

HUMAN RIGHTS COMMITTEE

C. E. v. Canada

Communication No. 13/1977

25 August 1977

ADMISSIBILITY

Submitted by: C. E. on 20 June 1977

Alleged victim: The author

State party: Canada

Date of decision on inadmissibility: 25 August 1977 (second session)

Decision on Admissibility

The facts of the case are as follows:

The author of this communication, dated 20 June 1977, is a 51-year-old, unemployed Canadian citizen residing in Surrey, British Columbia, married and father of six children.

Although not explicitly addressed to the Human Rights Committee, the communication appears to be submitted for consideration by the Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

The author states that he has for many years been subjected to discrimination by the Workman's Compensation Board, Canada, inasmuch as due compensation and medical care have been denied him in connection with five successive work-related accidents in 1964, 1970 and 1971, and that this discrimination has brought great hardships to himself and his family.

Specifically, the communication deals only with the last accident which happened while the author was working in a school workshop. He claims that he was denied the students' accident insurance with medical coverage. It appears that the author initiated a court case in connection with this accident, claiming damages for injuries suffered in a fall from a faulty ladder. He maintains that he was denied due process by a handpicked judge and that his efforts to appeal the court decision have been in vain, because of his lack of financial means and because the Legal Aid Society has refused him any assistance.

The author does not specify which provision of the International Covenant on Civil and Political Rights has allegedly been violated.

The main communication and the enclosures reveal that the author brought a court case against the Board of School Trustees of School District No. 39, Vancouver, et al., claiming damages for injury suffered in a fall from a ladder in February 1971, while working in a school workshop. His claim was dismissed by the Supreme Court of British Columbia on 29 May 1975 on the ground that the accident was the author's own responsibility. A notice of appeal was issued on behalf of the author on 18 August 1975. There is no information concerning further developments of the court case, except an indication by the author that he does not have the financial means to pursue the matter before the courts and that he has been denied legal aid by the Legal Aid Society of British Columbia, which the author describes as a denial of the right of appeal.

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

The Human Rights Committee considers:

That as far as any question of a denial of justice might be raised by the communication, such claim would relate to events prior to 19 August 1976, the date of entry into force of the Covenant and the Protocol for Canada; and That as far as the remaining claims presented in the communication are concerned, they likewise relate to such events and moreover do not concern any of the civil and political rights referred to in the Covenant.

The Committee therefore, in accordance with article 3 of the Protocol, decides:

The communication is inadmissible.