



EUROPEAN COMMITTEE OF SOCIAL RIGHTS COMITÉ EUROPÉEN DES DROITS SOCIAUX

16 December 2016

Case Document No. 2

University Women of Europe (UWE) v. Cyprus Complaint No 127/2016

OBSERVATIONS BY THE GOVERNMENT ON ADMISSIBILITY

Registered at the Secretariat on 13 December 2016



REPUBLIC OF CYPRUS

MINISTRY OF LABOUR AND SOCIAL INSURANCE

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13 December 2016

European Committee of Social Rights Att. Mr Henrik Kristensen Deputy Executive Secretary

Dear Mr Kristensen,

Re: University Women of Europe (UWE) v. Cyprus Complaint No. 127/2016

With regards to your letter of 27 September 2016, I would like to submit the following observations concerning the admissibility of the above complaint before the European Committee of Social Rights, on behalf of the Government of Cyprus.

While the Government accepts that the complaint appears to fulfil the requirements of Articles 1 to 4 of the 1995 Additional Protocol to the European Social Charter ('the Protocol'), we note that Paragraph 2 of the explanatory report to the Protocol specifically mentions that "[t]he system of collective complaints is to be seen as a complement to the examination of governmental reports, which naturally constitutes the basic mechanism for the supervision of the application of the Charter". The implication here is that the reporting procedure takes precedence over the complaints procedure, the latter being complementary and in no way an alternative to the former.

The nature and scope of the present complaint, however, would seem to suggest an alternative, and not a complementary procedure. Having been lodged against those fifteen states parties to the European Social Charter which have ratified the Protocol suggests, in our view, that had any other states ratified the Protocol, the complaint would presumably have been lodged against them too. It therefore becomes clear that the conditions referred to in the complaint are not exclusive to states having ratified the Protocol.

We further believe that the collective element, inherent to the complaints procedure under the European Social Charter, is taken to its extremes, seeking to defend the interests of a group that represents a considerably large percentage of the labour force in the states concerned. This strongly supports the inference that the complaint seeks to render the procedure as an alternative to the reporting procedure.

We are additionally obligated to point out the lack of a targeted approach in this complaint, which seems to put under scrutiny employers, parents, husbands and even some of the Council of Europe monitoring bodies contending that national circumstances in general coupled by an insufficient international framework, fail to provide the result desired. The quasi-judicial procedure laid down in the Protocol, can in effect only put Governments under examination and Governments can solely defend issues that are a direct result of their own actions.

Lastly, the complainant draws extensively on international studies and reports of a general nature (as listed in the Annex), not specifically drafted on the situation of Cyprus and therefore lacking precise information and concrete arguments-also lacking from the complaint itself.

For all the above mentioned reasons the Government of Cyprus respectfully requests the Committee to declare the present complaint inadmissible.

Yours sincerely

Natalia Andreou

Agent for the Government of Cyprus before the European Committee of Social Rights