



**Doc. 447**

22 October 1955

## **Draft Agreement on the exchange of war cripples between member countries of the Council of Europe with a view to medical treatment**

### **Request for an opinion**

Committee of Ministers

*Draft Agreement on the exchange of war cripples between member countries of the Council of Europe with a view to medical treatment - Introductory Memorandum*

#### Introductory Memorandum

1. At its 27th Sitting, on 23rd September, 1954, the Consultative Assembly adopted Recommendation 65 on the exchange of war-cripples between member countries of the Council of Europe with a view to medical treatment.
2. On 22nd October, 1954, the Committee of Ministers decided to refer this recommendation for study to the Committee of Experts on Public Health. That Committee put forward an Opinion during its second session, 15th-18th February, 1955.
3. After examining this Opinion the Committee of Ministers instructed the Committee of Experts to submit to it a draft Convention on this subject.

The draft was duly prepared by the Experts during their Third Session, 11th-13th July, 1955.

4. The draft Convention was subsequently examined by the Committee, of Ministers. It was decided to transmit it for an Opinion to the Consultative Assembly (see paragraphs 20 and 21 of the Supplementary Report to the Sixth Report submitted by the Committee of Ministers to the Consultative Assembly in accordance with Article 19 of the Statute, [Document 415](#)).

#### Draft Agreement

The Signatory Governments, being Members of the Council of Europe,

Considering that the improvement of therapeutic methods is an important aspect of social progress, the development of which among member countries is mentioned in the Preamble and Article 1 of the Statute of the Council of Europe as being one of the primary aims of the Council;

Having regard to the principle of equal social and medical treatment for nationals of member countries which governed the signing of the Interim Agreements on Social Security and the European Convention on Social and Medical Assistance;

Desirous of making available to any war-cripple, being a national of a member country, all existing therapeutic methods in any member country, and hoping therefore that the European nations will introduce a system of mutual exchanges, covering not only cripples but also technical methods and medical personnel;

Considering that such exchanges would greatly contribute to the promotion among the peoples of Europe of a spirit of solidarity and general understanding,



Have agreed as follows:

Article 1

The term "cripples", for the purpose of this Agreement, shall include all persons, military or civilian who, as a result of war, have suffered an amputation or who are suffering from impairment of the power of movement.

The provisions of the present Agreement may in due course be extended to other categories of invalids following an exchange of letters between two or more of the Contracting Parties.

Article 2

The Contracting Parties shall, through the Secretary-General of the Council of Europe, exchange technical information on medical treatment afforded to cripples in their respective countries.

They shall, in particular, indicate those specific forms of treatment which it is possible to give in their countries to the various categories of cripples and also the possibilities of receiving cripples who are nationals of the other Parties.

Article 3

Any Contracting Party shall receive in its territory, within the limits specified in the second paragraph of the preceding Article, crippled persons, duly sponsored, who are nationals of the other Parties, in order that they may benefit by any special treatment of which they stand in need and which is not available in their own country.

The appropriate Ministry in the country responsible for the requesting cripple shall transmit such request for entry directly to the appropriate Ministry in the country able to provide the necessary treatment. Each case shall be treated individually between the said Parties.

Article 4

The Contracting Parties shall facilitate the delivery between themselves of artificial limbs and of orthopaedic equipment where these are lacking and of urgent need to their cripples.

Article 5

A Contracting Party shall endeavour to receive in its territory medical personnel and skilled technicians from any other Party in order that these may complete their training in therapy, in the manufacture of artificial limbs and in functional re-education of cripples.

Article 6

The costs arising from the provisions contained in Articles 3 and 5 of the present Agreement shall be borne exclusively by the requesting country.

The receiving country will, as far as possible, reduce the amount of these costs.

Article 7

The present Agreement shall be open to the signature of the Members of the Council of Europe who may accede to it either by:

1. signature without reservation in respect of ratification;
2. signature with reservation in respect of ratification.

Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

Article 8

The present Agreement shall enter into force on the first day of the month following the date on which three Members of the Council shall, in accordance with Article 7, have signed the Agreement without reservation in respect of ratification or shall have ratified it.

In the case of any Member of the Council who subsequently shall sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force on the first day of the month following such signature or deposit of the instrument of ratification.

Article 9

The Committee of Ministers of the Council of Europe may invite any non-Member State to accede to the present Agreement. Such accession shall take effect on the first day of the month following the deposit of the instrument of accession.

Article 10

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

- a. of the date of entry into force of this Agreement and of the names of any Members who have signed without reservation in respect of ratification or who have ratified it;
- b. of the deposit of any instrument of accession in accordance with Article 9;
- c. of any notification received in accordance with Article 11 and its effective date.

Article 11

The present Agreement shall remain in force indefinitely.

Any Contracting Party may terminate its own application of the Agreement by giving one year's notice to that effect to the Secretary-General of the Council of Europe.

In witness whereof the undersigned, being duly authorised to that effect, have signed the present Agreement.

Done at Strasbourg - in English and in 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 send certified copies to each of the signatory and acceding Governments.