

Secrecy rule on information about adoption breached the Convention

In today's **Chamber judgment**¹ in the case of [Mitrevska v. North Macedonia](#) (application no. 20949/21) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned access to information about an adoption. Ms Mitrevska, who had been adopted as a child, wanted to know more about her biological family, including their medical history.

The Court acknowledged the sensitivity of the issue at hand and did not underestimate the impact that disclosure of information on an adoption could have on all those concerned.

However, it found that the authorities had refused Ms Mitrevska's request for information about her origins by merely relying on the relevant national law, which categorises all adoptions as an "official secret", without balancing the competing interests at stake. That balancing exercise should have involved weighing up the interest of the adopted child to know information of central importance to his or her personal life against the general interest, namely the expectation of biological mothers that information about them would not be disclosed.

Principal facts

The applicant, Mirjana Mitrevska, is a national of North Macedonia who was born in 1977 and lives in Skopje. She was adopted as a child.

In 2017 Ms Mitrevska submitted two requests to the Skopje social services for information about her adoption. She argued that she had been diagnosed with depressive anxiety disorder and speech problems and, to see whether the condition was hereditary, her doctors had requested information on her family's medical history. She also argued that the information was necessary "to establish a picture of her history, development and early childhood".

She sent the same request to the Ministry of Labour and Social Policy's Adoption Commission ("the Commission").

Both the social services and the Commission subsequently told her that it was impossible to share information on completed adoptions such as hers as they were categorised as an official secret under section 123-a of the Family Act.

She brought a claim in the administrative courts, which was ultimately unsuccessful in 2020 on the same grounds.

Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private and family life), the applicant complained that she could not obtain information about her adoption. She argued that the authorities had not attempted

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its 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.

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.

to strike a balance between her interest in knowing about her origins, in particular with regard to her health, and her biological mother's right to withhold information about her.

The application was lodged with the European Court of Human Rights on 9 April 2021.

Judgment was given by a Chamber of seven judges, composed as follows:

Arntfinn **Bårdsen** (Norway), *President*,
Jovan **Ilievski** (North Macedonia),
Pauliine **Koskelo** (Finland),
Saadet **Yüksel** (Türkiye),
Lorraine **Schembri Orland** (Malta),
Diana **Sârcu** (the Republic of Moldova),
Davor **Derenčinović** (Croatia),

and also Hasan **Bakırcı**, *Section Registrar*.

Decision of the Court

Firstly, the Court noted that adopted children's access to information concerning their biological origins was a sensitive and ethical issue. Such access required striking a balance between private and public interests. Specifically, that involved balancing the right to know one's parentage, which is an integral part of the notion of private life, and in the applicant's case – to also know about information relevant for her health, against the expectation of biological mothers that information about them and their children at the stage of pregnancy and birth would remain secret.

However, the authorities had made no attempt to establish whether the applicant's biological parents had actually expressed the wish that her adoption remain secret.

Moreover, when refusing the applicant's request for information about her origins both the administrative authorities and courts had only relied on section 123-a of the Family Act, which categorises all information concerning adoptions as an official secret, without providing for the possibility to obtain non-identifying information on a person's biological origins, adoption or childhood. Nor did the law provide for an exception to the secrecy rule on medical grounds. As a result, the authorities had failed to identify the competing interests at stake and to balance them.

There had therefore been a violation of Article 8.

Article 41 (just satisfaction)

The Court held that North Macedonia was to pay the applicant 4,500 euros (EUR) in respect of non-pecuniary damage and EUR 1,440 in respect of costs and expenses.

The judgment is available only in English.

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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.