



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

15 May 2017

Case Document No. 4

University Women of Europe (UWE) v. the Netherlands
Complaint No. 134/2016

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

Registered at the Secretariat on 15 May 2017



European Committee of Social Rights
Att. Mr Henrik Kristensen
Deputy Executive Secretary

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Date 15 May 2017
Re University Women of Europe (UWE) v. the Netherlands
Complaint No. 134/2016

Dear Mr Kristensen,

In reply to your letters of 31 March 2017 and 21 April 2017, respectively, accompanying the complainant organization's further comments on the admissibility of the complaint, I have the honour, first of all, to reiterate the Government's observations set out in my letter of 29 November 2016.

More particularly, I wish to recall that – different from what the complainant organization alleges – no mention of hierarchy or subordination was made in our observations in relation to the two procedures under the European Social Charter. Quoting the explanatory report to the 1995 Additional Protocol to the Charter, it was merely concluded that the complaints procedure is complementary to the reporting procedure, the latter being the basic mechanism for the supervision of the application of the Charter. The pertinence of this conclusion is reinforced by the fact that the reporting procedure is inherent to the Charter, whereas the complaints procedure is optional. This does not imply any hierarchy, but merely a difference in nature. The essence of the Government's argument is precisely that the subject matter of the present complaint lends itself – by its extremely general nature – to scrutiny under the reporting procedure, not under the complaints procedure, which is different in nature and requires a level of specificity that is alien to the present complaint.

That being said, the Government notes that the complainant organization's further comments seem largely inspired by its position on the merits. The complainant organization would appear to argue that the situation of working women in the Netherlands and Europe is an issue of such gravity that, for that reason alone, the complaint should be declared admissible.

The Government does not share that view. Admissibility of a complaint requires a fundamentally different scrutiny than its merits. The Government has therefore carefully refrained from making any comments on the merits of the complaint. For the same reason, it has seen fit to rely on arguments against admissibility adduced by other respondent states or, alternatively, the *ex officio* discretion of the Committee, since any decision of the Committee on admissibility must be coherent with its decisions in similar cases.

Date
15 May 2017

For the time being, the Government looks forward to the Committee's decision on the admissibility of the complaint.

Yours sincerely,



Agent of the Government of the Netherlands