

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 23256/08
Irena FERME
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 26 June 2012 as a Committee composed of:
Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges*
and Stephen Phillips, *Deputy Section Registrar,*
Having regard to the above application lodged on 25 April 2008,
Having regard to a friendly settlement reached between the parties,
Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Irena Ferme, is a Slovenian national, who was born in 1963 and lives in Ljubljana. She had no representative before the Court.

The Slovenian Government ("the Government") were represented by their Agent.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

On 30 June 1997 the applicant lodged a request for judicial review challenging the decision of the Pension and Disability Insurance Institute of

the Republic of Slovenia whereby she was denied the status of 100 % physical impairment.

Between 19 October 2001 and 16 May 2003 two hearings were held and a medical expert appointed.

On 30 May 2003 the first-instance court rendered a judgment rejecting the applicant's request. She appealed.

On 5 November 2004 the Higher Court dismissed the applicant's appeal. She lodged an appeal on points of law.

On 8 March 2005 the first-instance court rejected the appeal on points of law on procedural grounds. Following the applicant's appeal, the appeal on points of law was accepted and forwarded to the Supreme Court.

On 12 September 2006 the Supreme Court rejected the appeal. She lodged a constitutional appeal.

On 29 October 2007 the Constitutional Court rejected the appeal.

B. Relevant domestic law

For the description of the relevant domestic law see the decision in the case of *Nezirović v. Slovenia* (no. 16400/06, 25 November 2008).

COMPLAINTS

The applicant complained under Articles 6 and 13 of the Convention about the undue length of proceedings and lack of an effective remedy in that regard. She also complained that the domestic proceedings were unfair and that she had been treated in a discriminatory manner. She further complained, under Article 3 of the Convention that she had been humiliated by the decision determining her disability status.

THE LAW

A. Complaints about the length of the proceedings and the lack of an effective remedy in that respect under Articles 6 and 13 of the Convention

The Court takes note that following the settlement reached between the parties the matter has been resolved at the domestic level and that the applicant wishes to withdraw her application in this part. It is satisfied that respect for human rights as defined in the Convention or its Protocols does

not require the examination of the application in this part to be continued (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the respective part of the application out of the list in accordance with Article 37 § 1 (a) of the Convention.

B. Remaining complaints

Having regard to all material in its possession and in so far as the matters complained of are within its competence, the Court considers that this part of the application does not disclose any appearance of a violation of the Convention. It follows that it is inadmissible under Article 35 § 3 (a) as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases with regard to the complaints about the length of the proceedings and the lack of an effective remedy in that respect under Articles 6 and 13 of the Convention;

Declares inadmissible the remainder of the application.

Stephen Phillips Deputy Registrar	Ann Power-Forde President