



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

Published on 5 October 2026

FIFTH SECTION

Application no. 24360/26
Maria Del Carmen MONTES FORTUNA
against Spain
lodged on 15 June 2026
communicated on 14 September 2026

SUBJECT MATTER OF THE CASE

The case concerns the length of civil proceedings regarding the applicant's claim for a disability pension.

On 18 December 2024, the applicant lodged an application for a disability pension, which was dismissed by the Social Security authorities on 20 March 2025. She appealed before the administrative authorities on 16 April 2025, which dismissed her claim on 4 June 2025.

On 27 June 2025, she lodged a complaint with the Málaga Employment Tribunal no. 11. On 21 August 2025, the tribunal declared the application admissible but scheduled the hearing date for the 4 October 2028. She lodged a reconsideration appeal with the same tribunal to bring the hearing date forward, but it was dismissed on 5 November 2025, on account of the tribunal's structurally high caseload. She lodged an application for review with the same tribunal, but it was dismissed on 10 December 2025, on the grounds that, although an earlier date for the hearing would be desirable, the heavy docket rendered it impracticable.

She lodged an *amparo* appeal with the Constitutional Court, but it was dismissed on 25 May 2026 due to the lack of constitutional significance of the case.

The applicant complains that the lapse of time between the date in which the case was ready to be heard and the scheduled date for the hearing is

incompatible with the “reasonable time” requirement of Article 6 § 1 of the Convention, especially considering that her subsistence is at stake in the dispute.

QUESTION TO THE PARTIES

Does the scheduled date for the hearing warrant the conclusion that the length of the civil proceedings in the present case is in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention? Reference is made to the fact that the dispute concerns the determination of a disability pension (*Mocie v. France*, no. 46096/99, § 22, 8 April 2003; *Bieliński v. Poland*, no. 48762/19, § 48, 21 July 2022).