



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

11 April 2017

**Case Document No. 3**

**University Women of Europe (UWE) v. Bulgaria**  
Complaint No 125/2016

**RESPONSE FROM UWE TO THE GOVERNMENT'S  
OBSERVATIONS ON ADMISSIBILITY**

**Registered at the Secretariat on 20 March 2017**

Collective complaint  
No. 125 /2016

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European Committee of Social Rights  
Secretariat of the European Social Charter

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**REPLY TO THE OBSERVATIONS ON ADMISSIBILITY**

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Claimant: University Women of Europe, UWE /

Groupe Européen des Femmes Diplômées des Universités, GEFDU

Represented by Ms Anne Nègre, member of the Versailles Bar  
10 avenue du Général Mangin, 78000 Versailles - France

Tel. +33 (1) 39 54 65 12 - +33 (6) 86 46 23 09 - anne.negre@orange.fr

Respondent: Republic of Bulgaria

## TO THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

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By letter dated 25 October 2016, the High Contracting Party, Bulgaria, represented by an unnamed government agent, stated its opinion that the collective complaint submitted by the UWE should be declared inadmissible by the European Committee of Social Rights.

By letter dated 31 January 2017, Mr Kristensen, Deputy Executive Secretary of the European Committee of Social Rights invited the UWE to present its reply to the states' observations by 28 February 2017. The same day, the UWE asked to benefit from the same treatment as that accorded to states, by being provided with a translation of their observations in order to avoid any misinterpretations. On 7 February 2017, the UWE was informed that the deadline would be adjusted to one month following the forwarding of the translation of the observations. The French translation was sent on 23 February 2017.

It will be clear to the European Committee of Social Rights, in the light of the explanations given in this reply, that the collective complaint lodged by the UWE should in contrast be found to be admissible.

### **1. Concerning paragraphs 1 to 7 of the observations of Bulgaria**

To Bulgaria's credit, it acknowledges:

- the UWE as an INGO authorised by the Council of Europe to submit collective complaints for violations of the European Social Charter (cf. paragraph 1);
- the UWE as an INGO competent in the fields covered by the provisions of the European Social Charter cited in the complaint (cf. paragraph 2);
- that Bulgaria has accepted the system of collective complaints (cf. paragraph 3);
- that the UWE indicates the extent to which it considers that the state has failed to apply the ESC or has applied it inadequately, giving reasons in that regard (cf. paragraph 4);
- that the complaint has been lodged in accordance with the rules laid down (cf. paragraphs 5, 6 and 7).

Bulgaria acknowledges that the UWE's complaint concerns provisions of the Revised ESC which the country has ratified, namely Articles 1, 4.3 and 20.

The Committee must take note that Bulgaria recognises the UWE's competence in the light of the conditions required by the Rules of the ECSR, to which clear reference has been made.

### **2. Concerning the criticism appearing in paragraph 7 of the observations**

Bulgaria criticises the fact that the UWE cites texts which the country has not signed or ratified, such as the 1998 Additional Protocol, and a violation of the whole of Article 4 of the Revised ESC, whereas Bulgaria *"has made a declaration accepting paragraphs 2-5 of the above article, exclusive of paragraph 1"*. Bulgaria maintains that *"the reference to provisions and acts which the party against which the action is lodged has not approved makes the action inadmissible"*.

This argument is legally erroneous and clearly the European Committee of Social Rights will consider admissible only the complaints of violations of the provisions accepted by this country.

Furthermore, specific reference is made to Article 4.3.

Accordingly, Bulgaria's observation cannot be accepted as justification to declare the UWE's complaint inadmissible. The European Committee of Social Rights must declare the UWE's complaint admissible.

### **3. Concerning the number of collective complaints and consultation among states**

The European Committee of Social Rights will notice similarities in the observations of certain states. Indeed this consultation is confirmed by the observations of the Netherlands in which it is stated (page 1, paragraph 6): *“Having become aware of the submission of fifteen similar complaints, it was agreed between the Government Agents that each of the respondent states will formulate its own observations on admissibility.”*

Is this decision to engage in consultations among the states concerned any more normal than a joint action, under the auspices of an accredited INGO – the UWE – by national women's movements not authorised to act directly? Is it not intended to paralyse the attempt to highlight violations by the states that are signatories to the Charter of the undertakings they have entered into?

Is it not the case that the question of equal pay between women and men is such a burning issue that it should of necessity be examined on the merits by the European Committee of Social Rights?

It will also be noted that there are other states against which the same collective complaint has been lodged, alleging, using the same presentation of national data, unequal pay, discrimination and inadequate effectiveness in practice of enacted legislation but which have not found any grounds for inadmissibility and have therefore not written any observations as to the admissibility of the UWE's action.

The UWE's complaint should therefore be declared admissible

### **ON THESE GROUNDS**

AND SUBJECT TO ANY THAT MIGHT BE RAISED IN ADDITIONAL MEMORIALS OR MENTIONED AT  
A HEARING,

The European Committee of Social Rights is asked to confirm the competence of the University Women of Europe, UWE / Groupe Européen des Femmes diplômées des Universités, GEFDU to lodge a collective complaint against Bulgaria,

and to examine this collective complaint on the merits.

Without prejudice

19 March 2017