



NEWS REPORT

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| Date: | 4 November 2010 |
| Expert: | Christoffer Badse |
| Title: | Human Rights Committee Decision on ICCPR (incitement to religious hatred): Inadmissibility due to lack of victim-status |
| Country: | Denmark |
| <u>Context</u> | |
| Issue at stake: | Lack of victim-status |
| Ground of discrimination: | Race/ethnicity, religion/belief |
| Source: | Human Rights Committee Decision of 26 July 2010 Communication No. 1868/2009 Ninety-ninth session 12 – 30 July 2010 |
| Field: | Other |
| Legislative provisions: | Equal treatment in general individual irrespective of race or ethnic origin. |
| <u>Content</u> | |

Human Rights Committee Decision on ICCPR (incitement to religious hatred): Inadmissible due to lack of victim-status

Submitted by: Fatima Andersen (represented by Niels-Erik Hansen of the Documentation and Advisory Centre on Racial Discrimination (DACoRD))

Alleged victim: Ms. Fatima Andersen, a Danish citizen, born in Denmark on 2 September 1960

State party: Denmark

Date of communication: 13 January 2009 (initial submission)

Date of adoption of decision: 26 July 2010

According to the plaintiff, the Danish state allegedly violated her rights under the ICCPR Article 20, section 2 (incitement to religious hatred), Article 27 (right to enjoy culture, religion and language) and Article 2 (obligation for the state to ensure the rights of the covenant) in conjunction with the before mentioned articles. The applicant argued that her rights had

been violated due to the fact that the Public Prosecutor refrained from initiating proceedings against the leader of the Danish Peoples Party (DPP). Proceedings should allegedly have been initiated for communicating a pattern of allegedly Islamophobic statements amounting to hate propaganda against Muslims in Denmark carried out by a number of leading members of the DPP.

The Committee found that private litigation is not by definition a remedy to secure the implementation by the State party of its international obligations and considered that it would be unreasonable to expect the author to initiate separate proceedings under the general provisions of section 267 (libel), after having unsuccessfully invoked section 266 b (hate speech) of the Criminal Code. On that ground the Committee concluded that domestic remedies had been exhausted prior to the proceedings. The Committee declared the case inadmissible due to lack of victim-status with regard to ICCPR Article 20, section 2 and Article 27 and for that reason also inadmissible with regard to Article 2. The decision not to admit the applicant victim-status was based on the fact that the applicant failed to establish that the statement made had specific consequence for her or that the specific consequences of the statements were imminent and would personally affect the applicant.

<http://www1.umn.edu/humanrts/undocs/1868-2009.html>