

N° 390.

NORVÈGE ET SUÈDE

Echange de notes comportant un arrangement relatif à l'échange de notifications concernant les aliénés. Christiania, les 25 mai 1921, 24 avril et 5 mai 1922.

NORWAY AND SWEDEN

Exchange of Notes constituting an agreement concerning the exchange of notifications with regard to persons of unsound mind. Christiania, May 25, 1921, April 24 and May 5, 1922.

No. 390. —  CHANGE DE NOTES¹ ENTRE LES GOUVERNEMENTS NORV GIEN ET SU DOIS COMPORTANT UN ARRANGEMENT RELATIF A L' CHANGE DE NOTIFICATIONS CONCERNANT LES ALIEN S. CHRISTIANIA, LES 25 MAI 1921, 24 AVRIL ET 5 MAI 1922.

Textes officiels norv gien et su dois communiqu s par le Ministre des Affaires  trang res de Su de. L'enregistrement de cet  change de notes a eu lieu le 7 mars 1923.

Norwegian and Swedish official texts, communicated by the Swedish Minister for Foreign Affairs. The registration of this exchange of notes took place March 7, 1923.

TEXTE SU DOIS — SWEDISH TEXT.

I

KRISTIANIA, den 25 maj 1921.

HERR MINISTER,

I enlighet med best mmelserna i  verenskommelser grundade p   msesidighet och avslutade mellan Sverige och ett flertal andra stater hava sedan n gon tid tillbaka vederb rande fr mmande staters regeringar l mnats meddelande genom sina i Stockholm ackrediterade s ndebud s  snart unders tar tillh rande n gon av dessa stater i Sverige intagits   anstalt f r sinnessjuka, d rifr n utskrivits eller d rst des avlidit.

Dessa meddelanden  ro  gnade m jligg ra att den sinnessjukes sl ktingar underr ttas, s  att de bliva satta i st nd att bevaka den sjukes och sina egna intressen. P  samma g ng gives d rigenom hemlandets myndigheter tillf lle att vidtaga n diga  tg rder f r v rden av den sjuke och omh ndertagandet av hans tillg ngar.

Svenska regeringen, som anser det synnerligen  nskv rt att erh lla meddelanden av dylik art betr ffande varje svensk unders te, som i utlandet angripes av sinnessjukdom, har f rklarat sig ben gen att, under f ruts ttning av  msesidighet, f rbinda sig att tillst lla norska regeringen meddelande r rande i Sverige vistande sinnessjuka norska unders tar enligt best mmelserna i nedanst ende artiklar.

Artikel 1.

D  norsk unders te i Sverige intages   anstalt f r sinnessjuka, d rifr n utskrivs eller d rst des avlider, skall norska beskickingen i Stockholm d rom underr ttas.

¹ Cet arrangement ne comporte pas de ratification.

¹ This agreement does not entail ratification.

¹ TRANSLATION.

No. 390. — EXCHANGE OF NOTES BETWEEN THE NORWEGIAN AND SWEDISH GOVERNMENTS CONSTITUTING AN AGREEMENT CONCERNING THE EXCHANGE OF NOTIFICATIONS WITH REGARD TO PERSONS OF UNSOUND MIND. CHRISTIANIA, MAY 25, 1921, APRIL 24 AND MAY 5, 1922.

I

CHRISTIANIA, *le 25 mai* 1921.

MONSIEUR LE MINISTRE,

In accordance with the stipulations 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 considering that it would be very desirable that similar notification should be made with regard to any Swedish nationals who are attacked abroad by mental disease, would be prepared under conditions of reciprocity, to undertake to transmit to the Norwegian Government information regarding Norwegians of unsound mind in Sweden in accordance with the following provisions.

Article 1.

Should any Norwegian 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 Norwegian 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 ;
- (3) Trade or profession ;
- (4) Place of residence at the time when the confinement in the lunatic asylum took place ;

¹ Translated by the Secretariat of the League of Nations.

- (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 Norwegian 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 Norwegian 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 authorities of Norway.

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

I am authorised to add that this proposal will be considered binding by my Government whenever the Government of Norway 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 have the honour to be, etc.,

(Signed) RAMEL.

Son Excellence M. MICHELET,
Ministre Royal des Affaires étrangères,
etc., etc., etc.

II

MINISTRY OF FOREIGN AFFAIRS.

CHRISTIANIA, *April 24, 1922.*

MONSIEUR LE BARON,

In a note dated May 25, 1921, you proposed on behalf of the Swedish Government that an agreement should be concluded between Sweden and Norway concerning the repatriation of Norwegian nationals suffering from mental disease and confined in lunatic asylums in Sweden, and vice versa.

In reply to this note, I have the honour to inform you that the Norwegian Government, which latterly has always adopted the principle of notifying the respective Legations whenever a foreigner

was received into a lunatic asylum in Norway, is willing to agree to the Swedish Government's proposal. With reference, however, to the declarations of the department concerned, I would propose that after the word "person" in Article 2, Item 9, should be added "or competent authority", or that it should be decided to interpret this expression to mean "competent authority". Regarding Article 4, I would add that the "competent Norwegian authority" would be the Health Department (Medicinalstyrelsen) at Christiania.

In the case of Norway, therefore, the agreement in question would read as follows :

Article 1.

Should any Swedish subject be attacked in Norway 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 Christiania.

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 or authority 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 Norwegian 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 authorities of Sweden

If the Swedish Government raises no objection to the modifications of detail proposed above, concerning which I trust you will acquaint me with your opinion, I shall consider the agreement concluded, in conformity with your note of May 25, 1921, referred to above, as soon as I have received your reply on the subject.

I have, etc.,

(Signed) RAESTAD.

Baron RAMEL,
Swedish Minister.
etc., etc., etc.

III

CRISTIANIA, *May 5, 1922.*

MONSIEUR LE MINISTRE,

In reply to the note of the Minister of Foreign Affairs dated April 24 last, on the subject of the conclusion between Sweden and Norway of an arrangement concerning the mutual communication of information regarding the reception in mental hospitals of persons afflicted with mental disease, I have the honour to inform you, in conformity with instructions received, that approval of the change suggested in the above mentioned note concerning Article 2, Point 9, of the proposed agreement would involve certain difficulties, in view of the fact that it would be impossible in the future to make use of the forms intended for communications if Norwegian nationals are in question when once agreements on this subject have been duly concluded with several foreign Powers.

I am, moreover, authorised to declare that, in conformity with your Excellency's interpretation, the term " person " referred to above in Article 2, Item 9, should be taken to mean " competent authority or any properly qualified public official ".

In conformity with the opinion expressed by your Excellency in the above mentioned note, I beg to inform you that I consider the agreement to have been concluded as a result of these declarations.

I have the honour, etc.,

(Signed) RAMEL.

To His Excellency,
M. RAESTAD,
Norwegian Minister for Foreign Affairs,
etc., etc., etc.