EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX

19 May 2017

Case Document No. 4

University Women of Europe (UWE) v. Finland
Complaint No. 129/2016

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

Registered at the Secretariat on 19 May 2017

MINISTRY FOR FOREIGN AFFAIRS OF FINLAND

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19 May 2017

Mr Henrik Kristensen
Deputy Executive Secretary
European Committee of Social Rights

Complaint No. 129/2016
University Women of Europe (UWE) v. Finland

Sir,

With reference to your letters of 31 March and 21 April 2017 concerning the aforementioned complaint, I have the honour, on behalf of the Government of Finland, to submit the following further observations on the admissibility of the aforementioned complaint.

Firstly, the Government reiterates its observations of 15 December 2016 on the admissibility of the complaint.

In the Government's view, in the UWE's observations of 19 March 2017 there is no relevant new information with regard to the admissibility of the complaint.

Unsatisfactory application of the Charter

The Government recalls that the UWE appears to justify its competence by referring to the statute of Federation of University Women (IFUW), which has become Graduate Women University (GWI) in 2015. The Government observes that the UWE's observations of 19 March 2017 are now accompanied with the Constitution and Rules of Procedure of GWI.

The Government notes that the complaint against Finland has been invoked by the UWE, not the GWI.

The Government further notes that the GWI has not been listed as an international non-governmental organisation entitled to submit collective complaints by the Governmental Committee of the European Social Charter and the European Code of Social Security.

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The Government emphasizes in this connection that the GWI is a completely different legal entity than the UWE and hence any reference to its Constitution is irrelevant when considering the admissibility of a complaint invoked by the UWE.

The Government observes that on page 3 of its observations of 19 March 2017, the UWE again refers to paragraph 2 of Article 2 of the UWE Constitution which states, inter alia, 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".*

The UWE further states that "*It can, however, be added that as a result of this Article, the social purpose of the IFUW, which became the GWI, strengthens that of the UWE, as indicated in the complaint*".

In the Government's view, a mere reference to the UWE's Constitution which does not even mention the subject matter of the present complaint is not sufficient to prove any "particular competence" as such. Neither can any membership in another organization be considered to constitute "particular competence" as such.

The Government further recalls that on the basis of the complaint itself as well as the UWE's observations of 19 March 2017 and the multiple annexes, it still remains unclear in which way the UWE would have "particular competence" in the field of labour law and the status of women in the labour market. Accordingly, the complaint should be declared inadmissible for this reason alone.

The Government observes that in paragraph 4 of the UWE's observations of 19 March 2017 the UWE also refers to the Complaint No. 111/2014 against Greece and states that that complaint "also comprised a political dimension in the highest sense of the term".

The Government cannot but interpret that the UWE thus appears to admit to the Government's concern that the present complaint appears to be motivated by political intentions.

Finally, the Government finds it rather illlogical that the UWE has chosen to reason its views in a complaint against Finland by referring to the approach of other states as regards complaints invoked against them, namely the fact that Greece has chosen not challenge the admissibility in the aforementioned complaint against Greece or, as stated by the UWE on page 4 that "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".

Conclusion

In the Government's view, in the specific circumstances of the present complaint, it is of importance to decide upon the admissibility of the complaint separately.

The Government reiterates that the Government is firmly of the view, without taking any stance on the merits of the case, that for the reasons mentioned above and in the Government's previous observations of 15 December 2016, the UWE has failed to indicate in what respect Finland has not ensured the satisfactory application of the Charter's provisions, and that the UWE has thus failed to meet the admissibility criteria laid down in the Additional Protocol and accordingly, the complaint should be declared inadmissible.

Accept, Sir, the assurance of my highest consideration.

Krista Oinonen
Agent of the Government of Finland
before the European Committee of Social Rights
Director, Unit for Human Rights Courts and Conventions