



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

FIFTH SECTION

CASE OF ASLANYAN v. ARMENIA

(Application no. 6818/23)

JUDGMENT

STRASBOURG

3 September 2026

This judgment is final but it may be subject to editorial revision.

In the case of Aslanyan v. Armenia,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 6818/23) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 31 January 2023 by three Russian nationals (“the applicants”), whose details are listed in the appended table and who were represented by Mr A. Ghazaryan and Mr K. Tonoyan, lawyers practising in Yerevan;

the decision to give notice of the application to the Armenian Government (“the Government”), represented initially by their former Deputy Agent, Mr L. Drmeyan, and subsequently by their Agent, Mr K. Andreasyan, Representative of the Republic of Armenia on International Legal Matters;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the parties’ observations;

Having deliberated in private on 2 July 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged failure on the part of the authorities to fulfil their positive obligations under Article 8 of the Convention to enforce a binding judicial decision securing contact between the first and second applicants and their grandson.

2. The first and second applicants are the third applicant’s father and mother, respectively.

3. In 2015 the third applicant married K.A. in Russia.

4. In 2017 their son, A., was born.

5. In 2018 K.A. initiated divorce proceedings and requested that A.’s place of residence be determined as her own. A competent court in Russia ruled that A. should reside with K.A. while granting the third applicant contact rights in respect of A.

6. On 29 September 2019 K.A. relocated to Armenia together with A., without the third applicant’s consent.

7. On 27 May 2021 the first and second applicants applied to the First Instance Court of General Jurisdiction of Yerevan (“the Yerevan Court”)

seeking contact rights in respect of A. The third applicant was involved in those proceedings as a third party without bringing an independent claim.

8. On 8 June 2021 the Yerevan Court applied an interim measure allowing the first and second applicants to visit A. in K.A.'s presence from 12 noon to 4 p.m. on Thursday and Friday of the third week of every month until the resolution of the case.

9. On 15-16 July, 16-17 and 29 September, 14-15 October, 18 November and 16-17 December 2021 the first and second applicants – accompanied by a bailiff from the Compulsory Enforcement Service (“the CES”) – visited K.A.'s residence in order to meet A. However, there was no response at the door.

10. On 16 July 2021 the CES issued a location order seeking to determine the whereabouts of K.A. The police refused to carry out the location order on the basis of a statement by K.A.'s representative that she had not been absent from her place of residence.

11. On 15 November 2021 the first and second applicants, who had been travelling from Russia to Armenia every month specifically to meet A., lodged a criminal complaint against K.A. for failure to comply with a court order by preventing their meetings with their grandson.

12. On 29 November 2021 criminal proceedings were instituted under Article 167.1 of the former Criminal Code (in force until 1 July 2022) for hindering visits between a child and his or her close relatives.

13. On 15 March 2022 the investigator decided to discontinue the criminal proceedings against K.A. on the ground that the Yerevan Court decision of 8 June 2021 to apply an interim measure had not been sufficiently clear, in so far as it had not specified the venue of the visits. It could not, therefore, be said that K.A. had deliberately failed to comply with that decision.

14. The first and second applicants complained against the discontinuation of the investigation before the prosecutor. On 12 April 2022 the prosecutor dismissed the appeal, stating that the CES should have either immediately ensured the enforcement of the judicial decision at issue or have applied to the Yerevan Court seeking clarification as regards the venue of the visits.

15. On 13 April 2022, upon the request of the first and second applicants, the Yerevan Court clarified its decision on the application of an interim measure and specified that the venue for their meetings with their grandson was to be determined by the CES.

16. On 21 June 2022 the first applicant submitted a fresh criminal complaint against K.A. and on 11 July 2022 criminal proceedings were instituted under Article 243 of the new Criminal Code (obstruction of visits between a parent or other close relative and a child).

17. On 27 June 2022 the third applicant applied to the Prosecutor General of Armenia requesting information concerning his son's whereabouts. He was

informed in reply that on 10 April 2022 K.A. had left Armenia for Moldova together with A.

18. On 1 August 2022 the third applicant reported A.'s abduction to the Investigative Committee of Armenia.

19. On 5 October 2022 a national and international search warrant was issued in respect of K.A.

20. On 28 September 2022 the third applicant applied to the Ministry of Justice of Armenia (the Central Authority under the Hague Convention) seeking A.'s return from Moldova. The Ministry of Justice sought assistance from the Moldovan authorities and was informed in reply that K.A. and A. had left Moldova on 30 September 2022.

21. On 17 October 2024 the Yerevan Court rejected the first and second applicants' application and lifted the interim measure of 8 June 2021.

22. On 4 June 2025 the Civil Court of Appeal quashed the Yerevan Court's judgment and remitted the case for re-examination. In doing so, the court ruled that the contact arrangements should be established in such a way so as not to cause any harm to the child. It suggested that the lower court consider the possibility of visits in Armenia during A.'s summer holidays as well as remote contact between the visits.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

23. The applicants complained that the State had failed to fulfil its positive obligations to enforce the interim judicial decision of 8 June 2021 – which set out their right to contact with A. and established the modalities thereof – both while he had been residing in Armenia and following his departure. They relied on Article 6 § 1 in conjunction with Article 8 § 1 of the Convention. The Court considers that the present complaint falls to be examined solely under Article 8 (see, among other authorities, *Mitovi v. the former Yugoslav Republic of Macedonia*, no. 53565/13, § 49, 16 April 2015).

24. At the outset, the Court will examine the Government's objection that the third applicant lacks requisite standing to raise the present complaint as the interim measure at issue did not concern his contact rights and he was involved in the domestic proceedings merely as a third party without having brought independent claims. In essence, the Government raised an objection as to the Court's jurisdiction *ratione personae* concerning the third applicant's status as a "victim" within the meaning of Article 34 of the Convention.

25. The Court reiterates that in order to rely on Article 34 of the Convention, an applicant must be able to claim to be a victim of a violation of the Convention. The word "victim", in the context of Article 34 of the Convention, denotes the person or persons directly or indirectly affected by

the alleged violation (see, among other authorities, *Vallianatos and Others v. Greece* [GC], nos. 29381/09 and 32684/09, § 47, ECHR 2013 (extracts)).

26. The Court cannot but note that in the present case the contact arrangements at issue did not, in any way, concern the third applicant's rights or obligations. Moreover, in accordance with the domestic procedural rules (Article 38 § 1 (7) of the Code of Civil Procedure), third parties to proceedings who have not brought independent claims cannot request an interim measure or seek enforcement of a judicial decision. Furthermore, there is nothing in the case file to suggest that the third applicant sought to be included in the contact arrangements ordered by the court or that he took any procedural steps to that end.

27. It follows that the third applicant does not have victim status within the meaning of Article 34 of the Convention. The application is therefore incompatible *ratione personae* with the provisions of the Convention in so far as the third applicant is concerned and must be dismissed in accordance with Article 35 § 4 of the Convention.

28. The Government raised a non-exhaustion objection arguing that the applicants had failed to seek compensation for non-pecuniary damage in respect of the non-enforcement of their contact rights. Having examined the Government's arguments and supporting evidence, the Court is not persuaded that the remedy relied on by them can be regarded as effective in the particular circumstances of the present case either as regards the type of relief available or the length of proceedings it would entail (see *Macready v. the Czech Republic*, nos. 4824/06 and 15512/08, § 48, 22 April 2010). The Government's objection must therefore be rejected.

29. The Government further argued that the application should be declared inadmissible as premature, on the ground that civil proceedings concerning the first and second applicants' (hereinafter "the applicants") contact rights in respect of A. were ongoing. The Court observes at the outset that the Government did not raise this objection in their initial observations, but only at a later stage in their further submissions. In any event, considering that the applicants' complaint concerns the alleged failure to enforce a binding interim measure already in force in respect of their contact rights, it cannot be regarded as premature solely because the proceedings on the merits are ongoing (see *Fourkiotis v. Greece*, no. 74758/11, §§ 16 and 45-47, 16 June 2016).

30. The Court further notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

31. The general principles concerning non-enforcement of contact arrangements between children and members of their family have been summarised in the cases of *Ribić v. Croatia* (no. 27148/12, §§ 92-96, 2 April 2015), *Mitovi* (cited above, §§ 54-59) and *E.K. v. Latvia* (no. 25942/20, §§ 72-77, 13 April 2023).

32. The Court notes that a domestic court delivered an order specifying the applicants' contact rights in respect of A. The Court is therefore satisfied that the entitlement in issue falls under the scope of "family life" within the meaning of Article 8 of the Convention. That being so, what must be determined is whether there has been a failure to respect the applicants' family life.

33. The Court reiterates that when there is a lack of cooperation by the persons with whom the child is living to comply with court-ordered contact arrangements, the authorities are required to take practical and adequate measures to reconcile the conflicting interests of the parties, keeping in mind the paramount interests of the child (see *Hromadka and Hromadkova v. Russia*, no. 22909/10, § 165, 11 December 2014). In the present case the domestic authorities cannot be said to have taken all necessary steps with a view to facilitating contact and encouraging the parties to co-operate in the enforcement of the binding judicial decision at issue.

34. In particular, the absence of clarification as to the venue for the court-ordered visits in the decision of the Yerevan Court gave rise to uncertainty and diverging interpretations when it came to enforcing the decision (see paragraphs 13-15 above). The inconsistency was all the more noteworthy given that the Law on Compulsory Enforcement of Judicial Decisions expressly provided that enforcement proceedings were to be conducted at the respondent's place of residence (in the present case, K.A.'s). In any event, the lack of cooperation and coordination between the CES and law-enforcement authorities (see also paragraph 10 above) further hindered the enforcement process and resulted in a situation where a binding judicial decision was being *de facto* disregarded.

35. Furthermore, despite K.A.'s repeated failure to make the child available for court-ordered contact and her persistent obstructive behaviour, no sanctions were imposed on her, administrative or otherwise. Neither of the two sets of criminal proceedings instituted in that regard yielded any meaningful results. In this connection the Court reiterates that it is up to the competent authorities to impose appropriate sanctions, even of their own motion, in the event of a lack of cooperation or manifestly unlawful behaviour on the part of the parent with whom the child is living (see *Sévère v. Austria*, no. 53661/15, § 98, 21 September 2017, and *Tzioumaka v. Greece*, no. 31022/20, § 86, 9 April 2024).

36. Notwithstanding K.A.'s continued non-compliance over a period of ten months with the contact arrangements established by the court, the authorities failed to adopt practical and effective measures to arrange contact between the applicants and their grandson, such as, where appropriate, the involvement of the childcare or social services in the enforcement process with a view to receiving professional assistance in reconciling the conflicting interests of the parties (compare with *E.K. v. Latvia*, cited above, § 89, and

Gen and others v. Ukraine [Committee], nos. 41596/19 and 42767/19, § 65, 10 June 2021).

37. While the authorities remained involved with the situation throughout the period at issue, they failed to exercise the diligence required in the present case and fell short of what could reasonably be expected of them.

38. As regards the applicants' argument that the authorities had failed to secure the enforcement of the interim measure at issue in so far as it concerned the period following A.'s departure from Armenia, the Court observes that the State cannot be held responsible for failing to enforce the contract arrangements in the manner prescribed by the court after the child had left its territory. In this connection, the Court notes that the establishment of new contact arrangements, taking into account A.'s relocation from the respondent State, is apparently ongoing before the domestic courts (see paragraph 22 above).

39. There has accordingly been a violation of Article 8 of the Convention in respect of the period from 8 June 2021 until A.'s relocation from Armenia.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

40. The applicants did not submit a claim for just satisfaction. Accordingly, the Court considers that there is no call to award them any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 8 of the Convention admissible in respect of Mr Y. Aslanyan and Ms M. Aslanyan, and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 8 of the Convention.

Done in English, and notified in writing on 3 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Andreas Zünd
President

APPENDIX

List of applicants:

Application no. 6818/23

No.	Applicant's name	Year of birth	Nationality	Place of residence
1.	Yuri ASLANYAN	1962	Russian	Novorossiysk
2.	Margarita ASLANYAN	1962	Russian	Novorossiysk
3.	Tigran ASLANYAN	1988	Russian	Novorossiysk