



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

12 May 2017

**Case Document No. 4**

**University Women of Europe (UWE) v. Czech Republic**  
Complaint No. 128/2016

**FURTHER RESPONSE OF THE GOVERNMENT TO UWE'S  
OBSERVATIONS ON ADMISSIBILITY**

**Registered at the Secretariat on 12 May 2017**



**Observation of the Government of the Czech Republic in reply to the University  
Women of Europe's (UWE) response on the admissibility of collective complaint  
No 128/2016**

The Government of the Czech Republic („the Government“) received the University Women of Europe's („the complainant INGO“) response on admissibility of the aforementioned complaint and was invited to submit further response by May 19, 2017.

I

In its previous observation, the Government presented the opinion that the complaint does not meet admissibility criteria resulting from Rules of Procedure for the System of Collective Complaints („Rules“) and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (the „Protocol“). The Government must state that the complainant INGO did not submit any decisive facts in its response that would disprove the position of the Government. The Government thus must reiterate that

the complaint can be submitted in writing by an international non-governmental organisation which

- have been put on a list established for this purpose by the Governmental Committee
- only in respect of those matters regarding which have been recognised as having particular competence
- shall be signed by a person(s) with competence to represent the complainant organisation
- shall relate to a provision of the Charter accepted by the Contracting Party concerned
- indicate in what respect the Contracting Party has not ensured the satisfactory application of the Charter.

II

The competence of UWE in the field of labour law, remuneration or labour policies was not proved in the complainant INGO's response either. First, regarding the extract from the GWI Constitution, it has to be stressed that GWI is a completely different legal entity from the INGO submitting the complaint. That fact was admitted by Ms Anne Nègre who indicated that *„[t]he GWI, the successor to IFUW, is absolutely not a complainant organisation.“* Its Constitution is thus completely irrelevant. Second, in respect of the extract from UWE Constitution concerning encouraging cooperation with other European and International Organisations, such as Council of Europe, IFUW and GEFDU, the Government are of the opinion that neither mere referring to Paragraph 2 of Article 2 of the UWE Constitution which, moreover, does not even mention the subject matter of this complaint, i.e. the issues of labour law, remuneration or labour policies, nor the question of UWE's membership in the European's Women's Lobby cannot be considered sufficient for recognising UWE as having particular competence for the purpose of the collective complaint in question.

### III

According to the Protocol, there must be indicated in the complaint in what respect the Contracting Party has not ensured the satisfactory application of the Charter. The complainant INGO merely refers to what is stated in the provision of Article 4 of the Charter, mentions ILO database, the Czech Constitution and other relevant Czech legislation, the Gender Equality Strategy, or CEDAW Committee's observations. However, the complainant INGO still fails to indicate in what aspect are the relevant legal provisions in violation with the Charter. If it is the State's practice that violates the Charter the complainant INGO equally falls short to specify in detail any particular examples. The Government reiterate that in this respect the complaint is vague and indefinite, the complaint cannot be considered as identifying unsatisfactory application of the Charter and thus fails to meet the requirement of Article 4 of the Protocol. It is also for this reason why the complaint should be declared inadmissible.

### IV

Concerning the request that complaint shall relate to a provision of the Charter accepted by the Contracting Party concerned, the Government reiterate that the Czech Republic has not accepted Article 4 § 1 of the Charter and has not ratified the revised Charter. It is thus not bound by the relevant provisions. In this connection the Government raise an objection of incompatibility *ratione materiae*.

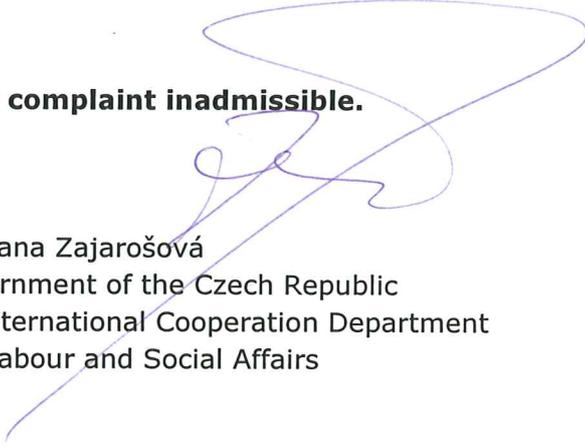
### V

In relation to the rest, the Government refer fully to their initial observations.

#### **Conclusion**

Considering that essential conditions of the complaint stipulated by the Protocol have not been met, the Government remains on the position that the complaint does not meet the admissibility criteria stipulated in Rules and Protocol and ask the European Committee of Social Rights

**to declare the complaint inadmissible.**

  
Zuzana Zajarošová  
Agent of the Government of the Czech Republic  
Director of the EU and International Cooperation Department  
Ministry of Labour and Social Affairs

Prague, 12 May 2017