

Belgrade, 20 June 2025

ACTION REPORT

DAVIDOVIĆ v. SERBIA

Application no. 46198/18, Judgment of 4 March 2025, final on 4 March 2025

from the KOSTIĆ group v. Serbia

Application no. 31530/20, Judgment of 2 July 2024, final on 2 July 2024

I CASE DESCRIPTION

1. This case concerns the delayed enforcement of the final judgment from 2013 made in the applicant's favour in child custody proceedings (violation of Article 8).

2. The Court endorsed the findings of the Constitutional Court that the domestic authorities had violated the applicant's parental rights. However, the Constitutional Court dismissed the applicant's request for compensation in respect of non-pecuniary damage, bearing in mind that she had previously been awarded EUR 500 in respect of the excessive length of the enforcement proceedings. Even taking into consideration the amount awarded on account of the excessive length of enforcement in the context of the violation of parental rights, the Court found that the amount of compensation awarded at domestic level cannot be considered appropriate and sufficient to remove the applicant's victim status. Therefore, the Court concluded that the Serbian authorities failed to take all necessary steps that could reasonably be expected in the given circumstances to ensure effective enjoyment by the applicant of her parental rights (§§ 16, 19 and 20).

II INDIVIDUAL MEASURES

3. The authorities note that on 14 November 2017 the enforcement of the final judgment from 2013 was finally carried out, therefore no further individual measures are necessary.

4. The European Court awarded the applicant just satisfaction in respect of non-pecuniary damage in the amount of EUR 4,000. The payment has been made on 7 May 2025, within the deadline set out by the European Court.

5. In view of the above, the authorities consider that the applicant has been fully redressed for the damage sustained.

III GENERAL MEASURES

6. In response to the European Court's findings, the authorities have taken measures aimed at preventing similar violations as set out below.

A. Convention-compliant case law of the Constitutional Court and the measures aimed at expediting enforcement proceedings

7. The authorities recall that the measures regarding the Convention-compliant case law of the Constitutional Court with respect to awarding non-pecuniary damages in similar cases have been taken within the context of the leading case *Kostić*, which are capable of preventing similar violations. The authorities note that the Action report in the leading case *Kostić* was submitted on 25 February 2025, and that the Committee of Ministers adopted [final resolution \(CM/ResDH\(2025\)118\)](#).

8. In addition, further measures aimed at expediting the enforcement proceedings in similar cases were taken in the context of *Milovanović* ([CM/ResDH\(2021\)20](#)) and *Popadić* ([CM/ResDH\(2023\)447](#)).

B. Publication and dissemination measures

9. In 2025, the authorities ensured that publication and dissemination of the present judgment were taken to draw the attention of the relevant domestic authorities on the European Court's findings in this case. To this end, the European Court's judgment was translated into Serbian and published in the Official Gazette and on the Government Agent's official web page. The European Court's findings have therefore been made easily accessible to judges and the legal community nationwide.

10. The Government Agent furthermore prepared [an analysis](#) of the European Court's findings in this judgment and ensured its dissemination together with the translated judgment to all relevant domestic authorities, including the Constitutional Court.

11. The above-mentioned measures ensured that all domestic courts and relevant bodies are now aware of the Court's findings and the need to comply with the Convention requirements in similar cases.

IV JUST SATISFACTION

12. The authorities ensured that just satisfaction awarded by the European Court has been disbursed to the applicant on 7 May 2025. The payment has thus been made within the deadline set out by the European Court.

V CONCLUSIONS

13. The authorities consider the individual measures taken ensured that the applicant was redressed for the damage sustained.

14. The authorities furthermore consider the general measures, as well as those taken within the context of the leading case *Kostić*, coupled with the measures previously taken in *Milovanović* and *Popadić* are capable of preventing similar violations.

15. The authorities therefore consider that the Republic of Serbia has complied with its obligations under Article 46 § 1 of the Convention and respectfully propose to the Committee of Ministers to close its examination of the *Davidović* case.