

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

**DECISION ON ADMISSIBILITY
4 December 2025**

Union General de Trabajadoras y Trabajadores de Espana (UGT) v. Spain

Complaint No. 243/2024

The European Committee of Social Rights, a committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 352nd session, in the following composition:

Aoife NOLAN, President
Tatiana PUIU, Vice-President
George THEODOSIS, Vice-President
Kristine DUPATE, General Rapporteur
Yusuf BALCI
Mario VINKOVIĆ
Miriam KULLMANN
Carmen SALCEDO BELTRÁN
Franz MARHOLD
Alla FEDOROVA
Grega STRBAN
Olivier DE SCHUTTER
Kristina KOLDINSKÁ
Carmen-Constantina NENU

Assisted by Henrik KRISTENSEN, Executive Secretary,

Having regard to the complaint registered on 17 October 2024 as number 243/2024, lodged by the *Union General de Trabajadoras y Trabajadores de Espana* (UGT) against Spain and signed by its Secretary General, José María Álvarez Suárez, and Deputy Secretary General for Trade Union Policy, Fernando Luján de Frías, requesting the Committee to find that the situation in Spain is not in conformity with Article 31, as well as Articles 16, 17, 19, and 30, alone or in conjunction with Article E of the Revised European Social Charter (“the Charter”);

Having regard to the Charter, and in particular to Articles 31, 16, 17, 19, 30, and E, which read as follows:

Article 31 – the right to housing

Part I: Everyone has the right to housing.

Part II: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

Article 16 – The right of the family to social, legal and economic protection

Part I: “The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.”

Part II: “With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

Article 17 – The right of children and young persons to social, legal and economic protection

Part I: “Children and young persons have the right to appropriate social, legal and economic protection.”

Part II: “With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b) to protect children and young persons against negligence, violence or exploitation;
- c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family’s support;

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.”

Article 19 – The right of migrant workers and their families to protection and assistance

Part I: “Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.”

Part II: “With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

a) remuneration and other employment and working conditions;

b) membership of trade unions and enjoyment of the benefits of collective bargaining;

c) accommodation;

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;

8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;

10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;

11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.”

Article 30 – The right to protection against poverty and social exclusion

Part I: “Everyone has the right to protection against poverty and social exclusion.”

Part II: “With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

a) to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b) to review these measures with a view to their adaptation if necessary.”

Article E – Non-discrimination

“The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.”

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints (“the Protocol”);

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and last revised on 11 September 2024 at its 343rd session (“the Rules”);

Having deliberated on 4 December 2025;

Delivers the following decision, adopted on the above-mentioned date:

1. UGT alleges a violation of Article 31, as well as Articles 16, 17, 19, and 30, alone or in conjunction with Article E of the Charter, due to the fact that, as a result of the scarcity of social housing and high prices in the private market, affordable access to decent or adequate housing is not guaranteed for a significant portion of the Spanish population, and specifically for workers from vulnerable groups such as young people, low-wage workers and migrants.

2. In particular, UGT claims that the legal and policy framework concerning the right to housing is inadequate, since access to housing is formulated merely as a guiding principle of social and economic policy, rather than a genuine, justiciable right. According to UGT, the situation did not change in practice following the adoption of Law 12/2023 of 24 May on the Right to Housing, which is programmatic in nature and leaves the implementation of the goals set out therein to the discretion of the regional authorities, in accordance with the constitutional distribution of powers. UGT considers that the timeline of 20 years for reaching a minimum public housing stock for social policies, set out in the Law, is unreasonable and lacks measurable immediate objectives.

3. The Government did not submit any observations on the admissibility of the complaint.

THE LAW

As to the admissibility conditions set out in the Protocol and the Committee's Rules

4. The Committee observes that Spain accepted the collective complaints procedure by a declaration made at the time of ratification of the Revised Charter on 19 May 2021 and that this procedure entered into force in respect of Spain on 1 July 2021. In accordance with Article 4 of the Protocol, the complaint has been submitted in writing and concerns Articles 16, 17, 19, 30 and 31 of the Charter, provisions accepted by Spain when it ratified this treaty on 19 May 2021, as well as Article E. Spain is bound by these provisions since the entry into force of the treaty in its respect on 1 July 2021.

5. The Committee further notes that UGT is a trade union exercising its activities within the jurisdiction of Spain as required by Article 1 (c) of the Protocol.

6. The Committee has already considered that UGT is a representative trade union organisation for the purposes of the collective complaints procedure (*Unión General de Trabajadores (UGT) v. Spain*, Complaint No. 235/2023, decision on admissibility of 14 May 2024, §5). Since no significant change has taken place, the Committee maintains its position on this point. The Committee takes note of the fact that the organisation changed its name to *Union General de Trabajadoras y Trabajadores de Espana* in 2021.

7. The Committee notes that, as a representative trade union, UGT is entitled to lodge a complaint against Spain on any point, within the scope of Article 4 of the Protocol, on which it alleges unsatisfactory application of the Charter, in this case access to housing (*Associazione Professionale e Sindacale (ANIEF) v. Italy*, Complaint No. 200/2021, decision on admissibility of 24 March 2022, §7).

8. The Committee observes that UGT indicates for each provision invoked the manner in which it considers that Spain has not ensured the satisfactory application of the Charter. The Committee therefore considers that the complaint fulfils the requirements set out in Article 4 of the Protocol for the purposes of admissibility.

9. The Committee further notes that the complaint is signed by José María Álvarez Suárez, Secretary General of UGT, and by Fernando Luján de Frías, Deputy Secretary General for Trade Union Policy of UGT, who are entitled to represent the organisation under its Statutes. The Committee therefore considers that the complaint complies with Rule 23 of its Rules in this respect.

10. For these reasons, the Committee, on the basis of the report presented by Kristine DUPATE, and without prejudice to its decision on the merits of the complaint,

UNANIMOUSLY DECLARES THE COMPLAINT ADMISSIBLE

Pursuant to Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter, and to publish it on the Council of Europe's Internet site.

Invites the Government to make written submissions on the merits of the complaint by 16 February 2026.

Invites UGT to submit a response to the Government's submissions by a deadline which the Committee shall determine.

Invites the Parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter to notify by 16 February 2026 any observations they may wish to submit.

In application of Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the Charter to make observations by 16 February 2026.

Kristine DUPATE
Rapporteur

Aoife NOLAN
President

Henrik KRISTENSEN
Executive Secretary