



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Communication No. 52/2013

**Decision adopted by the Committee at its sixty-first session
(6-24 July 2015)**

<i>Submitted by:</i>	D. G. (represented by P. Fischer and J. Kruseman of Fischer Advocaten)
<i>Alleged victim:</i>	The author
<i>State party:</i>	The Netherlands
<i>Date of communication:</i>	14 August 2012 (initial submission)
<i>References:</i>	Transmitted to the State party on 20 March 2013 (not issued in document form)
<i>Date of adoption of decision:</i>	23 July 2015



Annex

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (sixty-first session)

concerning

Communication No. 52/2013*

Submitted by: D. G. (represented by P. Fischer and J. Kruseman of Fischer Advocaten)

Alleged victim: The author

State party: The Netherlands

Date of communication: 14 August 2012 (initial submission)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 23 July 2015,

Adopts the following:

Decision on admissibility

1. The author of the communication is D. G., a Bulgarian national of Roma origin. She claims that the Netherlands has violated her rights under articles 2, 5, 11, 12 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women. The author is represented by counsel. The Convention and the Optional Protocol thereto entered into force for the Netherlands on 22 August 1991 and 22 August 2002, respectively.

Facts as presented by the author

2.1 The author comes from a poor Roma family in Bulgaria and is divorced. When her 15-year-old son was killed, allegedly by a criminal gang, she had to borrow money for his funeral. When she could not reimburse the debt, her creditors began to threaten her and she left Bulgaria in order to earn money. She arrived in the Netherlands in early 2007 and worked in a restaurant in Osdorp, near Amsterdam, during the first two months after her arrival. She worked for 12 hours a day and was paid €2.50 per hour. Because of the exhausting nature of the work and the low pay,

* The following members of the Committee took part in the consideration of the present communication: Ayse Feride Acar, Gladys Acosta Vargas, Bakhita Al-Dosari, Nicole Ameline, Barbara Bailey, Niklas Bruun, Louiza Chalal, Náela Gabr, Hilary Gbedemah, Nahla Haidar, Ruth Halperin-Kaddari, Yoko Hayashi, Lilian Hofmeister, Ismat Jahan, Dalia Leinarte, Lia Nadaraia, Pramila Patten, Silvia Pimentel, Biancamaria Pomeranzi, Patricia Schulz and Xiaoqiao Zou.

she left the restaurant and began to work as a prostitute. One day, she was held hostage at gunpoint, together with another woman and a man, by a client who took all their money. The author left prostitution after the incident and, in December 2008, unable to pay her rent, became homeless. She slept in the apartments of acquaintances or in a park and spent the days on the streets.

2.2 In April 2010, the author contacted the Centre for Prostitution and Health in Amsterdam and was referred to her current counsel. On 6 May 2010, the author applied for access to shelter on the basis of the Social Support Act. On 11 June 2010, the Municipal Health Authority interviewed her. At the interview, the author stated that she was working in a restaurant and sleeping at a friend's apartment. On the basis of that information, the Authority concluded that she was not in need of aid or care. On 23 June 2010, the Municipality of Amsterdam rejected her application on the basis of the Authority's report. On 25 June 2010, the author filed a notice of objection to that decision with the Municipal Executive of Amsterdam. On 22 July and 5 August 2010, she submitted documents supporting her objection, namely a report of 16 July 2010 from a psychologist at the non-governmental organization Bonded Labour in the Netherlands (BlinN)¹ and a report of 2 August 2010 by a senior police officer on the district team at Surinameplein in Amsterdam.² On 26 October 2010, the Municipal Executive considered her objection unfounded and upheld the decision of 23 June 2010. On 5 December 2010, the author filed an application for review with the Amsterdam District Court. In an additional submission to the Court on 27 February 2011, the author's counsel claimed that the author was a victim of exploitation and human trafficking and attached an e-mail from a police officer who specialized in issues of human trafficking³ and the report of 16 July 2010 from the BlinN psychologist. She explained that the author had refused to begin a procedure to obtain a residence permit for victims of trafficking ("B-9 status") with the police because of fear of retaliation.

2.3 On 14 May 2010, the author applied for social welfare benefits under the Work and Welfare Act. On 17 May 2010, the Municipality of Amsterdam denied her request because she lacked a residence permit. On 25 May 2010, she filed a notice of objection to that decision, claiming that she was entitled to social benefits as a national of a European Union member State. On 22 June 2010, the author submitted further grounds for her objection, arguing that the decision to deny her social benefits was based on her nationality and was thus discriminatory. She also claimed that she was a victim of violence and exploitation, as well as discrimination on the basis of her Roma origin, and thus was a vulnerable person who was entitled to protection under article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In addition, she claimed that the State was obliged, under articles 2 and 3, in conjunction with article 1, of the Convention on the Elimination

¹ It was concluded in the report that, owing to her previous experience and current insecurity, the author was experiencing "severe stress symptoms". It was stated that "a safe fundament, and thus improvement in her current residential, migratory and financial situation, was almost a requisite" to help her to cope with her severe stress. The psychologist was unable to determine whether the author suffered from any mental illness.

² On 20 July 2010, the author met the police officer and told him about the incident with the client who had robbed her. On the basis of their conversation, the police officer made out a report in which he stated that more information and an official declaration were needed from the author.

³ In an e-mail of 14 September 2010, the police officer in question noted that the author's work in the restaurant in 2007 appeared to be a clear case of exploitation, and therefore human trafficking, and that an investigation was needed to obtain more details.

of All Forms of Discrimination against Women, to protect her as a woman likely to encounter violence that would threaten her life and physical and mental integrity. On 28 June 2010, the Municipal Executive declared the objection ill-founded. The decision referred to the Aliens Act, which requires that all aliens, including European Union nationals, be in possession of a residence permit issued by the Immigration and Naturalization Service, along with the applicable municipal resident registration code, to claim social benefits. It also referred to the municipal policy regulations, according to which a European Union citizen who has been residing in the Netherlands for less than three months or who, after three months, is still unemployed is not eligible for welfare benefits. The decision concluded that, because the author had not registered with the Immigration and Naturalization Service and lacked a municipal resident registration code, she did not qualify for welfare benefits. On 5 August 2010, the author filed an application for review with the Amsterdam District Court. She claimed that the municipal authorities had failed to consider her vulnerability and situation of distress and to strike a fair balance between her private interests and the interests of the public.

2.4 On 25 August 2010, pending the judicial hearings on her two appeals, the author submitted an application for interim relief to the interim relief judge at the Amsterdam District Court concerning the rejection of her requests for shelter and welfare benefits. She claimed to be a vulnerable person entitled to special protection of her private life. At a hearing on 8 September 2010, the author argued, among other things, that the Municipality had not taken into account the sex-specific aspect of exploitation, the prostitution and the violence of which she was a victim, thereby violating the Convention. On 22 September 2010, the interim relief judge dismissed the application, considering that, because the author had found temporary accommodation, there was no basis for her request for shelter. He also ruled that the author had failed to provide sufficient evidence that she still belonged to a group of vulnerable individuals, given that the hardships that she had endured were in the past. He decided that the Central Agency for the Reception of Asylum Seekers was the appropriate agency to deal with the author's case. On the issue of welfare benefits, he found that the author did not qualify for benefits, even by virtue of very urgent circumstances, owing to her lack of a required residence permit.⁴

2.5 On 18 May 2011, the Amsterdam District Court rejected as unfounded the author's application for review regarding both decisions on shelter and benefits and maintained the decision of the interim relief judge of 22 September 2010. Referring to the information submitted by the author on 27 February 2011, the Court stated that the e-mail from the police officer who specialized in issues of human trafficking³ was related to events that had occurred in 2007, which were not relevant to the period of time considered in the author's case. The author did not substantiate that those events had caused her current vulnerable position. The Court also noted that it was stated in the report of the BlinN psychologist of 16 July 2010 that it was impossible to determine whether the author suffered from a mental illness, and therefore the report did not provide a basis for the Court to alter its conclusion. On the argument concerning the refusal of shelter, the Court stated that the author was not homeless, which was a necessary precondition for applying for shelter.

⁴ The Linkage Act (1998) establishes the link between the alien's right to residence and the services provided to the alien by the Government. It establishes an absolute exclusion from public services of people who do not possess a residence permit. There are only three exceptions to this general rule: education for children, emergency medical services and legal assistance.

2.6 On 10 June 2011, the author appealed to the Central Appeals Court for Public Service and Social Security Matters against the judgement of 18 May 2011 of the Amsterdam District Court. On 20 January 2012, the Central Appeals Court upheld the judgement.

2.7 On 24 August 2010, the author applied for shelter for the second time, claiming that she had to leave the home of her acquaintance, had nowhere else to go and would have to sleep in a park. On 1 November 2010, her request was denied by the Municipality of Amsterdam. On 8 December 2010, the author filed an objection. On 24 February 2011, the objection was dismissed by the Municipal Executive. The author filed an application for review with the Amsterdam District Court on 5 April 2011. On 10 October 2011, the author's counsel sent a letter to the Court enclosing a medical report of 13 July 2011 that confirmed that the author suffered from anxiety and depression and seeking a review of the decision on shelter. On 27 October 2011, at the hearing, the author's counsel and the defendant's counsel agreed to again contact the Municipal Health Authority, as well as the Blijf Groep women's centre, and to explore the possibility of the author's being admitted to the shelter while she regained her composure and considered whether she should cooperate with the police on allegations of human trafficking.

2.8 On 29 November 2011, the author had an interview at the women's centre and was found not to be eligible for accommodation there, given that it was available only to victims of domestic violence that had occurred in the previous six months.

2.9 On 22 May 2012, the Amsterdam District Court declared the author's application for judicial review unfounded. On 26 June 2012, the author appealed to the Central Appeals Court.

2.10 On 30 September 2011, the author submitted an application for assistance to the Central Agency for the Reception of Asylum Seekers on the basis of the Regulations on Provisions for Certain Categories of Aliens. On 6 December 2011, the Central Agency rejected her request on the grounds that it was incomplete. On 20 December 2011, the author requested the Central Agency to reconsider its refusal on the grounds that the documents that it requested were not available but taking into account all the information provided on her situation. On 30 December 2011, the author appealed to The Hague District Court, which rejected the appeal as unfounded on 22 June 2012. The author appealed to the Administrative Jurisdiction Division of the Council of State on 13 July 2012. The Council of State rejected the appeal as manifestly unfounded on 15 October 2012.

Complaint

3. The author claims that the State party has violated her rights under articles 2, 5, 11, 12 and 16 of the Convention owing to its failure to comply with its positive obligation to protect her as a vulnerable person and a victim of gender-based violence (human trafficking). She considers that the procedural requirements imposed on her (residence permit, being homeless, the completion of certain forms) and the lack of proper assessment of her status as a victim violated her rights under the Convention because they prevented her from gaining access to social benefits and shelter.

State party's observations on admissibility and the merits

4.1 On 21 May 2013, the State party challenged the admissibility of the communication on the grounds that the author had failed to apply for a residence permit as a victim of human trafficking on humanitarian grounds and thus did not exhaust available domestic remedies.⁵

4.2 On 19 September 2013, the State party submitted additional observations on admissibility and the merits. It explains that in the Netherlands access to benefits is linked to residence status. The author is not a lawful resident because she lived and worked in the country without a work permit. She has not availed herself of an opportunity to apply for a residence permit so that the Immigration and Naturalization Service can assess whether there are grounds for granting such a permit. In addition, she has not lodged a criminal complaint with the police, cooperated in any other way or informed the police that she cannot or does not wish to lodge a complaint because of serious threats. Lastly, the author could have submitted an application for asylum in order to obtain legal residence status. She has not used that procedure, however, her claims that she fears to return to Bulgaria notwithstanding. The State party concludes that, because the author failed to exhaust many legal remedies and has not put forward convincing arguments that they would be ineffective, her communication should be declared inadmissible.

4.3 On the merits, the State party submits that the facts as presented by the author give no evidence to support her allegations of human trafficking. The State party points out in particular that she did not appear to be under duress (deception or force), whether while working in the restaurant or as a prostitute. There is no indication that the robbery committed against the author had anything to do with a situation of exploitation.

4.4 The State party observes that, in her initial applications for shelter and welfare benefits, the author did not refer to human trafficking. In addition, there is no suggestion of human trafficking in the e-mail of 20 April 2010 to the author's counsel from the Centre for Prostitution and Health in Amsterdam. The State party notes that that non-governmental organization specializes in providing assistance and shelter, in particular to victims of trafficking, yet instead of accommodating the author it requested information about the possibility of obtaining shelter on the grounds of distressing individual circumstances.

4.5 The State party further notes that, in the report of the discussion between the author and the senior police officer of the district team at Surinameplein in Amsterdam,⁶ there was no mention of human trafficking. The police can, without requesting cooperation, offer a possible victim of trafficking a period of reflection of up to three months. It appears from the report that the police did not have grounds to pursue that course of action. The author's social worker, who was present at the meeting, must have had knowledge of the procedure, but did not mention it either. In an e-mail of 25 October 2010, an official from BlinN wondered whether the case amounted to human trafficking. The police officer in question did

⁵ The State party submits that, as from 1 January 2011, according to the Aliens Decree (2000), possible victims of trafficking who do not wish to or cannot cooperate with the police, owing to serious threats from traffickers or physical or mental disabilities, may be eligible for a residence permit on humanitarian grounds without first having to obtain a temporary ("B-9 status") permit, which depends on cooperating with the police.

⁶ See paragraph 2.2 above.

not speak with the author or any organization about her situation; his report was based only on the information presented to him on behalf of the author. Accordingly, the State party concludes that there is no evidence of human trafficking in the author's case. That is why the police did not grant her a period of reflection and the Central Agency for the Reception of Asylum Seekers denied her application for funds under the Regulations on Provisions for Certain Categories of Aliens, a decision upheld by two courts.

4.6 In response to the author's argument that the State has an obligation to protect her and grant her access to shelter, social benefits and health care because she is a victim of violence, the State party responds that States have the right under international law to control the entry, residence and expulsion of aliens. Obliging States to recognize the economic, social and cultural rights of those who reside in their territories unlawfully would run counter to that principle and facilitate the prolongation of an unlawful situation. The Benefit Entitlement (Residence Status) Act links a person's residence status to his or her entitlement to welfare provisions precisely for that reason.

4.7 The State party notes that no right to shelter for victims of violence can be derived from the case law of the European Court of Human Rights. The right to protection under that case law includes protection from perpetrators of human rights violations and access to legal remedies that enable the victims to exercise their rights vis-à-vis the perpetrators.

4.8 The State party notes that the Convention does not impose a requirement on States to offer every alien who is a victim of violence access to the social and economic services that the State provides. A "fair balance" must be struck between the interests of the alien and the interests of the State in ensuring that shelter and social services remain affordable and accessible.

4.9 The State party adds that the author has not established satisfactorily that, by reason of the suffering that she claims to have experienced in the past, she belongs to the category of persons who are entitled to special protection under international human rights obligations. The facts as she describes them provide no grounds for offering her shelter or making any other arrangements. It has been established that she was able to arrange temporary accommodation with her acquaintances. In addition, when she applied to various agencies, she was not deemed to be in an acute need warranting the provision of access to shelter services. Although the author may be in a difficult situation, that does not mean that the State has to offer her shelter. The situation in which she finds herself is inherent in her illegal residence in the territory of a State and States are under no obligation to provide every illegal alien in their territory with shelter, services or benefits.

4.10 The State party reiterates that it has not been established — and the State authorities have not had the opportunity to assess this in national procedures — that the author is unable to return to Bulgaria. Consequently, she cannot claim an entitlement to services in the Netherlands.

4.11 In the light of the foregoing, the State party concludes that there has been no violation of the Convention by the refusal of its competent authorities to provide the author with the requested services, and thus the communication is manifestly ill-founded.

Author's comments on the State party's observations

5.1 On 25 November 2013, the author submitted her comments on the State party's observations on admissibility and the merits. She explains that her complaint does not concern an action to obtain a residence permit, but is rather aimed at obtaining access to shelter, basic needs and counselling for victims of gender-based violence regardless of their residence status. She challenges the linking of protection services to a residence permit. In her view, the State's argument that she has not exhausted available domestic remedies to obtain a residence permit is not valid. She is in need of protection services and has exhausted all available domestic remedies in order to obtain access to such services. She also argues that she has indicated to the State party why she could not avail herself of the application for a residence permit, namely fear of the police, fear of exploiters and severely impaired mental health, among other things.

5.2 In response to the State party's argument that she should have applied for asylum, she states that the matter of the proceedings was not what happened to her in Bulgaria, but the damage that she suffered in the Netherlands.

5.3 In response to the State party's information concerning the granting of a residence permit for victims of trafficking on humanitarian grounds, she states that such permits can be issued in two situations: when a person faces a risk from traffickers and in the case of serious psychological distress that prevents her from cooperating with the police. Assessment in both cases is carried out by the police. She adds that she began seeking protection early in 2010, when such procedures were unavailable, and that the State party has not provided evidence that any case has been successful under those procedures.⁷ The author thus claims that no other effective remedy exists in her case.

5.4 Addressing the State party's observation that she is not a victim of human trafficking, the author argues that the State applied an excessively narrow definition of human trafficking and placed an excessively heavy burden of proof on her. She claims that the Aliens Act Implementation Guidelines provide that the "slightest indication" of trafficking is sufficient to qualify the victim for the three-month period of reflection with the police. That provision changed on 1 July 2013, replaced by "reasonable suspicion". She claims that the criterion applied to her by the State party in its observations is even higher than the "beyond reasonable doubt" criterion applied by the authorities to obtain the conviction of a trafficker, which leads to the granting of a permanent residence permit to the victim.

5.5 The author also objects to the State party's argument that the positive obligation to protect vulnerable persons relates only to the procedural requirements. She argues that it is the vulnerability that triggers the obligation. In response to the State party's argument that an obligation to provide access to shelter does not ensue from the State's obligation to protect victims of violence and/or human trafficking, the author responds that, although the State is not required to provide assistance to all illegal residents, it is obliged to apply an individual test based on human rights considerations, in particular in cases of gender-based violence.

⁷ The author refers to information obtained from several non-governmental organizations working with victims of trafficking. None of them dealt with a case where such a permit was obtained, or knew about one.

5.6 On 5 May 2014, the author reported that, on 23 April 2014, the Central Appeals Court had denied her appeal against the rejection of her second application for shelter. She also provided information on her second application for benefits. On 13 November 2012, she had requested social assistance benefits and emergency payments to cover medical costs. On 14 November 2012, the Municipality of Amsterdam had rejected her request for social assistance benefits and, on 23 November 2012, her request for emergency payments. Both rejections had been based on the lack of a residence permit. The author's appeals were rejected by the Municipal Executive on 13 December 2012, by the Amsterdam District Court on 9 July 2013 and by the Central Appeals Court on 23 April 2014.

State party's additional observations

6.1 On 15 August 2014, the State party submitted further observations. It noted that, in May 2013, independently of the ongoing proceedings, the Municipality of Amsterdam offered to temporarily provide the author with medication. The author rejected the offer.

6.2 In response to the author's clarifications of the substance of her complaint, the State party notes that the author may still be expected to use the options available to her to gain access to shelter, which include obtaining a residence permit.

6.3 The State party addresses the author's comments on her status as a victim of trafficking and the burden of proof placed on her and states that her argument concerning the change in the national regulation from the "slightest indication" to a "reasonable suspicion" of trafficking is not valid. The criterion applied under chapter B8/3 of the Aliens Act Implementation Guidelines is the "slightest indication". The police are guided by that criterion when offering the three-month period of reflection to possible victims of trafficking.

6.4 Regarding the author's claim that she is a vulnerable person and that the State party's authorities failed to protect her, the State party reiterates that there are numerous options in the Netherlands for vulnerable people to obtain protection, including municipal shelter services, shelters for victims of human trafficking and an asylum procedure with reception facilities. The author's failure to avail herself of those options does not justify the conclusion that the State failed to take adequate measures.

6.5 The author's ineligibility for municipal shelter services stems from the fact that the Social Support Act does not grant benefits or services to aliens residing unlawfully in the country. Nevertheless, municipalities can, on humanitarian grounds, provide shelter for citizens of the European Union outside the scope of the Act. Whenever the author applied for shelter, it was found that she had temporary accommodation; the Municipality therefore took the view that her physical and mental health were not under acute threat owing to a lack of accommodation. She has also not made use of crisis shelter centres. The State party also observes that the national authorities are best placed to assess and establish the facts in a given situation.

6.6 Regarding the author's argument that she was afraid to contact the police and therefore did not make a criminal complaint, the State party notes that the fact that the author may have had a negative experience does not make it unreasonable to expect her to follow certain procedures to qualify for certain facilities, especially

those that were created for victims of violence and taking their vulnerability into account. By not availing herself of those options, the author did not afford the competent authorities of the State party an opportunity to investigate, through those procedures, whether she was a victim of violence and, if so, what protection she should receive.

Additional comments by the author

7.1 On 12 December 2014, the author submitted to the Committee a decision of the European Committee on Social Rights of 10 November in case No. 90/2013, *Conference of European Churches (CEC) v. the Netherlands*. In the decision, the Committee found that, “pursuant to their human dignity, migrant adults in an irregular situation could not be denied such emergency social assistance as the necessary food, shelter and clothing”.

7.2 The author also claims that the municipal shelter is considered to be a safety net when no other government agency is legally entitled to offer help and that in national law “vulnerability” is assessed in medical terms and gender violence is not taken into consideration.

State party’s additional observations

8. On 20 January 2015, the State party noted that the decision of the European Committee on Social Rights in *Conference of European Churches (CEC) v. the Netherlands* would become final only after the Committee of Ministers of the Council of Europe adopted a resolution on the matter, as provided in article 9 (1) of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

Issues and proceedings before the Committee concerning admissibility

9.1 In accordance with rule 64 of its rules of procedure, the Committee must decide whether the communication is admissible under the Optional Protocol. Pursuant to rule 72 (4), it is to do so before considering the merits of the communication.

9.2 In accordance with article 4 (2) of the Optional Protocol, the Committee is satisfied that the same matter has not been and is not being examined under another procedure of international investigation or settlement.

9.3 The Committee notes that the author’s complaint is based on the allegation that she is a victim of gender-based violence because she is a victim of human trafficking. The Committee also notes that the State party challenges the admissibility of the communication on the basis of non-exhaustion of domestic remedies, among others, regarding the status of the author as a victim of human trafficking. The State party claims that, had there been the “slightest indication” that the author was a victim of trafficking, it would have been recognized by the police and the non-governmental organizations that she contacted and she would have been provided with the benefits ensuing from that status.

9.4 Before being able to consider the author’s claims relating to access to shelter and benefits, the Committee has to establish whether the author can be considered a victim of discrimination against women in view of her claim to be a victim of gender-based violence. The Committee recalls its general recommendation No. 19,

in which it clearly placed violence against women within the ambit of discrimination against women by stating that gender-based violence is a form of discrimination against women and includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. The Committee further recalls that article 1 of the Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women ... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

9.5 The Committee notes that the author arrived in the Netherlands in 2007, worked in a restaurant for some two months, allegedly in conditions tantamount to exploitation, and later worked as a prostitute until the robbery of which she was a victim together with two other individuals. The Committee notes that it was only in April 2010 that she contacted the Centre for Prostitution and Health in Amsterdam. From then on she had legal counsel, but she did not at any time apply for a residence permit in the State party. The information on file contains no indication of any specific claims of gender-based violence to which the author may have been subjected. While the Committee recognizes that the robbery was an episode of violence and could have had an element of gender-based violence, it notes that the author has never lodged complaints with the authorities or non-governmental organizations in the State party about the incident or about being a victim of violence and did not invoke that ground at the initial stages of the procedure concerning her eligibility for shelter and social benefits.

9.6 In view of the foregoing, the Committee considers that the author has not substantiated her claim to have been a victim of gender-based violence and, hence, of discrimination against women. The Committee concludes that the author has failed to sufficiently substantiate her claims for purposes of admissibility. Accordingly, it declares the communication inadmissible under article 4 (2) (c) of the Optional Protocol. In the light of that conclusion, the Committee decides not to examine any other inadmissibility ground.

10. The Committee therefore decides:

- (a) That the communication is inadmissible under article 4 (2) (c) of the Optional Protocol;
- (b) That this decision shall be communicated to the State party and to the author.