



## Grand Chamber hearing concerning child adoption against the mother's wishes

The European Court of Human Rights is holding a **Grand Chamber<sup>1</sup>** hearing today **Wednesday 27 January 2021 at 10 a.m. by videoconference** in the case of **Abdi Ibrahim v. Norway** (application no. 15379/16).

The case concerns the decision by the Norwegian authorities to allow the adoption of a child by a foster family against his mother's wishes.

*Due to the Covid-19 outbreak and until further notice, the hearings are not currently open to the public. However, all hearings are filmed in full and a video-recording will be available on the Court's website from 2.30 p.m. on the day of each hearing. After each hearing the Court will begin its deliberations, which will be held in private. Its rulings in the cases will be made at a later stage.*

The applicant, Mariya Abdi Ibrahim, is a Somali national born in 1993.

Her child, a son born in 2009 in Kenya before she moved to Norway, where she was granted refugee status, was taken into emergency foster care in late 2010. He was subsequently placed with a Christian family, while the applicant had argued he should go to either her cousins or to a Somali or Muslim family.

In 2013 the authorities applied to allow the foster family to adopt the child, which would lead to the applicant having no contact, and for the applicant's parental rights to be removed for that purpose. She appealed: she did not ask for the child's return as he had spent a long time with foster parents to whom he had become attached, but she sought contact so, among other things, he could maintain his cultural and religious roots.

The High Court ruled by a majority in May 2015 to dismiss the applicant's appeal and allow the adoption. Among other things, it examined issues arising from his being adopted by a Christian family, such as ethnicity, culture and religion. She was refused leave to appeal to the Supreme Court in September 2015.

### Procedure

The application was lodged with the European Court of Human Rights on 17 March 2016.

The applicant complained about the withdrawal of her parental rights and the authorisation for adoption, relying on Article 8 (right to respect for private and family life) and Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights.

In its Chamber [judgment](#) of 17 December 2019, the Court, deciding to consider the applicant's complaints under Article 8 of the European Convention alone, held, unanimously, that there had been a violation of that Article. The Chamber referred in particular to the Court's recent judgment in the case of [Strand Lobben v. Norway](#), noting the "strict scrutiny" it had to apply when limitations had been placed on parental access after a child had been taken into care.

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

It found that the decision-making process on the applicant's son had failed to give due account to her views and interests, leading to violations of her human rights.

On 11 May 2020 the Grand Chamber Panel accepted the applicant's request that the case be referred to the Grand Chamber.

The Governments of the Czech Republic, Denmark and Turkey, as well as the non-governmental organisation AIRE Centre and the child's adoptive parents were granted leave to intervene in the written proceedings as third parties.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Jon Fridrik **Kjølbro** (Denmark), *President*,  
Ksenija **Turković** (Croatia),  
Paul **Lemmens** (Belgium),  
Síofra **O'Leary** (Ireland),  
Yonko **Grozev** (Bulgaria),  
Ganna **Yudkivska** (Ukraine),  
Faris **Vehabović** (Bosnia and Herzegovina),  
Iulia Antoanella **Motoc** (Romania),  
Mārtiņš **Mits** (Latvia),  
Stéphanie **Mourou-Vikström** (Monaco),  
Pere **Pastor Vilanova** (Andorra),  
Alena **Poláčková** (Slovakia),  
Georgios A. **Serghides** (Cyprus),  
Jolien **Schukking** (the Netherlands),  
Péter **Paczolay** (Hungary),  
Arnfinn **Bårdsen** (Norway),  
Peeter **Roosma** (Estonia), *judges*,  
Gabriele **Kucsko-Stadlmayer** (Austria),  
Lado **Chanturia** (Georgia),  
Gilberto **Felici** (San Marino), *substitute judges*,

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

## Representatives of the parties

### Government

Marius **Emberland**, *Agent*,  
Henriette **Lund Busch**, *Co-Agent*,  
Toini **Oulie-Hauge**, Liv Inger **Gjone Gabrielsen**, Erik **Bolstad Pettersen**, Hilde **Bautz-Holter Geving**,  
and Christina **Kullmann Five**, *Advisers*;

### Applicant

Anna **Lutina**, *Counsel*  
Preben **Henriksen**, Mads **Andenæs**, and Eirik **Bjørge**, *Advisers*.

The applicant, Ms Abdi Ibrahim, will also attend the hearing.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

### Press contacts

During the current public-health crisis, journalists can continue to contact the Press Unit via [echrpess@echr.coe.int](mailto:echrpess@echr.coe.int).

### Neil Connolly

Tracey Turner-Tretz

Denis Lambert

Inci Ertekin

**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.