



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

Published on 10 August 2026

FIFTH SECTION

Application no. 15127/26
Davit TUMASYAN and Others
against Armenia
lodged on 28 March 2026
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The application concerns the State's alleged failure to enforce the applicants' contact rights in respect of a child, raising an issue under Article 8 of the Convention.

A. Background to the case

The applicants are the paternal relatives of a ten-year-old girl. The first applicant is her paternal uncle, while the second and third applicants are her paternal grandparents.

The child was born in 2015.

In 2017 the child's parents divorced, after which she remained in the care of her mother while her father was granted contact rights.

In 2022 the child's father died.

B. Court-ordered contact rights

By a judgment of 13 December 2019, the Yerevan First-Instance Court of General Jurisdiction ("the Yerevan Court") granted the second and third applicants contact rights with the child every Tuesday and Saturday from 6 p.m. to 9 p.m.

In 2023 the first applicant lodged a claim with the Yerevan Court, seeking contact rights with the child. During the proceedings, the Yerevan Court issued a provisional measure, granting the first applicant contact rights with the child every Thursday from 6:30 p.m. to 9 p.m. and every Saturday from 3 p.m. to 6 p.m., without the presence of the mother.

By a judgment of 25 December 2023 the Yerevan Court granted the first applicant contact rights in accordance with the schedule established by the provisional measure.

C. Enforcement proceedings

On unspecified dates the Compulsory Enforcement Service (“the CES”) initiated enforcement proceedings in order to enforce the applicants’ contact rights. It appears that during the enforcement proceedings the child demonstrated reluctance to have contact with the applicants, while the child’s mother failed to cooperate and make the child available for the scheduled meetings. Consequently, the contact arrangements were not implemented.

On 23 April 2023 a psychological expert examination report ordered during the enforcement proceedings concluded, *inter alia*, that the child’s mother exercised psychological influence over her and that contact with her paternal grandparents was in the child’s best interests. The CES ordered another expert examination, which could not be carried out because the mother refused to appear or make the child available.

D. Criminal proceedings

On 24 September 2022, 10 January 2024 and 9 October 2024 criminal proceedings were initiated under several provisions of the Criminal Code (“the CC”) in connection with the mother’s conduct, particularly (i) alleged obstruction of the applicants’ contact rights (Article 243 § 1 of the CC); (ii) failure to execute or obstruction of the execution of a judicial act (Article 507 § 1 of the CC); and (iii) interference with the administration of justice or the examination of a case (Article 486 § 1 of the CC).

Within the scope of those criminal proceedings, the investigating authorities three times ordered psychological expert examinations to determine, *inter alia*, whether the child’s reluctance to have contact with her paternal grandparents was the expression of her own free will or resulted from external influence by her mother or other persons. However, the mother repeatedly either refused or failed to appear and make the child available in connection with those examinations.

On two occasions, the prosecutor decided not to prosecute the child’s mother on the grounds that she had not committed the alleged offences. However, following appeals lodged by the applicants, these decisions were

set aside by the courts on the grounds that they had been issued without a thorough and impartial investigation.

On 16 December 2025 the investigator ordered a psychological examination for the fourth time.

By a letter dated 23 December 2025 the designated expert institution informed the first applicant that, due to its workload and a severe shortage of qualified experts, the report was only expected to be prepared in 2027, assuming that the necessary materials were provided.

The criminal proceedings remain pending.

E. The complaint before the Court

The applicants complain under Article 8 of the Convention that the State has not fulfilled its positive obligation to enforce their contact rights in respect of the child, as established by final judgments.

QUESTIONS TO THE PARTIES

Has there been a violation of the applicants' right to respect for their family life, contrary to Article 8 of the Convention? In particular:

1. Have the domestic authorities taken all necessary steps that could reasonably be demanded in the specific circumstances to enforce the applicants' contact rights and to facilitate contact between the applicants and the child (see *Mitovi v. the former Yugoslav Republic of Macedonia*, no. 53565/13, §§ 57-59, 16 April 2015; *E.K. v. Latvia*, no. 25942/20, § 73, 13 April 2023; and *Anagnostakis v. Greece*, no. 26504/20, §§ 55-58, 10 October 2023)?

2. Does the domestic legal system provide adequate and effective mechanisms, including appropriate sanctions, to ensure compliance with the State's positive obligations under Article 8 of the Convention in the event of a lack of cooperation or manifestly unlawful behaviour by the persons with whom the child is living (see, for example, *Maire v. Portugal*, no. 48206/99, § 76, ECHR 2003-VII, and *Sévère v. Austria*, no. 53661/15, § 98, 21 September 2017)? If so, have these mechanisms been effectively applied in the present case?

The Government are requested to provide information on the specific measures taken by the CES to secure compliance with the court orders,

TUMASYAN v. ARMENIA – SUBJECT MATTER OF THE CASE AND QUESTIONS

together with copies of the relevant materials from the enforcement proceedings.

APPENDIX

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Davit TUMASYAN	1980	Armenian	Yerevan
2.	Artyom TUMASYAN	1958	Armenian	Yerevan
3.	Marine TUMASYAN	1957	Armenian	Yerevan