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Meeting: 1569th meeting (September 2026) (DH)

Item reference: Action Report (15/07/2026)

Communication from Greece concerning the case of Tzioumaka v. Greece (Application No. 31022/20)
(Fourkiotis group)

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1569^e réunion (septembre 2026) (DH)

Référence du point : Bilan d'action (15/07/2026)

Communication de la Grèce concernant l'affaire Tzioumaka c. Grèce (Requête n° 31022/20) (Groupe Fourkiotis) **[anglais uniquement]**

TZIOUMAKA v. Greece

(application no [31022/20](#), judgment of 09/04/2024, final on 09/07/2024)

Updated Action Report

DGI

15 JUIL. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

I) CASE DESCRIPTION

1. This case concerns a violation of the applicant's right to family life on account of the authorities' failure to effectively pursue adequate and timely actions to enforce domestic judicial decisions rendered in 2020-2021, whereby the applicant was granted custody of her two minor children and required their father to return them to her (violation of Article 8).
2. The Court indicated that what is decisive in the present case is whether the national authorities took all steps that could reasonably be demanded to facilitate the execution of domestic courts' decisions (no 87/2018 of the Amaliada One-Member Court of First Instance by which the applicant was awarded custody of her two daughters and no 195/2020 of the Patra Court of Appeal by which the father's appeal against the first instance judgment was rejected). In this connection it observed that the judicial proceedings lasted two years at first level of jurisdiction and four years at second, therefore they were not consistent with the essence of such an action which, by its nature, requires expediency. Moreover, the Court noted that the present case is marked by a clear absence of cooperation on the part of the applicant's ex-husband, who systematically obstructed the authorities' efforts to reunite her with her children and highlighted that this fact does not absolve the authorities of their responsibility to do everything necessary to facilitate such reunion.
3. The Court concluded that the applicant was left unable to enforce the decision awarding her custody of her two children for a significant period of time, without sufficient support from the domestic authorities, who allowed a *de facto* situation to consolidate into the disregard of judicial decisions, without the ex-husband having to bear any consequences of his unaccommodating attitude.

II) INDIVIDUAL MEASURES

Payment of just satisfaction

4. The European Court awarded the applicant the sum of 15.000 euro, as just satisfaction in respect of non-pecuniary damage, as well as 1.000 euro as costs and expenses. The relevant amounts were paid timely, as indicated in our letter with registration no 103-5100/A2534/2-10-2024. The deadline for the applicant to complain has expired.

Other measures

5. Following the Court's judgment the competent police authorities¹ sought to establish contact with the applicant. However, the applicant was not found in the address mentioned in her identity, at Soufli. The authorities searched for information from her relatives and her aunt (E.T., resident of Soufli) stated that the applicant was the last years located in Alexandroupolis, however lately she relocated to Stuttgart (Germany), in search of a job. The authorities note that the applicant was sought as well at the given address at Alexandroupolis, without result. Moreover, the police authorities made several unsuccessful attempts to call the applicant on her mobile². They also got in touch with the applicant's lawyer E.A., who at that point verified that the applicant had gone to Stuttgart.

6. The competent Police Department of Ilida (Police Directorate of Ilia) mentions that the two children (E.K. and G.K.) reside with their father (K.K. and his parents) in the village of Kolokythas settlement of the Agios Dimitrios Municipality of Ilida and they attend school at Kalyvia, Ilia.

7. According to the father's statement, the applicant has no contact with her children. He further indicated that he has lodged an Action (dated 2-2-2026) before the Single-member Court of First Instance of Amaliada requesting that he be granted sole custody of the children. The police authorities indicate, lastly, that no new contact, application or complaint has been established or filed by the applicant towards the authorities (ever since 2020).

8. It is noted that the criminal proceedings against K.K., following a criminal complaint about child abduction that had been filed by the applicant, have been adjourned again for 18/09/2026, on account of participation, on the previously arranged hearing date, of the court's secretary in a general strike. However, according to available information, the applicant has not participated in the relevant proceedings (in general).

9. Moreover, the applicant had lodged a criminal complaint against the police officers of the Police Department of Ilida for breach of duty. The 3Member's Criminal Court of Amaliada, which heard the case, found the accused not guilty (judgment no 56/2026). It is noted that the applicant joined the hearing of the case on 17/2/2026 and was examined as witness, stating that she had no complaints against the accused officers and that they have aided her each time she had requested help.

1 General Regional Police Directorate of Eastern Macedonia and Thrace and General Regional Police Directorate of Western Greece.

2 The number ends in 260.

10. In view of the foregoing the Government considers that there is nothing much else that can be done and that no further individual measures are deemed necessary.

III) GENERAL MEASURES

11. The Government indicates that the European Court's judgment has been translated into Greek and published on the official web site of the Legal Council of the State (www.nsk.gov.gr). In addition, a detailed letter of the Government Agent, highlighting the shortcomings identified in the Court's judgment, accompanied by a translation of the latter, was sent to the President and the Prosecutor of the Court of Cassation, as well as to the Ministry of Justice, for further dissemination to all judicial and prosecutorial authorities and the leadership of the Hellenic Police. The dissemination took place by letter no 7045/8-11-2024 of the Prosecutor of the Court of Cassation.

12. As already indicated, the Greek Government has adopted new legislation streamlining the relations between parents and children, following separation. In particular, *law no 4800/2021 «Reforms regarding parent-child relations, other family law issues, and other urgent provisions»* was issued - in force as of 16/09/2021. As noted in Art. 1 of the above law, its purpose is to serve the best interests of the child, through the active presence of both parents in the upbringing of the child and its provisions shall be interpreted and applied in particular in accordance with the International Convention on the Rights of the Child. In this context, certain measures introduced are expected to have a positive impact especially on the expediency of the cases related to parents' contact rights heard by domestic courts [e.g. the cases of parent-child relations are heard by «expert» judges, i.e. those who have successfully concluded special training seminars that include as subjects International Conventions such as the International Convention on the Rights of the Child and the Istanbul Convention; mediation is promoted in cases where parents disagree about joint custody or if one parent fails to comply with a custody agreement; certain practices of raising obstacles in the communication with the child (such as violating the terms of the court order for the child to communicate with the parent with whom the child does not reside) are qualified as misuse of parental responsibility and can even lead to deprivation of the exercise of parental custody, in whole or in part, and entrusting it exclusively to the other parent].

13. Article 169^A of the Criminal Code (law 4619/2019, as amended) provides that “*Anyone who has not complied with a provisional order or a civil court's or a prosecutorial order, which regulates parental care or communication with the child and the regulation of the use of the family home, is punished by imprisonment of up to three (3) years or a fine.*

The same penalty applies to anyone who did not comply with an agreement ratified by a notary pursuant to article 1441 of the Civil Code and refers to communication with minor children". It is noted that the previous Criminal Code did not contain an explicit reference to non-abiding with orders in parental cases.

14. With the aim of improving the efficiency and the quality of the justice system and taking also into consideration the guidelines of CEPEJ, a new Judicial Map has been adopted, comprising of various legislative amendments that have radically affected, already, the manner, geography and speed with which cases in general and of family law in particular, are now heard. In particular:

15. Law 5108/2024 unifies the first degree of jurisdiction (abolition of magistrate courts and judges and their consolidation as single jurisdiction) and provides for the spatial restructuring of the courts of first instance; law 5095/2024 foresees the transfer of an important number of non-contentious cases from courts to lawyers; law 4938/2022 provides the framework for establishing, merging, and abolishing courts and the possibility of converting courts wholly or partly into telematic courts; it also deals with issues of evaluation of judicial officials and sanctions for failure of concluding cases in a timely manner; law 4798/2021 establishes a new branch of Judicial Clerks to support the judicial documentation and the judicial work; amendments in Law 4640/2019 regulate the current institutional framework regarding mediation, covering civil and commercial disputes; lastly law 5221/2025 enshrines the shortening of deadlines for filing actions, their speediest serving, arrangement of hearings, issuance of the judgment, an increase in the adjournment fee etc. Moreover, the law provides for the digital Case File and regulates the digital transformation of justice with the aim of fully digitizing judicial proceedings.

16. In the context of the above amendments, it is now envisaged³ that judges who delay without justification the issuing the decision in cases assigned to them are liable to disciplinary proceedings. In addition, the criteria for the promotion of judges include quantitative, apart from qualitative, performance. In the above context, the professional knowledge acquired in the framework of their participation to seminars organized by the National School of Judges is also a criterion to be considered.

17. It is noted that the procedures before the domestic courts in the present case took place prior to the adoption of the above measures. It is also recalled that on the basis of

³ Articles 102, 109 of law 4938/2022.

certain of the new amendments, the Committee has concluded its supervision in the cases Furkiotis⁴ and Anagnostakis and Others v. Greece⁵.

18. Lastly, the competent Directorate (Department for Safety) of the Hellenic Police indicates that in the context of the Strategic Action Plan (2021-2025), the protection of minors is one of the main priorities of the Hellenic Police; one of the aims included is the minors' protection from potential victimization.

19. In view of the abovementioned the Greek Government considers that the measures already taken shall prevent similar violations to occur, therefore no further general measures are necessary in the present case.

4 No 74758/11, of 16/6/2016, final resolution CM/ResDH(2022)114.

5 No 46075/16, of 23/9/2021, final resolution CM/ResDH(2023)124.