



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

FIRST SECTION

DECISION

Application no. 52767/21
Ljiljana GVOZDEN
against Croatia

The European Court of Human Rights (First Section), sitting on 27 August 2026 as a Committee composed of:

Raffaele Sabato, *President*,

Frédéric Krenc,

Davor Derenčinović, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 52767/21) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 20 October 2021 by a national of Bosnia and Herzegovina, Ms Ljiljana Gvozden (“the applicant”), who was born in 1970 and lives in Novi Grad, and was represented by Ms M. Nenadović Timarac, a lawyer practising in Sisak;

the decision to give notice of the complaint under Article 6 § 1 of the Convention concerning the alleged lack of a sufficiently reasoned decision to the Croatian Government (“the Government”), represented by their Agent, Ms Š. Stažnik, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the fairness of administrative proceedings in which the applicant sought the recognition (validation) of the years she had spent working in the occupied territory of Croatia as her years of service for the purposes of the Croatian pension insurance.

2. During the war in Croatia, the applicant lived in Kostajnica, a town which was situated in the so-called “Serbian Autonomous Region of

Krajina”, a self-proclaimed entity established on the territory of Croatia (see *Bursać and Others v. Croatia*, no. 78836/16, § 5, 28 April 2022).

3. On 12 July 2017 she submitted a request to the Sisak Office of the Croatian Pension Insurance Fund (“the Fund”), stating that from 25 May 1993 to 4 August 1995 she had been employed in her own company, L., and asking to have that period recognised as her years of pensionable service. She submitted that she had been the director of that company, had performed all the necessary work, had not used annual vacation or sick leave and had had her salary paid in cash (“*na ruke*”). As evidence in support of her claim, she submitted documents on the establishment of the company and the fulfilment of sanitary and technical conditions for its functioning and a copy of her health insurance card.

4. On 6 September 2017 an official of the Fund made a note that there was no registration information in the records of the fund run by the occupying authorities indicating that the applicant had had the status of an insured person in the L. company. On the same day, he also made a note that the Sisak State Archive contained no files regarding the labour-law documents for that company.

5. On 6 September 2017 the Sisak Office of the Fund refused the applicant’s request on the ground of lack of valid evidence that she had been registered as an insured person in the pension fund run by the occupying authorities. It noted that under the relevant law the records of that pension fund were considered core evidence whereas any other evidence (such as that which the applicant had submitted) was only supplementary.

6. The applicant appealed, submitting a written statement by two persons who stated that during the period in question the applicant had worked in the L. company and that they had used the services of that company.

7. On 4 December 2017 the Central Office of the Fund dismissed the applicant’s appeal as unfounded. It held that the documentation relating to the establishment and functioning of the L. company did not prove that she had been employed by that company. Her health insurance card, which was not a labour-law document, and the witness statements she had submitted could not prove her pension insurance status without material evidence of the years of pensionable work.

8. The applicant brought an action for judicial review, arguing that the evidence she had submitted had been sufficient to prove her employment status during the period in question.

9. On 13 May 2020 the Zagreb Administrative Court dismissed the applicant’s action as unfounded. It held that the proceedings did not concern the establishment (*utvrđivanje*) of the years of service, but rather the recognition (validation) of the years of service. Therefore, within the meaning of the relevant domestic law, only years of pensionable service which had already been established could be validated. The court further held that the existence of the recorded status of an insured person in the fund run by the

occupying authorities was decisive for validation of the years of service, and that the applicant had undisputedly not had such status recorded. Her health insurance card could not prove the existence of an employment relationship with the employer in question, nor could the witness statements or the status information in respect of the L. company, since there was no material evidence or records showing that the applicant had been employed with that company during the period in question.

10. The applicant lodged an appeal, submitting that the Constitutional Court's decision no. U-III-4670/2017 of 9 October 2019 had been delivered in a similar case wherein that court had held that the administrative courts had acted in an excessively formalistic manner in not accepting a health insurance card and witness statements as evidence for proving the years of service where a person had not been registered as an insured person in the pension fund run by the occupying authorities.

11. On 25 August 2020 the High Administrative Court dismissed as unfounded the applicant's appeal, endorsing the reasons provided by the Zagreb Administrative Court in its judgment. It did not answer the applicant's argument regarding the Constitutional Court's decision no. U-III-4670/2017.

12. In a subsequent constitutional complaint, the applicant raised the same argument.

13. On 13 July 2021 the Constitutional Court dismissed the applicant's constitutional complaint, holding that the administrative courts had given sufficient, legally relevant and constitutionally acceptable reasons for their decisions, including reasons as to why they had not accepted the evidence she had submitted as proof of her years of service. The Constitutional Court acknowledged the applicant's argument regarding its 2019 decision but did not reply to it.

14. Before the Court, the applicant complained under Article 6 § 1 of the Convention that the domestic proceedings had been unfair in that the High Administrative Court and the Constitutional Court had failed to reply to her argument based on the Constitutional Court's decision no. U-III-4670/2017 delivered in another case.

THE COURT'S ASSESSMENT

15. The Court refers to its case-law principles concerning the right to a reasoned decision, which have been summarised in, *inter alia*, *Zayidov v. Azerbaijan (no. 2)* (no. 5386/10, § 91, 24 March 2022). In particular, without requiring a detailed answer to every argument, the obligation to give reasons presupposes that parties to judicial proceedings can expect to receive a specific and explicit reply to the arguments which are decisive for the outcome of those proceeding (*ibid.*).

16. Applying those principles to the present case, the Court notes that the High Administrative Court and the Constitutional Court did not reply to the

applicant's argument regarding the Constitutional Court's decision no. U-III-4670/2017 delivered in another case, although the latter did acknowledge the argument (see paragraphs 11 and 13 above).

17. However, it notes that the circumstances of the other case relied on by the applicant differed from those of the applicant. Specifically, the complainant in the above-mentioned Constitutional Court case had been undisputedly employed from 1984 to October 1991 in the Public Attorney's Office. The dispute in the validation proceedings had concerned the length of the remaining period of employment with the same employer. Accordingly, in that case the administrative authorities and courts had had at their disposal documentation on the existence of the complainant's employment, and the Constitutional Court had indicated the need to assess the supplementary evidence (a health insurance card verified by her employer also in the period after October 1991 and witness evidence) to determine the remaining period of the years of service with the same employer.

18. In the present case, the administrative authorities and courts were unable to determine the existence of any employment relationship on the basis of the evidence she had submitted. The applicant failed to provide evidence that plausibly showed that she had been employed by the L. company during the period in question or that she had been registered in the pension insurance fund on that basis.

19. It follows that the failure of the High Administrative Court and the Constitutional Court to provide a specific reply to the applicant's argument regarding the Constitutional Court's decision no. U-III-4670/2017 had no bearing on the outcome of her case. The High Administrative Court considered all the important questions of fact and law applicable in the validation proceedings and replied to the applicant's complaints regarding the status of her health insurance card and witness statements as means of proof, upholding the reasoning of the Zagreb Administrative Court in that regard (see paragraphs 9 and 11 above).

20. As explained by the domestic courts, the proceedings complained of concerned the recognition (validation), and not the establishment of the years of service (see paragraph 9 above). The applicant's health insurance card only showed the date until which she had health insurance in the occupied territory. However, that card did not contain an identifying number, the date of issue or the starting date of the insurance coverage. Moreover, the applicant's statement before the Fund that she had been the director of the L. company and that she had had her salary paid in cash ("*na ruke*") also did not support the argument that she had been registered in the pension insurance scheme or that her alleged employer had paid compulsory pension insurance contributions on her salary. As to the witnesses who stated that they had used the services of the applicant's company (see paragraph 6 above), they did not have knowledge of the applicant's employment relationship or her status as an insured person.

21. The Court reiterates that is not a court of appeal and it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 186, 6 November 2018, with further references). It is thus not for the Court to determine whether the applicant was employed by the L. company during the period in question for the purpose of having that period recognised (validated) as her years of pensionable service, it being for the national courts to determine questions of that nature (see *Hiro Balani v. Spain*, 9 December 1994, § 28, Series A no. 303-B).

22. Having regard to the fact that the administrative authorities and courts examined at four levels of jurisdiction the evidence submitted by the applicant, that they explained why that evidence did not prove the existence of the applicant's employment relationship during the period in question, and that the circumstances of the case in the Constitutional Court's decision no. U-III-4670/2017 had differed from those in the applicant's case, the Court accepts that the domestic courts, including the High Administrative Court and the Constitutional Court, gave sufficient reasons for their decisions.

23. Accordingly, the fact that the High Administrative Court and the Constitutional Court did not explicitly address the applicant's argument concerning the Constitutional Court's decision no. U-III-4670/2017 did not render the proceedings, taken as a whole, unfair.

24. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 17 September 2026.

Liv Tigerstedt
Deputy Registrar

Raffaele Sabato
President