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

22 July 2013

**Case Document No. 3**

**Federation of Catholic Family Associations in Europe (FAFCE) v. Sweden**  
Complaint No. 99/2013

**RESPONSE TO THE GOVERNMENT'S SUBMISSION ON  
THE ADMISSIBILITY**

**Registered at the Secretariat on 12 July 2013**



**COLLECTIVE COMPLAINT**

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**

**Fédération des Associations Familiales Catholiques en Europe (FAFCE)**

**v. Sweden**

**Complaint no 99/2013**

**Reply to the Observations on the admissibility of the Application**

**12 July 2013**

## Introduction

1. By letter dated 3 June 2013 the Federation of Catholic Family Associations in Europe (FAFCE) was informed of the observations of the Agent of the Government of Sweden (Respondent) related to the Collective Complaint referred to above. The FAFCE objects to the claim that this complaint should be declared inadmissible as requested by the Respondent.

## On the admissibility

### 2. KLM and Pro Vita

Notwithstanding the locus standi of KLM and Pro Vita, the collective complaint so far as it is presented also by FAFCE, cannot be declared inadmissible in regard to the latter. This is in line with the jurisprudence of the European Committee of Social Rights (here and after “the Committee”) exposed in the case of *Syndicat SUD Travail Sociales v. France* (24/2004)<sup>1</sup>, in which the locus standi of just one of the complainants sufficed to declare the complaint admissible. See also the decision of the Committee on the admissibility of the case *INTERRIGHTS vs. Greece* (49/2008), in particular article 8 of the decision<sup>2</sup>.

### 3. Competence of the FAFFCE

The jurisprudence of the Committee construes the condition for international NGOs to have competence in the matters of concern very broadly. Thus the focus of FAFCE on family policy and rights of the family necessarily entails the issue of procreation and the protection of human life at all stages of development. In *Mental Disability Advocacy Center v. Bulgaria* (41/2007)<sup>3</sup>, the Committee noted that the INGO’s sphere of activity concerned “in a general way” the matter under review and thus declared the complaint admissible. In *International Federation of Human Rights Leagues v. Ireland* (42/2007)<sup>4</sup>, for a complaint to be declared admissible the complainant was merely considered “a general human rights organization whose remit spans widely.”

The FAFCE is an umbrella organisation and such it does not conduct concrete actions in the Member States of the Council of Europe but represents its member organisations which in their turn carry out actions at local, regional and national levels. One of the leading principles in this

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<sup>1</sup> <http://hudoc.esc.coe.int/esc2008/document.asp?item=0>

<sup>2</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC49Admiss\\_fr.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC49Admiss_fr.pdf)

<sup>3</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC41Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC41Admiss_en.pdf)

<sup>4</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC42Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC42Admiss_en.pdf)

representative work and the advocacy operated by the FAFCE is clearly stated as follows: *“Family as a community is the most important social entity where the gift of life is welcomed and accompanied until its natural end. Emphatically we insist on the inalienable dignity of every person, especially at the outset and the end of life. (...) Children are the most important resource for our future. (...) Parents and children live within an inter-generational community of reciprocal responsibility. It is vital within society that there are adequate social security systems in place to support people across these generations.”*

4. As a member of the Conference of INGO of the Council of Europe since 2001, the FAFCE has actively participated in the work of the Committee on Human Rights of the abovementioned conference ever since. The NGO data base of the official website of the Council of Europe presents the FAFCE with the following characteristics: *“Committees: Democracy, Social Cohesion and Global Challenges, Education and Culture, Human Rights. Areas of competence: Human Rights, Social Cohesion, International Co-operation, Education and Culture, Health, Media and Communication, Youth”*<sup>5</sup>.
5. On 23 January 2013 the FAFCE was accepted as a member of the Fundamental Rights Platform of the Fundamental Rights Agency of the European Union.

6. **Incompatibility *ratione materiae***

The well-established jurisprudence on admissibility makes it crystal clear that the arguments of the respondent Government relating to the substance of the complaint should not be considered at the stage of admissibility, but rather in reviewing the merits of the complaint – see e.g. *European Federation of Employees in Public Services v. Italy* (4/1999)<sup>6</sup>, *European Federation of Public Employees v. Portugal* (5/1999)<sup>7</sup>, *Syndicat National des Professions du Tourisme v. France* (6/1999)<sup>8</sup>. In *Quaker Council for European Affairs v. Greece* (8/2000)<sup>9</sup> the Committee concluded that the argument of the respondent Government that the complaint is not within the scope of the challenged article “pertains to the merits of the complaint”.

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<sup>5</sup> <http://ngo-coe.org/WebForms/NgoDetails.aspx?ID=7>

<sup>6</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC4CaseDocCompilation\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC4CaseDocCompilation_en.pdf)

<sup>7</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC5CaseDocCompilation\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC5CaseDocCompilation_en.pdf)

<sup>8</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC6CaseDocCompilation\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC6CaseDocCompilation_en.pdf)

<sup>9</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC8CaseDocCompilation\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC8CaseDocCompilation_en.pdf)

## **Conclusion**

7. Based on the above observations, the FAFCE invites the European Committee of Social Rights to consider the collective complaint No 99/2013 as admissible.