

**KNÁKAL - Czech Republic** (N° 39277/06)  
Decision 8.1.2007 [Section V]

In 2001 the applicant met his future partner, who was already pregnant. Shortly afterwards she gave birth to a daughter in respect of whom he acknowledged paternity, and he was entered as the father in the birth register. His partner then discontinued the paternity suit she had brought against the child's putative biological father. In 2004 the applicant and his partner ended their relationship. The applicant, claiming that he had lost all ties with the child, requested the attorney-general's office to initiate an action to disclaim paternity on his behalf. The attorney-general dismissed his request on the ground that the applicant himself had failed to bring an action to disclaim paternity within the statutory time-limit of six months, and that the possibility of disclaiming paternity would neither result in a positive change in the child's life nor lead to the restoration of ties between the child and her biological father. A constitutional appeal by the applicant was also dismissed.

Article 6(1) – In view of the decision of the Constitutional Court, which had considered that the applicant's right to disclaim paternity had lapsed, as he had failed to exercise that right within the statutory time-limit of six months, the Court found that he had asserted a right which could not arguably be said to have been recognised under domestic law: *incompatible* *ratione materiae*.

Article 8, whether or not in conjunction with Article 13 – There was nothing to substantiate the applicant's argument that it was in the child's interest that the right to disclaim paternity should be unrestricted. In the Court's opinion a fair balance had been struck between the various interests involved. In particular, it could not be regarded as unjustified that, once the limitation period for the applicant's own action to disclaim paternity had expired, greater weight had been given by the authorities to the interests of the child than to those of the applicant. Unlike the situation in the case of *Paulík v. Slovakia* (no. 10699/05, 10 October 2006 – see Case-Law Report / Information Note no. 90), the applicant in this case had known even before the child's birth that he was not her biological father but had nevertheless acknowledged paternity in full awareness of the consequences. Moreover, the child in question was an infant who was partly dependent on the applicant's maintenance payments: *manifestly ill-founded*.