

HUMAN RIGHTS COMMITTEE

K. L. v. Denmark

Communication No. 59/1979

26 March 1980

ADMISSIBILITY

Submitted by: K. L. on 27 November 1978

Alleged victim: The author

State party: Denmark

Date of decision on inadmissibility: 26 March 1980 (ninth session)

Decision on Admissibility

The author of the communication (consisting of numerous complaints dated between 27 November 1978 and 14 February 1980), K. L., is a Danish citizen of Swedish descent, born on 28 November 1945. He directs his complaints against various public officials, municipal and State authorities from several branches of Government in Denmark on the ground, inter alia, that they have persistently subjected him to discrimination, because of his ethnic, religious and national background and for political reasons, the Danish authorities being allegedly permeated with radical leftist political ideology and consequently holding persons like the author, who do not claim to hold left wing political convictions, in disfavour. As evidence of the conspiracy against him, the author mentions, among many other alleged facts, that Danish authorities have for years sought to brand him as a mentally disturbed person and thereby to ruin his social standing, in particular to the detriment of his opportunities to further his studies and to be gainfully employed. He also claims that the fact that his name has repeatedly been misspelled by Danish authorities is yet another manifestation of the discriminatory treatment he has been subjected to.

One of the author's complaints is that, at the request of his sister and with the aid of the police, he was unlawfully brought to a hospital and kept there against his will for seven days (25 February to 4 March 1977), during which period he was subjected to a medical examination on account of an alleged mental illness. He sought unsuccessfully to obtain compensation for the enforced and involuntary detention and alleges that the failure to grant him compensation constitutes violations by the State party of articles 9 (1), 9 (5), 10 (1), 14 (1), 17 (1) and 26 of the International Covenant on Civil and Political Rights. It appears that

the reason given for his removal to the hospital was that his mental illness had made it impossible to cope with him in his home, where he lived with his mother, whom he allegedly suspected of having killed his father. The examination which he underwent at the hospital confirmed that he was suffering from paranoid psychosis, but it was concluded that the prospects for improvement or cure through enforced medical treatment were not good enough to justify involuntary detention and consequently he was released. His claim for compensation was rejected by the district court and on appeal, by the Östre Landsret, since it was found that, in the circumstances that existed, those involved had not acted in a reproachable manner such as to give rise to liability. His request for leave to appeal to the Supreme Court was also rejected on the ground that the conditions to grant leave to appeal were not fulfilled.

The author's other complaints relate to numerous alleged violations in connection with (a) the failure of the courts to take his views into account before deciding that his mother should retain the undivided estate after her husband's death; (b) the persistent failure of the appropriate administrative authorities and the courts to agree to exempt the author from court costs in a number of law suits which he intended to initiate against various authorities and public officials; (c) refusals to grant the author financial support and free transportation in connection with his studies; (d) the fact that his late father was cremated instead of being given "a Christian burial"; (e) refusal by the authorities to give him access to a document relating to the admission of his father to a rest-home for old people in 1973; (f) persistent failure of the authorities to grant him employment; (g) the fact that he has been obliged to pay taxes although not gainfully employed (this relates to taxation for the year 1976, for which the author did not file a tax return--his taxes were therefore estimated by the tax authorities); (h) being obliged to pay taxes to the State Church although he belonged to another church denomination, the Swedish Church of Gastaf (this also appears to relate to the year for which the author did not file a tax return); (i) refusal of the courts to appoint a lawyer to assist the author in preparing a private criminal law suit against his sister and against the policemen who brought him to the hospital against his will on 25 February 1977; (j) the failure of the authorities, including the Supreme Court, to grant leave to the author to appeal to the Supreme Court in connection with his efforts to obtain compensation for time spent in custody on remand in June/July 1976 (this relates to the investigation of alleged criminal offences which led to court decisions finding the author guilty of theft and fraud--no penalty was however exacted and the author appears to understand that fact as a vindication of his complaints); (k) the failure of the authorities to initiate, at his request, criminal proceedings against the Supreme Court judges who had rendered decisions in his cases before the court; (l) the failure of the appropriate authorities to take seriously his claim that a social worker had failed in his duty by offering to assist the author in securing a disability pension, instead of offering him assistance in obtaining employment; (m) the failure of the State Tax Court to observe impartiality in a decision concerning him rendered on 15 February 1979; (n) the failure of the Parliamentary Ombudsman to render appropriate assistance to him in connection with his endeavours to find suitable employment and to obtain education grants, thus joining other authorities, who allegedly for political reasons have conspired not to grant him financial assistance and (o) the Ombudsman's failure to find that several examinations which the author had taken at the University of Copenhagen should be declared null and void, on the ground that these examinations had not been

conducted in a manner prescribed by law.

The author claims that the facts described above, which relate to events taking place after 23 March 1976, the date on which the Optional Protocol and the International Covenant on Civil and Political Rights entered into force for Denmark, constitute violations by the State party of various provisions of the International Covenant on Civil and Political Rights, as well as the provisions of a number of other international instruments. In substantiation of his complaints he has furnished a voluminous dossier consisting mainly of court transcripts (including the judgements complained of) and correspondence from various public authorities and officials, relating to the matters complained of.

In accordance with article 1 of the Optional Protocol, the Human Rights Committee has only examined the author's claims insofar as they are alleged to reveal breaches by the State party of the provisions of the International Covenant on Civil and Political Rights. The Committee has no competence to examine alleged violations of other international instruments.

The Committee has carefully considered the material submitted by the author, but is unable to find that there are grounds substantiating his allegations of violations of the Covenant.

The Human Rights Committee therefore decides:

1. That the communication is inadmissible.
2. That the decision be communicated to the author.