

## THE FACTS

Whereas the facts of the case as presented by the Applicant may be summarised as follows:

The Applicant is a Netherlands citizen, born in 1917 and at present living at Oldebroek.

1. His complaints concern the activities which are being exercised in the field of agriculture by an organisation called the Agricultural Corporation (landbouwschap). He states that this organisation has been given considerable power as regards agricultural policy and constitutes an oppression for the farmers.

2. The legal basis of the system criticised by the Applicant is the Act on the Economic Organisation (Wet op de Bedrijfsorganisatie). According to this Act, a body called the Social-Economic Council (Sociaal-Economische Raad) has been entrusted with certain functions in respect of the organisation of the economic life in the Netherlands and, in addition, the Act provides that special corporations can be set up for a number of enterprises which either perform similar functions or perform different functions in respect of the same products. Such corporations have the task of serving the common interests of the enterprises for which they have been set up and they have been given competence to exercise public authority in various respects and are frequently characterised as "economic organisations under public law" (publiekrechtelijke bedrijfsorganisaties).

3. In the field of agriculture, the Agricultural Corporation against which the Applicant directs his complaints was set up on 16th February, 1954 according to the provisions of the Act on the Economic Organisation.

In the Applicant's opinion, the Agricultural Corporation is not a democratic body since the farmers in general have had little or no influence on its composition.

In this respect, he points out that, according to the Act on the Economic Organisation, a corporation of this kind is to be set up by Royal Decree on the advice of the Social-Economic Council provided that this advice is consistent with the opinion stated by representatives of the employers and the employees concerned. However, the members of the Social-Economic Council are appointed partly by the Government and partly by organisations which the Government designates, and the Applicant concludes that in reality the Council is, in respect of economic policy, merely an organ of the Government.

Moreover, the Council decides itself which organisations it should hear before advising the Government to set up a corporation. Before giving its advice regarding the constitution of the Agricultural Corporation, the Council consulted the Foundation for Agriculture (Stichting voor de Landbouw) which, in the Applicant's opinion, is not a body representative of the farmers.

The Applicant concludes that the Agricultural Corporation was set up without any previous consultation of the farmers themselves and that therefore it cannot be considered to function on a democratic basis.

4. As to the organisation of the Agricultural Corporation, the Applicant states that the chairman is appointed by the Government and that the 24 members of the board are nominated by six organisations which have been approved by the Government and the Social-Economic Council and which are in fact closely connected with the Government. However, those farmers who are not organised or are members of other organisations than those approved by the Government, have no influence

on the appointment of the board.

Nevertheless, the Agricultural Corporation exercises far-reaching public functions in regard to the farmers. It levies taxes on them and spends tax money without any control by the farmers. Its board may meet in camera and is responsible to no one and is controlled by no one.

Those who are members of one of the organisations approved by the Government are allowed to deduct the amount of their contributions to their organisation from the tax which they have to pay to the Agricultural Corporation and the result is that the other farmers pay to that Corporation higher taxes than are paid by those farmers who are organised according to the Government's wishes.

The Corporation has a certain legislative power over the farmers. It is competent to issue ordinances and the Applicant refers, in particular, to an ordinance according to which the farmers are obliged to make annual declarations regarding all important data as to their farms. The Applicant states that in fact the Corporation wishes to "liquidate" certain farmers and turn their farms into collectives, and he suggests that for this purpose the annual declarations might be useful to the Corporation.

The Applicant states that he and many other farmers find the system described above contrary to their conscience and convictions and that therefore they refuse to submit annual declarations regarding their farms. The result is that these farmers are sentenced every year, by a special judge competent in regard to economic offences, to a fine or, as a subsidiary penalty, to imprisonment. As many of these farmers do not wish to pay their fines voluntarily, they are actually put into prison. Such sentences are pronounced in accordance with the Act on Economic Offences (Wet op de Economische Delicten). Under its provisions, a number of acts can be punished although, in the Applicant's opinion, they are not considered by public opinion to be punishable. Moreover, the rights of the accused under this Act have been reduced; the Applicant mentions, in particular, that the right to lodge an appeal in cassation is more restricted than in regard to other offences.

Against the decisions of the Agricultural Corporation, an administrative appeal is available to a special Appeals Board (College van Beroep voor het Bedrijfsleven), composed of three professional judges and two special judges nominated by the Corporation which is concerned in each particular case. Moreover, the Government has reserved the right to set aside the decisions of the Appeals Board. Consequently, the Appeals Board cannot, in the Applicant's opinion, be considered an impartial and independent body.

The Applicant goes on to describe various measures by the Agricultural Corporation by which farmers have been deprived of money or other property. In particular, he states that farmers have been forced to leave their farms for non-payment of small sums of money and he mentions, as an example, that in March 1963 families of three farmers were forced by the Agricultural Corporation to leave their farms; according to the Applicant this action was performed with the assistance of armed soldiers who used tear-gas.

The Applicant submits that, in respect of his refusal to submit annual declarations, he was last convicted on ... 1963 by the Police Court at Zwolle and sentenced to a fine or, subsidiarily, to detention. His appeal in cassation was rejected on ... 1963 by the Supreme Court.

5. He alleges violations of

- Article 3 of the Convention, in that, in the framework of the system described above, acts are punished which are not "felt" as punishable

and that families are forced to leave their land by reason of small debts;

- Article 4 of the Convention, in that the system complained of implies that an entire class of people is mastered by a small group which is favoured by the Government and whose exercise of power is subject to no control;
- Article 5 of the Convention, in that this system implies the annihilation of the personal freedom of those who fall under the power of the Agricultural Corporation;
- Article 6 of the Convention, in that the penal procedure referred to above deviates from what is generally prescribed in regard to such procedure, and this to the detriment of the accused;
- Article 8 of the Convention, in that the private life of the farmers is not respected;
- Article 11 of the Convention, in that the farmers are placed under the power of a corporation dominated by a number of associations which support one another and are approved by the Government, in particular as these associations enjoy special benefits by reason of the system of deduction of contributions as described above;
- Article 13 of the Convention, in that there has proved to be no way of redress, although the Applicant has appealed to the Courts;
- Article 14 of the Convention, in that the Applicant, as a result of the fact that he does not wish to be a member of any of the associations approved by the Government, is not granted the rights and freedoms guaranteed by the Convention;
- Article 1 of the Protocol, in that the system of deduction of contributions violates the right of property of those who are not allowed such deduction.

#### THE LAW

Whereas the Commission observes that, in the examination of the Applicant's various allegations, due regard must be had to the fact that the Agricultural Corporation and the Social-Economic Council are part of an elaborate system for organising effectively the economic life of the country;

Whereas there is nothing to show that this system is contrary to the Convention; whereas, in particular, there is not, in the present case, any appearance of a violation of Articles 3, 4, 5, 6, 8, 11, 13 and 14 (Art. 3, 4, 5, 6, 8, 11, 13, 14) of the Convention or Article 1 of the Protocol (P1-1) as specially complained of by the Applicant;

Whereas it follows that the present Application is manifestly ill-founded within the meaning of Article 27, paragraph (2) (Art. 27-2), of the Convention.

Now therefore the Commission declares this Application inadmissible.