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

FIFTH SECTION

DECISION

Application no. 31415/15
Maximiliana ABRAHAMYAN
against Armenia

The European Court of Human Rights (Fifth Section), sitting on 12 February 2026 as a Committee composed of:

Andreas Zünd, *President*,
Mykola Gnatovskyy,
Vahe Grigoryan, *judges*,
and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 31415/15) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 June 2015 by a German national, Ms Maximiliana Abrahamyan ("the applicant"), who was born in 2001 and lives in Essen, and was initially represented by her mother, Ms S. Abrahamyan, and subsequently by Mr T. Hermes, a lawyer practising in Essen;

the decision to give notice of the complaint under Article 8 of the Convention concerning an alleged breach of the applicant's right to private life to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns an alleged breach of the applicant's right to respect for her private life, under Article 8 of the Convention, in the examination of her civil claim for judicial recognition that a deceased person was her father.

2. In 2001 the applicant was born out of wedlock in Germany and lived there with her mother.

3. In 2007 the applicant's alleged father, K., who had been residing in Armenia, died without leaving a will. One of K.'s brothers, A., and K.'s nephews, including H., were recognised as his heirs.

4. On 12 October 2009 H. initiated civil proceedings in the Kentron and Nork-Marash District Court of Yerevan ("the District Court") against other heirs concerning an apartment that formed part of the inheritance.

5. On 6 May 2010 the applicant, represented by her mother and legal counsel, lodged a civil claim, seeking to be recognised as the late K.'s daughter and his sole heir. She also requested that the statutory six-month time-limit for accepting the inheritance be reinstated. As evidence of the alleged paternity, she submitted the results of a DNA test conducted in Germany on 13 January 2010, which showed a 99.99% probability that A. was the applicant's biological uncle. The examination of her civil claim was joined with that of H.

6. On 16 May 2012 the District Court dismissed the applicant's claims as unsubstantiated. The District Court did not admit the results of the DNA test as evidence, finding that they did not comply with the requirements of Articles 60-62 of the Code of Civil Procedure in force at the relevant time. In particular, the court held that the results of the DNA test were unclear and that the expert's report lacked a detailed description of the examinations conducted, substantiated answers to the questions posed and any information about the experts who had carried out the test.

7. The applicant lodged an appeal adducing new evidence, including a written statement by her mother that K. was the applicant's biological father, several photographs showing herself and her mother in the company of K. and his relatives, copies of letters received from A. and H., copies of written witness statements, written declarations and material published in the press supporting the assertion that K. was her biological father.

8. On 22 November 2012 the Civil Court of Appeal quashed the District Court's judgment and remitted the case for fresh examination, noting that the newly-submitted evidence was important for the proper determination of the dispute and that a fresh examination was necessary in order to assess that evidence together with the other evidence in the case.

9. On 14 March 2014 the District Court once again dismissed the applicant's claims as unsubstantiated. The court found it unclear why the issue of paternity had only been raised three years after K.'s death. It had not been shown that K. had taken any action acknowledging the applicant as his daughter during his lifetime, specifically during the six years following the applicant's birth, and no obstacles for doing so had been shown. There was no evidence that K. had cared for or financially supported the applicant or that he had sent any letters to the applicant's mother during that period. The results of the DNA test were considered inadmissible since the circumstances

and the manner in which that genetic test had been conducted were unclear, the relevant report did not contain introductory and descriptive parts, and it was unclear how A.'s blood sample had been obtained. Moreover, the experts had not been warned, as required under Armenian law, about their responsibility to provide accurate findings. The court considered that the other evidence submitted by the applicant was either incapable of establishing paternity or was biased and therefore unreliable. Lastly, the District Court held that even if paternity had been proven, the six-month time-limit for claiming inheritance had expired and no valid reason had been given for missing it.

10. The applicant lodged an appeal, but the Civil Court of Appeal dismissed it and upheld the District Court's judgment of 14 March 2014 in full.

11. The applicant then lodged an appeal on points of law.

12. On 17 December 2014 the Court of Cassation declared the applicant's appeal inadmissible for lack of merit.

THE COURT'S ASSESSMENT

13. The applicant complained under Article 8 of the Convention that the domestic courts had failed to secure the recognition of her paternal filiation with K., thereby leaving her in a state of uncertainty as to her personal identity.

14. The general principles concerning the States' positive obligations inherent in ensuring effective "respect" for private or family life in paternity disputes were summarised in *Moldovan v. Ukraine* (no. 62020/14, §§ 32-36 and 43, 14 March 2024, and in the cases cited therein). The Court's task is not to substitute itself for the competent domestic authorities in regulating paternity disputes, but rather to review under the Convention the decisions that those authorities have taken in the exercise of their power of appreciation, in order to determine whether the respondent State has complied with its positive obligations under Article 8 of the Convention (ibid., § 44).

15. The Court observes that, under Article 36 of the Family Code, in paternity disputes concerning children born out of wedlock, the domestic courts may take into account any evidence capable of conclusively establishing paternity. However, under Article 48 §§ 1 and 6 of the Code of Civil Procedure, the applicant bore the burden of proving the facts on which she relied. Accordingly, the outcome of the proceedings depended on the applicant's ability to prove her alleged paternal link with K. with conclusive evidence.

16. The principal evidence submitted by the applicant in support of her paternity claim was the DNA test obtained in Germany (see paragraph 5 above). The Court notes that, in general, the probative value of such tests substantially outweighs any other evidence in proving or disproving paternity

(see *Moldovan*, cited above, § 47). However, in the present case, the District Court identified several procedural and substantive shortcomings related to the DNA test and found it inadmissible (see paragraph 9 above). The report indeed lacked important information, including the identity of the experts, the conditions under which the samples had been obtained, and a detailed description of the examinations conducted. Moreover, it contained a disclaimer stating that, if the sampling had not been witnessed and documented, the client alone was responsible for the authenticity of the samples and that the test was admissible in court only upon presentation of an independently documented record of the sampling and verification of identity. No such record or documentation was submitted. These shortcomings, even apart from the question of admissibility, can reasonably be regarded as casting doubt on the reliability and probative value of the DNA test results.

17. Furthermore, the applicant, represented by counsel, had the opportunity to request that the District Court order a DNA examination in accordance with domestic procedural rules. While she argued before the Court that she had made such request, no evidence was produced to support that assertion.

18. Moreover, the applicant was not prevented from submitting other evidence in support of her claim. The District Court assessed the material she submitted and found it either incapable of proving the alleged paternity or biased and unreliable. It also assessed the overall circumstances of the case, including the delay in submitting the paternity claim, the lack of any indication that K. had acknowledged the applicant as his daughter during his lifetime or provided her with care or financial support, and the lack of correspondence from K. to the applicant's mother (see paragraph 9 above).

19. The Court reiterates that the admissibility, relevance and probative value of evidence or the burden of proof are primarily matters for regulation by national law and national courts (see *Tiemann v. France and Germany* (dec.), nos. 47457/99 and 47458/99, ECHR 2000-IV; *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 198, ECHR 2012; and *Kaminskas v. Lithuania*, no. 44817/18, § 50, 4 August 2020). It finds that in the present case the District Court's reasons, its assessment of the evidence and the overall circumstances of the case were neither arbitrary nor manifestly unreasonable. Furthermore, the decision-making process, seen as a whole, was fair and provided the applicant with the requisite protection of her interests, as required in paternity cases by Article 8 (see *Mifsud v. Malta*, no. 62257/15, § 59 *in fine*, 29 January 2019).

20. In sum, the applicant's claim was duly examined by the domestic courts, which found the available evidence insufficient to establish paternity. The applicant, represented by counsel, had procedural opportunities to substantiate her claim but failed to do so. In these circumstances and having regard to the Court's subsidiary role and the power of appreciation afforded

to the domestic courts in such matters, it cannot be said that the State has breached its positive obligations under Article 8 of the Convention in handling the applicant's claim for judicial recognition of her alleged paternity.

21. It follows that the application is manifestly ill-founded and must be rejected in accordance with 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 12 March 2026.

Martina Keller Deputy Registrar	Andreas Zünd President