

5.3 The State party then rejects the author's contention that article 14, paragraph 7, of the Covenant protects the principle of "international non bis in idem". In the opinion of the State party, article 14, paragraph 7, must be understood as referring exclusively to the relationships between judicial decisions of a single State and not between those of different States.

6. In his comments, dated 7 September 1987, the author contends that his allegations with respect to a violation of article 14, paragraph 7, are well founded and argues that article 14, paragraph 7, of the Covenant should be interpreted broadly, so as to apply to judicial decisions of different States.

7.1 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.

7.2 The Committee notes that the State party does not claim that the communication is inadmissible under article 5, paragraph 2, of the Optional Protocol. With regard to article 5, paragraph 2 (a), the Committee observes that the matter complained of by A. P. has not been submitted to another procedure of international investigation or settlement. With regard to article 5, paragraph 2 (b), the State party has not claimed that there are domestic remedies which the author could still pursue in his case.

7.3 With regard to the admissibility of the communication under article 3 of the Optional Protocol, the Committee has examined the State party's objection that the communication is incompatible with the provisions of the Covenant, since article 14, paragraph 7, of the Covenant, which the author invokes, does not guarantee non bis in idem with regard to the national jurisdictions of two or more States. The Committee observes that this provision prohibits double jeopardy only with regard to an offence adjudicated in a given State.

8. In the light of the above, the Human Rights Committee concludes that the communication is incompatible with the provisions of the Covenant and thus inadmissible ratione materiae under article 3 of the Optional Protocol.

9. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible;

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

B. Communication No. 212/1986, P. P. C. v. the Netherlands  
(Decision adopted on 24 March 1988 at the  
thirty-second session)

Submitted by: P. P. C. [name deleted]

Alleged victim: The author

State party concerned: The Netherlands

Date of communication: 27 October 1986

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

Meeting on 24 March 1988,

Adopts the following:

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 communication, the Human Rights Committee must, 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.

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). a/ 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.

C. Communication No. 224/1987, A. and S. N. v. Norway  
(Decision adopted on 11 July 1988 at the  
thirty-third session)

Submitted by: A. and S. N. [names deleted]

Alleged victim: The authors and their daughter S.

State party concerned: Norway

Date of communication: 9 March 1987 (date of initial letter)

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

Meeting on 11 July 1988,

Adopts the following:

Decision on admissibility

1. The authors of the communication (initial letter of 9 March 1987 and further letters of 10 September 1987 and 5 April 1988) are A. and S. N., Norwegian citizens residing in Alesund, writing on their own behalf and on behalf of their daughter S. born in 1981. They claim to be victims of a violation by Norway of article 18, paragraphs 1, 2 and 4, and article 26 of the International Covenant on Civil and Political Rights. They are represented by counsel.

2.1 The authors state that the Norwegian Day Nurseries Act of 1975 as amended in 1983 contains a clause providing that "the day nursery shall help to give the children an upbringing in harmony with basic Christian values". The authors are