



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

Published on 28 September 2026

FIFTH SECTION

Application no. 28098/26
Grigori GALSTEAN
against the Republic of Moldova
lodged on 11 July 2026
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the refusal, in 2026, to grant the applicant custody of his daughter, who has lived exclusively with him since 2019. The refusal was based on a 2021 Belarusian custody order favouring the mother.

The applicant married N., a national of Belarus, and in 2017 they had a daughter (G.). The family lived in Belarus. In 2019 the applicant took G. to Moldova with N.'s approval for long-term medical treatment and stayed with his mother and brother. N. has had limited contact with G., arguably owing to the applicant's opposition to such contact.

N. initiated divorce and custody proceedings in Belarus and on 3 June 2021 obtained a court judgment granting the request to establish G.'s residence with N. The judgment did not refer to any assessment concerning the child's circumstances.

On 14 June 2021 the applicant initiated divorce and custody proceedings in Moldova. He provided the following documents in support of his claims: a favourable report from the child protection authority; certificates from his employer and the child's kindergarten and, subsequently, her school; and a letter from his neighbours, all vouching for his good parenting.

On 24 May 2022 the Căușeni District Court granted the divorce but rejected the applicant's custody request, referring to the Belarus court's decision. The court explicitly noted that all evidence in the case indicated that the child was doing well in the current arrangement with the father but found

GALSTEAN v. THE REPUBLIC OF MOLDOVA –
SUBJECT MATTER OF THE CASE AND QUESTIONS

that the custody dispute had already been resolved by the court in Belarus. The applicant appealed against that judgment, noting the absence of any consideration for the child's best interests.

The child was heard before the appellate court in the presence of a psychologist and submitted that she wished to live with the applicant.

On 11 April 2023 the Chişinău Court of Appeal rejected the applicant's appeal and upheld the first-instance judgment. The court did not refer to the Belarus court's decision and instead referred to the finding that the applicant could not ensure the child's psychological needs because he had a full-time job, the child was in the care of the grandmother and he had failed to prove that the mother had not provided adequate care and assistance to her daughter. The applicant submitted an appeal on points of law against that judgment, arguing that his full-time job did not prevent him from caring for his daughter; that the child had no recollection of her mother and their life in Belarus and that a removal from her current home would be highly traumatic.

On 19 February 2025 the Supreme Court of Justice upheld the applicant's appeal on points of law and ordered a rehearing of the case before the appellate court. The Supreme Court noted the absence of any reference to the child's opinion in the appellate judgment, the absence of any assessment on whether the Belarus court's judgment had been acknowledged in Moldova and the absence of any assessment of the other evidence in the file.

On 23 September 2025 a psychological report was issued by the Ştefan Vodă psycho-pedagogical assistance service at the request of the appellate court. The report described a five-minute visit the mother had paid to the child at school on 21 May 2025, which it stated had been calm and "without any negative emotional manifestations". The applicant had subsequently gone to the school and had had an argument with the school administration, as he had been upset that N. had visited G. at school. According to the report, the discussion had taken place in front of the child, who had cried and had seemed frightened. The report noted that the child had shown signs of anxiety when speaking about her mother and she had stated that she was worried that her father might learn that she had been speaking about her mother. The report continued with a description of various psychological tests which had been carried out and which had led to the following conclusions: that the child had a cold relationship with the mother, whom the child perceived as a stranger who had abandoned and betrayed the family, but that she had no specifically negative emotions in respect of her mother; that the child had a positive, functional and sometimes tense relationship with the father, but manifested affection towards the father and liked spending time with him; that the parents had a tense relationship and were not in contact, and the mother did not manifest availability or involvement in the child's upbringing because the father did not allow her any contact with the child; and that both parents appeared to possess the necessary capacity to care for the child.

GALSTEAN v. THE REPUBLIC OF MOLDOVA –
SUBJECT MATTER OF THE CASE AND QUESTIONS

On 22 October 2025 the Chişinău Court of Appeal rejected the applicant's appeal once again. The court referred to the Belarus court's decision, which the *exequatur* of which had become final on 21 March 2024 in the territory of the Republic of Moldova as *res judicata*. The Chişinău Court of Appeal stated that there was no legal or factual reason to change that court's decision and that the best interests of the child required the maintenance of the situation established by that court. The court reiterated the description of the child's meeting with the mother on 21 May 2025 and the applicant's reaction to it; it cited the report concerning the mother's living and working conditions in Belarus (a two-bedroom apartment shared with her two other sons and a full-time job) and noted the mother's statements concerning the restricted access to the child owing to the applicant's non-cooperation; and it cited the psychological report of 23 September 2025. The court concluded that the child had perceived the father's behaviour as posing a danger to herself and had shown signs of anxiety when the discussion concerned the mother, which in the court's opinion meant that the child had wanted to be with her mother, to communicate with her and to get to know her brothers, but had been afraid to upset her father. The court found that the mother presented advantages in comparison with the father, owing to the "objective circumstances of the case" and then referred to the child's attachment to her paternal grandmother, who had a precarious health condition, which increased the child's vulnerability.

The applicant appealed against that judgment, relying on the court's failure to assess the evidence concerning his current life arrangements which were positive for the child, the impact on the child of a decision to remove her from a familiar environment and the fact that the Belarus court had taken a decision without cognisance of the child's life in Moldova. The applicant emphasised that the courts had been called to assess the current factual situation in respect of the child and not to uphold previous decisions without any proper assessment. He also complained that the court ignored the decision's impact on his family life with the child.

On 11 March 2026 the Supreme Court of Justice upheld the appellate decision.

The applicant complains under Article 6 and 8 of the Convention that the Moldovan courts' decisions amounted in fact to the applicant's child's removal to Belarus to live with her mother, without a proper assessment of the impact of that decision on the family life of the child with the applicant and without relevant and sufficient reasons.

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, as a result of the domestic courts' refusal to grant him custody of the child? Were there relevant and sufficient reasons provided by the authorities for their decision to reject his request to be granted custody of the child? Was it proportionate and taken in the best interests of the applicant's daughter, especially in view of the fact that the child had been living with the applicant since she was 2 years old and had little to no contact with her mother (see *Jansen v. Norway*, no. 2822/16, §§ 88-93, 6 September 2018; *mutatis mutandis*, *Petrov and X v. Russia*, no. 23608/16, §§ 101-02 and 112, 23 October 2018; *M. and M. v. Croatia*, no. 10161/13, §§ 171-78 and 186, ECHR 2015 (extracts); *T.A. and Others v. the Republic of Moldova*, no. 25450/20, §§ 49-64, 30 November 2021; and, *mutatis mutandis*, *X v. Latvia* [GC], no. 27853/09, §§ 106-08, ECHR 2013)?

2. Can the applicant be considered to have introduced an Article 8 complaint also on behalf of his child? If so, does the applicant have standing to act on behalf of his daughter (see, in particular, *Scozzari and Giunta v. Italy* [GC], nos. 39221/98 and 41963/98, §§ 138-39 ECHR 2000-VIII; *Strand Lobben and Others v. Norway* [GC], no. 37283/13, § 157, 10 September 2019; and *Roengkasettakorn Eriksson v. Sweden*, no. 21574/16, § 61, 19 May 2022)? If so, has there been a violation of the child's Article 8 rights?

The parties are requested to submit updated information concerning the current situation of the applicant and his daughter, in particular any developments regarding her whereabouts, including relevant documents.