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

16 May 2017

Case Document No. 4

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

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

Registered at the Secretariat on 16 May 2017

**TO
MR GIUSEPPE PALMISANO
PRESIDENT OF
THE EUROPEAN COMMITTEE
OF SOCIAL RIGHTS OF
THE COUNCIL OF EUROPE**

SUBJECT: Complaint No 125/2016 by the University Women of Europe (UWE)

**DEAR MR PRESIDENT,
DEAR MEMBERS OF THE EUROPEAN COMMITTEE OF
SOCIAL RIGHTS,**

The Republic of Bulgaria maintains the position expressed and sent to the ECSR in October 2016 on Collective Complaint No 125 of 24.08.2016 filed by the international non-governmental organization University Women of Europe (UWE) to the ECSR v. Bulgaria as regards the criteria for admissibility of the complaint.

In view of the organisation's comments on the Bulgarian response to its complaint, we would like to kindly draw the ECSR's attention to the following information:

Please note that the complaint is **rather perfunctory** in its nature. This conclusion could be drawn from the fact that the complainant has lodged 15 complaints of similar content against all Member States that have ratified the Additional Protocol to the European Social Charter providing for a system of collective complaints. The complainant **has not tailored entirely** the text to the particular state, leaving a reference to acts and provisions (in the petitory action of the complaint) which have not been ratified by Bulgaria. Bulgaria has never been a party to the 1988 Additional Protocol and it should be noted that the Protocol is a separate international treaty. The State is bound by the treaty only when it has signed and ratified it. It is unacceptable for a State to be accused of breaches of obligations under an international treaty which it has not ratified, irrespective of the fact that its content resembles or overlaps with another international act adopted by the State in question. The complainant itself stated in its complaint that the Protocol was **binding on the States which had ratified it**: "Article 1 of the Additional Protocol of 1988, on the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex is binding on states which have ratified it." Bulgaria has not adopted Article 4 of the ESC (rev.) in its entirety either, while the petitory action of the complaint, third bullet, quotes the entire Article 4 of the ESC (rev.).

In view of the above-mentioned considerations, Bulgaria considers that the complaint in its part based on the 1988 Additional Protocol and Article 4 of the ESC (rev.) is inadmissible.

In this regard, when handling the complaint on its merits, the discussion should leave out the alleged breaches and inconsistencies with the Bulgarian legislation and practice on the grounds of the above-mentioned provisions which are non-binding for Bulgaria.

In addition, it should be noted that, at this stage, there is no legal basis for the complainant's request that Bulgaria should pay to their lawyer the amount for the time spent as indicated in the complaint and the costs incurred by the lawyer in the proceedings on behalf of the UWE. The ESC (rev.) and the 1995 Protocol do not contain provisions for reimbursement of lawyers' fees.