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

11 April 2017

**Case Document No. 3**

**University Women of Europe (UWE) v. Slovenia**  
Complaint No 137/2016

**RESPONSE FROM UWE TO THE GOVERNMENT'S  
OBSERVATIONS ON ADMISSIBILITY**

**Registered at the Secretariat on 20 March 2017**

Collective complaint  
No. 137 /2016

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European Committee of Social Rights  
Secretariat of the European Social Charter

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**REPLY TO THE OBSERVATIONS ON ADMISSIBILITY**

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Claimant: University Women of Europe, UWE /

Groupe Européen des Femmes Diplômées des Universités, GEFDU

Represented by Ms Anne Nègre, member of the Versailles Bar  
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Respondent: Slovenia

## TO THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

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By letter dated 25 October 2016, the High Contracting Party, Slovenia, represented by Mr Andraž Bobovnik, Head of the Slovenian Delegation, acting as Agent of the Government, stated its opinion that the collective complaint submitted by the UWE should be declared inadmissible by the European Committee of Social Rights.

By letter dated 31 January 2017, Mr Kristensen, Deputy Executive Secretary of the European Committee of Social Rights invited the UWE to present its reply to the states' observations by 28 February 2017. The same day, the UWE asked to benefit from the same treatment as that accorded to states, by being provided with a translation of their observations in order to avoid any misinterpretations. On 7 February 2017, the UWE was informed that the deadline would be adjusted to one month following the forwarding of the translation of the observations. The French translation was sent on 23 February 2017.

It will be clear to the European Committee of Social Rights, in the light of the explanations given in this reply, that the collective complaint lodged by the UWE should in contrast be found to be admissible.

### 1. On the UWE's standing

Article 3 of the Additional Protocol of 1995 provides that *“The international non-governmental organisations and the national non-governmental organisations referred to in Article 1.b and Article 2 respectively may submit complaints in accordance with the procedure prescribed by the aforesaid provisions only in respect of those matters regarding which they have been recognised as having particular competence”*.

The established case law of the European Committee of Social Rights has consistently acknowledged the standing of INGOs, some of which specialise in human rights issues (Equal Rights Trust v. Bulgaria, Complaint No. 121/2016; Greek General Confederation of Labour v. Greece, Complaint No. 111/2014; FIDH v. Ireland, Complaint No. 110/2014; Médecins du Monde International v. France, Complaint No. 67/2011; Quaker Council for European Affairs v. Greece, Complaint No. 8/2000; Defence for Children International v. The Netherlands, Complaint No. 47/2008).

In point of fact, this article relates solely to the competence of an INGO. It has already been demonstrated in the complaint against Slovenia that the UWE is eminently qualified to submit a collective complaint in respect of violations of the Social Charter relating to the failure to comply with its provisions on equal pay for equal work between women and men.

Is Slovenia claiming that the UWE does not have standing? Surely, the UWE is eminently qualified to be concerned about equal pay between women and men for equal work. If this organisation is not qualified, then no women's organisation is.

Paragraph 2 of Article 2 of the UWE Constitution states the following:

*“To promote action consistent with the purpose of IFUW by encouraging co-operation between its European members at various levels and to enable them to collaborate with European International Organisations as well as to promote in Europe the programme of IFUW”*.

*“To participate in the progressive development of European Civil Society, by working to achieve the programmes of the Council of Europe and the European Women’s Lobby and other European governmental and non-governmental organisations as is deemed appropriate by the aims and programmes of UWE”.*

Article 2 of the UWE Constitution also makes it clear that *“UWE/GEFDU is a regional group of IFUW, has participative NGO status with the Council of Europe and is a member of the European Women’s Lobby”.*

In the light of these explanations, the UWE is eminently qualified. Following on from this Article 2 of the UWE Constitution, the social purpose of the IFUW, now the GWI further enhances the UWE’s competence, as indicated in the collective complaint, with a reference to the address of the headquarters and website of this INGO. But they are two different legal persons (Docs. 73, 74).

Article 1 of the GWI Constitution defines its social purpose as follows :

- education for women and girls;
- promote international co-operation, friendship, peace and respect for human rights for all, irrespective of their age, race, nationality, religion, political opinion, gender and sexual orientation or other status;
- advocate for the advancement of the status of women and girls; and
- encourage and enable women and girls to apply their knowledge and skills in leadership and decision-making in all forms of public and private life.

Subsequently amended, with effect from 26 August 2016, in very similar terms:

- promote lifelong education to the highest levels for women and girls;
- encourage and enable women and girls to apply their knowledge and skills in leadership and decision-making in all forms of public and private life;
- advocate for the advancement of the status of women and girls; and promote international co-operation, friendship, peace and respect for human rights for all, irrespective of their age, ethnicity, nationality, religion, political opinion, gender and sexual orientation or other status.

Reference should also be made to Article 3, paragraph 1: *“Academic requirements: “The requirements for individual membership in a national federation or association and for independent members shall be study at a recognised institution of higher education followed by the award of a degree, diploma or equivalent qualification”.*

The ECSR will note that the UWE’s direct social purpose gives evidence of UWE’s standing in this field which is further strengthened, if this were necessary, by its indirect social purpose.

The natural persons, members of these associations are women graduates who believe that the emancipation of women will also come about through education and training, to enable them to be in better position to take part in these various struggles, such as equal pay for women and men for the same work.

Since 1919, women from all backgrounds working in a wide range of fields in the private and public sectors have come together to obtain their fundamental rights, which include equal pay. Very often they are lawyers, law lecturers, faculty deans, CEOs, engineers, doctors,

architects, accountants, trade unionists, women in leadership posts, elected representatives, etc. or quite simply employees in the private and public sector. More than 9,000 women in Europe in this movement are unanimous in their outrage at not having equal pay for doing the same work as their male colleagues.

Gender equality is a major focus of the Council of Europe's strategy in 2017 with equal pay a key concern, as it is for the European Women's Lobby. This is one of the major issues being fought for in Europe, as amply demonstrated by the various demonstrations and strikes by women on 8 March 2017 throughout Europe. The UWE, through this collective complaint against Slovenia, is therefore acting entirely consistently with its Constitution, using its capacities and aptitudes to bring this complaint before the European Committee of Social Rights.

Furthermore, the UWE is, and always has been, a member of the board of administration of the European Women's Lobby, and is represented on its Bureau, as the Treasurer is a UWE member. In addition, national NGOs which are UWE members belong to the national co-ordinations of the European Women's Lobby.

The excellence of the teams of representatives in various places is well-known and acknowledged; the contributions from national associations, alone or acting in co-operation, have led to clear progress in the fundamental rights of women, and equal pay is one of the key areas of action in various European countries.

The work carried out without interruption since 1983 with the Council of Europe has enabled the UWE to be given continual accreditation and then authorisation to lodge collective complaints of violations of the European Social Charter. Evidence of this has been amply submitted.

Furthermore, on 29 January 2015 the Conference of INGOs, one of the pillars of the Council of Europe quadrilogue, alongside the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities elected a UWE member as gender equality expert for a three-year term of office.

As such, this gender equality expert takes part in numerous Council of Europe equality-related activities in the various committees, including the Equality Committee, and also in working groups drafting practical tools for states, and recommendations or resolutions for the Committee of Ministers. This is a further demonstration of the UWE's expertise.

It would be paradoxical for the UWE to be regarded as an INGO that is particularly qualified to take part in the Council of Europe's work on equality issues, including the question of equal pay for equal work, and then for the European Committee of Social Rights to declare its complaint inadmissible through lack of standing.

It should also be noted that other states against which this collective complaint has been lodged in relation to this same violation do not in any way challenge the standing of the UWE.

In the light of the foregoing, the Committee will find that the UWE is perfectly qualified and is accordingly competent to submit this collective complaint.

## **2. On the relevance and detail of the arguments put forward in the collective complaint**

Pursuant to Article 4 of the Protocol *“The complaint shall be lodged in writing, relate to a provision of the Charter accepted by the Contracting Party concerned and indicate in what respect the latter has not ensured the satisfactory application of this provision”*.

All the documents submitted prove that there is unequal pay for equal work between men and women. One only has to itemise them to see that the Social Charter has been violated, since there is an actual, proven and inescapable situation which is publicly acknowledged throughout the reports submitted by the state itself. Are the state’s own words not to be considered reliable when it acknowledges this inequality before institutions such as the International Labour Organisation (ILO) and the Committee on the Elimination of Discrimination against Women (CEDAW) or when it itself explains the weaknesses in its policies?

The European Committee of Social Rights should take due note of this.

The Collective complaint against Slovenia refers specifically not only to the texts in force but also to the ILO’s appraisal of those texts in 2014:

*“Legislative developments. The Committee notes the adoption on 5 March 2013 of the Employment Relationship Act no. 21/13 replacing the Employment Relationships Act no. 103/07. It notes that the provisions regarding equal remuneration for work of equal value under section 133(1) and (2) remain the same. The Committee asks the Government to provide information on the practical application of section 133(1) and (2) of the Employment Relationship Act no. 21/13, including any administrative or judicial decisions relating to the principle of the Convention.*

*Articles 1 and 2 of the Convention. Gender pay gap and its underlying causes. The Committee notes from the National Statistical Office that the gender pay gap on the basis of the average monthly gross earnings was 5.4 per cent in 2013 (up from 3 per cent in 2009). The gap was the highest in human health and social work activities 25.1 per cent (down from 30 per cent), and financial and insurances activities 24.8 per cent (down from 29.4 per cent). The statistics further indicate horizontal occupational gender segregation, particularly in human health and social work activities (80.8 per cent of workers are women), and education (78.9 per cent of workers are women), while in the mining and quarrying industry, 91.5 per cent of workers are men, and in the construction industry 88.3 per cent of workers are men. The Committee welcomes the publication in 2013 of a study and a manual by the Association of Free Trade Unions of Slovenia (AFTUS) and the Women Lobby of Slovenia entitled ‘Equal Pay for Equal Work and the Gender Pay Gap’ and ‘Equal Pay for Equal Work or Work of Equal Value – Implementation Guide. The study finds that pay differentials between men and women exist, including at the level of the basic salary, and that while small at the national level, they rise when examined at the level of the economic sector, the occupational category or the job. According to the study, the gender pay gap is caused by direct and indirect discrimination and by social and economic factors, including vertical and horizontal occupational gender segregation, undervaluation of women’s work, inequalities with respect to reconciliation of work and family responsibilities, traditions and stereotypes. The Committee notes the recommendations of the study and the implementation guide for addressing the obstacles to equal pay which focus on company collective agreements and general acts of the employer providing for a gender-neutral job evaluation, including the principle of non-discrimination,*

*setting clear rewards criteria that facilitate gender neutrality, and accurate criteria for advancement across salary groups. The Committee further notes from the Government's report the range of measures adopted to increase the representation of women in decision-making positions and to provide equal access to education and training, including the development of indicators for monitoring equal gender opportunities in education in order to assess areas where boys and girls are underrepresented.*

*The Committee asks the Government to continue to take concrete measures to address the gender pay gap in those sectors and occupational categories which are characterized by a wider gap than average, and to improve women's access to higher skilled and higher paying jobs, including through the diversification of fields of study and vocational training for boys and girls, and to provide information in this respect. The Committee also asks the Government to provide information on any measures taken or envisaged to follow-up on the findings and recommendations of the above study and guide. Please continue to provide statistics on the evolution of the gender pay gap."*

*Article 2(2)(b). Minimum wages. The Committee notes the Government's indication that data collection on recipients of the minimum wage is not gender specific. The Committee notes that the Minimum Wage Act No. 13/10 came into force in February 2010 and applies to both the public and private sector. The Government indicates that the minimum wage is determined by the Minister for Labour after consultation with social partners in the Economic and Social Council of Slovenia, on the basis of increases in consumer prices, wage trends, economic conditions or economic growth and employment trends. **The Committee asks the Government to provide information on the steps taken to ensure the enforcement of the minimum wage, and the impact of such measures on the gender pay gap.***

*Application of the principle in the public sector. The Committee notes that the Government once again refers to the Salary System in the Public Sector Act which implements the principle of equal pay for work at comparable posts, titles and functions to prevent in practice the existence of a gender wage gap in this sector. The Committee notes the observations of the Confederation of Trade Unions of Slovenia (PERGAM), submitted by the Government with its report, that despite this principle, there is a practice of different pay for work in comparable positions, however not due to discrimination based on gender. The Government indicates that the issue of unequal pay for men and women for work of equal value has not been highlighted because the data shows that in Slovenia the share of women in the highest ranking management positions in public administration is among the highest in the countries of the Organization for Economic Cooperation and Development (OECD). **Recalling that inequalities may arise from the criteria and the methodology used to classify jobs, particularly the undervaluation of jobs in which women are concentrated, and from unequal access to allowances and benefits, the Committee asks the Government to ensure that objective job evaluation methods and the criteria used are free from gender bias in the public sector wage system and that access to additional benefits is equal for men and women. Please provide statistics on the representation of men and women in the public sector by category or occupation, including in management positions, and their corresponding earnings.***

*Collective agreements. The Committee recalls that the 2007 Social Agreement does not fully reflect the principle of the Convention and notes the Government's indication that a new social agreement is expected to be adopted in late 2014 or early 2015. It further notes that a review of the sectoral agreements shows only two (electrical industry and metal industry)*

*which expressly lay down the principle of equal opportunities. The Committee notes the observations of AFTUS included in the Government's report that the majority of collective agreements do not give special attention to monitoring and verifying whether the established salary system is gender neutral. According to the AFTUS, a precondition for a gender neutral system is the reliable monitoring of data on pay, disaggregated by sex, and detecting the actual causes for differences in pay, however, available statistical data does not allow for that. The AFTUS further indicates that some collective agreements stipulate the right of the union to access data on salaries, the right to information on pay, and the obligation of employers to report annually on the salary system. According to the organization, these provisions would allow mutual monitoring and analysis of wage differences on the basis of gender. **The Committee hopes that the future social agreement will fully reflect the principle of equal remuneration for men and women for work of equal value, and asks the Government to continue to provide information on any activities of workers' and employers' organizations to promote the application of the Convention, in particular in the context of collective agreements and with respect to salary and salary system reporting by employers.***

*Enforcement. The Committee notes the Government's indication that no violations of section 133 of the Act were detected during the reporting period. The Committee further notes that since May 2010, the Advocate of the Principle of Equality has received a small number of complaints related to issues of equal pay for work of equal value, however no statistical data was kept. **The Committee asks the Government to provide information on any measures taken to strengthen the capacity of the labour inspectorate to effectively address inequalities in remuneration and to ensure compliance with the principle of equal remuneration for men and women for work of equal value. Please continue to provide information on the number and nature of violations detected by or reported to the labour inspectorate, and the outcome of complaints of non-compliance with the principle of equal remuneration for work of equal value addressed by the Advocate of the Principle of Equality.***

The collective complaint also highlights the lack of effectiveness of the applicable texts in this country (page 17) and the relevant texts are specifically referred to.

The complaint also refers to the implementing conditions which fail to result in satisfactory monitoring of pay equality.

There continues to be a pay gap in this country, which means that the Charter is not being applied as it should. However, these are observations on the merits.

The complaint also notes that the resources allocated to monitoring equality are such that monitoring is unsatisfactory.

Nor is the Charter being applied in respect of women in decision-making positions because all the conditions must be put in place to ensure equal pay between women and men without any discrimination. The fact that there are so few women in decision-making positions is evidence of discriminatory treatment against women, which is clearly in violation of the Social Charter. Other countries have established binding legal frameworks demonstrating that greater equality is possible. Accordingly, the state is responsible for its refusal to do the same.



This is corroborated by the CEDAW report referred to in the complaint, which includes all the references cited in the report (see doc. 43)

[http://www.un.org/french/documents/view\\_doc.asp?symbol=CEDAW/C/SVN/5-6&TYPE=&referer=http://www.ohchr.org/ch/NewsEvents/Pages/DisplayNews.aspx?NewsID=16629&Lang=E](http://www.un.org/french/documents/view_doc.asp?symbol=CEDAW/C/SVN/5-6&TYPE=&referer=http://www.ohchr.org/ch/NewsEvents/Pages/DisplayNews.aspx?NewsID=16629&Lang=E).

This report was drafted on the basis of information submitted by the country itself, which it can hardly challenge, since *“The report was adopted by the Government of the Republic of Slovenia on 9 January 2014 9 January 2014 and submitted for consideration to the Parliamentary Assembly.”* (page 3 of the report).

Page 6: *“Labour market structure “There is strong horizontal and vertical gender segregation on Slovenia’s labour market. Women prevail among persons employed in services, in particular in health and social work and education. The construction and mining sectors employ the fewest women. The share of women in the highest ranking and best-paid groups of occupation (senior officials, managers and legislators) is lower than in men, even though on average women attain higher levels of education and qualifications than men”*

*“Income policy: Data for 2011 show that in terms of average earnings, women lag behind men by 4 percentage points. The biggest difference between the average salary of women and men – almost 19 percentage points – is noted among higher vocational and university graduates”*

Page 9: *“In 2012, the Advocate of the Principle of Equality received eight applications alleging discrimination against women. Six cases referred to unequal treatment in the labour market, while two cases referred to media contents. No opinion has been issued.”*

Throughout this report, it can be seen that Slovenia is taking steps with regard to the situation, demonstrating that equality has yet to be achieved:

For example, page 35: *“Article 11 Employment, Women in the labour market 96. Several new acts that regulate the area of employment have been adopted since the submission of the Fourth Periodic Report: the new Employment Relationships Act (adopted in 2013), the Health and Safety at Work Act (adopted in 2011), the Pension and Disability Insurance Act (adopted in 2012) and the Labour Market Regulation Act (adopted in 2010), which substituted the Employment and Insurance Against Unemployment Act. With the exception of the Pension and Disability Insurance Act, which introduced the gradual equalisation of retirement conditions for women and men, these Acts introduced no substantial changes regarding the status of women.*

*97. The new Employment Relationships Act, which entered into force on 4 April 2013, brought about no substantial changes related to gender equality to the provisions of the 2002 Employment Relationships Act and the 2007 Act Amending the Employment Relationships Act. Article 6 thereof provides that employers must ensure that equal treatment is afforded to job seekers in gaining employment or workers during their employment relationship and in connection with the termination of employment contracts – irrespective of their ethnicity, race or ethnic origin, national or social background, sex, skin colour, state of health, disability, faith or conviction, age, sexual orientation, family status, union membership, financial standing or other personal circumstance in accordance with this Act, the regulations*

*governing the fulfilment of the principle of equal treatment and the regulations governing equal opportunities for women and men. Employers must ensure equal treatment in respect of the aforementioned personal characteristics, especially regarding access to employment, promotion, training, education, retraining, pay and other remuneration from employment, absences from work, working conditions, working hours and the cancellation of employment contracts. Direct and indirect discrimination based on any personal characteristic are prohibited. Any instructions for discrimination against a person on the basis of any personal characteristic are deemed direct or indirect discrimination. Less favourable treatment of workers in connection with pregnancy or parental leave is also deemed discriminatory. Different treatment based on any personal characteristic is allowed and does not constitute discrimination if, owing to the nature of the work or circumstances in which the work is performed, the personal circumstance concerned represents a major and relevant condition for work, provided that the requirement is proportionate and justified by the legitimate objective. In a dispute in which grounds for the suspicion that the prohibition of discrimination has been violated are given, the employer must demonstrate that the principle of equal treatment and the prohibition of discrimination have not been violated. Person subjected to discrimination and persons who help victims of discrimination may not be exposed to unfavourable consequences as a result of actions aimed at fulfilling the prohibition of discrimination.”*

The policy adopted by the bodies responsible for labour inspections, as noted in the collective complaint raises some doubt as to its effectiveness:

*Page 36, “103. Labour inspectors seldom find violations related to the prohibition of sex- and gender-based discrimination. Nevertheless, it may not be claimed that these violations are seldom. They are difficult to prove within an inspection procedure, and a worker subjected to such violations usually does not want to reveal his or her identity. In 2010, five violations of discrimination of a job seeker in giving employment were established (four violations in 2011); in one case it was found that an employer employed only men for certain types of work and only women for other types of work. In 2010, inspectors also found two violations of the prohibition on discrimination of a worker during the employment relationship; in 2011, three such violations were established. Inspectors detected one violation concerning advertisement of job vacancies in contravention of Article 25 of the Employment Relationships Act (equal treatment with respect to sex) in 2010 and one in 2011. Two violations in connection with the termination of employment contracts, i.e. cases of discrimination, were also found (in 2011, no such violations were established).”*

It is also interesting to read on page 37 the reference to the efforts made, showing the reality of the situation in relation to the equality objectives to be attained:

*“107. In November 2010, the Office for Equal Opportunities organised a conference ‘Diversity between legislation and practice. The role of management in formulating policies free of discrimination’ in co-operation with the Manager’s Association – Women Managers Section, the Faculty of Social Sciences and the Slovenian Association for Human Resource Management and Industrial Relations. The aims of the conference were to present the results of a study on the prevalence of various forms of discrimination in the workplace, employers legal obligations, the role of the management, the rights of employees related to protection against discrimination and also to acquaint the participants with the Labour Inspectorate, the Advocate of the Principle of Equality and the Labour Court’s practice regarding inspections and actions taken. The conference was attended by executive and managerial staff, people*

*working in the personnel services, employees who deal with the issue of discrimination in employment in their work, trade unions, women and men from academic circles and other interested public.”*

*113. The share of women in the highest-ranking and best-paid groups of occupation (senior officials, managers and legislators) is lower than in men, even though women attain a higher level of education and qualifications on average than men. In 2012, the share of women in these positions was 39.6 per cent. As regards the occupation, in 2012 the share of women exceeded that of men in specialists (61.5 per cent), officials (56.2 per cent), services and sales staff (61.9 per cent), in technical and administrative services (51.6 per cent) and in unskilled workers (56.9 per cent); the lowest share of women was recorded in craft and related trades workers (9.6 per cent).”.*

And on page 39, the ECSR will note that according to Slovenia itself:

*“116. The 2011 data show that the average gross salary of women was 4.6 percentage points below the average gross salary of men. The gap was widest among the tertiary educated, where women earned in average 81.32 per cent of men’s salary. On average, women earned less than men in both the public and private sectors. Likewise, on average, women earned less than men in all occupational groups, except for officials where, in 2011, women earned EUR 12 more per month on average than men. The data by age groups show that, on average, women earned less than men in all age groups, except in the 55 to 64 age group.”*

This claim can give rise to no inadmissibility as the complaint provides ample reasoning, in terms of both law and practice.

### **3. On Slovenia’s contention that the complaint is a “political manifesto”**

Slovenia challenges the contention that unequal pay between women and men for equal work is rooted in the culture and derives from history and the slow pace of policies pursued in recent years as a result of serious obstacles preventing equal pay from being implemented.

A decision on admissibility was recently delivered by the ECSR in a case having a relatively general scope challenged by Greece (Greek General Confederation of Labour v. Greece Complaint No. 111/2014).

Since Plato in “The Statesman”, a distinction has been drawn, which has been further developed over the centuries, between party politics, the preserve of political parties, a necessarily partisan ideology to be implemented, and politics in the much broader sense, as promoted by civil society, independent of any ideology or political party.

The UWE is independent of all political parties. It is therefore odd that the representative of a government whose members have been brought to power by means of elections based on an ideology, should make such an allegation against the UWE.

Legal remedies are available to different applicants through legal instruments. The European Social Charter is one of these instruments as it is viewed by some as the social constitution of Europe, making it possible, in a totally unique way, for a collective complaint to be submitted, in the first instance, to a committee comprising judges of the highest level,

independent of the states which have appointed them. It is to the credit of the Council of Europe and its member states that such a quasi-judicial body has been established.

While the aim is to spotlight the situation in many countries of Europe, the failings at national level are clearly set out for each country in each complaint. Drafting the complaint was a long and arduous endeavour, as it was wished to facilitate the task of the rapporteurs. However, apart from the statement of facts and the highlighting of this manifest, persistent and abnormal situation of inequality in the various countries, each complaint is entirely tailored to each country. One needs only to read them to see the specific issues raised which are different for each country.

This inequality is to be found in Slovenia, and in other countries, as has been proved by the UWE. And this situation has, as its corollary, the violation of the revised European Social Charter.

Why sign and ratify texts if they are not applied in practice?

There is, accordingly, no political motivation in the sense of partisan ideology on the part of the UWE, and the UWE's action must therefore be declared admissible.

Moreover, no text prevents one from highlighting the same violation in the States Parties.

#### **4. Concerning the number of collective complaints and consultation among states**

The European Committee of Social Rights will notice similarities in the observations of certain states. Indeed this consultation is confirmed by the observations of the Netherlands in which it is stated (page 1, paragraph 6): *“Having become aware of the submission of fifteen similar complaints, it was agreed between the Government Agents that each of the respondent states will formulate its own observations on admissibility.”*

Is this decision to engage in consultations among the states concerned any more normal than a joint action, under the auspices of an accredited INGO – the UWE – by national women's movements not authorised to act directly? Is it not intended to paralyse the attempt to highlight violations by the states that are signatories to the Charter of the undertakings they have entered into?

Is it not the case that the question of equal pay between women and men is such a burning issue that it should of necessity be examined on the merits by the European Committee of Social Rights?

It will also be noted that there are other states against which the collective complaint has been lodged, alleging, using the same presentation of national data, unequal pay, discrimination and inadequate effectiveness in practice of enacted legislation but which have not found any grounds for inadmissibility and have therefore not written any observations as to the admissibility of the UWE's action.

The UWE's complaint should therefore be declared admissible.

**ON THESE GROUNDS**

AND SUBJECT TO ANY THAT MIGHT BE RAISED IN ADDITIONAL MEMORIALS  
OR MENTIONED AT A HEARING

The European Committee of Social Rights is asked to confirm the competence of the University Women of Europe, UWE / Groupe Européen des Femmes diplômées des Universités, GEFDU to lodge a collective complaint against Slovenia,

and to examine this collective complaint on the merits.

Without prejudice  
19 March 2017

A handwritten signature in black ink, appearing to read "Anne Megret". The signature is written in a cursive style and is positioned above a faint horizontal line.

## **ADDITIONAL DOCUMENTATION**

- 73. May 2016, Constitution and Rules of Procedure of GWI
- 74. 26 August 2016, Constitution and Rules of Procedure of GWI