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

FOURTH SECTION

DECISION

Application no. 61203/14
Vera Valerjevna GUDOVICS
against Hungary

The European Court of Human Rights (Fourth Section), sitting on 14 June 2016 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Iulia Motoc,
Gabriele Kucsko-Stadlmayer, *judges,*
and Andrea Tamietti, *Deputy Section Registrar*,

Having regard to the above application lodged on 27 August 2014,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Vera Valerjevna Gudovics, is a Hungarian national, who was born in 1969 and lives in Százhalombatta.

The Hungarian Government ("the Government") are represented by Mr Z. Tallódi, Agent, Ministry of Justice.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 5 March 2009 the applicant lodged a claim before the Budaörs District Court against her husband for divorce, child custody and settlement of use of common property. By its judgment issued on 27 April 2011 the first-instance court dissolved the parties' marriage, placed the children with the applicant and granted her husband access rights. Further, the court ordered shared use of their real property. On appeal, the Budapest Surroundings High Court reversed the judgment in respect of the due date of the child maintenance and upheld the remainder on 22 November 2012.

A number of experts had been appointed by both courts, who had repeatedly examined the child-raising ability of the parents and the strength of ties between the children and their parents. During the court proceedings the applicant filed a number of motions with the court against the father, such as motions for interim measures for the restriction of child custody or for the exclusive use of their apartment, which, however, were all rejected.

The applicant challenged the judgment before the *Kúria* which upheld it on 14 January 2014.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about excessive length of the civil proceedings and under Article 13 of the Convention about not having an effective remedy concerning the protraction of the case.

THE LAW

The applicant complained that the proceedings lasted an unreasonably long time, in breach of Article 6 § 1 of the Convention, which reads as follows:

> "In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal..."

The Government contested that argument.

The Court observes that the applicant's statement of claim was introduced on 5 March 2009. The proceedings ended on 14 January 2014; thus, they lasted approximately four years and ten months for three levels of jurisdiction. Although it is essential that child custody cases be dealt with speedily, the Court notes that in the present case there was no question of uncertainty in respect of the applicant's access to her children which could have led to emotional instability more than in regular divorce proceedings. The applicant was granted custody of her children throughout the entire proceedings and thus she did not seem to be at risk of serious and irreversible consequences of any delay. Although the final and binding judgment placed the children with the applicant, she was the only party who challenged the judgment before the *Kúria* requiring further restrictions against the father. The conduct of the applicant, in particular, the numerous motions for various measures lodged by her, which all appeared to be unfounded, might have influenced the length of the proceedings too.

In the absence of any particular period of inactivity imputable to the authorities, the Court is satisfied that these proceedings did not exceed a reasonable time. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

The applicant also complained about not having an effective remedy to address the issue of the protraction of the case as laid down in Article 13 of the Convention, which reads as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The Court, having declared the length complaint under Article 6 of the Convention manifestly ill-founded, concludes that the applicant had no arguable claim for the purposes of Article 13 of the Convention (see *Rodić and Others v. Bosnia and Herzegovina*, no. 22893/05, § 82, 27 May 2008). It follows that the applicant's complaint under Article 13 of the Convention must be rejected as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 7 July 2016.

Andrea Tamietti
Deputy Registrar

Paulo Pinto de Albuquerque
President