

MINISTRY OF LABOR AND SOCIAL AFFAIRS IGNORES CONSTITUTIONAL COURT DECISION: PENSIONERS ARE UNABLE TO RECEIVE THEIR PENSIONS WITH FOREIGN LETTERS OF ATTORNEY

Gagik Shahverdyan's wife was in France for medical treatment; meanwhile Mr. Shahverdyan for years has been unable to receive his wife's pension with letter of attorney attested by RA Consulate in France. The Pension Authorized Body declined all the application of Mr. Shahverdyan reasoning that based on the provision of the Law stating that the letter of attorney was not verified by notary of RA

Due to the many complaints addressed to the RA Human Rights Defender in regards to the above-mentioned issue, the Defender applied to the RA Constitutional Court. The decision of the latter once again stated the RA Legislation clearly regulates the issues related to the letters of attorney for receiving pensions, as well as the issues related to the individuals whose provided letter of attorney is of similar power with the notary ones. The decision also stressed that the Ministry of Labor and Social Affairs overlooked the norms of ratified international agreements, which have priority legal power towards norms of the laws.

Nevertheless, even after the stated decision it was still a problem to receive pension with foreign letters of attorney. RA Ministry of Labor and Social Affairs, which is the Pension Authorized Body, continued ignoring international agreements and RA Legislation requirements, thus violating not only the rights of G. Shahverdyan's wife, but also the rights of many other people.

Nonetheless, the Ministry refuses to pay the sum for the previous year, which the pensioner did not get (before the adoption of the Constitutional Court decision) reasoning that the legal act, in this case the Constitutional Court decision, is not retroactive and it can not be extended to the legal relations before it comes into force. Whereas, it should be noted that the Law regulating the above stated issue hasn't been changed and was the same before the decision adopted by the RA Constitutional Court. Hence, the lack of knowledge on it, does not release the RA Ministry of Labor and Social Affairs from the liability of not paying the pension for the previous year.

In this regard, the RA Human Rights Defender made a decision on human rights violation.