

HUMAN RIGHTS COMMITTEE

K. B. v. Norway

Communication No. 53/1979

14 August 1979

ADMISSIBILITY

Submitted by: K. B. on 16 June 1979

Alleged victim: 'The author

State party: Norway

Date of decision on inadmissibility: 14 August 1979 (seventh session)

Decision on Admissibility

The author of the communication, dated 16 June 1979, is a Norwegian citizen living in Norway, who inherited a fiat in Oslo in 1964, close to her home. She was separated from her husband in 1975 after 26 years of marriage. In December 1976, he sought by proceedings before the Oslo Town Court to obtain the right, against the author's will, to move into her fiat, as a tenant. The fiat had been rented to unrelated persons since it came into the ownership of the author. In a judgement delivered in December 1977, the Oslo Town Court rejected his claim.

The marriage was dissolved by divorce in February 1978, and by way of an administrative settlement by the special court for matrimonial estates, the fiat inherited by the author was assigned to her as her property.

The ex-husband appealed against the judgment of the Oslo Town Court to the Court of Appeals, which in November 1978 granted him the right to move into the fiat and, for that purpose, to deal directly with the present tenants. The author's application to appeal to the Supreme Court was rejected by the Judicial Select Appeals Committee on 20 March 1979. A petition for a review of the decision of the Judicial Select Appeals Committee was dismissed.

The author alleges that the decision of the Court of Appeals, having the effect of depriving her of the right to dispose of her property, constitutes a breach of articles 2 (1), 3 and 26 of the International Covenant on Civil and Political Rights.

The Human Rights Committee observes that the right to dispose of property, as such, is not protected by any provision of the International Covenant on Civil and Political Rights.

A thorough examination of the communication has not revealed any facts in substantiation of the author's claim that she is a victim of a breach by the State party of articles 2 (1), 3 or 26 of the Covenant or of any other rights protected by the Covenant.

The Human Rights Committee therefore decides: The communication is inadmissible.