

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

THIRD SECTION

CASE OF DOULGERAKIS v. GREECE

(Application no. 5769/19)

JUDGMENT

STRASBOURG

9 June 2026

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



In the case of Doulgerakis v. Greece,

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

Peeter Roosma*, President*,
Ioannis Ktistakis,
Lətif Hüseynov*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 5769/19) 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 18 January 2019 by a Greek national, Mr Emmanouil Doulgerakis ("the applicant"), who was born in 1976, lives in Heraklion and was represented by Mr I.D. Paparigopoulos, a lawyer practising in Chalandri;

the decision to give notice of the complaint concerning Article 8 to the Greek Government ("the Government"), represented by their Agents, Ms Z. Chatzipavlou and Ms E. Kroba, Senior Advisors at the State Legal Council, and to declare the remainder of the application inadmissible;

Having deliberated in private on 19 May 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns, under Article 8 of the Convention, the allegedly excessive length of custody proceedings between the applicant and his former spouse, P.P.

I. BACKGROUND

2. The applicant married P.P in 1997. The couple had three children: E., born in 1998; J., born in 2001; and A., born in 2003.

3. In August 2011 the spouses separated. The applicant left the family home by virtue of a provisional order. At the same time, E. also left the family home and thereafter resided with the applicant, while J. and A. remained with their mother.

4. The marriage of the parties was formally dissolved by judgment no. 455/2013 of the Heraklion Single-Member Court of First Instance.

II. INTERIM PROCEEDINGS

5. On 18 November 2011 the Heraklion Single-Member Court of First Instance issued provisional measures (*ασφαλιστικά μέτρα*, judgment no. 2934/2011) following opposing applications by the parties. The court awarded custody of E. to the applicant and custody of J. and A. to P.P. It also

outlined contact arrangements and granted P.P. temporary use of the family home.

6. On 19 December 2011 the applicant applied for interim measures, together with an application for an injunction order (*προσωρινή διαταγή*), asking for judgment no. 2934/2011 to be annulled and for the temporary award of custody of J. and A. The request for an injunction order was rejected on 21 December 2011.

7. On 21 February 2012 the applicant lodged a further application for an injunction order, which was rejected on 22 February 2012. On 11 April 2012 his application for interim measures was dismissed by judgment no. 91/11-4-2012.

8. In February 2012 J. moved in with the applicant. In April 2012 A. also moved in with the applicant.

9. On 17 July 2013 the applicant filed a new application for interim measures, again asking for judgment no. 2934/2011 to be annulled and for an injunction order. By order of 19 July 2013 the court temporarily allowed all three children to reside with the applicant pending the examination of his application.

10. On 22 November 2013 the court delivered judgment no. 1242/2013, partially amending the previous order. It awarded provisional custody of J. to the applicant and reinstated custody of A. to P.P., taking into account his young age and emotional attachment to his mother. A. subsequently returned to live with P.P.

III. MAIN CUSTODY PROCEEDINGS

11. On 25 November 2011 P.P. brought proceedings before the Heraklion Single-Member Court of First Instance seeking sole custody of all three children. The hearing was initially scheduled for 2 November 2012 and subsequently adjourned until 1 March 2013.

12. On an unspecified date in 2011 the applicant lodged a counterclaim, seeking sole custody of the children.

13. On 14 January 2013 the applicant withdrew the counterclaim he had lodged in 2011 and lodged a new counterclaim, relying on a change in circumstances. He submitted that both younger children had been living with him for significant periods and sought sole custody of them on that basis.

14. On 12 June 2013 the Heraklion Single-Member Court of First Instance issued a preliminary ruling (judgment no. 418/2013) ordering psychiatric expert assessments of both parents and the children. E.I. was appointed to carry out those assessments.

15. In the context of the expert assessments, E.I. asked to be replaced. By decision no. 19/1441/2014 of 7 January 2014 the court appointed M.T. in her stead. On 16 January 2014 the applicant asked for M.T. to be replaced on the grounds that she had relocated outside the judicial district. By decision

no. 164/49/2014 of 14 March 2014 M.T. was replaced by E.V. On 10 June 2014 E.V. asked to be replaced, stating that she had encountered difficulties in obtaining cooperation and was therefore unable to finalise her report. Following correspondence between the court and E.V. in July 2014, the court appointed E.B. as the expert by decision no. 745/615/2014 of 30 July 2014. E.B. submitted his report during the summer of 2015, prior to the hearing of 2 October 2015.

16. On 22 September 2014 the applicant appointed his own technical expert. On 21 December 2014 he sent an extrajudicial declaration to P.P., requesting her cooperation and attendance at his technical expert's office.

17. On 29 January 2015 the applicant asked for the case to be scheduled for hearing. The custody case was heard on 2 October 2015.

18. On 12 July 2016 the applicant submitted a written request seeking expedition of the proceedings.

19. On 15 July 2016 the Heraklion Single-Member Court of First Instance delivered judgment no. 272/2016. It dismissed P.P.'s action and partially upheld the applicant's counterclaim, granting him sole custody of all three children.

20. Both parties appealed. P.P. lodged her appeal on 22 September 2016 and the applicant on 27 September 2016.

21. The hearing was initially scheduled for 8 January 2019. On 3 October 2016 the applicant submitted a written request to expedite the proceedings to the president of the court.

22. The appeals were heard jointly on 4 April 2017.

23. On 29 June 2017 the Eastern Crete Court of Appeal delivered judgment no. 133/2017, awarding custody of A. to P.P. and confirming the applicant's custody of E. and J.

24. On 8 August 2017 the applicant lodged an appeal on points of law. By judgment no. 1284/2018, published on 13 July 2018, the Court of Cassation dismissed the appeal.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

25. The Government submitted that the proceedings at first instance had lasted four years and eight months, the appellate proceedings approximately nine months and the proceedings before the Court of Cassation less than one year, and that any shortcomings in terms of excessive length could therefore only concern the first-instance proceedings. They argued that the case had been particularly complex and sensitive, having regard to the number of children involved and the evolving family circumstances. They further contended that the applicant had contributed to the overall length of the proceedings by only lodging his counterclaim in January 2013 and by

requesting the scheduling of a hearing in 2015. The Government also maintained that the need for psychiatric expert assessments had inevitably delayed the proceedings; that the successive replacement of court-appointed experts had resulted from factors beyond the authorities' control, such as withdrawals, lack of cooperation or the unavailability of qualified specialists; and that the domestic courts had acted reasonably and in good faith to overcome those difficulties. Lastly, they submitted that the applicant's right to respect for family life had not been irreversibly impaired, as he had maintained regular contact with all three children and had exercised actual custody over two of them during the proceedings, and that the present case differed from *Anagnostakis and Others v. Greece* (no. 46075/16, 23 September 2021).

26. The applicant complained that the custody proceedings had been unduly long and had failed to meet the standards of promptness and efficiency under Article 8 of the Convention. The delay in resolving the custody arrangements had adversely affected his family life and the well-being of his children.

27. 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.

28. The Court has already established that ineffective and, in particular, delayed, conduct of custody, parental authority and contact proceedings may give rise to a breach of the positive obligations under Article 8 (see *Popadić v. Serbia*, no. 7833/12, § 85, 20 September 2022; *Anagnostakis and Others*, cited above, § 68; *M. and M. v. Croatia*, no. 10161/13, § 179, ECHR 2015 (extracts); *Diamante and Pelliccioni v. San Marino*, no. 32250/08, § 177, 27 September 2011; and *Eberhard and M. v. Slovenia*, nos. 8673/05 and 9733/05, §§ 139 and 142, 1 December 2009). In cases concerning a person's relationship with his or her child, it is the duty of the judicial authorities to exercise exceptional diligence in view of the risk that the passage of time may result in a *de facto* determination of the matter. This duty, which is decisive in assessing whether a case has been heard within a reasonable time as required by Article 6 § 1 of the Convention, also forms part of the procedural requirements implicit in Article 8 (see *Jurišić v. Croatia (no. 2)*, no. 8000/21, § 42, 7 July 2022, with further references).

29. In the present case, the custody proceedings on the merits commenced on 25 November 2011, when P.P. lodged her action before the Heraklion Single-Member Court of First Instance, and concluded on 13 July 2018 with the publication of the Court of Cassation's judgment, lasting approximately six years and eight months and involving three levels of jurisdiction. The first-instance proceedings lasted four years and eight months, the appellate proceedings approximately nine months, and the proceedings before the Court of Cassation approximately eleven months. The Court observes that the proceedings before the appellate court and the Court of Cassation were not

marked by significant periods of inactivity. Conversely, the proceedings at first instance were characterised by substantial delays, and it is therefore on that phase of the proceedings that the Court will concentrate its examination.

30. The Court does not accept the Government's argument that the overall length of the proceedings can be justified by their complexity. While the impugned proceedings may be regarded as involving a certain degree of complexity owing to the number of children involved and the evolving family circumstances, these elements are inherent in most custody disputes and cannot in themselves justify such a protracted duration. The Court therefore cannot endorse the Government's assertion that the case should be regarded as exceptionally complex (see, for example, *Popadić*, cited above, § 89).

31. As regards the Government's argument that the applicant and his children were not deprived of the mutual enjoyment of each other's company owing to their regular contact throughout the proceedings, the Court accepts that this element distinguishes the present case from situations in which delays have resulted in a *de facto* rupture of family ties (see, for example, *Anagnostakis and Others*, cited above). However, the Court reiterates that the requirement of exceptional diligence applies equally to custody and contact proceedings, in view of the uncertainty governing family life in the meantime (see paragraph 28 above).

32. In the circumstances of the case, it cannot be said that the applicant's conduct significantly contributed to the overall length of the proceedings. Parental motions or inaction do not relieve the authorities of their positive obligation to conduct custody proceedings with particular diligence and efficiency (see *Eberhard and M. v. Slovenia*, cited above, § 139). It is true that the applicant had initially lodged a counterclaim in 2011, but withdrew it and lodged a new counterclaim in January 2013, citing a change in circumstances resulting from the children's change in residence (see paragraphs 12 and 13 above). However, once both actions were joined, it was incumbent upon the domestic court to ensure that the case advanced with due expedition. The applicant actively sought progress and protested against delays (see paragraphs 18 and 21 above). The Court therefore does not find that the applicant made any significant contribution to the delays.

33. As regards the Government's argument that the delays resulted from the need for psychiatric expert assessments and the successive replacement of experts, the Court reiterates that neither the need for specialist evidence nor the conduct of experts can absolve the authorities of their duty to organise proceedings in a manner compatible with Article 8 of the Convention. In custody matters, reliance on expert opinions without ensuring their timely completion cannot justify prolonged inactivity (compare *Ignaccolo-Zenide v. Romania*, no. 31679/96, § 109, 25 January 2000).

34. In this connection, the Court notes that the period between June 2013 and the summer of 2015 was marked by a considerable delay following the order for psychiatric expert assessments. Four experts were successively

appointed, three of whom withdrew before submitting any report, while the fourth completed his findings almost two years after the initial order (see paragraph 15 above). During that period, the domestic court failed to exercise effective supervision over the experts' work, did not impose time-limits and did not take adequate corrective measures to prevent inertia of the proceedings. Following the submission of the expert report, the hearing took place on 2 October 2015 (see paragraph 17 above) and the judgment was delivered on 15 July 2016 (see paragraph 19 above). This further lapse of approximately ten months was not justified by new evidence or procedural necessity. By contrast, the subsequent appeal and cassation proceedings were conducted within a reasonable time, lasting nine and eleven months respectively.

35. Having regard to the foregoing, the Court concludes that the domestic authorities failed to conduct the custody proceedings with the promptness and efficiency required under Article 8 of the Convention, and in particular during the first-instance proceedings (lasting between 25 November 2011 and 15 July 2016).

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

APPLICATION OF ARTICLE 41 OF THE CONVENTION

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

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 8 of the Convention.

Done in English, and notified in writing on 9 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Peeter Roosma President