



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

19 May 2017

Case Document No. 4

University Women of Europe (UWE) v. Greece
Complaint No. 131/2016

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

Registered at the Secretariat on 19 May 2017



HELLENIC REPUBLIC

MINISTRY OF LABOUR,
SOCIAL SECURITY &
SOCIAL SOLIDARITY

GENERAL DIRECTORATE OF
ADMINISTRATIVE SUPPORT &
E-GOVERNANCE

DIRECTORATE OF
INTERNATIONAL RELATIONS
DEPARTMENT OF RELATIONS WITH
INTERNATIONAL ORGANIZATIONS

Address: 29, Stadiou St
Telephone: 0030 213 1516 383
FAX: 0030 210 5295422
Information: Paraskevi Kakara
E-mail: interorg@ypakp.gr
pkakara@ypakp.gr

Athens, 19/05/2017

Ref.No: 22863/408

TO:

**The Council of Europe
Directorate General of Human Rights
& Rule of Law
Department of the European Social
Charter**

**To the attention of Mr. Henrik Kristensen
Deputy Head of Department
Deputy Executive Secretary of the
European Committee of Social Rights**

F- 67075 Strasbourg Cedex

Fax: 0033388413700

E-Mail: DGI-ESC-Collective-Complaints@coe.int

COMM:

**Permanent Representation of Greece to
the Council of Europe**

21 Place Broglie

67000 STRASBOURG

Τηλ.: 00333 88328818

Fax: 00333 88231246

E-mail: grdel.ce@mfa.gr

greekdelegce@orange.fr grdel.ce@gmail.com

Subject: Collective Complaint 131/2016, *University Women of Europe (UWE) v. Greece*, in the framework of the Additional Protocol to the European Social Charter providing for Collective Complaints – Further observations of the Greek Government on the admissibility

Following your letter dated 21/04/2017, to which the comments of the complainant organization *University Women of Europe (UWE)* are attached concerning the observations on the admissibility of collective complaint No.131/2016 versus Greece, we would like to inform you that the additional observations of Greece on the admissibility of the above mentioned collective complaint are the following:

The additional observations of the complainant organization on the admissibility do not substantially alter the impression that has been created by the text of the collective complaint. The Greek government maintains its initial observations, and considers that the ECSR should in addition take into account the following:

1. The collective complaint of the non-governmental organisation *University Women of Europe (UWE)* does not clearly indicate *in what respect Greece has failed to ensure the satisfactory application of the Charter's provisions*, as provides article 4 of the

Additional Protocol for the admissibility of Collective Complaints. The following arguments are in favour of this position:

(i) The wording of the complaint as a whole with regard to the arguments used is general, vague, unclear and imprecise, while the alleged violations and the allegedly violated articles of the ESC are often confused, (*see para.3 of Greek Government's initial observations on the admissibility*).

(ii) It does not specialize nor adapt the arguments concerning violations of ESC articles to Greek reality. Although reference is made in general to findings and conclusions of national institutions and bodies of international organizations concerning the issue of equal pay of men and women (as well as international studies concerning the international dimension of the issue), it does not provide examples of the current situation in Greece showing to what extent and respect Greece has not ensured a satisfactory application of the Charter's provisions. The allegation is incomplete since it is general and vague.

2. The text of the complaint is vaguely worded undermining its legal nature without presenting a serious argumentation in the context of an international mechanism for submitting and examining collective complaints. As regards the style of the complainant's observations on the admissibility, we would simply like to note that it is not the appropriate for a procedure such as the one for collective complaints under the Protocol. For this reason we do not intend to comment on the arguments and the comments that are not relevant to the main issue raised by the complaint. We would only like to make two observations in this respect:

- The fact that Greece has been one of the first countries to ratify the Collective Complaints Protocol proves that it encourages criticism toward itself at official fora through established procedures, based on which, it is called to account for its policies.

- Every state has the right to decide on its own on how it shall be represented and the position it shall adopt in the context of the procedure provided for by the Collective Complaints Protocol. Every collective complaint is an individual case and we do not consider that the state should be held accountable for whether or not it refutes the positions of the complainant organization on the admissibility or the merits, for each specific case. Moreover, under the Protocol, the Respondent State has the right to present its positions and arguments and also to criticize and refute the positions of the complainant organization without being criticized about that by the complainant in a manner that is inappropriate for an international procedure. Furthermore, the principle of equality of arms and the adversarial procedure works both ways for the parties in the context of the Collective Complaints Protocol.

3. In any case, we believe that the complainant's claim for compensation of legal costs is inadmissible since it has no legal basis in the Collective Complaints Protocol (*see also para.4 of the initial observations of the Greek government on the admissibility*). Therefore we ask the ECSR to declare it inadmissible.

In conclusion, for all the above mentioned reasons, we consider that the collective complaint should be declared inadmissible since it is an abusive exercise of right by the complainant organization more to the detriment of the procedure itself than to the benefit of the rights it claims to defend.



THE SECRETARY GENERAL


ANDREAS NEFELOUDIS