

HUMAN RIGHTS COMMITTEE

J. D. B. v. the Netherlands

Communication No. 178/1984

26 March 1985

ADMISSIBILITY

Submitted by: J. D. B. [name deleted]

Alleged victim: J. D. B.

State party concerned: the Netherlands

Date of communication: June 1984

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 26 March 1985,

Adopts the following:

Decision on admissibility

1. The author of the communication, dated June 1984, is J. D. B., a Dutch citizen living in the Netherlands. He claims to be the victim of a violation by the Dutch Government of article 26 of the International Covenant on Civil and Political Rights.

2.1 He describes the facts of the case as follows: He has been trained as a radio-and TV-repairman, but does not have a licence from the Chamber of Commerce. As he has been unemployed for a long period of time, he has endeavoured to maintain his working capacity by taking on occasional jobs as a TV-repairman. Because of this activity, however, he has been subjected to criminal prosecution before the Appellate Court of Arnhem, which rendered a judgement against him on 13 October 1983 and fined him 300 Dutch Guilders. This judgement was upheld by the Supreme Court of the Netherlands on 8 May 1984.

2.2 The author considers himself to be discriminated against by Dutch legislation which prevents him from gainful employment and which punishes him for seeking an alternative

to being unemployed. In this connection he also refers to article 6 of the International Covenant on Economic, Social and Cultural Rights, which guarantees the right to work.

2.3 Since final judgement has been rendered by the Supreme Court of the Netherlands the author contends that all domestic legal remedies have been exhausted. He also states that the same matter has not been submitted for examination to another procedure of international investigation or settlement.

3. 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 inadmissible under the Optional Protocol to the Covenant.

4. The Human Rights Committee, after careful examination of the communication, concludes that no facts have been submitted in substantiation of the author's claim that he is a victim of a violation of any of the rights guaranteed by the International Covenant on Civil and Political Rights.

5. The Human Rights Committee therefore decides:

The communication is inadmissible.