



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

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FIRST SECTION

Application no. 15710/26
Martin Holst ANDREASSEN
against Italy
lodged on 11 April 2026
communicated on 31 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the domestic courts' determination of the applicant's custody rights in respect of his minor son, born in August 2018.

In March 2022, following the break-down of the relationship between the applicant and his partner, the applicant instituted custody proceedings requesting shared custody of their son and that the child's primary residence should be with him. Should that not be granted, he requested shared residence arrangements (*affidamento paritetico*). By a decision of July 2022, the domestic court granted joint custody of the child, fixing his residence with the mother, having regard to the child's very young age and to the absence of any evidence that she was unfit to care for him.

The applicant was granted contact rights comprising two weekends per month, one weekday afternoon per week, and three weeks during July and August, not necessarily consecutive.

The applicant appealed, requesting a court-ordered expert assessment of the parties' respective parenting abilities and the placement of the child in his care. Both requests were dismissed by the Court of Appeal and subsequently by the Court of Cassation on 11 December 2025.

The applicant complains, under Article 8 of the Convention, that the decisions adopted were taken without any assessment of the child's best interest and without an effective evaluation of his parental capacities, despite his requests. Invoking Article 6 of the Convention, he argues that the

domestic decisions failed to effectively examine the complaint he had raised. Finally, relying on Article 14 taken in conjunction with Article 8, he alleges that the decision was based on a presumption of the mother's superior suitability to care for minors.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to respect for his family life contrary to Article 8 of the Convention (see *Petrov and X v. Russia*, no. 23608/16, §§ 98-99 and 106, 23 October 2018) having regard to the applicant's request for shared custody?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *Novák v. the Czech Republic*, no. 6656/24, §§ 63-66, 9 April 2026; *Popadić v. Serbia*, no. 7833/12, §§ 82-85, 20 September 2022; and *Z. v. Poland*, no. 34694/06, §§ 69-71, 20 April 2010)?

In answering the question, the parties are invited to address the extent to which the parents' respective abilities and the child's age are relevant to the determination of custody rights and the child's contact arrangements with each parent.

2. Did the applicant suffer discrimination on the ground of sex, contrary to Article 14 of the Convention, read in conjunction with Article 8 (see, *mutatis mutandis*, *Tapayeva and Others v. Russia*, no. 24757/18, §§ 90-119, 23 November 2021, and *X v. Poland*, no. 20741/10, §§ 68-69, 71, 84 and 87, 16 September 2021)?

Reference is made to an alleged discriminatory effect in cases where, despite a formal decision granting shared custody of a young child, the child primarily resides with the mother and the father is granted only limited contact rights.