

Eastern High Court
Bredgade 59
1260 København K

Case no.: 53
Lawyer: Eddie Omar Rosenberg Khawaja
Secretary: Lise-Lotte Andersen
paf@jklaw.dk

post@oestrelandsret.dk

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**EASTERN HIGH COURT CASE NO. BS 27824/2020 – OLR
REQUEST FOR LEAVE TO INTERVENE**

The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume, and the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mr. Balakrishnan Rajagopal, (hereafter ‘the UN Special Rapporteurs’), shall with reference to section 252(3) of the Danish Administration of Justice Act hereby request for the Eastern High Court’s permission to intervene in the above case in support of the plaintiffs.

The UN Special Rapporteurs shall simultaneously request the Eastern High Court to set a deadline for submission of pleadings, cf. section 252(4) of the Danish Administration of Justice Act.

Regarding the background for this request, reference is made to the fact that on 9 December 1971 Denmark ratified the International Convention on the Elimination of All Forms of Racial Discrimination (‘ICERD’). ICERD sets out the State’s obligations to respect and ensure racial equality and the right to be free from racial discrimination. Several other human rights instruments also prohibit racial discrimination and other forms of discrimination, including the International Covenant on Economic, Social and Cultural Rights (‘ICESCR’) and the International Covenant on Civil and Political Rights (‘ICCPR’), both of which Denmark ratified on 6 January 1972. Article 11 of the ICESCR recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

The UN Special Rapporteurs are independent human rights experts appointed by the United Nations' inter-governmental body responsible for the promotion and protection of human rights, the UN Human Rights Council.

The mandate for the UN Special Rapporteur on contemporary forms of racism was created to intensify international efforts to combat racism, racial discrimination, xenophobia and related intolerance, which are violations of basic human rights. The UN Special Rapporteur on contemporary forms of racism has been mandated by Human Rights Council resolution 7/34 of 2008 to focus, *inter alia*, on laws and policies fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as institutional racism and racial discrimination.

The UN Special Rapporteur on the right to adequate housing has been mandated by Human Rights Council resolution 15/8 of 2010, *inter alia*, to: promote the full realization of the right to adequate housing as a component of the right to an adequate standard of living; identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard; and facilitate the provision of technical assistance, including through engagement with relevant stakeholders.

These mandates have most recently been renewed by Human Rights Council resolutions 43/36 of 2020 and 43/14 of 2020, respectively. They are part of the larger system of Special Procedures of the Human Rights Council.

With support of the Office of the United Nations High Commissioner for Human Rights ('OHCHR'), UN Special Procedures' main means of action include, *inter alia*, submission of communications (urgent appeals and letters of allegation) to States and others on alleged violations of international human rights; the undertaking of country visits; and submission of annual thematic reports to the Human Rights Council and the UN General Assembly.

The UN Special Procedures may also intervene in judicial proceedings involving violations of international human rights standards relating to the scope of their mandates for purposes of clarifying the meaning and application of these standards.

The UN Special Rapporteur on contemporary forms of racism has in the latter capacity intervened in a case before the Dutch courts regarding the stripping of citizenship, as well as a case before the Indian High Court regarding deportation of the Rohingya people. The UN Special Rapporteur on contemporary forms of racism has also intervened, together with the UN Special Rapporteur for freedom of opinion and expression, in a case before the Human Rights Court in Strasbourg (*Emin Huseynov v. Azerbaijan*).

The UN Special Rapporteur on the right to adequate housing has intervened in a number of cases in many countries over the years including, for example, a case before the Hungarian Constitutional Court regarding evicting and criminalizing persons living in homelessness.

In the opinion of the UN special rapporteurs, the present case raises several human rights issues relating to their mandates. In this connection it should be noted that the UN Special Rapporteurs are already engaged in the case as they on 16 October 2020 issued a joint urgent appeal (UA DNK 3/2020),¹ urging the Danish government to halt the sale of Mjølnerparken pending a final judicial determination of the present matter and to ensure that residents of Mjølnerparken face no risk of eviction. In this communication, the Special Rapporteurs referred to the relevant provisions of ICERD, ICCPR and ICESCR, among other international legal instruments. Denmark responded to the urgent appeal on 11 January 2021.²

In the opinion of the UN Special Rapporteurs, this case could also have significance outside Denmark's borders, including in relation to other States' use of the term "non-Western immigrants and descendants" and related impacts on the right to adequate housing.

If the leave to intervene is granted, the UN Special Rapporteurs have requested that the undersigned represent them during the proceedings.

The UN Special Rapporteurs are not VAT registered.

Should leave to intervene be granted, the third party intervention brief would be submitted to the Eastern High Court in their capacities as UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on a voluntary basis, without prejudice to, and should not be considered as a waiver, express or implied, of the privileges and immunities of the United Nations, its officials and experts on mission, pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations, which entered into force for Denmark on 10 June 1948.

Kind regards

Eddie Omar Rosenberg Khawaja
ek@jklaw.dk

¹ [DNK 3/2020](#)

² [Letter of 11 Jan 2021](#)