

Copenhagen, 5 April 2019

**CERD Communication No. 58/2016**  
**S.A. v. Denmark**  
**Follow-up observations of the Government of Denmark**

**1. Introduction**

By letter of 21 January 2019, the Committee on the Elimination of Racial Discrimination (hereinafter ‘the Committee’) transmitted its decision adopted on 13 December 2018 in the above case to the Government of Denmark (hereinafter ‘the Government’).

Pursuant to the request made in para. 10 of the Committee’s decision, the Government was requested to inform the Committee, within 90 days, of all measures taken to give effect to the Committee’s opinion.

**2. The Government’s follow-up observations**

**2.1** It follows from paras. 7.3 and 7.9ff of the Committee’s decision that the Committee finds that **the decisions of the Aalborg Municipality (*Aalborg Kommune*) on 22 July 2009 and again on 4 August 2009 denying the petitioner’s rights as a Danish citizen amounted to a violation of his rights under article 5 (d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter ‘the Convention’) and that the subsequent compensation received by the petitioner did not comply with article 6 of the Convention, as it was not just and adequate, and failed to rehabilitate the petitioner.**

Furthermore, it follows from para. 9 of the decision that the Committee **recommends that the State party reviews the amount of the compensation provided to the petitioner and also reviews the decision of ordering the petitioner to cover the legal costs.**

The Government hereby informs the Committee that, on 8 March 2019, the Danish Board of Equal Treatment (*Ligebehandlingsnævnet*) stated that it would not reopen the petitioners’ case for a review in order to reconsider the compensation received by the petitioner.

It follows from the Board’s statement, *inter alia*, that:

‘The issue of reopening

The Board of Equal Treatment has not received a request from the author to reopen the case.

The Board of Equal Treatment has considered whether the decision of the Committee on the Elimination of Racial Discrimination gives reason to reopen the case on the Board's own initiative.

Pursuant to section 10 of the Act on the Board of Equal Treatment (*lov om Ligebehandlingsnævnet*) the Board may decide to reopen a case, in which a decision has been made, if special reasons make it appropriate.

However, the Board of Equal Treatment considers that there is no basis to reopen the case on its own initiative. The issue of the amount of the compensation has been definitively decided by the courts, and there has not emerged any new facts in the proceedings before the Committee, which could justify reopening of the case in its entirety.

Thus, the Board does not take any further action in this case at this time.'

The full wording of the statement of 8 March 2019 is appended as Exhibit I.

**2.2** It also follows from para. 9 of the Committee's decision that the **State party is also requested to give wide publicity to Committee's opinion, including among administrative and judicial bodies, as well as the Board of Equal Treatment, and to translate it into the official language of the State party.**

To ensure wide publicity to the decision adopted by the Committee, the Board of Equal Treatment has made the Committee's decision publicly available on the Board's website ([www.ast.dk/naevn/ligebehandlingsnaevnet](http://www.ast.dk/naevn/ligebehandlingsnaevnet)) and the Ministry of Foreign Affairs (*Udenrigsministeriet*) has also referred to the decision on its website ([www.um.dk](http://www.um.dk)). Moreover, a summary of the Committee's decision in the case will also be included in the annual report for 2019 of the Board of Equal Treatment, which will be available at the website of the Board. Finally, the decision has been dispersed to administrative and judicial bodies involved in the case.

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

### **3. Conclusion**

With reference to the measures mentioned above, the Government is of the opinion that full effect has been given to the decision of the Committee adopted on 13 December 2018.