



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

FIFTH SECTION

CASE OF SPYRIDONIDIS v. ARMENIA

(Application no. 35845/24)

JUDGMENT

STRASBOURG

3 September 2026

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

In the case of Spyridonidis 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. 35845/24) 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 29 November 2024 by a Greek national, Mr Anestis Spyridonidis (“the applicant”), who was born in 1984 and lives in Xanthi, and was represented by Mr A. Ghazaryan and Ms A. Dashyan, 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 domestic courts’ refusal to order the return of the applicant’s children to their habitual place of residence (in Greece) under the Hague Convention on the Civil Aspects of International Child Abduction (“the Hague Convention”) and the length of the return proceedings.

2. In 2012 the applicant and his former wife, S.S., got married in Ukraine.

3. In 2013 their older son, S.Sp. was born in Greece.

4. It appears that in 2014 they moved to Ukraine, where their younger son, M.Sp., was born in 2020. Both children are Greek nationals.

5. In 2022, on account of the war in Ukraine, the family returned to Greece, where the applicant arranged for S.Sp. to receive private Greek language training with a view to his enrolment in the first grade the following school year.

6. On 11 July 2022 the family travelled from Greece to Armenia. The applicant submitted that it had been agreed that they would return to Greece shortly afterwards, but in December 2022 S.S. had refused to do so.

7. On 26 April 2023 the applicant initiated judicial proceedings, seeking the children’s return to Greece under the Hague Convention.

8. On 12 June 2023 S.Sp. was heard by the judge in a court hearing, in the absence of his parents and in the presence of their representatives and a psychologist. He expressed his opposition to returning to Greece, arguing, among other things, that he did not speak Greek and did not have friends in Greece, as opposed to in Armenia where he attended school.

9. On 6 July 2023 the Kotayk Regional Court dismissed the applicant's application. It found that that retention was wrongful within the meaning of Article 3 of the Hague Convention, as both parents had joint custody and the children's habitual place of residence was Greece. That said, relying on Article 13 §§ 1 (b) and 2 of the Hague Convention, the court held that the children's return to Greece would expose them to a grave risk of psychological harm and would place them in an intolerable situation. The court's decision was based on the following evidence.

(i) An expert opinion by a psychologist from the custody and guardianship body stated that S.Sp. felt safer and was in closer emotional contact with his mother and generally felt more comfortable in Armenia than in Greece owing to his good command of Armenian and his established social ties.

(ii) S.Sp. had expressed a clear objection to returning to Greece. The court found that he had attained a sufficient degree of maturity for his views to be taken into account and that there was no evidence to suggest that his views had been influenced or directed by S.S.

(iii) An expert report by a psychological centre, submitted by S.S., stated, *inter alia*, that S.Sp. felt safe with his mother and brother, that he had rejected the possibility of residing with the applicant, and that a separation from his mother would expose him to serious psychological stress. The report further indicated that S.Sp. had been traumatised twice by the war scenes he had witnessed in Ukraine, as well as by his exposure to conflicts between his parents, which had given rise to his fear of being separated from his mother and of physical harm befalling her.

(iv) The children had spent only a short period of their lives in Greece, did not speak Greek and had not fully integrated there. By contrast, S.Sp. was fully integrated into life in Armenia and was fluent in Armenian. The court found that, considering his vulnerable emotional state, ordering his return would expose him to further psychological trauma.

(v) As regards M.Sp., the court concluded that in view of his young age, the fact that he had lived with his mother and brother since birth and the importance of maintaining the bond between the siblings, it was in his best interests to remain in Armenia.

10. On 20 July 2023 the applicant lodged an appeal, complaining, *inter alia*, of the use of the report by the psychological centre, which had been obtained without his participation or knowledge.

11. On 13 February 2024 the Civil Court of Appeal upheld the judgment.

12. On 23 May 2024 the applicant lodged an appeal on points of law.

13. On 17 July 2024 the Court of Cassation declared the appeal inadmissible for lack of merit.

THE COURT’S ASSESSMENT

14. The applicant’s complaint, lodged with the Court under Article 8 of the Convention, is twofold. First, he alleged that his right to respect for his family life had been violated on account of the domestic courts’ refusal to authorise the return of his children to Greece. He argued that the courts had misapplied Article 13 §§ 1 (b) and 2 of the Hague Convention by referring to a psychological report, which had been obtained in a non-adversarial manner and, in his view, had not substantiated the existence of a “grave risk” within the meaning of that provision, and on S.Sp.’s preference to remain in Armenia, which he alleged had been influenced by his mother. Second, he complained that the return proceedings had not been conducted with the expedition required by the Convention.

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION ON ACCOUNT OF THE DOMESTIC COURTS’ DISMISSAL OF THE APPLICANT’S REQUEST FOR THE RETURN OF THE CHILDREN

15. The Court observes that the domestic courts’ refusal to order the applicant’s children to return to Greece amounted to an interference with his right to respect for his family life, and had its legal basis in the Hague Convention and the applicable domestic legislation. The courts’ decision pursued the legitimate aim of protecting the children’s rights and best interests. The Court must therefore determine whether the interference in question was “necessary in a democratic society” within the meaning of Article 8 § 2 of the Convention, interpreted in the light of the Hague Convention, and whether when striking a balance between the competing interests at stake, appropriate weight was given to the children’s best interests, within the margin of appreciation afforded to the State in such matters (see *M.P. and Others v. Greece*, no. 2068/24, §85, 9 September 2025).

16. The general principles concerning the return of children under the Hague Convention are summarised in *X v. Latvia* ([GC], no. 27853/09, §§ 92-108, ECHR 2013 (for a more recent recapitulation of the principles, see *M.K. v. Greece*, no. 51312/16, §§ 73-79 and 91-92, 1 February 2018, and *M.P. and Others v. Greece*, cited above, §§ 83-86 and 90-93).

17. The Court observes that in the present case the domestic courts carried out a sufficiently thorough assessment, duly considering the possible existence of a “grave risk” to the children in the event of their return as well as the applicant’s arguments to the contrary. Their reasoning cannot be regarded as automatic or stereotyped; on the contrary, it was sufficiently

detailed and consistent with the exceptions provided for in the Hague Convention and the principles established in the Court's case-law (see *Blaga v. Romania*, no. 54443/10, § 76-78, 1 July 2014, and *Vladimir Ushakov v. Russia*, no. 15122/17, § 82, 18 June 2019). In this regard, the Court reiterates that its task is not to take the place of the national courts but to carry out the European supervision entrusted to it (see *M.P. and Others v. Greece*, cited above, § 86).

18. The courts duly considered S.Sp.'s objection to returning to Greece, which he had expressed during the interview with the judge. In this connection, the Court has previously accepted that the opinion of children can be an independent exception under the Hague Convention which, on its own, may support the exercise of discretion to refuse to order a return (see *Blaga*, cited above, § 78). Furthermore, relying on various international legal instruments, the Court has consistently held that a child who is capable of forming his or her own views has the right to express them and the right to have due weight given to those views in accordance with his or her age and maturity (see *M. and M. v. Croatia*, no. 10161/13, § 171, ECHR 2015 (extracts), and *M.K. v. Greece*, cited above, §§ 88 and 91-92). In line with those principles, the courts concluded that S.Sp. had attained a sufficient degree of maturity for his views to be taken into account under Article 13 § 2 of the Hague Convention.

19. As regards the psychological report obtained privately by S.S., the Court observes that the non-adversarial nature of the report at issue did not suffice to absolve the courts from their obligation to examine effectively an assessment issued by professionals that might disclose the possible existence of a "grave risk" within the meaning of Article 13 of the Hague Convention (see *X v. Latvia*, cited above, § 117). In any event, the contested psychological report was not the sole evidence relied on by the courts (see paragraph 9 above). Their assessment was based on a thorough consideration of various factors related to the children's well-being, their best interests and their family situation as a whole (see *M.K. v. Greece*, cited above, § 90). Moreover, nothing prevented the applicant from commissioning or requesting an additional psychological examination by professionals of his choosing, which he failed to do.

20. The Court is satisfied that the domestic courts' decisions were based on relevant and sufficient reasons and reflected a proportionate assessment of the children's best interests.

21. In view of the considerations above, the Court finds that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION ON ACCOUNT OF THE LENGTH OF THE PROCEEDINGS UNDER THE HAGUE CONVENTION

22. The applicant further complained about the length of the proceedings, which started on 26 April 2023 and finished on 17 July 2024, lasting approximately 15 months in total.

23. The Court 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.

24. The Court has previously found a violation of Article 8 of the Convention in cases involving similar or even shorter delays in return proceedings under the Hague Convention (more than 13 months in *Blaga*, cited above, § 83; six months in *R.S. v. Poland*, no. 63777/09, § 70, 21 July 2015; more than 12 months in *K.J. v. Poland*, no. 30813/14, §§ 71-72, 1 March 2016; and nine months in *Ghazaryan v. Armenia*, no. 30129/21, § 30, 28 November 2023).

25. In the present case, the examination of the case in the first-instance court lasted for about two and a half months. The Government submitted that that length of time had been necessary for the holding of oral hearings, the conducting of the interview with S.Sp. and the examination of the parties' submissions. Given the depth and quality of the examination by the first-instance court (see paragraphs 17-18 above), which bore the principal responsibility for establishing the facts of the case, the Court is prepared to accept this argument. However, a major concern for the Court are the delays at the appeal and cassation stages, which lasted about seven months and two months respectively, and did not involve any examination of new evidence. The appeal court opted for a written procedure, where no witnesses were questioned and no fresh expert or other evidence was presented and examined, while the Court of Cassation declared the applicant's appeal inadmissible. The Court further observes that neither the courts nor the Government provided a convincing explanation for these substantial delays (see *Adžić v. Croatia*, no. 22643/14, §§ 94-95, 12 March 2015, and *G.S. v. Georgia*, no. 2361/13, § 64, 21 July 2015).

26. In such circumstances, the Court finds that the overall length of the proceedings in issue was not compatible with the positive obligation to act expeditiously in proceedings for the return of children as required by Article 8 of the Convention.

27. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

28. The applicant claimed 7,000 euros (EUR) in respect of non-pecuniary damage.

29. The Government contested the claim.

30. The Court awards the applicant EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

31. The applicant did not make any claims in respect of costs and expenses. There is thus no call for the Court to make any award on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 8 of the Convention concerning the length of the proceedings admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 8 of the Convention on account of the length of the proceedings;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

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