



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

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THIRD SECTION

Application no. 27134/25
Nevena NIKOLIĆ
against Serbia
lodged on 20 August 2025
communicated on 27 August 2026

STATEMENT OF FACTS

The application concerns custody proceedings and the alleged failure of the Serbian authorities to secure contact between the applicant and her two minor children.

The applicant lives in Belgium. In 2019 the applicant's husband, who resided in Serbia, instituted divorce proceedings and sought custody of their two minor sons. On 5 March 2020 the Belgrade Court of First Instance issued an interim measure placing the two boys in their father's care and custody. Separately, a Belgian court granted custody of the parties' third child, a minor daughter, to the applicant. On 29 September 2023 the applicant's husband was apparently arrested on drug-related charges in Serbia and has remained in detention since that date. The sons continued living with their father's partner in Serbia. The applicant therefore applied to the Belgrade Court of First Instance seeking an amendment of the interim measure so that the care and custody of the two boys be entrusted to her. Those proceedings, as well as the main custody proceedings, are still pending. On 26 November 2025 the Constitutional Court dismissed the applicant's appeal, finding no violation of her right to a hearing within a reasonable time or a breach of her right to respect for her family life.

Relying on Articles 6 and 8 of the Convention, the applicant complains about the length of the civil proceedings at issue and further argues that their protracted duration has prevented her from maintaining any parental contact

with her sons in breach of the right to respect for her family life. The applicant lastly complains, under Article 13 of the Convention, that she was denied an effective domestic remedy before the Constitutional Court.

QUESTIONS TO THE PARTIES

1. Was the length of the civil proceedings in the present case in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; see also, *mutatis mutandis*, *V.A.M. v. Serbia*, no. 39177/05, §§ 98-101, 13 March 2007, and *Veljkov v. Serbia*, no. 23087/07, § 85, 19 April 2011)?

2. Has there been a violation of the applicant’s right to respect for her family life, contrary to Article 8 of the Convention (see, for example, *Popadić v. Serbia*, no. 7833/12, §§ 82-85, 20 September 2022, with further references)?

3. With respect to the proceedings before the Constitutional Court, did the applicant have at her disposal an effective domestic remedy for her Convention complaints, as required by Article 13 of the Convention (see, for example, *Janočková and Kvocera v. Slovakia*, no. 39980/22, §§ 53, 57 and 63, 8 February 2024, and *Kuppinger v. Germany*, no. 62198/11, § 137, 15 January 2015; see also, *mutatis mutandis*, *D.G. and S.G. v. Serbia*, no. 61347/21, §§ 133-35, 24 June 2025)?