

HUMAN RIGHTS COMMITTEE

P.P.C. v. The Netherlands

Communication No. 212/1986

24 March 1988

ADMISSIBILITY

Submitted by: P. P. C. (name deleted) on 27 October 1986

Alleged victim: The author

State party: The Netherlands

Declared inadmissible: 24 March 1988 (thirty-second session)

Decision on Admissibility

1. The author of the communication, dated 27 October 1986, is P. P. C., a citizen of the Netherlands, residing in that country. He alleges that he is the victim of a violation of article 26 of the International Covenant on Civil and Political Rights by the Government of the Netherlands. He is represented by counsel.

2.1. The author states that he has been unemployed since November 1982 and that he received unemployment benefits until July 1984 and since then benefits equal to the amount of the legal minimum wage. From 14 August to 14 October he was briefly employed, his income for that period being 200 guilders a month higher than the minimum wage. From 14 October onwards he again drew unemployment benefits. Beyond that, he requested the local authorities of Maastricht to grant him benefits under a law providing additional assistance to persons with a minimum income for loss of purchasing power over a certain year. Assessment of entitlement to benefits under that law is based on a person's income during the month of September multiplied by 12. But because P. P. C. had worked during the month of September, the annual calculation showed a figure much higher than his real income in 1984 and, consequently, he did not qualify for benefits under the "compensations law" of 1984. The author took his case to the highest administrative organ in the Netherlands, Administratieve Rechtspraak Overheidsbeschikkingen (AROB), which maintained that the calculation was based on norms applied equally to all and that therefore there had been no discrimination in his case. The author claims to have exhausted domestic remedies.

2.2. The author maintains that a broad interpretation of article 26 of the Covenant would be

in line with that prevailing in the parliamentary debates in the Netherlands at the time when the Covenant was ratified.

3. By its decision of 9 April 1987, the Human Rights Committee transmitted the communication under rule 91 of the provisional rules of procedure to the State party concerned, requesting information and observations relevant to the question of admissibility of the communication.

4. In its submission dated 25 June 1987, the State party reserved the right to submit observations on the merits of the communication which might turn out to have an effect on the question of admissibility. For that reason the State party suggested that the Committee might decide to join the question of the admissibility to the examination of the merits of the communication.

5. The author's deadline for comments on the State party's submission expired on 26 September 1987. No comments have been received from the author.

6.1. Before considering any claims contained in a Human Rights Committee communication, the communication, the accordance with rule 87 of its provisional rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

6.2. Pursuant to article 2 of the Optional Protocol, the Committee may only consider communications from individuals who claim that any of their rights enumerated in the Covenant have been violated. The Committee has already had an opportunity to observe that the scope of article 26 can also cover cases of discrimination with regard to social security benefits (communications Nos. 172/1984, 180/1984 and 182/1984). It considers, however, that the scope of article 26 does not extend to differences of results in the application of common rules in the allocation of benefits. In the case at issue, the author merely states that the determination of compensation benefits on the basis of a person's income in the month of September led to an unfavourable result in his case. Such determination is, however, uniform for all persons with a minimum income in the Netherlands. Thus, the Committee finds that the law in question is not *prima facie* discriminatory, and that the author does not, therefore, have a claim under article 2 of the Optional Protocol.

7. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible;

(b) That this decision shall be communicated to the State party and to the author.