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Meeting: 1324th meeting (September 2018) (DH)

Item reference: Action report (11/09/2018)

Communication from Slovenia concerning the case of Ribac v. Slovenia (Application No. 57101/10)

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Réunion : 1324^e réunion (septembre 2018) (DH)

Référence du point : Bilan d'action

Communication de la Slovénie concernant l'affaire Ribac c. Slovénie (Requête n° 57101/10)
(anglais uniquement)



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11 SEP. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Number: 5111-22/2017
Date: 10 September 2018

**Mr Fredrik Sundberg, Head of Department a. i.
Department for the Execution of the Judgments
Council of Europe**

Subject: Action Report for the case Ribač v. Slovenia

Dear Mr Sundberg,

Attached please find Action Report for the case *Ribač v. Slovenia* (application no. 57101/10, judgment of 5 December 2017, final on 5 March 2018).

We hope you will be able to proceed with closure of this case.

Yours sincerely,

**Tina Brecelj
State Secretary**



Attach.: Action Report for the case Ribač v. Slovenia

Ljubljana, 10 September 2018

ACTION REPORT

Ribač v. Slovenia

Application no. 57101/10

Judgment of 5 December 2017, final on 5 March 2018

I CASE DESCRIPTION

1. This case concerns the applicant's, at the time a permanent resident in Slovenia and a citizen of the then Federal Republic of Yugoslavia, discrimination on the account of the authorities' refusal to grant him an old-age pension between November 1998 and April 2003 on the ground that he had not had a Slovenian citizenship (a violation of Article 14 in conjunction with Article 1 of Protocol No. 1).

II INDIVIDUAL MEASURES

2. The authorities would like to recall that on 4 June 2003 the applicant was granted an old-age pension as from 1 April 2003 (§20 of the judgment).
3. The European Court ("the Court") awarded the applicant EUR 24,342 as compensation for fifty-two unpaid pension instalments to which he would have been entitled between December 1998 and April 2003 had the violation of Article 14 not occurred. The Court furthermore indicated that to this amount some interest should have been awarded reflecting the inflation rates since the relevant period. It therefore awarded the applicant EUR 37,000 in respect of pecuniary damage sustained (§72 of the judgment).
4. At the same time, the Court awarded the applicant EUR 5,000 in respect of non-pecuniary damage (§73 of the judgment). The applicant has therefore been redressed under this head.
5. In view of the above, the authorities therefore consider that the violation has been brought to an end and the applicant was redressed for the damage sustained.

III GENERAL MEASURES

6. The violation resulted from the fact that in 1998 the Pension and Disability Insurance Institute of Slovenia ("the Institute"), on the basis of the Act on the Rights Stemming from the Pension and Disability Insurance of Former Military Personnel ("the 1998 Act"), issued a decision not to convert the applicant's advance on his military pension into an old-age pension under the 1998 Act considering that the applicant did not fulfil the statutory

conditions. In 2002 the Institute, when considering the applicant's appeal, dismissed his appeal, holding that he could not be considered a beneficiary under the 1998 Act as he did not have Slovenian citizenship and did not comply with the requirements applicable to foreign beneficiaries. It added that he could re-apply for an old-age pension under the 1998 Act once he acquired Slovenian citizenship (§§16 and 17 of the judgment).

7. The Court noted that between November 1998 and April 2003 the applicant's situation with regard to retirement benefits was similar to that of retired Yugoslav People's Army's ("YPA") military personnel with Slovenian citizenship. The Court could further not discern any weighty reasons to justify the difference in treatment based exclusively on the grounds of nationality (§§60 and 66 of the judgment).
8. The authorities would like to stress that there is only one similar case pending before the Court (app. no. 57123/10). Facts of this case however took place before the general measures were taken in response to the Court's findings in this case.
9. Furthermore, the authorities are not aware of any other similar case at domestic level.
10. In addition, the authorities would like to recall that according to the Agreement on Succession Issues from 2004, signed by all former Yugoslav republics (§30 of the judgment), and according to the Agreement between the Republic of Slovenia and the Republic of Serbia on Social Security and Administrative Arrangement on the Implementation of the Agreement between the Republic of Slovenia and the Republic of Serbia on Social Security from 2010, it is now clearly determined which former republic has an obligation to grant an old-age pension. This means that at the present time a situation in which a person could not be granted an old-age pension exclusively on the grounds of citizenship could no longer occur. All individuals who paid their contributions to a special military pension fund are now entitled to receive their rights from the State which citizenship they have or in which they live permanently if they have several citizenships.
11. Against this backdrop, the authorities would like to highlight that the present judgment is of historical nature, as there are no similar circumstances/cases at the present time. The authorities would nevertheless like to highlight repeatedly that (apart from the applicant in the above-mentioned case still pending before the Court) there are no other individuals in the similar situation as the applicant, notably there are no other retired YPA's military personnel and Slovenian residents who were rejected their pension rights relating to the period before 2 June 2004 on the ground that they did not have Slovenian citizenship.
12. The Court's judgment was in addition communicated to the Pension and Disability Insurance Institute, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Justice. The relevant authorities have therefore been duly informed on the Court's findings in this case, including the Institute vested with competence to decide in pension matters.
13. The Slovenian translation of the judgment has been published on the website of the State Attorney's Office (<http://www2.gov.si/dp-rs/escp.nsf>). It has been therefore made available to the Institute and other legal professionals alike and can be easily accessed. This

translation has also been submitted and is available at the HUDOC web page of the Court (<https://hudoc.echr.coe.int/eng>).

IV JUST SATISFACTION

14. The just satisfaction awarded in this case was disbursed to the applicant on 4 June 2018. It has therefore been paid within the time-limit set by the Court.

V CONCLUSIONS

15. The authorities consider that the individual measures taken ensured that the violation has been brought to an end and that the applicant has been redressed.
16. The authorities furthermore consider that general measures taken are capable of preventing similar violations.
17. The authorities therefore consider that the Republic of Slovenia has complied with its obligation under article 46 § 1 of the Convention.