

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

THIRD SECTION

CASE OF MAKRIS v. GREECE

(Application no. 103/22)

JUDGMENT

STRASBOURG

25 November 2025

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



In the case of Makris 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. 103/22) 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 15 December 2021 by a Greek national, Mr Lampros Makris ("the applicant"), who was born in 1971, lives in Texas and was represented by Ms V. Tzaneti, a lawyer practising in Athens;

the decision to give notice of the application to the Greek Government ("the Government"), represented by their Agent, Ms Stavroula Papaioannou, Senior Advisor at the State Legal Council;

the decision to give priority to the application (Rule 41 of the Rules of Court);

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

the comments submitted by the respondent Government and Ms Vasiliki Karakotsidi, who was granted leave to intervene by the President of the Section;

Having deliberated in private on 4 November 2025,

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

SUBJECT MATTER OF THE CASE

1. The application concerns complaints, under Article 8 of the Convention, relating to the decision-making process and the length of judicial proceedings concerning the immediate return of the applicant's daughter to the country of her habitual residence.

2. The applicant was born in 1971 and lives in Texas, United States of America ("the US"). He is a Greek national.

3. On 8 September 2007 the applicant married V.K. in Greece.

4. On 18 January 2010 their daughter, M.-G.M., was born in Athens.

5. In early 2017 the applicant relocated to Coppell, Texas, US, having secured employment there. His wife and child remained in Greece temporarily, and the child attended English classes in preparation for the relocation.

6. In July 2017 the applicant's wife and daughter joined him in Texas. His daughter was subsequently enrolled in a local primary school.

7. In May 2019 the applicant, his wife and their daughter travelled to Greece for a summer visit.

8. On 18 July 2019 the applicant returned to Texas. His wife and daughter were due to return on 11 August 2019 but did not. The mother informed the applicant that she had decided to remain in Greece with their daughter.

9. On 30 September 2019 the applicant lodged a request for interim measures with the Athens One-Member Court of First Instance, seeking the return of his daughter to Coppell, Texas, under the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention"). He asked the court to recognise the wrongful retention of his daughter in Greece, confirm that her habitual residence was in the US and order her immediate return.

10. On 22 October 2019 a hearing was held. During the proceedings, the child was heard in a private interview conducted by the judge, in the absence of her parents or their representatives.

11. On 1 November 2019 the Athens One-Member Court of First Instance delivered judgment no. 5705/2019 rejecting the applicant's request. It found that the retention was wrongful within the meaning of Article 3, as both parents had joint custody and the child's habitual residence was in the US. Relying on the exception under Article 13 § 1 (b) of the Hague Convention, the domestic court refused to order the child's return to her State of habitual residence. In reaching its conclusion, the court examined various evidentiary material, including documentary evidence, sworn affidavits and oral testimony from both parties. The court also considered the outcome of the private interview with the child, who had expressed a clear objection to returning to the US. It noted that the child had spent the majority of her life in Greece and had developed strong emotional, familial and educational ties there. It considered her reported difficulties in adjusting to life in Texas, including linguistic, academic and emotional challenges. It also considered the mother's unwillingness to return to the US because of past difficulties adapting, as well as the father's limited availability owing to professional obligations. In the light of those factors, the court concluded that returning the child would expose her to a grave risk of psychological harm, contrary to her best interests, and accordingly dismissed the application for her return.

12. On 15 November 2019 the applicant lodged an appeal with the Athens One-Member Court of Appeal, which was examined on 16 January 2020.

13. On 6 May 2020 the Athens One-Member Court of Appeal delivered judgment no. 3081/2020, upholding the first-instance ruling and dismissing the applicant's appeal on the same grounds.

14. On 13 July 2020 the applicant lodged an appeal on points of law with the Supreme Court (Areios Pagos), arguing that the Court of Appeal had misapplied Article 13 § 1 (b) of the Hague Convention. He submitted that the lower court had failed to identify any concrete risk of harm arising from the child's return to Texas and had placed disproportionate weight on her

objections, despite her young age and alleged lack of maturity under Article 13 § 2 of the Hague Convention.

15. By judgment no. 672/2021 of 28 May 2021, the Supreme Court rejected the appeal.

16. In the meantime, on 10 October 2019 the applicant filed a petition for the return of his child and a petition in suit affecting the parent-child relationship before the 254th District Court of Dallas County, Texas (no. DF-19-19724). He sought the return of his daughter under the Hague Convention and the enforcement of his custody rights. On 13 December 2019 the Associate Judge of the 254th District Court issued a report finding that the child's habitual residence was in Texas, that the retention of the child by the mother was wrongful and that the applicant would have been exercising his custody rights if not for the wrongful retention of his daughter. The court ordered the mother to return the child to the US by 2 January 2020. Following the mother's objection and her request for a *de novo* review, the same court upheld its decision on 14 January 2020 and extended the return deadline to 26 January 2020. The mother did not comply with the order, and the child remained in Greece. Those orders were not enforced in Greece.

THE COURT'S ASSESSMENT

17. The applicant's complaint is twofold. Firstly, he alleged a violation of his right to respect for family life under Article 8 of the Convention on account of the domestic courts' refusal to order the return of his daughter to the US under the Hague Convention. He submitted that the courts had misapplied Article 13 § 1 (b) by relying primarily on the child's stated preference to remain in Greece, without establishing the existence of a grave risk of harm in the event of her return. Secondly, he complained that the return proceedings had been excessively long and not conducted with the expedition required by the Convention.

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION ON ACCOUNT OF THE DOMESTIC COURTS' DISMISSAL OF THE APPLICANT'S REQUEST FOR THE RETURN OF THE CHILD

18. The Government submitted that the applicant had failed to exhaust domestic remedies, as he had not relied on Article 8 of the Convention before the domestic courts. The Court observes that the applicant's submissions under the Hague Convention concerned his custodial rights and family life, which fall within the scope of Article 8 of the Convention (see *Castells v. Spain*, 23 April 1992, § 32, Series A no. 236, and *Monory v. Romania and Hungary*, no. 71099/01, §§ 70-72, 5 April 2005). Their objection must therefore be dismissed.

19. The general principles on the issue of international child abduction, the scope of the Court's examination of international child abduction applications, the best interests of the child and the procedural obligations of the States have been summarised in *X v. Latvia* ([GC], no. 27853/09, §§ 92-108, ECHR 2013) and *Neulinger and Shuruk v. Switzerland* ([GC], no. 41615/07*,* § 133, ECHR 2010). Principles concerning the promptness of proceedings have been outlined in *G.S. v. Georgia* (no. 2361/13, § 49, 21 July 2015, with further references).

20. In the instant case, the domestic courts acknowledged that the child's retention in Greece was wrongful within the meaning of Article 3 of the Hague Convention but dismissed the return request under Article 13 §§ 1 (b) and 2.

21. The Court observes that the domestic courts carried out a sufficiently thorough and individualised assessment, consistent with the principles enshrined in the Hague Convention and with the Court's case-law (see *Blaga v. Romania*, no. 54443/10, § 76-78, 1 July 2014, and *Vladimir Ushakov v. Russia*, no. 15122/17, § 82, 18 June 2019). Their assessment was based on documentary and oral evidence presented by both parties, together with the child's statements made during a private interview with the judge (see paragraphs 9, 13 and 15 above). The courts found that the child had expressed a clear and consistent objection to returning to the US and had attained a sufficient degree of maturity for her views to be considered under Article 13 § 2 of the Hague Convention. However, the domestic courts did not rely solely on her objections.

22. The child's objections were assessed in the context of her emotional well-being, integration in Greece, the mother's unwillingness to relocate and the practical difficulties in returning. In that context, the courts found that enforcing the return of the child would expose her to a grave risk of psychological harm within the meaning of Article 13 § 1 (b). This case is therefore to be contrasted with those involving the unlawful retention of a child in a parent's country of origin with which the child has no established connection, which the return mechanism under the Hague Convention seeks to prevent (see *X v. Latvia*, cited above, and *Karrer v. Romania*, no. 16965/10, 21 February 2012).

23. Contrary to the applicant's allegations, the Court is satisfied that the refusal to order the child's return reflected a context-sensitive and proportionate assessment of her best interests (see *Akdağ v. Netherlands* (dec.)*,* no. 49437/14, § 40, 18 October 2016, and *Giannakopoulos v. Greece*, no. 20503/20, § 76, 3 December 2024; compare and contrast *Blaga*, cited above, §§ 79-82; *G.N. v. Poland*, no. 2171/14, § 65, 19 July 2016; *Karrer*, cited above, §§ 45-48; and *X v. Latvia*, cited above, §§ 116-17).

24. In the light of the above, the Court finds that this part of the application 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 8 OF THE CONVENTION ON ACCOUNT OF THE LENGTH OF THE PROCEEDINGS

25. The applicant further complained about the length of the proceedings, which started on 30 September 2019 and finished on 28 May 2021, lasting approximately 20 months in total (see paragraphs 9 and 15 above).

26. The Government submitted that the domestic courts had acted with due diligence and that the case had been examined by three levels of jurisdiction. It further noted that the Athens One-Member Court of First Instance had delivered its judgment within five weeks of the lodging of the application and that the issues raised had required sensitive and careful judicial scrutiny.

27. The Court notes that, while the first-instance decision was issued promptly, no convincing explanation was provided either by the domestic courts or by the Government for the delay at the appellate stages. In these circumstances, the domestic authorities failed to act with the requisite diligence. This period far exceeded the time frame provided under the Hague Convention and cannot be regarded as compatible with the requirement of expedition.

28. In a number of its judgments, the Court has found a violation of Article 8 of the Convention in cases involving similar or much shorter delays in Hague Convention return proceedings (see *G.N. v. Poland*, cited above, §§ 66-68 – 17 months and 2 weeks; *Blaga*, cited above, § 83 – over 13 months; *Monory*, cited above, § 82 – over 12 months; *K.J. v. Poland*, no. 30813/14, §§ 71-72, 1 March 2016 – 12 months; and *R.S. v. Poland*, no. 63777/09, § 70, 21 July 2015 – over 6 months). Moreover, delays in the procedure alone may be sufficient for the Court to conclude that the authorities failed to comply with their positive obligations under the Convention, having regard to the requirement of expedition (see *Shaw v. Hungary*, no. 6457/09, § 72, 26 July 2011, and *Vilenchik v. Ukraine*, no. 21267/14, §§ 53-56, 3 October 2017).

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

APPLICATION OF ARTICLE 41 OF THE CONVENTION

30. The applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage. He also claimed a total of 42,370.92 US Dollars for legal expenses incurred in custody proceedings before the US courts, EUR 2,912 for legal representation and procedural costs before the Greek courts, EUR 3,200 for court fees awarded against him in Greece and EUR 1,240 for legal costs incurred before the Court.

31. The Government contested those claims.

32. Having regard to the violation found, the Court awards the applicant EUR 2,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

33. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 800 covering the costs of the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 8 of the Convention concerning the length of the proceedings admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 8 of the Convention on account of the length of the proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts:
      (i) EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 800 (eight hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts 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 25 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Peeter Roosma President