

No. 2647

**SWEDEN, DENMARK, FINLAND,
ICELAND AND NORWAY**

**Convention (with Final Protocol) concerning the reciprocal
grant of assistance to distressed persons. Signed at
Stockholm, on 9 January 1951**

Official texts: Swedish, Danish, Finnish, Icelandic and Norwegian.

Registered by Sweden on 12 August 1954.

**SUÈDE, DANEMARK, FINLANDE,
ISLANDE ET NORVÈGE**

**Convention (avec Protocole final) relative à la fourniture
réciproque d'une assistance aux indigents. Signée à
Stockholm, le 9 janvier 1951**

Textes officiels suédois, danois, finnois, islandais et norvégien.

Enregistrée par la Suède le 12 août 1954.

[TRANSLATION — TRADUCTION]

No. 2647. CONVENTION¹ BETWEEN SWEDEN, DENMARK, FINLAND, ICELAND AND NORWAY CONCERNING THE RECIPROCAL GRANT OF ASSISTANCE TO DISTRESSED PERSONS. SIGNED AT STOCKHOLM, ON 9 JANUARY 1951

His Majesty the King of Sweden, His Majesty the King of Denmark, the President of the Republic of Finland, the President of the Republic of Iceland and His Majesty the King of Norway, having decided to conclude a Convention concerning the reciprocal grant of assistance to distressed persons, have appointed as their plenipotentiaries :

His Majesty the King of Sweden :

His Excellency Östen Undén, His Minister of Foreign Affairs;

His Majesty the King of Denmark :

Mr. Knud Aage Monrad-Hansen, His Ambassador Extraordinary and Plenipotentiary at Stockholm;

The President of the Republic of Finland :

Mr. Georg Achates Gripenberg, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Stockholm;

The President of the Republic of Iceland :

Dr. Helgi P. Briem; and

His Majesty the King of Norway :

Mr. Henrik A. Broch, Counsellor of Embassy, acting Chargé d'affaires of Norway at Stockholm;

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

Article 1

Each Contracting State undertakes to render assistance to distressed citizens of the other countries in accordance with the provisions of this Convention.

For the purposes of this Convention, a person shall be treated on the same footing as a citizen of a Contracting State if he was formerly a citizen of that State and has not acquired citizenship in any other State or is a citizen of that State and, without losing that citizenship, becomes a citizen of another State.

¹ Came into force on 1 April 1951 in accordance with article 19, the instruments of ratification having been deposited at Stockholm on 26 February 1951.

Article 2

For the purposes of this Convention the term "assistance" means support and assistance granted under the public assistance legislation in force or under any other equivalent legislation concerning relief to distressed persons.

Article 3

Assistance shall be granted by the appropriate authority of the country of residence in the same manner and according to the same rules as apply in the case of the country's own citizens.

Article 4

The cost of assistance under this Convention shall be defrayed entirely by the country of residence.

Article 5

Where continuing assistance must be granted, the country of residence may, in accordance with the provisions of this Convention, require that the distressed person be received by his home country.

Where the assistance is temporary, repatriation may be required only at the request of the distressed person.

Article 6

For the purposes of this Convention "continuing assistance" means assistance which in the opinion of the authorities of both the country of residence and the home country is likely to be required during not less than one complete year from the date of its commencement or which has in fact been necessary during not less than one year. Temporary interruptions in the course of the year shall not affect the continuing character of the assistance.

All other assistance granted under the Convention shall be regarded as temporary.

Article 7

If a citizen of a Contracting State has been continuously resident in another Contracting State for not less than five years, that other State shall not be entitled to require his repatriation on account of assistance granted to him while he continues to be resident there. Temporary absence from the country of residence shall be disregarded in this connexion.

Article 8

If, during the period referred to in article 7, a distressed person has received continuing assistance or has served a sentence entailing deprivation of liberty

for a term of not less than sixty days in the country of residence, the said period shall be deemed to have been interrupted, and the date on which the assistance terminated or the sentence was completed shall be taken as the initial date in calculating a further such period.

Article 9

If article 7 applies to a married man, his wife, if she resides in the same country as her husband, shall have the same status as her husband under this Convention.

She shall retain that status after her husband's death, after divorce or after her husband's departure from the country. Where article 7 does not apply to the husband, but the wife's status under the Convention, considered independently, would make the said article applicable to her, the provisions of this article shall apply.

Article 10

A child born in wedlock who has not attained the age of 16 years shall have the same status under the Convention as his father or, on his father's death or disappearance, as his mother. The child shall retain that status after the death of his parents: provided that he may thereafter be repatriated if he is under the aforesaid age but only on condition that the competent authorities of both countries agree that such repatriation would be in the child's interest. The same provision shall apply where, article 7 not being applicable to the child's parents, the child's status under the Convention, considered independently, would make the said article applicable to him.

Where the marriage of the parents has been dissolved through divorce, the child shall acquire the same status as the parent who has or most recently had custody of him.

In the case of a child born out of wedlock, only the status of the mother shall be considered.

When a child attains the age of 16 years, his status shall be determined according to the number of years during which he has continuously resided in the country, but any assistance which may have been granted before he attained that age shall be disregarded.

Article 11

If a widow, a divorced wife or a wife whose husband has disappeared is, or when the marriage was contracted was, a citizen of the country of residence, neither she nor the children whose status is determined by hers under article 10 may be repatriated on account of assistance granted to them.

Article 12

Even where there is nothing in the foregoing articles to prevent the repatriation of a distressed person, consideration shall be given to any circumstances which make repatriation inadvisable.

A decision in this connexion shall be made primarily in the light of humanitarian considerations. Repatriation shall ordinarily be avoided *if* it would entail the separation of near relatives, *if* the distressed person has attained an advanced age and has long resided in the country or *if* repatriation cannot be undertaken without detriment to the distressed person's health.

Article 13

If the country of residence wishes to repatriate a distressed person on account of assistance granted to him, an application in writing to that effect shall be submitted as soon as possible to the home country.

The application shall be made by the appropriate Ministry of Social Affairs and be forwarded to the corresponding Ministry of the home country.

The application shall so far as possible contain accurate and reliable particulars of the distressed person's name and the place and date of his birth; of the names, dates of birth and places of birth and residence of his parents; of the date on which he entered the country of residence; and of the reasons for and the nature and extent of the assistance granted. The application shall be accompanied by authenticated copies of documents constituting evidence of the distressed person's citizenship or, in default thereof, by other particulars in this connexion. If the assistance was granted by reason of sickness, the application shall be accompanied by a medical certificate indicating the nature and probable duration of the sickness.

Article 14

Not later than sixty days after the receipt of the application, the authority of the home country to which the application is made shall notify the competent authority of the country of residence whether the distressed person will be received by the home country.

If in the exchange of correspondence between the aforesaid authorities it appears desirable to do so, the matter may be dealt with through the diplomatic channel.

Article 15

The country of residence shall arrange for the repatriation of the distressed person as far as the frontier point designated by the competent authority of the home country. This point shall be so selected as to avoid unnecessary expense to the country of residence. Not later than eight days before repatriation takes place, particulars of the manner of repatriation and the date of arrival in the

home country shall be notified by the authority effecting repatriation direct to the authority to which, under the regulations in force in the home country, the distressed person must be handed over.

Repatriation shall in no case be effected until such time as it can be undertaken without danger to the health or security of the distressed person or of others.

Article 16

This Convention shall not affect any agreements between the Contracting States concerning the reciprocal grant of assistance to and the repatriation of distressed seamen.

Article 17

Nothing in the present Convention shall restrict the right of a Contracting State freely to apply such general regulations as may be in force in that State concerning the right of aliens to reside there : provided that such regulations shall not be applied in such a way as to circumvent this Convention.

Article 18

This Convention shall not apply to the Faroe Islands or Greenland, nor to Spitzbergen (Svalbard) : provided that for the purposes of article 7 residence in Spitzbergen shall be deemed to be equivalent to residence in Norway.

Article 19

This Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Swedish Ministry of Foreign Affairs.

The Convention shall enter into force on the first day of the month next following the expiry of one calendar month from the date on which the instruments of ratification are deposited.

The Convention between Sweden, Denmark, Finland and Norway concerning relief to indigent citizens dated 25 October 1928,¹ shall cease to have effect on the date on which the present Convention enters into force. No claim for reimbursement may be made in respect of relief granted under the first-mentioned Convention on or after 1 January 1950.

Article 20

If any Contracting State wishes to denounce this Convention, a notice in writing to that effect shall be forwarded to the Swedish Government, which shall immediately inform the other Contracting States thereof and of the date on which the notice was received.

¹ League of Nations, *Treaty Series*, Vol. LXXXIV, p. 7.

A denunciation shall be valid only in respect of the denouncing State and shall take effect on the first day of the month next following the expiry of six calendar months from the date on which the Swedish Government receives the notice of denunciation.

The Convention shall be deposited in the archives of the Swedish Ministry of Foreign Affairs, and authenticated copies thereof shall be supplied by that Ministry to the Governments of each of the Contracting States.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Convention.

DONE at Stockholm, on 9 January 1951, in one copy in the Swedish, Danish, Finnish, Icelandic and Norwegian languages, there being two texts in Swedish, one for Sweden and one for Finland.

Östen UNDÉN
[L.S.]

K. MONRAD-HANSEN
[L.S.]

G. A. GRIPENBERG
[L.S.]

Hengi P. BRIEM
[L.S.]

Henr. A. BROCH
[L.S.]

FINAL PROTOCOL

On proceeding this day to sign the Convention between Sweden, Denmark, Finland, Iceland and Norway concerning the reciprocal grant of assistance to distressed persons, the Plenipotentiaries of the Contracting States have made the following statement :

It has been the intention of each Contracting State to bring about equality of status between citizens of the other States and its own citizens in respect of assistance to distressed persons.

In order to clarify the scope of the Convention, the several States have indicated that under the legislation now in force the following benefits come within the purview of the Convention :

Sweden:

Assistance under the Public Assistance Act of 14 June 1918 and social assistance under article 29 of the Child Welfare Act of 6 June 1924.

Denmark:

Assistance under the Public Assistance Act of 20 May 1933, except assistance to chronic invalids under articles 247-249 and assistance to children under article 130, first paragraph, items 1-3.

Finland:

Public assistance and other social assistance granted under the child welfare, vagrancy, alcoholism and other social welfare acts, on condition that the assistance is regarded under the act as public assistance.

Iceland:

Assistance under Public Assistance Act No. 80 of 5 June 1947.

Norway:

Assistance under the Public Assistance Act of 19 May 1900.

With regard to the interpretation of certain provisions of the Convention, the Plenipotentiaries have agreed as follows :

Ad Article 6:

If the assistance is in the form of a rental allowance, it shall be deemed to take effect as from the date on which the lease became effective.

A "temporary interruption" shall be deemed to be an interruption of less than ninety days.

Ad Article 7:

In the interpretation of the expression "temporary absence", the following considerations shall be taken into account :

An absence of less than three months shall be deemed to be temporary within the meaning of the Convention unless repatriation or expulsion has occurred.

An absence of six months or longer shall ordinarily be regarded as more than a temporary absence.

In considering whether an absence of between three and six months is to be regarded as temporary or not, particular attention shall be given to whether, during his absence, the person concerned had intended to return to the country of residence and whether and to what extent he had, during his absence, maintained connexions with the country of residence.

The same considerations shall be taken into account in respect of an absence due to a voyage on a foreign vessel or to the performance of compulsory military service in the home country.

A voyage on a vessel of the country of residence shall not be deemed to constitute an absence.

For the purposes of article 7, a person signing on a Swedish, Danish, Finnish, Icelandic or Norwegian vessel shall be deemed to have removed to the country concerned, regardless of whether the signing on took place while the vessel was in another country.

This Final Protocol shall enter into force at the same time, and shall have the same effect and duration, as the aforesaid Convention.

The Final Protocol shall be deposited in the archives of the Swedish Ministry of Foreign Affairs, and authenticated copies thereof shall be supplied by that Ministry to the Governments of each of the Contracting States.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Final Protocol.

DONE at Stockholm, on 9 January 1951, in one copy in the Swedish, Danish, Finnish, Icelandic and Norwegian languages, there being two texts in Swedish, one for Sweden and one for Finland.

Östen UNDÉN

[L.S.]

G. A. GRIPENBERG

[L.S.]

K. MONRAD-HANSEN

[L.S.]

Hengi P. BRIEM

[L.S.]

Henr. A. BROCH

[L.S.]