

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



16 December 2016

Case Document No. 2

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

**OBSERVATIONS BY THE GOVERNMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 14 December 2016



REPUBLIC OF SLOVENIA

**Observations of the Republic of Slovenia,
based on Article 6 of the Additional Protocol to the European Social Charter Providing for a
System of Collective Complaints, on the admissibility of the collective complaint**

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

14 December 2016

1. The European Social Charter (revised) (hereinafter: RESC) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed RESC on 11 October 1997; the Act ratifying RESC was adopted by the National Assembly on 11 March 1999 (Official Gazette [Uradni List] of the Republic of Slovenia – MP No. 7/99) and ratified it on 7 May 1999; it has been in force since 1 July 1999. Together with the ratification of RESC, The Republic of Slovenia also accepted supervision over the obligations under RESC according to the procedure laid down in the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (hereinafter: Additional Protocol).

2. University Women of Europe - UWE (hereinafter: UWE) is an international non-governmental organisation established in Geneva, which is listed among the organisations having consultative status with the Council of Europe.

3. On 24 August 2016 UWE lodged a collective complaint against the Republic of Slovenia in accordance with Article 5 of the Additional Protocol. In accordance with Article 5 of the Additional Protocol the Secretary General notified the Republic of Slovenia thereof and forwarded the collective complaint to the European Committee of Social Rights (hereinafter: ECSR). In accordance with Article 6 of the Additional Protocol, the latter requested Slovenia to submit its written observations on the admissibility of the collective complaint by 4 November 2016. At the request of the Republic of Slovenia the deadline for the submission of its observations on the admissibility was extended until 15 December 2016.

4. The Government of the Republic of Slovenia expresses its concern over certain procedural decisions of the ECSR, as by 4 November 2016 it had neither received the complete documentation (enclosures to the collective complaint) nor an English translation of the complaint. Also, the Government of the Republic of Slovenia has not been officially notified that UWE lodged a collective complaint against all Contracting Parties to the Additional Protocol. The Government of the Republic of Slovenia therefore calls on the ECSR in the case of continuation of collective complaint procedures lodged by UWE to deliver all the available documentation to all parties on time and establish reasonable deadlines for the submission of observations.

5. UWE alleges that Slovenia violated Articles 1, 4, 4§3 and E RESC due to its failure to implement the principle of equal pay for female and male workers performing work of equal value. UWE alleges that all Contracting Parties to the Additional Protocol violated the mentioned RESC articles. It also lodged a collective complaint under the Additional Protocol against all of them.

6. The Government of the Republic of Slovenia rejects all allegations of the UWE and believes that UWE's collective complaint is inadmissible for the following reasons:

- Article 3 of the Additional Protocol 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.***"

It is not evident from the collective complaint that the UWE would specifically deal with labour legislation and the status of women in the labour market, and therefore the Government of the Republic of Slovenia considers that this condition is not fully met.

- Article 4 of the Additional Protocol provides that: "*The complaint shall ... 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.***"

It is not specified in UWE's collective complaint in what respect Slovenia failed to ensure satisfactory implementation of the mentioned provision of RESC, as there is no reference to the

Slovenian legislation and/or practice that would allegedly be in conflict with RESC, so that it can be rightfully concluded that such legislation in Slovenia does not exist. Furthermore, the applicant does not specify in what way Slovenia allegedly inadequately implements RESC. Moreover, when presenting statistics, the complainant notes that Slovenia stands out in terms of a very low gender pay gap.

The Government of the Republic of Slovenia believes that the UWE's collective complaint against Slovenia is a political manifesto that addresses several actors in Europe and does not relate directly to the situation in Slovenia because it contains a number of false, generalised and inaccurate allegations about the status of women in Slovenia. The Slovenian Government points out that the **gender pay gap in Slovenia is among the lowest in Europe, as well as on a global scale**. Therefore, the Government considers that the **UWE's complaint against Slovenia is vague and unfounded**.

7. The Government of the Republic of Slovenia believes that the European Committee of Social Rights – should it decide that the UWE's complaint is admissible – would start a bad practice of encouraging indiscriminate filing of collective complaints against all Contracting Parties to the Additional Protocol irrespective of the actual conditions in the countries. Thereby it would significantly jeopardize the fundamental objective of the collective complaints mechanism as well as its complementary role in the monitoring of RESC implementation. Such a bad practice would undoubtedly influence the decisions of other Contracting Parties to the European Social Charter on the ratification of the Additional Protocol.

For reasons mentioned above, the Government of the Republic of Slovenia believes that the collective complaint does not meet the admissibility criteria laid down in the Additional Protocol and the Rules of Procedure, and therefore requests the European Committee of Social Rights to declare the complaint inadmissible.



Andraž Bobovnik

HEAD OF THE DELEGATION ACTING AS AN AGENT
IN THE COLLECTIVE COMPLAINT PROCEDURE UWE v. SLOVENIA