

N° 1901.

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**DANEMARK, FINLANDE,  
NORVÈGE ET SUÈDE**

Convention relative à l'assistance  
mutuelle aux indigents des pays  
respectifs. Signée à Stockholm,  
le 25 octobre 1928.

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**DENMARK, FINLAND,  
NORWAY AND SWEDEN**

Convention concerning mutual Relief  
to Indigent Citizens of the re-  
spective Countries. Signed at  
Stockholm, October 25, 1928.

No. 1901. — CONVENTION<sup>1</sup> BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN, CONCERNING MUTUAL RELIEF TO INDIGENT CITIZENS OF THE RESPECTIVE COUNTRIES. SIGNED AT STOCKHOLM, OCTOBER 25, 1928.

*Danish, Finnish, Norwegian and Swedish*<sup>2</sup> official texts communicated by the permanent Danish Delegate accredited to the League of Nations and by the Finnish, Norwegian and Swedish Ministers for Foreign Affairs. The registration of this Convention took place December 22, 1928.

TEXTE NORVÉGIEN. - NORWEGIAN TEXT.

KONVENSIJON.

HANS MAJESTET NORGES KONGE, HANS MAJESTET KONGEN AV DANMARK OG ISLAND, REPUBLIKKEN FINNLANDS PRESIDENT OG HANS MAJESTET KONGEN AV SVERIGE, som er kommet overens om å avslutte en konvensjon angående behandlingen av statsborgere fra Norge, Danmark, Finland og Sverige, som på et av de andre lands område blir trengende til fattigunderstøttelse, har til sine befullmektigede opnevnt :

HANS MAJESTET NORGES KONGE :

Sin overordentlige sendemann og befullmektigede minister i Stockholm Johan Herman WOLLEBÆK ;

HANS MAJESTET KONGEN AV DANMARK OG ISLAND :

Sin overordentlige sendemann og befullmektigede minister i Stockholm Erik Julius Christian SCAVENIUS ;

REPUBLIKKEN FINNLANDS PRESIDENT :

Republikkens Chargé d'Affaires ad interim Doktor Carl Einar BORENIUS ;

TEXTE SUÉDOIS. — SWEDISH TEXT.

KONVENTION.

HANS MAJESTÄT KONUNGEN AV SVERIGE, HANS MAJESTÄT KONUNGEN AV DANMARK OCH ISLAND, REPUBLIKEN FINNLANDS PRESIDENT och HANS MAJESTÄT KONUNGEN AV NORGE, vilka överenskommit att sluta en konvention angående behandlingen av medborgare från Sverige, Danmark, Finland och Norge, vilka å något av de andra ländernas område komma i behov av fattigvård, hava till sina fullmäktige utsett :

HANS MAJESTÄT KONUNGEN AV SVERIGE :

Sin Minister för Utrikes Ärendena, Hans Excellens Ernst TRYGGER ;

HANS MAJESTÄT KONUNGEN AV DANMARK OCH ISLAND :

Sin Envoyé extraordinaire och Ministre plénipotentiaire i Stockholm, Erik Julius Christian SCAVENIUS ;

REPUBLIKEN FINNLANDS PRESIDENT :

Republikens t. f. Charge d'affaires i Stockholm, Doktor Carl Einar BORENIUS ;

<sup>1</sup> The exchange of ratifications took place at Stockholm, November 22, 1928.

<sup>2</sup> In addition to the authentic text in the Finnish language, the certified true copy contains a second text, in the Swedish language, under which the signature of the representative of Finland appears. Since the representative of Sweden has appended his signature to a Swedish text, it has been thought that publication in the *Treaty Series* of a single text in that language would be sufficient. The texts respectively signed by the representatives of Finland and of Sweden are identical, except for the order in which the Heads of the States and their Plenipotentiaries are mentioned.

<sup>1</sup> TRANSLATION.

HIS MAJESTY THE KING OF DENMARK AND ICELAND, THE PRESIDENT OF THE REPUBLIC OF FINLAND, HIS MAJESTY THE KING OF NORWAY, and HIS MAJESTY THE KING OF SWEDEN, have decided to conclude a Convention regarding the treatment to be accorded to citizens of Denmark, Finland, Norway or Sweden who may stand in need of poor-relief in the territories of any of the other three countries, and have appointed as their Plenipotentiaries ;

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Erik Julius Christian SCAVENIUS, His Envoy Extraordinary and Minister Plenipotentiary at Stockholm ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Dr. Carl Einar BORENIUS, Chargé d'Affaires *ad interim* of the Republic at Stockholm ;

HIS MAJESTY THE KING OF NORWAY :

M. Johan Herman WOLLEBAEK, His Envoy Extraordinary and Minister Plenipotentiary at Stockholm ;

HIS MAJESTY THE KING OF SWEDEN :

His Excellency M. Ernst TRYGGER, His Minister for Foreign Affairs ;

Who, having been duly furnished with full powers for that purpose have agreed on the following Articles :

*Article 1.*

Should a person, being a national of one of the contracting countries, become indigent while residing in any of the other countries, the country of residence shall be bound to afford him poor relief in the same manner and according to the same rules as it would to its own nationals.

Persons who have formerly been nationals of the country in question and who have not acquired the nationality of any other country shall be on the same footing as nationals for the purposes of the present Convention. The same rule shall apply to persons who are nationals of the country in question and, without forfeiting that nationality, have acquired the nationality of another country.

*Article 2.*

Where the poor relief afforded is of a permanent character, the country of residence may demand, in accordance with the detailed rules given in the present Convention and subject to the exceptions laid down therein, that the indigent person be received back into his country of origin or, alternatively, that the cost of relief be refunded. The cost of relief afforded prior to repatriation shall be refunded in accordance with the general rules.

Where the poor relief is of a temporary character, no question of reimbursement can arise unless the indigent person himself applies to be repatriated.

*Article 3.*

Permanent poor relief, for the purposes of the present Convention, means relief which, in the opinion of the authorities both of the country of residence and of the country of origin, will be

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<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

necessary during at least one complete year reckoned from the beginning of the relief, or which has in fact been necessary during at least one year. Temporary cessations in the course of the year shall not, however, deprive the relief of its permanent character. All other poor relief afforded in virtue of the present Convention shall be regarded as temporary.

*Article 4.*

Where a national of one of the contracting countries has emigrated to one of the other countries before attaining the age of forty-eight years, and has thereafter resided continuously in that country for ten years, the country of residence cannot demand his repatriation on the ground of his being in receipt of poor relief, while he continues to reside in the country. No account shall be taken, in this connection, of purely temporary absences from the country in which he is resident.

Nor, in the above-mentioned circumstances, may the country of residence claim reimbursement in respect of temporary poor relief.

*Article 5.*

Where a national of one of the contracting countries has emigrated to any of the other countries before attaining the age of forty-eight years, and has thereafter resided continuously in the same place for 20 years, the country of residence may neither claim the cost of poor relief nor demand his repatriation on the ground of his being in receipt of poor relief, while he continues to reside in the country. No account shall be taken, in this connection, of purely temporary absences from the country in which he is resident.

*Article 6.*

Articles 4 and 5 shall not, however, be applicable in cases where the indigent person has received permanent relief or has served a sentence of not less than sixty days' imprisonment during the periods of ten and twenty years laid down in the respective Articles.

*Article 7.*

Where Article 4 or Article 5 is applied in the case of a married man, his wife, if resident in the same country, shall enjoy the same status as her husband in regard to the present Convention.

Her position shall continue to be the same in case of her husband's death, or divorce, or if her husband should leave the country. Where Article 4 or Article 5 is not applicable to her husband, although her own position in regard to the Convention would, taken by itself, make the said Articles applicable to her, she shall receive the treatment laid down therein.

*Article 8.*

A child born in wedlock, and not having reached the age at which, according to the laws of the country of residence, it becomes independent for purposes of poor relief, shall have the same status in regard to the Convention as its father, or, after the death of the latter, as its mother. After death of its parents its status continues to be the same; nevertheless, a child below the age indicated above cannot be repatriated unless the poor law authorities of both countries agree that such repatriation will be in its interest.

If the parents' marriage is dissolved by divorce, the child shall have the same status as the parent who exercises or who most recently exercised paternal power over it.

The status of a child born out of wedlock is determined solely by that of the mother.

When a child has reached the age at which, according to the laws of the country of residence, it becomes independent for purposes of poor relief, its status shall be determined according to the number of years during which it has lived continuously in the country, and no account shall be taken in this connection of relief afforded before it attained the aforesaid age.

*Article 9.*

Where a widow or a divorced woman is a national of the country of residence, or was a national at the time of the marriage, neither she nor the children whose status is determined by her own under Article 8 can be repatriated on the ground that they are in receipt of poor relief, nor can a claim for the cost of such relief be made in virtue of the Convention.

*Article 10.*

Even where there is nothing in the foregoing Articles to prevent an indigent person from being repatriated, it shall nevertheless be considered whether there are any circumstances which would make repatriation inadvisable, and whether reimbursement of the cost of relief should not be substituted therefor. Should such circumstances be found to exist, it shall be decided in each case by agreement between the countries concerned whether reimbursement of the cost of relief shall be substituted for repatriation.

In deciding on this point, considerations of humanity shall be given chief weight. As a rule, repatriation shall be dispensed with and reimbursement of the cost of relief substituted therefor *where* the repatriation of the indigent person would entail separation from his nearest relatives, or *where* he is of an advanced age or has been long resident in the country, or *where* he could not be repatriated without injury to his health.

*Article 11.*

Where the cost of relief has to be reimbursed, the country of origin shall repay to the country of residence, in conformity with the detailed rules given in Articles 12 and 14, four-fifths of such cost, whether it was paid by the State or by the parish.

No claim for reimbursement shall arise in connection with funeral expenses, nor with the cost of an indigent person's journey as far as the frontier of his country of origin, nor with any relief afforded during that journey.

*Article 12.*

No obligation to refund the cost of permanent poor relief shall arise until thirty days after the said relief was first afforded.

Temporary relief, which does not exceed hundred kr., or an equivalent amount, in the course of one year, reckoned from the date when the relief was first afforded, cannot be recovered from the country of origin. If the relief has exceeded hundred kr. in the course of the year, that sum shall first be deducted, and the remainder shall be refunded as laid down in the general rules.

*Article 13.*

If the country of residence desires to repatriate the indigent person on the ground that he is in receipt of poor relief, or claims reimbursement for such relief, a written application to that effect must be made to the country of origin.

Such applications shall be drawn up by the prefect (*Amtmand, Landshording*), (in the case of Copenhagen the competent magistrate) or by the competent departmental administration (*Stifts-direksjon, Länsstyrelse*), and shall be addressed to the corresponding authorities in the country of origin in whose area the indigent person is believed to be entitled to relief. The application shall be made at the earliest possible moment, and shall not involve a claim for reimbursement in respect of any poor relief afforded more than one year prior to the date of the application.

Precise and accurate particulars, so far as possible, shall be given in the application regarding the name, place of birth and age of the indigent person, the names and places of birth of his parents, and the grounds and extent of the relief afforded ; it shall be accompanied by authenticated copies of any documents which may serve to determine his nationality, or, in the absence thereof, by other information on the subject.

If relief has been afforded owing to sickness, the application shall be accompanied by a medical certificate indicating the nature and probable duration of the malady.

Should it appear desirable in the course of the correspondence between the above-mentioned authorities, the further discussion of the question may be proceeded with through the diplomatic channel.

#### Article 14.

The competent authority in the country of origin shall inform the corresponding authority in the country of residence, within sixty days of the receipt of the application, whether it regards the poor relief as permanent or otherwise, and shall also state whether the indigent person will be received back into his country of origin or whether the cost of relief will be refunded.

If this information has not been received by the authorities in the country of residence within the aforesaid time-limit, the country of origin shall be bound to refund in full the cost of any relief afforded after the expiry of the said period of sixty days and until such time as an agreement regarding the reimbursement of the relief has been concluded or until the indigent person can be repatriated.

#### Article 15.

The country of residence shall be responsible for repatriation as far as the point on the frontier indicated by the competent authority in the country of origin. This point shall be chosen in such a way as to avoid unnecessary expense to the country of residence. The authority arranging for the repatriation shall send information, regarding the method of repatriation and the date of arrival in the country of origin, direct to the authority to whom the indigent person has to be handed over in pursuance of the instructions of the country of origin. Such information shall be furnished at least 5 days — or, if the country of origin is Finland, at least 8 days — before the date of repatriation.

Repatriation shall in any case be postponed until such time as it can be undertaken without danger to the health and security of the indigent person or of others.

#### Article 16.

The Contracting Parties shall settle their accounts with each other for the reimbursement of relief afforded under the present Convention, in respect of each calendar year, before the expiry of the succeeding year.

#### Article 17.

The present Convention shall not affect any agreements between the contracting States regarding assistance and repatriation of destitute mariners.

*Article 18.*

Nothing in the present Convention shall restrict the right of a contracting State to issue general regulations regarding the right of foreigners to reside in the country in question. Such regulations must not, however, allow opportunities for the evasion of the Convention.

*Article 19.*

The present Convention shall not apply to the district of the Faroe Islands or to Spitzbergen (Svalbard).

*Article 20.*

For the purposes of the present Convention relief afforded to children for whose maintenance the Public Relief authorities are responsible in Sweden under paragraph 29 of the Law of June 6, 1924, regarding relief to children shall be regarded as equivalent to poor relief.

*Article 21.*

The present Convention shall be ratified and the instruments of ratification shall be deposited as early as possible at the Department of Foreign Affairs at Stockholm.

The Convention shall come into force one month after the exchange of ratifications ; nevertheless the question of the reimbursement of the cost of poor relief afforded on and after January 1, 1928, shall be settled in accordance with the rules of the present Convention.

The Convention concluded on May 26, 1914, between Denmark, Norway and Sweden, to which Finland acceded on July 11, 1923, shall cease to have effect simultaneously with the coming into force of the present Convention.

*Article 22.*

In case any of the contracting States should desire to denounce the present Convention, it shall send a written communication to that effect to the Swedish Government, which shall forthwith inform the other contracting States, mentioning the date on which the communication was received.

The denunciation shall only be valid for the country which has made it, and shall take effect as from the first of January falling at least six months after the date on which the Swedish Government received the notice of denunciation.

In faith whereof the Plenipotentiaries of the contracting States have signed the present Convention and have thereto affixed their seals.

Done at Stockholm in one copy in each of the following languages, Danish, Finnish, Norwegian and Swedish, on October 25, 1928.

(L. S.) Erik SCAVENIUS.

(L. S.) Einar BORENIUS.

(L. S.) J. H. WOLLEBÆK.

(L. S.) Ernest TRYGGER.