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Conclusion of an agreement concerning reciprocal travel facilities for the war disabled when travelling abroad by railway

Report[1]
Social, Health and Family Affairs Committee
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1. 1956 - 8th Session - Third part

A. Draft Recommendation

The Assembly,

Referring to Recommendation 81 (1955) whereby it requested the Committee of Ministers to propose to the Member States " the extension to the nationals of the other member countries of certain travel facilities and advantages granted by a member country to its own nationals ";

Considering that the war disabled of various Member States of the Council of Europe enjoy, in their own countries, special travel facilities, particularly with regard to railway fares;

Considering that an Agreement on the Exchange of War. Disabled with a view to Medical Treatment was signed on 13th December 1955 by fourteen Member countries of the Council of Europe;

Considering that exchange and contacts between war victims strengthen the ties of friendship between individuals and peoples and substitute comprehension and solidarity for past hostility; that these exchanges and contacts are essential to European reconciliation and friendship; and that it is, consequently, necessary to promote and favour them;

Considering, moreover, that it would be well, for humanitarian reasons, to give special attention to the case of war disabled persons unable to travel alone or who have difficulty moving about alone,

Recommends to the Committee of Ministers the adoption of a draft Agreement to the following effect :

ARTICLE 1

The war disabled, as defined in the legislation of each of the Member States shall, when they travel to and during their stay in one of those States, enjoy the reductions of or exemptions from railway fares which that State grants to its own war disabled.

ARTICLE 2

The guide accompanying a war disabled person unable to move about alone or who has difficulty moving about alone shall enjoy the exemptions or reductions granted by the regulations or legislation of the country concerned.

ARTICLE 3

The advantages specified in Articles 1 and 2 of the present Agreement shall be accorded upon presentation of a European document approved by the Governments and stating that the holder, whether war disabled person or guide, enjoys the benefits of the provisions of the present Agreement.

ARTICLE 4

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 5

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 6

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 5, 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 7

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 8

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 shall give the names of any Memberswho 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 7 ;

c. of any modification received in accordance with Article 9 and its effective date.

ARTICLE 9

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 - (date)

B. Explanatory Memorandum

1.

1. In its Recommendation 81 (1955), the Consultative Assembly of the Council of Europe requested the Committee of Ministers to propose to the Member Governments " the extension to the nationals of the other member countries of certain travel facilities and advantages granted by a member country to its own nationals ". Rapid implementation of this recommendation is particularly desirable in regard to providing transport facilities for war cripples and the war disabled.

2. Almost all of the Member States have legislation or regulations concerning this matter, but such provisions are not identical in either the nature or scope of the advantages offered. One cannot hope to put an end quickly to this diversity. The less favourable national systems cannot be systematically raised to the level of the more generous ones, and it would be unreasonable to ask the latter to base their practices, even partially, on those of the former. This being the case, uniformity in this matter, though desirable, does not appear possible in the immediate future. It is therefore necessary to take into account the diversity among the various national systems. The present project is thus based on the following principle : each Member State undertakes to grant to the war disabled citizens of the other Member States the reductions in fare that it grants to its own war disabled.

3. By virtue of this principle, which is faithful to both the spirit and letter of Recommendation 81, a Member State that grants no transport facilities to its war victims cannot be obliged to grant such facilities to the citizens of the other Member States. In addition, it lies with those Governments which grant reductions to their war disabled to decide whether they are willing, nevertheless, to grant, without discrimination, such reductions to foreign war disabled, even to those who do not enjoy any particular advantage in their own country.

4. The case of war disabled persons who are unable to travel alone or who have difficulty moving about alone should be treated with special humanitarian consideration. We think that such consideration should also include reductions or exemptions for the guide accompanying the disabled when they travel abroad, such reductions or exemptions to be the same as those granted by the railroads to their own nationals.

5. In any event, the present project is of a nature to provide an appreciable contribution to the formation of the spirit of European solidarity which is the major objective of the Council of Europe. In favouring exchanges and contacts among war victims (though without involving important financial repercussions on the economy of the various railroads), and, particularly, in substituting new understanding and friendship for former hostility, it constitutes one of the bases of European reconciliation and one of the seeds of peace among men.