



DECISION ON ADMISSIBILITY

Case no. CH/99/1554

Marko PEZER

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement (“the Agreement”) set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant, a former policeman from Kiseljak, receives a monthly pension from the Social Fund for Retirement and Disability Insurance in Bosnia and Herzegovina (DF PIO BiH). Allegedly, the fund has calculated his pension erroneously and has failed to apply the relevant legislation.

II. COMPLAINT

2. The applicant complains that his pension is too low.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 10 February 1999 and registered on the same day. On 28 July 1999 the applicant requested that the Chamber order the respondent Party as a provisional measure to immediately increase the amount of his pension according to the relevant legal provisions. The President of the Panel refused this request on the same day.

IV. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement or manifestly ill-founded.

5. The Chamber considers that where a person has contributed to an old age pension fund, this may give rise to a property right in a portion of such a fund, and a restriction of the pension rights under such a system could in principle raise an issue under Article 1 of Protocol No. 1 to the European Convention on Human Rights. However, that provision does not guarantee a right to a specific social welfare benefit, and in particular there is no right to receive social welfare benefits in a specific amount. The Chamber finds, on the basis of the evidence presented to it, that the pension received by the applicant from the fund in question does not interfere with his rights under Article 1 of Protocol No. 1.

6. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel