



## Judgments and decisions of 31 May 2018

The European Court of Human Rights has today notified in writing three judgments<sup>1</sup> and five decisions<sup>2</sup>:

one Chamber judgment is summarised below;

two Committee judgments, concerning issues which have already been submitted to the Court, and the five decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment below is available only in French.*

### Bagniewski v. Poland (application no. 28475/14)

The applicant, Jacek Bagniewski, is a Polish national who was born in 1965 and lives in Bydgoszcz (Poland).

The case concerned the dismissal of an action to disclaim paternity brought by a prosecutor on Mr Bagniewski's behalf.

In September 1995 Mr Bagniewski married his partner. In February 1997 the latter gave birth to a son. Mr Bagniewski, being the child's mother's husband, was registered as the father in the civil status register. The couple divorced a few years later.

Subsequently, Mr Bagniewski began to entertain doubts as to his paternity of the child and ordered a non-judicial DNA test (identification by genetic sampling), providing samples both from himself and from the child, in his submission. The test results established that there was no biological link between the two persons sampled.

Mr Bagniewski then asked the prosecutor to lodge an action to disclaim paternity. During the proceedings the Bydgoszcz District Court ordered a DNA test, which the child and the mother refused to undergo. In December 2012, on the basis of the non-judicial DNA test ordered by Mr Bagniewski, the District Court ruled that the latter was not the child's biological father. On appeal by the child's mother, the Bydgoszcz Regional Court dismissed Mr Bagniewski's action to disclaim paternity on the grounds that the non-judicial DNA test contested by the child's mother could not be considered as decisive evidence in the framework of the civil proceedings and that Mr Bagniewski could not use the child's refusal to undergo DNA testing to draw conclusions contrary to the latter's best interests.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Bagniewski complained about the dismissal of the action to disclaim paternity.

### No violation of Article 8

<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.