Copenhagen, 26 April 2017

CCPR Communication No. 2001/2010
Q. v. Denmark
Follow-up observations of the Government of Denmark

1. Introduction

By letter of 24 April 2015, the Human Rights Committee (hereinafter 'the Committee') transmitted its views adopted on 1 April 2015 in the above case to the Government of Denmark (hereinafter 'the Government').

Pursuant to the request made in para. 10 of the Committee's views, the Government was requested to inform the Committee, within 180 days, about the measures taken to give effect to the views.

By letter of 3 November 2015, the Government informed the Committee that the Government would consult with the Danish Parliament on the matter and on the future steps to be taken in this regard and that it would revert to the Committee when this consultation had been completed.

2. The Government's follow-up observations

2.1. Initially, the Government observes that, according to para 6.4 of the Committee's views, the Committee found that all admissibility requirements had been met and that the Committee therefore declared the communication admissible and proceeded to its examination on the merits.

It follows from Article 5 (2) (b) of the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter 'the Optional Protocol') that the Committee shall not consider any communication from an individual unless it has ascertained that the individual has exhausted all available domestic remedies.

The Government observes in this regard that the Danish Supreme Court (*Højesteret*) established in its judgment of 13 September 2013 (reported in the Danish Weekly Law Reports (*Ugeskrift for Retsvæsen*) for 2013, pp. 3328-3336) that an applicant who has not been listed in a naturalisation act can request the courts to review whether obligations under international law have been breached and, if that is the case, whether the applicant has a claim for damages or compensation for that reason. By contrast, it is not possible to request a judicial review of a claim to the effect that the applicant must be listed in a naturalisation bill or be granted nationality by statute. Accordingly, Danish case law on the exhaustion of domestic remedies has developed since the Government submitted its observations on the communication on 17 May 2011.

2.2. The Government further observes that the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) has reopened the author's naturalisation case based on new medical details about the author's condition. His naturalisation case is still being examined by the Ministry of Immigration and Integration.

Should the author's application for naturalisation be refused, the author therefore has a right and an obligation, in order to exhaust all available domestic remedies as set out in Article 5 (2) (b) of the Optional

Protocol, to bring the case before the Danish courts requesting them to make a judicial review of the matter to determine whether his human rights have been violated in this particular situation.

2.3. The Government further observes that, according to para. 10 of the Committee's views, the State party is also requested to publish the Committee's views and to have them translated into the official language of the State party and widely distributed.

Moreover, the Government observes that the Ministry of Foreign Affairs (*Udenrigsministeriet*) has made the Committee's decision publicly available on its website (www.um.dk).

In light of the prevalence of English language skills in Denmark, the Government sees no reason for a full translation of the Committee's views into Danish.

3. Conclusion

With reference to the Government's observations above, the Government observes that Denmark has no intention to take any further action in the present case, considering that the author's application for naturalisation has now been reopened and that the author must exhaust all available domestic remedies if his application is refused.