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COUNCIL OF EUROPE
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Draft Convention of Social and Medical Assistance and Draft Protocol thereto

Request for an opinion
Committee of Ministers

Explanatory Memorandum

1. The Committee of Ministers has decided to transmit to the Consultative Assembly for its opinion a draft Convention on Social and Medical Assistance and a draft Protocol thereto.

The Convention itself is accompanied by three Annexes. The first Annex lists the legislative and other measures of social and medical assistance in each country to which the Convention will apply. The second Annex contains the reservations which have been formulated by three Member Governments. The third Annex contains a list of documents recognised as affording proof of residence.

The Protocol will have the effect of extending the benefits of the Convention to refugees in the territory of Member States.

I. — History

2. The Committee of Experts on Social Security at its second session in November, 1950 proposed that a separate Committee of Experts should be convened in order to prepare a Convention on Social and Medical Assistance which would extend to all Members of the Council of Europe the provisions of the Convention on this subject already concluded by the Brussels Treaty Powers on 7th November, 1949.

The Committee of Ministers approved this proposal at its Seventh Session in March, 1951, and instructed the Secretary-General to convene the meeting which had been proposed.

3. The Committee of Experts oh Social and Medical Assistance held its first session in September, 1951 and undertook a general examination of the Convention of 7th November, 1949 and of a Supplementary Agreement to that Convention concluded on 17th April, 1950 among the same Contracting Parties. The Committee first of all decided which of the provisions of these two instruments should be incorporated in the proposed European Convention and then appointed a Drafting Committee to prepare a first draft for consideration at its next meeting. The conclusions of the first session of the Committee were submitted to Member Governments for their comments, with a request to furnish lists of their national schemes of social and medical assistance to which the proposed Convention would relate.

4. In November, 1951 a joint meeting was held of the Committee of Experts on Social Security and the Committee of Experts on Social and Medical Assistance. At this meeting a recommendation was made to the Committee of Ministers that the terms of reference of the " Social Assistance Committee " should be extended beyond the limits of the subjects dealt with in the Brussels Organisation Convention, in order t h a t the two European agreements on Social Security and the Convention on Social and Medical Assistance should form one comprehensive system covering the whole field of social security and assistance.

After the replies of the Governments had been received to the requests made at the first session of the Committee of Experts, the Drafting Committee met in January, 1952 and worked out a preliminary draft Convention incorporating the substance of the Brussels Organisation Convention and Supplementary Agreement and listing in an Annex the national assistance schemes to which the Convention would relate.

5. This preliminary draft was considered at the second session of the full Committee which was held in April, 1952. The Committee of Ministers having agreed to the extension of the mandate of the Committee, the latter continued with its work on that basis. It revised the preliminary draft submitted by the Drafting Committee, and this t e x t was then submitted to the Governments for their consideration.

6. In the following September the draft Convention was considered by the Ministers' Deputies, together with a number of amendments proposed by certain Governments. The Deputies decided to convene another session of the " Social Assistance Committee" to consider these amendments and another joint meeting of the two Expert Committees in order to ensure complete co-ordination between the draft Convention and the Agreements on Social Security.

The third session of t h e Committee of Experts was held in October, 1952, and decisions were taken on the various amendments which had been proposed, the Committee also reached agreement on the principle of concluding a Protocol to extend the provisions of the Convention to refugees, in the same way as was contemplated for the Agreements on Social Security, and it approved provisionally a draft prepared for this purpose. It instructed moreover the Secretariat-General to obtain the opinion of the U. N. High Commissioner for Refugees on this draft and to submit his opinion to the Committee of Ministers together with the report of the Committee of Experts.

At the same time the joint meeting was held with the Experts on Social Security, and certain minor modifications made to all three instruments in order to bring them into harmony with one another.

The Ministers' Deputies considered these recommendations of the Committee of Experts at their Eighth and Ninth Meetings in December,1952 and March,1953. A favourable opinion on the draft Protocol had been received in the meantime from the U. N. High Commissioner for Refugees. The texts having been approved after one further amendment had been made to the draft Protocol, it was decided to submit the Convention and Protocol to the Assembly for its opinion.

II. — Comments on the draft Convention

7. The basic principle on which the whole Convention is based is set out in Article 1. This is t h a t each Contracting Party will ensure t h a t nationals of the other Contracting Parties who are lawfully present in its territory and who are in need shall be entitled to social and medical assistance on a basis of equality with its own nationals.

Article 2 provides t h a t the assistance to which the Convention relates is " all assistance granted under t h e laws and regulations " of each Contracting Party " under which persons without sufficient resources are granted means of subsistence and the care necessitated by their condition ". Non-contributory pensions and benefits paid in respect of war injuries or injuries due to foreign occupation are, however, expressly excluded. These exceptions correspond to similar provisions in t h e Social Security Agreements. In order to make it quite clear what measures of assistance will be covered by the terms of the Convention, the various national measures concerned are set out in Annex I, arranged under each country in alphabetical order.

Article 2 also provides that each P a r t y will address to the Secretary-General for communication to all the other Parties a statement giving its interpretation of the terms " n a t i o n a l s " and " t e r r i t o r y " , in order that each Government should be in a position to know exactly what persons and territories will be covered by the Agreement. This follows a procedure which has also been adopted for t h e Agreements on Social Security. The necessary statements have now been received and circulated to all Member Governments.

The cost of assistance to indigent persons in its territory will be borne by each P a r t y (Article 4), but provision is made for obtaining reimbursement from third persons in certain cases (Article 5).

Section II of the Convention (Articles 6 to 10) deals with repatriation. The basic principle established is that the Parties will not repatriate nationals of the other Parties on the sole ground that they are in need of assistance (Article 6) unless they have been resident in the country where they claim assistance for less than five years (or, in certain special cases, ten) and are in a fit state of health and have no close family or other ties in that country (Article 7). If repatriation is effected, facilities will be offered to the family of the assisted person to accompany him.

A P a r t y which repatriates the national of another Party will bear the cost of repatriation as far as the frontier of the latter, and each Party undertakes to receive any of its nationals who are repatriated (Article 8).

9. Section III of the draft Convention (Articles 11 to 14) contains various provisions relating to " lawful residence" and " continuous residence " . They are self-explanatory. They are designed to enable the Parties to determine whether or not a person claiming assistance is " lawfully r e s i d e n t " in the count r y and has been " continuously resident" there for five years (or, in special cases, ten), in which case be cannot be repatriated on the ground that he is in need of assistance.

It is to be observed that the importance of establishing " continuous residence " is in relation to the question of repatriation and does not affect the right to assistance. Article 1 guarantees assistance to all person " lawfully p r e s e n t " in the territory of a Contracting P a r t y ; consequently, they may claim assistance, when in need, even if they are only temporarily in the country. It is not necessary t h a t they should have established their residence there. The only conditions are that their presence is lawful and that they are in need.

10. Section IV of the draft Convention (Articles 15 to 24) contains various miscellaneous provisions, largely of a technical nature. There is provision for notification of any changes in the legislation set out in the Annexes (Article 16) for the protection of assisted persons under other laws, regulations or agreements which may be more favourable (Article 18), and standard provisions about arbitration (Article 20), signature and ratification (Article 21), etc...

11. Annex I, as mentioned above, lists the measures of social and medical assistance in force in each Member State, the benefit of which will be extended to t h e nationals of other Members which will have ratified the Convention.

Annex II sets out three reservations made by the Governments of the German Federal Republic, Luxembourg and the United Kingdom. The German reservation refers to special schemes of assistance relating to financial subsidies and technical training, which are outside the scope of " assistance " as normally understood; the reservation has been made, however, to avoid any possible misunderstanding. The Luxembourg reservation will extend from five to ten years the period of residence required before an assisted person is exempted from liability to repatriation on the ground that he is in need of assistance; this is due to economic factors in a small country with an unusually high proportion of foreign workers. The United Kingdom reservation is intended to permit the Government to withhold assistance from a person who refuses to be repatriated in circumstances in which repatriation is permissible under t h e terms of t h e Convention.

Annex I I I contains a list of the documents which are recognised in each Member Country as affording proof of residence therein.

III. — Comments on the Draft Protocol on Refugees

12. The provisions of the draft Protocol are short and simple. Article 1 defines what is meant by " refugees " and makes use of the definition in the Geneva Convention on the Status of Refugees of 28th July, 1951. Article 2 provides that Section I of the Convention, which confers the right to assistance, shall apply to refugees under the same conditions as to the nationals of the Contracting Parties. Article 3 provides that the provisions of the Convention about repatriation shall not apply to refugees and that for a person who ceases to qualify as a refugee (for example, because he acquires a new nationality) the period during which he may be repatriated shall begin-from the date when he ceased to be a refugee.

Articles 4 and 5 of this draft Protocol are standard provisions of a legal character.

Draft Convention on Social and Medical Assistance

The Governments signatory hereto, being Members of the Council of Europe,

Considering t h a t the aim of t h e Council of Europe is to achieve a greater unity between its Members for the purpose, among others, of facilitating their social progress;

Being resolved, in accordance with this purpose, to extend their co-operation in t h e social field by establishing the principle of equal treatment for the nationals of each of them in t h e application of legislation providing for social and medical assistance; and

Desiring to conclude a Convention to this end,

Have agreed as follows :

SECTION I

General Provisions

Article 1

Each of the Contracting Parties undertakes to ensure that nationals of the other Contracting Parties who are lawfully present in any part of its territory to which this Convention applies, and who are without sufficient resources, shall be entitled equally with its own nationals and on the same conditions to social and medical assistance (hereinafter referred to as " assistance") provided by the legislation in force from time to time in that part of its territory.

Article 2

1. For the purposes of this Convention the terms "assistance", "nationals", "territory" and "country of origin" shall have the following meanings, t h a t is to say :

a. " Assistance " means in relation to each Contracting P a r t y all assistance granted under the laws and regulations in force in any part of its territory under which persons without sufficient resources are granted means of subsistence and the care necessitated by their condition, other than non-contributory pensions and benefits paid in respect of war injuries or injuries due to foreign occupation.

b. The terms "nationals" and, "territory" of a Contracting Party shall have the meaning assigned to them by such a P a r t y in a declaration addressed to the Secretary-General of the Council of Europe for communication to all other Contracting Parties, provided t h a t a person who has lost his nationality otherwise t h a n by deprivation and has thereby become stateless shall, until he has acquired another nationality, continue to be treated as a national.

c. " Country of origin " means the country of which a person covered by the provisions of the present Convention is a national.

2. The laws and regulations in force in the territories of the Contracting Parties and to which the present Convention applies and the reservations formulated by Contracting Parties are set forth in Annex I and Annex II respectively.

Article 3

Proof of the nationality of the person concerned shall be provided in accordance with the regulations governing such matters under the legislation of the country of origin.

Article 4

The cost of assistance to a national of any of the Contracting Parties shall be borne by the Contracting Party which has granted the assistance.

Article 5

The Contracting Parties undertake so far as their laws and regulations permit to help each other to recover the full cost of assistance as far as possible either from third parties under financial obligation to t h e assisted person or from persons who are liable to contribute to the cost of maintenance of the person concerned.

SECTION II

Repatriation

Article 6

(a) A Contracting Party in whose territory a national of another Contracting P a r t y is lawfully resident shall not repatriate t h a t national on the sole ground that he is in need of assistance.

(b) Nothing in this Convention shall prejudice the right to deport on any ground other than the sole ground mentioned in the previous paragraph.

Article 7

(a) The provisions of Article 6 (a) notwithstanding, a Contracting Party may repatriate a national of another Contracting Party resident in its territory on the sole ground mentioned in Article 6 (a) if the following conditions are fulfilled :

the person concerned has not been continuously resident in the territory of t h a t Contracting Party for at least five years if he entered it before attaining the age of 55 years, or for at least ten years if he entered it after attaining that age;

he is in a fit state of health to be transported; and

has no close ties in the territory in which he is resident.

(b) The Contracting Parties agree not to have recourse to repatriation except in the greatest moderation and then only where there is no objection on humanitarian grounds.

(c) In t h e same spirit, the contracting Parties agree that, if they repatriate an assisted person, facilities should be offered to t h e spouse and children, if any, to accompany the person concerned.

Article 8

(a) The Contracting Party repatriating any national in accordance with the provisions of Article 7 shall bear the cost of repatriation as far as the frontier of the territory to which the national is being repatriated.

(b) Each Contracting Party undertakes to receive any of its nationals repatriated in accordance with the provisions of Article 7.

(c) Each Contracting Party undertakes to facilitate the transit across its territory of any persons repatriated in accordance with Article 7.

Article 9

If the country of which the assisted person claims to be a national does not recognise him as such, the grounds of the disclaimer must be forwarded to the country of residence within t h i r t y days or as soon as possible thereafter.

Article 10

(a) When repatriation is decided upon, the diplomatic or consular authorities of the country of origin shall be advised (if possible three weeks in advance) of the repatriation of their national.

(b) The authorities of the country of origin shall duly inform the authorities of any country or countries of transit.

(c) The places for handing over such persons shall be decided by arrangements be^ tween the competent authorities of t h e country of residence and the country of origin.

SECTION III

Residence

Article 11

(a) Residence by an alien in t h e territory of any of the Contracting Parties shall be considered lawful within the meaning of this Convention so long as there is in force in his case a permit or such other permission as is required by t h e laws and regulations of the country concerned to reside therein. Failure to renew any such permit, if due solely to the inadvertance of the person concerned, shall not cause him to cease to be entitled to assistance.

(b) Lawful residence shall become unlawful from the date of any deportation order made out against the person concerned, unless a stay of execution is granted.

Article 12

The commencing date of the period of residence laid down in Article 7 shall in each country be established, in the absence of evidence to the contrary, on the basis of evidence supplied by official investigation or by the documents listed in Annex III or any documents recognised by the laws and regulations of the country as affording proof of residence.

Article 13

(a) Proof of continuity of residence may be shown by the production of any evidence acceptable in the country of residence, such as proof of occupational activity or the production of rent receipts.

Residence shall be regarded as continuous notwithstanding periods of absence of less than three months, provided that the absence is not caused by repatriation or deportation.

Periods of absence of six months or more shall be held to interrupt the continuity of residence.

In order to determine whether a period of absence of between three and six months shall interrupt the continuity of residence, regard shall bo had to the intention or therwise of the person concerned to return to the country of residence and to t h e extent to which he has preserved his connection therewith during the period of his absence.

Service in ships registered in the country of residence shall not be held to interrupt the continuity of residence. Service in other ships shall be treated in accordance with the provisions of sub-paragraphs (i) to (iii) above.

Article 14

There shall be excluded in the calculation of length of residence periods during which the person concerned has been in receipt of assistance from public monies as laid down in the legislative measures mentioned in Annex I, except in the case of medical treatment for acute illness or short term medical treatment.

SECTION IV

Miscellaneous Provisions

Article 15

The administrative, diplomatic and consular authorities of the Contracting Parties shall afford to one another all possible assistance in the implementation of this Convention.

Article 16

(a) The Contracting Parties shall notify the Secretary-General of the Council of Europe of any subsequent amendment of their laws and regulations which may affect Annexes I . and III.

(b) Each Contracting Party shall notify to the Secretary-General of the Council of Europe any new law or regulation not already included in Annex I. At the time of making such notification a Contracting P a r t y may make a reservation in respect of the application of this new law or regulation to the nationals of other Contracting Parties.

(c) The Secretary-General of the Council of Europe shall communicate to the other Contracting Parties any information notified to him in accordance with paragraphs (a) and (b).

Article 17

The Contracting Parties may, by bilateral arrangement, take interim measures to deal with cases in which assistance was granted prior to the entry into force of this Convention.

Article 18

The provisions of this Convention shall not limit the provisions of any national laws or regulations, international conventions or bilateral or multilateral agreements which are more favourable for the beneficiary.

Article 19

Annexes I, II and I I I shall constitute an integral part of this Convention.

Article 20

(a) The competent authorities of the Contracting Parties shall endeavour to resolve by negotiation any disagreement relating to t h e interpretation or application of this Convention.

(b) If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice.

(c) The decision of the arbitral body or arbitrator, as t h e case may be, shall be made in accordance with the principles and spirit of this Convention and shall be final and binding.

Article 21

(a) This Convention shall be open to the signature of the Members of t h e Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary- General of the Council of Europe.

(b) This Convention shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

(c) As regards any signatory ratifying subsequently, the Convention shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

Article 22

(a) The Committee of Ministers of the Council of Europe may invite any State not a Member of the Council to accede to this Convention.

(b) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.

(c) Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in the Annexes I and III to this Convention if the Government of the State concerned were, on the date of accession, a signatory hereto.

(d) For the purposes of this Convention any information notified in accordance with paragraph (c) of this Article shall be deemed to be part of the Annex in which it would have been recorded if the Government of the State concerned were a signatory hereto.

Article 23

The Secretary-General of the Council of Europe shall notify the Members of the Council :

a. of the date of entry into force of this Convention and the names of any Members who ratify it;

b. of the deposit of any instrument of accession in accordance with Article 22 and of such notifications as are received with it;

c. of any notification received in accordance with Article 24 and its effective date.

Article 24

This Convention shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph (6) of Article 21. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of t h e Council of Europe at least six months before the expiry either of the preliminary two year period or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at... - this - date of 195 - in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatories.

Appendix 1

Legislative measures regarding assistance referred to in Article 1 of the Convention

BELGIUM

Law of 27th November, 1891, amended by t h e laws of 16th June, 1920 and 8th June, 1945, and that of 10th March, 1925, amended by the law of 8th June, 1945, concerning Public Assistance.

DENMARK

Law concerning Public Assistance of 20th May, 1933, with subsequent amendments, with the exception of the following provisions : Part II, section 130, paragraph 1, Nos. 1 to 3; Part I I I ; Part IV, sections 247 to 249.

FRANCE

(a) Assistance to children

Law of 15th April, 1943, concerning assistance to children.

Law of 5th July, 1944, relating t o the refund to private institutions of expenses for the maintenance and education of minors in moral danger and abnormal children.

(b) Assistance to families

Decrees of 29th July, 1939, and 8th November, 1951.

(c) Assistance to adults.

Law of 14th July, 1905, concerning assistance for the old, infirm and incurable.

Law of 2nd August, 1949, concerning aid to the blind and the seriously disabled (insofar as provisions governing assistance are concerned).

Law of 24th May, 1951 (Article 74) instituting compensatory allowances for rent increases.

Law of the seventh day of "Frimaire" of Year V of the French Republic (27th November, 1796) concerning welfare offices.

Law of 31st March, 1928 (Article 24) on Armed Forces Allowances.

(d) Free Medical assistance.

Law of 15th July, 1893.

Regulation of 3ist October, 1945, concerning the antituberculosis campaign.

Law of 30th June, 1838, concerning the insane.

GERMAN FEDERAL REPUBLIC

Assistance Competence regulations, of 13th February, 1924.

Principles of the Reich concerning t h e conditions, the nature and the scope of Public Assistance of 4th December, 1924.

Law relating to the campaign against venereal diseases, of 18th February, 1927.

Regulation concerning aid to the tuberculous, of 8th September 1942.

Prussian law on the education of blind and deaf and dumb children, of 7th August, 1911.

GREECE

Greek legislation provides for public assistance to those in need. By the Royal Decree of 11 th June, 1946, such persons must be in possession of a certificate of need issued by the Ministry of Social Assistance.

(a) Assistance to Children

> *Milk : Circular of t h e Ministry of Commerce n° 267.406/21961/10.12.51. Milk is supplied free of charge for children up to two years, and at a reduced price for children from two to six years.*

Allowances to children not supported by their fathers : Circular of t h e Ministry of Social Assistance n° 100.000/1950. These allowances vary in amount according to the number of dependents in the family and their state of need.

Free admission to observation clinics for children suffering from glandular infections : Circular of the Ministry of Social Assistance № 817/7338/10.1.1952.

Free admission to national orphanages : Circular of the Ministry of Social Assistance № 85.216/1951. Priority of admission is determined according to t h e degree of need and general condition of the orphan.

(b) Assistance to Adults

Circular of the Ministry of Social Assistance № 104.105/14.11.1947. Medical assistance is provided for needy cases. The health centres supply pharmaceutical products free of charge and medical attention is provided in hospitals and clinics.

Free Travel : Circular of the Ministry of Merchant Shipping № 14.931/7.3.50. A number of free places are reserved for the needy on Greek coastal vessels.

Free transport for prisoners returning home on release : Circular issued by the Ministries of Justice, Finance, Transport and Merchant Shipping № 59/7.5.1952.

Free legal assistance under Articles 220 to 224 of the Code of Civil Procedure. This assistance is granted to aliens on a basis of reciprocity.

ICELAND

Law № 80, dated 5th June, 1947, concerning social assistance.

IRELAND

Blind Persons Act, 1920.

Public Assistance Act, 1939.

Mental Treatment Act, 1945.

ITALY

(a) Single text of the laws on public order of 18th June, 1931. No. 773, Art. 142 el seq., governing the sojourn of aliens in Italy.

(b) Law of 17th July, 1890, No. 6972 on public assistance and welfare institutions, Art. 76-77, and administrative regulation of 5th February, 1891, No. 99, Art. 112 and 116 relating to invalids and needy persons in general.

(c) Law of 14th February, 1904, No. 36, Art. 6 and Regulations of 16th August, 1909, No. 615, Art. 55, 56, 75, 76 and 77 relating to the insane.

(d) Decree law of 31st July, 1945, No. 425 on the powers, functions and organisations of the Ministry for Assistance to War Victims.

LUXEMBOURG

Law of 28th May, 1897, concerning emergency residence (domicile de secours).

Law of 7th August, 1923, rendering compulsory the training of the blind and the deaf and dumb.

NETHERLANDS

Law of 27th April, 1912, relating to the organisation of Public Assistance.

NORWAY

Act of 19th May, 1900, relating to Public Aid.

SAAR

Assistance Competence regulations of 13th February, 1924.

Fundamental Principles of the Reich concerning the conditions, type and scope of public assistance, of 1st August, 1933.

Prussian Regulation of 30th May, 1932 for the application of the Assistance Competence regulations.

Law of 9th July, 1922 relating to social insurance for juveniles.

SWEDEN

Law concerning Public Assistance of 14th June, 1918.

Law concerning Child Welfare of 6th June, 1924, paragraph 29.

Regulations of 30th June, 1948 relating to Family Housing Allowances and Fuel Allowances.

TURKEY

Law concerning Public Hygiene, articles 72, 72-2, 99, 105, 117 and 156.

Law No. 487 relating to the campaign against malaria, Article I V.

Law No. 305.

Law No. 538.

Regulations governing hospital institutions, Articles 4-3 and 5.

Regulations governing School-Family.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) Great Britain

National Assistance Act, 1948.

National Health Service Acts, 1946 to 1952.

National Health Service (Scotland) Acts, 1947 to 1952.

(b) Northern Ireland

National Assistance Acts (Northern Ireland), 1948 and 1951.

Welfare Services Act (Northern Ireland), 1949.

Health Services Acts (Northern Ireland) 1948 to 1952.

Public Health (Tuberculosis) Act (Northern Ireland), 1946.

Appendix 2

Reservations to the convention formulated by the contracting parties

1. The Government of the German Federal Republic has formulated the following reservation : Where the German legislation referred to in Annex I provides for special subsidies and training in order to enable an individual to set up in business or start a career or for purposes of vocational training, and where such subsidies exceed the scope of assistance covered by this Convention, the Government of the German Federal Republic may accord, but will not be bound to accord, such special subsidies to the nationals of the other Contracting Parties.

2. The Government of Luxembourg has formulated the following reservation : Without prejudice to the provisions of Article 18, the Luxembourg Government reserves the right to apply the Convention as far as it concerns Article 7 only if and when the person concerned has been a resident for at least ten years.

3. The Government of the United Kingdom has formulated the following reservation : Her Majesty's Government reserve the right to free themselves from their obligation under Article 1 in respect of any person who may be repatriated by virtue of the provisions of Article 7 but who fails to take advantage of the facilities offered for his repatriation (including free transport to the frontier of his country of origin.)

Appendix 3

List of documents recognised as affording proof of residence, referred to in article 11 of the convention

BELGIUM

Alien's identity card, or extract from the Register of Aliens, or from the Population Register.

DENMARK

Extract from the Register of Aliens or from the Population Register.

FRANCE

Alien's carte de séjour.

GERMAN FEDERAL REPUBLIC

Endorsement in the Passport or an extract from the Register of Aliens.

GREECE

The document accepted as proof of the status of aliens is generally the passport. Aliens who become established in Greece are issued with identity cards by t h e Aliens Office within a month of arrival. In all other cases aliens receive a residence permit.

ICELAND

Certificate drawn up in accordance with the list of aliens kept by the Immigration authorities as also Certificate drawn up in accordance with the Census Register.

IRELAND

Endorsement of the Departement of Justice on passports or on travel documents and notations of such endorsements on police registration certificates.

ITALY

Certificates of civil status accompanied by various other supporting documents including one or more identity certificates worded in the usual form.

LUXEMBOURG

Alien's Identity Card.

NETHERLANDS

Extract from the Register of Aliens or from the Population Registers.

NORWAY

Extract from the Register of Aliens.

SAAR

Legal certification of domicile.

Saar Identity Card B.

Copy of registration to the police.

SWEDEN

Passport or extract from the Register of the National Office of Aliens.

TURKEY

Alien's Residence Permit.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Extract from record in the Central Register of Aliens or endorsement in the passport or other travel document of aliens.

Draft Protocol to the Convention on Social and Medical Assistance

The Governments signatory hereto, being Members of the Council of Europe,

Having regard to the provisions of the European Convention on Social and Medical Assistance, signed at - on - (hereinafter referred to as "Assistance Convent i o n ") ;

Having regard to the provisions of the Convention relating to the Status of Refugees signed at Geneva on 28th July 1951 (hereinafter referred to as " t h e Geneva Convention"),

Being desirous of extending the provisions of the Assistance Convention so as to apply to refugees as defined in the Geneva Convention,

Have agreed as follows :

Article 1

For the purposes of this Protocol the term "refugee" shall have the meaning ascribed to it in Article 1 of the Geneva Convention, provided that each Contracting Party shall make a declaration at the time of signature or ratification hereof or accession hereto, specifying which of the meanings set out in paragraph B of Article 1 of t h a t Convention it applies for the purpose of its obligations under this Protocol, unless such Party has already made such a declaration at the time of : its signature or ratification of that Convention.

Article 2

The provisions of Section I of the Assistance Convention shall apply to refugees under the same conditions as they apply to the nationals of the Contracting Parties thereto.

Article 3

1. The provisions of Section II of the Assistance Convention shall not apply to refugees.

2. In the case of a person who has ceased to qualify for the benefits of the Geneva Convention in accordance with the provisions of paragraph (c) of Article 1 thereof, the period for repatriation laid down in Article 7 (a) (i) of the Assistance Convention shall begin from the date when he has thus ceased to qualify.

Article 4

As between the Contracting Parties, the provisions of Articles 1, 2 and 3 of this Protocol shall be regarded as additional Articles to the Assistance Convention, and the remaining provisions of that Convention shall apply accordingly.

Article 5

1. This Protocol shall be open to the signature of the Members of the Council of Europe who have signed the Assistance Convention. It shall be ratified.

2. Any State which has acceded to the Assistance Convention may accede to this Protocol.

3. This Protocol shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

4. As regards any Signatory ratifying subsequently, or any acceding State, the Protocol shall come into force on the first day of the month following the date of the deposit of its instrument of ratification or accession.

5. Instruments of ratification and accession shall be deposited with the Secretary- General of the Council of Europe, who shall notify the Members of the Council and acceding States of the names of those who have ratified or acceded.

In faith whereof, etc.