

N° 198.

SUÈDE ET SUISSE

Echange de Notes comportant un arrangement relatif à l'échange de notifications concernant les aliénés. Berne, les 27 mai, 10 septembre et 29 novembre 1921.

SWEDEN AND SWITZERLAND

Exchange of Notes constituting an Agreement concerning the exchange of notifications with regard to persons of unsound mind. Berne, May 27, September 10, and November 29, 1921.

¹ TRADUCTION. — TRANSLATION.

No. 198. — EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT CONCERNING THE EXCHANGE OF NOTIFICATIONS WITH REGARD TO PERSONS OF UNSOUND MIND². BERNE, MAY 27, SEPTEMBER 10, AND NOVEMBER 29, 1921.

French official text communicated by the Swedish Ministry for Foreign Affairs. The registration of this Exchange of Notes took place on December 27, 1921.

LÉGATION DE SUÈDE.

BERNE, May 27, 1921.

MONSIEUR LE CONSEILLER FÉDÉRAL,

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 Swiss 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 Swiss 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 January 11, 1922, emanating from the Swedish Ministry for Foreign Affairs, "ratification of the present Agreement was not provided for."

- (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 Swiss 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 Swiss 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 Swiss authorities.

In communicating the above to Your Excellency, I have the honour to request you to be so good as to inform me whether the Swiss 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 Swiss Government undertakes to grant reciprocal treatment. This treatment would, in the opinion of any 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, etc.

(Signed) ADLERCREUTZ.

To His Excellency

M. MORRA, Federal Councillor,
Head of the Federal Political Department, etc., etc.

FEDERAL POLITICAL DEPARTMENT.
Section for Foreign Affairs

BERNE, September 10, 1921.

YOUR EXCELLENCY,

In a Note dated May 27, Your Excellency was good enough to inform us that the Swedish Government was very anxious to conclude an agreement with regard to the reciprocal admission to lunatic asylums of insane persons of Swiss and Swedish nationality, their discharge from such institutions and their death.

In agreement with the Federal Authorities concerned, we have the honour to inform Your Excellency that they readily accept the proposal of the Royal Government, and have duly placed on record the proposals formulated in the Note referred to above. In reply, we are in a position to make the following declaration :

Article 1.

Should any Swedish subject be attacked in Switzerland 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 Berne.

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, and place of origin ;
- (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 Swiss 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.

You will note that one alteration only has been made in the proposal of the Swedish Government. It occurs in Article 2, § 2, where we have added "the place of origin" in order to conform to Swiss public law, in accordance with which the nationality of a Swiss citizen is not determined by his place of birth, but by his place of origin, that is to say by his local citizenship, which is hereditary. The place of origin is always given in Swiss identification documents. We hope that the Royal Government will accept this modification and will be good enough to act upon it in any communications which it may forward to the Federal Authorities and the Swiss representative in Sweden, with regard to insane persons of Swiss nationality.

I have the honour to be, etc.,

(Signed) P. O. PAUL DINICHERT.
For the Federal Political Department.

To His Excellency
M. P. DE ADLERCREUTZ,
Swedish Minister,
Berne.

SWEDISH LEGATION.

BERNE, *November 29, 1921.*

YOUR EXCELLENCY,

In a Note dated September 10 last, the Federal Political Department informed the Swedish Minister that the Federal authorities concerned accepted the proposal of His Majesty's Government with regard to an agreement respecting the reciprocal admission to lunatic asylums of insane persons of Swedish and Swiss nationality, their discharge from such institutions and their death. The Federal Department: however, pointed out at the same time that the Swiss Government had modified the proposal of the Royal Government by adding to Article 2, § 2, the words "place of origin."

I am instructed to inform your Excellency that my Government has accepted this modification, and that in all communications which it may subsequently make to the Federal authorities and to the Swiss representative in Sweden, with regard to insane persons of Swiss nationality, the place of origin of the insane person referred to will be mentioned.

I have the honour to be, etc.,

(Signed) RETTIG.

To His Excellency,
M. MOTTA,
Federal Councillor,
Head of the Federal Political Department.