

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



16 December 2016

**Case Document No. 2**

**University Women of Europe (UWE) v. Croatia**  
Complaint No 126/2016

**OBSERVATIONS BY THE GOVERNMENT  
ON ADMISSIBILITY**

**Registered at the Secretariat on 15 December 2016**





REPUBLIC OF CROATIA  
MINISTRY OF LABOUR AND PENSION SYSTEM

**CLASS:** 910-04/16-06/01  
**REG.NO:** 524-08/05-16-6

Zagreb, 14 December 2016

**COUNCIL OF EUROPE  
SECRETARIAT GENERAL  
Attention Mr Henrik Kristensen  
Deputy Head of Department of the  
European Social Charter**

**Avenue de l'Europe F-67075  
Strasbourg Cedex  
France**

**SUBJECT: Complaint No. 126/2016- University Women of Europe (UWE) vs Croatia**

Dear Mr Kristensen,

In reply to your letter of 27 September 2016 Government of Republic of Croatia submits the following observations on the admissibility of the above complaint.

1. On 27 September 2016 the Deputy Executive Secretary of the European Committee of Social Rights notified Republic of Croatia that the University Women of Europe (UWE), on 24 August 2016, lodged a collective complaint against the Republic of Croatia in accordance with Article 5 of the Additional Protocol to the European Social Charter providing for a system of collective complaints. In accordance with Article 6 of the Additional Protocol, the latter requested Republic of Croatia to submit its written observations on the admissibility of the collective complaint by 4 November 2016. At the request of the Republic of Croatia the deadline for the submission of its observations on the admissibility was extended until 15 December 2016.

2. First of all, the Government of Republic of Croatia would like to express its concerns with regard to the procedural decisions made by Committee. In above mentioned letter there was not any information about appendices to the complaint or an English translation of the complaint. On 2 November 2016, only two days before expiration of the deadline, the Government received an internet link giving access to more than 70 appendices and the translation of the text of the complaint was received on 16 November 2016. Also Government has not been officially notified that UWE lodged a collective complaint against all Contracting Parties to the Additional Protocol, although this fact is of relevance to the assessment of its admissibility. Therefore, the Government of the Republic of Croatia calls on the Committee that, in further stages of proceedings, provide all the available documentation to all parties on time and establish reasonable deadlines for the submission of observations.

3. The Government of the Republic of Croatia considers that UWE's collective complaint is inadmissible for the following reasons:

**According to Article 3 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (" the Protocol"), INGO may submit complaints in accordance with the procedure only in respect of those matters regarding which they have been recognised as having particular competence.**

According to the Constitution of UWE the aim of their activity is to promote lifelong education for women and girls, to participate in the progressive development of European Civil Society and to encourage cooperation between European members of International Federation of University Women at various levels. From aim mentioned in the Constitution it is not evident that the UWE would specifically deal with labour legislation and the status of women in the labour market, and therefore the Government of the Republic of Croatia considers that this condition is not fully met.

**According to the Article 4 of the Protocol, the complaint shall relate to a provision of the Charter accepted by the Contracting Party and indicate in what respect the latter has not ensured the satisfactory application of its provision.**

In UWE's collective complaint it is not specified in what respect Croatia failed to ensure satisfactory implementation of the provisions of European Social Charter, or what provisions of Croatian legislation are in conflict with ESC. Regarding alleged violation of provisions of the revised ESC Government emphasize that Republic of Croatia has not ratified the revised Charter and thus is not bound by its provisions.

4. Government of the Republic of Croatia believes, due to the fact that complaint was lodged only against fifteen states that have ratified the Protocol, regardless of the actual situation in each country, and that it does not address only Government but society as a whole, the UWE's collective complaint is politically motivated. In the lack of proof of unsatisfactory implementation of the provision of ESC and existence of provisions that are in conflict with ESC, UWE bases its complaint on the fact that different social structures have not ensured achievement of desired goals.

**For all reasons mentioned above, the Government of Republic of Croatia believes that the collective complaint does not meet the admissibility criteria laid down in the Additional Protocol and the Rules of Procedure, and therefore requests the European Committee of Social Rights to declare the complaint inadmissible.**

Sincerely yours,



**Tomislav Ćorić, Ph.D.**  
**Minister of Labour and Pension System**