took place ;
- (5) The patient's last place of residence in his native country ;
- (6) Name and surname, etc., of the father and mother, or if these are dead, the names and surnames of the nearest relatives with information as to their domicile ;
- (7) If the patient is married, name and surname of the husband or wife, and the indication of his or her domicile ;
- (8) The date at which the patient was confined in the institution, or on which he left it, or on which he died ;
- (9) The name of the person at whose request the patient was confined in the institution ;
- (10) If the patient was admitted on a medical report, the date of this report and the name and residence of the doctor ;
- (11) The condition of the patient and whether his state allows of his repatriation, and also an indication of the number of attendants required in order to take care of the patient during the journey.

¹ Translated by the Secretariat of the League of Nations.

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In all cases where the Portuguese Government demands the repatriation of a Swedish subject suffering from mental disease, the request shall be accompanied by a notification containing the information referred to under Article 2.

Article 4.

When a Swedish subject suffering from mental disease is repatriated, the medical record of the patient, which is kept in the lunatic asylum, shall be communicated to the competent Swedish authorities.

The present Note and the Note from your Legation, to which this is a reply, constitute a formal agreement on this subject, between the Government of the Portuguese Republic and the Government of His Majesty the King of Sweden.

I have the honour to be, etc.

(Signed) JOAO CARLOS DE MELLO BARRETO.

M. H. BERNES,
etc., etc.
