

The right of every child to basic human needs

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Undocumented persons and children

→ Normally falls outside the right to receive “normal” social welfare allowances

My standpoint is pure legal

Aim? That the social welfare workers applies the applicable laws and rules correctly

Applicable laws and rules are clear

Still, there is a belief that it is unclear

Both national and international rules at hand

The systematic of social services

- Social welfare allowances: A final safeguard to make sure everybody is provided reasonable living conditions
- Emergency assistance: An even lower final safeguard in case you do not meet the conditions to receive the "normal" allowance, to make sure your basic human needs are met

Emergency assistance/Basic human needs for children

- Individual assessment
- Minimum standards
- The best interests of the child

The best interests of the child → Equal treatment with children receiving "normal" social welfare allowance

- Chapter 2 a of the Swedish Social Services Act (*socialtjänstlagen (2001:453)*)
- Ruling of the Swedish Supreme Administrative Court (*HFD 2014 ref 37*)
- Guidelines of the Swedish National Board of Health and Welfare (*Socialstyrelsen "Rätten till socialt bistånd för medborgare inom EU/EES-området"*)
- Decision of the European Committee of Social Rights in Complaint No. 86/2012, adopted 2 July 2014, notified 9 July 2014 and published 10 November 2014
- Decision of the European Committee of Social Rights in Complaint No. 90/2013, adopted 1 July 2014, notified 9 July 2014 and published 10 November 2014
- Malmö guidelines as decided by the District Council on 28 November 2013 (*"Riktlinjer för handläggning av försörjningsstöd och ekonomiskt bistånd för livsföring i övrigt" s. 12f.*)