



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

THIRD SECTION

CASE OF G.G. v. GREECE

(Application no. 84038/17)

JUDGMENT

STRASBOURG

20 October 2026

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

In the case of G.G. v. Greece,

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

Peeter Roosma, *President*,

Ioannis Ktistakis,

Lətif Hüseyinov, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 84038/17) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 28 November 2017 by a Greek national, G.G. (“the applicant”), who was born in 1965, lives in Athens and was represented by Mr V. Sotiropoulos, a lawyer practising in Athens;

the decision to give notice of the complaints under Article 8 in conjunction with Article 14, as well as the complaint under Article 6 of the Convention, to the Greek Government (“the Government”), represented by their Agent, Ms N. Marioli, and their Agent’s delegate, Ms O. Patsopoulou, Legal Advisor at the State Legal Council, and to declare the remainder of the application inadmissible;

the decision not to have the applicant’s name disclosed;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the comments submitted by the Greek Helsinki Monitor (GHM), which was granted leave to intervene by the President of the Section;

Having deliberated in private on 29 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the exclusion of the applicant from a memorial service of his late same-sex partner, by family members of the latter. The applicant complained under Article 8 in conjunction with Article 14 that the authorities had failed to protect him from discrimination based on his sexual orientation. He also complained under Article 6 § 1 of the Convention of excessive length of proceedings.

2. The facts of the case may be summarised as follows.

3. The applicant had lived for 17 years with his same-sex partner, V.K., in a steady relationship. V.K. had bought a house in 2008 and ever since the couple lived there. On 7 November 2003 they founded a company in which the applicant was the silent partner.

4. On 17 March 2009 V.K. died unexpectedly. Following his death, the relationship between the applicant and his late partner’s heirs, namely his parents and his sister, became troubled. Judicial proceedings were initiated

concerning financial issues arising from the company that the applicant and his late partner had founded together.

5. On 3 May 2009 a 40-day memorial service for V.K. was organised. The applicant arrived and his late partner's sister, F.K., asked him to leave. The applicant stated that she had used humiliating expressions, such as "What do you want here, you fag?" ("*Τι θες μωρή πουστάρια εδώ;*") and "Get lost, you fag, from here" ("*Εξαφανίσου μωρή πουστάρια από δω*"), with the intention of attacking him personally and insulting him on the basis of his sexual orientation. The applicant then left the memorial service.

6. On 11 June 2009 the applicant lodged a civil claim with the Athens One-Member Court of First Instance against F.K. concerning the above-mentioned incident, claiming 20,000 euros (EUR) in respect of non-pecuniary damage and requesting that F.K. refrain from such insults in the future. The hearing was scheduled for 10 March 2011. On that date it was adjourned until 5 April 2012 so that it could be heard along with two other claims which had been lodged by V.K.'s parents and his sister. In particular, on 15 March 2010 F.K. had lodged a claim in respect of non-pecuniary damage, claiming that the applicant had personally insulted her in his allegations submitted in his above-mentioned legal action. On the same date, V.K.'s parents lodged a civil claim in respect of non-pecuniary damage, claiming that the applicant had personally insulted them and the memory of their son during an incident that had taken place on 11 April 2009. They argued that on that date, the applicant had come to their house and had insulted the memory of their son (his late partner) and then pushed V.K.'s father, who had ended up in the hospital for several days.

7. The three claims were heard on 5 April 2012. On 19 June 2013 the Athens One-Member Court of First Instance delivered judgment no. 3420/2013, by which it partly granted the applicant's and V.K.'s parents' claims and rejected F.K.'s claims. Following appeals lodged by all parties, on 21 September 2015 the Athens Court of Appeal delivered judgment no. 4107/2015. Having reviewed several witness written testimonies that had been given in the context of the first-instance proceedings or in the context of other judicial proceedings, the applicant's deposition and photographs adduced by the parties, it found that F.K. could not have used humiliating expressions related to the applicant's sexual orientation, as that would have also insulted her brother's memory, but had merely asked him to leave the memorial service. It considered the applicant's witnesses unreliable and consequently rejected the applicant's claim. It partly granted F.K.'s and V.K.'s parents' claims against the applicant.

8. On 17 July 2017 the Court of Cassation published decision no. 1293/2017 rejecting an appeal on points of law lodged by the applicant. It considered that the applicant's exclusion from the memorial service had been at the discretion of V.K.'s heirs, namely his parents and his sister, as they had organised it. Although the memorial service had been held in a

public church, the decision as to whom should have been invited had lain with the organisers of the service and thus the exclusion of a person had not constituted a personal insult. It therefore rejected the relevant grounds for the appeal on points of law in which the applicant had submitted that his exclusion from the service had violated his right to respect for his family life because it had denied him the status of same-sex partner.

RELEVANT LEGAL FRAMEWORK

9. The relevant domestic legislation can be found in *Margari v. Greece* (no. 36705/16, § 15, 20 June 2023) and *Balaskas v. Greece* (no. 73087/17, § 16, 5 November 2020).

THE COURT’S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 8 IN CONJUNCTION WITH ARTICLE 14 OF THE CONVENTION

10. The applicant complained that the domestic authorities had failed to comply with their positive obligation to secure his right to respect for family life, since he had been excluded from his late partner’s memorial service on account of his sexual orientation. He relied on Article 8 in conjunction with Article 14 of the Convention.

A. Preliminary remarks

11. The applicant submitted that the subject matter fell within the scope of Article 8 § 1 as regards respect for family life. He had been in a long-term, stable relationship with his partner at a time when they could not form a “civil union”, which had only become possible for same-sex couples in the domestic legal order after his partner’s death. The Government contested that argument, stating that the case fell to be considered under the notion of private life.

12. The Court reiterates that Article 14 complements the other substantive provisions of the Convention and its Protocols. It has no independent existence, since it has effect solely in relation to the “rights and freedoms” safeguarded by those provisions. Although the application of Article 14 does not presuppose a breach of one or more of such provisions, and to this extent it is autonomous, it is necessary, but it is also sufficient, for the facts of the case to fall within the ambit of one or more of the Convention Articles (see *Beeler v. Switzerland* [GC], no. 78630/12, § 48, 11 October 2022).

13. The Court has thus to consider whether the subject matter of the present case falls within the ambit of Article 8. It is not disputed that the applicant’s relationship fell within the notion of “private life” within the

meaning of Article 8 of the Convention. As regards the notion of “family life”, the Court has already considered that stable same-sex couples enjoy “family life” for the purposes of Article 8 of the Convention (see *Vallianatos and Others v. Greece* [GC], nos. 29381/09 and 32684/09, § 73, ECHR 2013 (extracts), with further references). The Court thus concludes that Article 8 of the Convention taken in conjunction with Article 14 is applicable in the present case under both the notions of “private life” and “family life”.

B. Admissibility

14. The Government argued that the applicant could not claim to be a victim of the alleged violation of the Convention, as the domestic authorities had thoroughly examined his allegations concerning the impugned incident and had not established that F.K. had used insulting expressions against him, but had merely asked him to leave the memorial service. In any event, as held by the domestic courts, the memorial service had been a private event, organised by certain members of V.K.’s family. Despite the fact that the service had been held in a public church, the decision as to whom to invite had lain with the organisers. It was not unusual for more than one memorial service to be held, especially in the event that there were family disputes. The origin of the conflict between the applicant and V.K.’s other family members had stemmed from disagreements over financial matters and it had not been proved that the applicant’s sexual orientation had played any role in his exclusion from the memorial service.

15. The applicant argued that, irrespective of any use of insulting language, his exclusion from his late partner’s memorial service had been the principal source of the complaint. The Court of Cassation, by accepting that the heirs of V.K. had had the right to exclude him from the memorial service, had denied him, as the same-sex, long-standing partner of V.K., the protection afforded by Article 8 of the Convention.

16. The Court does not consider it necessary to reply to the Government’s objection, as the complaint under Article 8 in conjunction with Article 14 is in any event inadmissible on other grounds.

17. The substance of the applicant’s complaint is directed at the lack of a substantive examination by the national courts of his claim in civil proceedings against a third private party. The Court thus considers that it is necessary to examine the applicant’s complaints from the perspective of the positive obligations incumbent on the State under Article 8 of the Convention.

18. The relevant general principles have been summarised in *López Ribalda and Others v. Spain* ([GC], nos. 1874/13 and 8567/13, §§ 109-13, 17 October 2019). In certain circumstances, the positive obligation to secure respect for private life in the relations between individuals will be fulfilled when an appropriate legal framework is put in place, taking into consideration

the various interests to be protected (see *Bărbulescu v. Romania* [GC], no. 61496/08, § 115, 5 September 2017 (extracts)).

19. In the present case, the applicant complained before the domestic courts and before the Court that his right to respect for his family and private life had been violated on account of his exclusion from the memorial service of his late partner, allegedly because of his sexual orientation. The domestic authorities' assessment thus entailed weighing, on the one hand, the applicant's right to be present at his late partner's memorial service and not to be excluded on account of his sexual orientation and, on the other hand, the wish of the rest of the family members, as organisers of the memorial service, to exclude him. In the Court's view, in such sensitive matters, the States should be afforded a wide margin of appreciation (see, *mutatis mutandis*, *Dražković v. Montenegro*, no. 40597/17, § 52, 9 June 2020).

20. The Court notes that domestic legislation provided all the safeguards necessary to resolve the issue. In particular, the applicant relied on the relevant provisions of the Civil Code to request compensation for the personal insult he had allegedly suffered and to request that F.K. refrain from uttering any such insults in the future. The domestic authorities took all the relevant circumstances into consideration and weighed them carefully against each other, giving relevant and sufficient reasons for their decision. In particular, they reviewed the applicant's arguments and examined witnesses from both parties. They then concluded that the applicant's sexual orientation had not been the reason why he had been excluded from the memorial service, and that V.K.'s parents and sister, as organisers of the memorial service, had had the right to invite only those whom they had wished to be present. In this regard, the Court reiterates that it normally requires cogent reasons to depart from the domestic courts' factual findings (see *Bărbulescu*, cited above § 129). It sees no reason to call into question the findings of the domestic courts that the applicant's sexual orientation was not a factor in the situation in issue, and that no insulting remarks had been made by F.K. Furthermore, in so far as the applicant argued that the very fact of his exclusion from the memorial service, irrespective of any allegedly insulting remarks, amounted to an interference with his rights under Article 8, the Court notes that the ceremony in question was organised by the deceased's close family members in a private capacity. Article 8 cannot be interpreted as imposing on the State a positive obligation to compel private individuals organising such a family event to admit a person against their wishes. In the circumstances of the present case, having regard to the competing interests at stake and the State's wide margin of appreciation in regulating relations between private parties, the Court considers that the respondent State struck a fair balance between the applicant's interests and the rights and freedoms of the deceased's relatives.

21. In view of the considerations above, the Court finds that the State had in place an appropriate legal framework and the domestic authorities made a

thorough assessment, giving due consideration to the applicant's arguments. The Court therefore considers that the State fulfilled its positive obligation to protect the applicant's right to respect for his family and private life and that no discrimination on account of the applicant's sexual orientation took place.

22. It follows that the complaint 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 6 OF THE CONVENTION

23. The applicant complained that the length of the proceedings before the Athens Court of First Instance had been incompatible with the guarantees provided in Article 6 of the Convention.

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

25. The applicant maintained that the length of the proceedings before the first-instance domestic court had been incompatible with the "reasonable time" requirement laid down in Article 6 § 1 of the Convention. In particular, he contended that the fault for the delay had lain with the authorities.

26. The Government argued that the length of the proceedings before the first-instance court could not be considered excessive, given that the hearing in respect of the applicant's claim had been adjourned so that it could be heard along with the claims lodged by V.K.'s sister and parents.

27. The Court notes that the period to be taken into consideration started on 11 June 2009, when the applicant lodged his claim against F.K. in the Athens One-Member Court of First Instance. It ended on 19 June 2013, when the domestic court delivered judgment no. 3420/2013.

28. The Court has examined on many occasions cases raising questions akin to the one in issue here – namely the duration of civil proceedings – and concluded that there had been a breach of Article 6 § 1 (see *Glykantzi v. Greece*, no. 40150/09, § 71, 30 October 2012, and the cases cited therein, and *Vervele v. Greece*, no. 34012/20, §§ 92-97, 26 August 2025).

29. Even accepting the Government's argument that the hearing of the applicant's claim was adjourned so that the case could be heard along with the claims lodged by V.K.'s relatives, the Court notes that the proceedings lasted four years and eight days in total at one level of jurisdiction. The case was not particularly complex, and the applicant did not in any significant way contribute to the length of those proceedings. Having regard to its case-law on the subject, the Court considers that the Government have advanced no fact or argument justifying the length of the proceedings in the present case.

30. Accordingly, there has been a breach of Article 6 § 1 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

31. The applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage for the finding of a violation under Article 6 § 1 of the Convention. He further requested EUR 8,794.26 for costs and expenses incurred in the civil proceedings regarding the incident with F.K. at the memorial service.

32. The Government argued that the acknowledgment of a violation constituted sufficient redress in respect of the applicant's complaint.

33. Ruling in equity, the Court awards the applicant EUR 2,000 in respect of non-pecuniary damage, plus any tax that may be chargeable. As regards the costs and expenses, the Court does not discern a causal link between the violation found and the costs and expenses requested by the applicant. It thus makes no award under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (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 20 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President