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

SECOND SECTION

DECISION

Application no. 2284/22
H.A.
against Norway

The European Court of Human Rights (Second Section), sitting on 18 November 2025 as a Committee composed of:

Jovan Ilievski*, President*,
Oddný Mjöll Arnardóttir,
Stéphane Pisani*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to the above application against the Kingdom of Norway lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 20 December 2021 by a Norwegian national, Mr H. A. ("the applicant"), who was born in 1975 and was represented by Mr M. Aarskog, a lawyer practising in Hamar;

the decision not to disclose the applicant's name;

the decision to give notice of the application to the Norwegian Government ("the Government"), represented by their Agent, Ms Henriette Busch, of the Attorney General's Office (Civil Matters), assisted by Mr Ragnar Nordeide, a lawyer at the same office;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns a care order in respect of the applicant's children, X and Y, and the determination of the applicant's contact rights in respect of them. The applicant submitted that the domestic proceedings and decisions had violated the right to respect for his family life as guaranteed by Article 8 of the Convention.

2. The applicant and his former wife, B, are the parents of X, a boy born in 2008, and Y, a girl born in 2011.

3. Following a violent incident on 20 July 2015 where B had hit the applicant several times in the head with a stone, tied him up and left him alone, X and Y were placed under an emergency care order. The applicant sustained life-threatening head injuries and was hospitalised until 10 November 2015. The applicant and B resumed their relationship following the incident, however, they divorced in 2018.

4. On 18 August 2015 the child welfare services issued a new decision to extend the emergency care order in respect of X and Y, as B had been released from pre-trial detention. The decision was approved by the County Social Welfare Board ("the Board") on 19 August 2015 and was upheld by the Board on 28 August 2015.

5. On 24 September 2015 a decision was issued by the child welfare services to return the children to B. A plan for assistance measures was established.

6. On 12 November 2015 a new emergency care order was issued on the basis of concerns raised by the police and the child welfare services that B appeared unstable and the applicant's parental ability was considered seriously reduced, as he did not have the capacity to provide proper care for X and Y.

7. On 13 November 2015 the emergency decision was upheld by the Board. The decision was not challenged.

8. On 9 March 2016 the Board issued a permanent care order. The Board referred to the psychological assessments of the applicant and B. The psychological assessment relating to the applicant stated that his mental-health challenges could not entirely be ascribed to the injuries sustained from the attack. At the material time, there was uncertainty with respect to the relationship between the applicant and B and whether they had in fact parted. B was granted contact of three hours, ten times per year. The applicant was granted contact of one hour, four times per year. It had been found that contact sessions with the applicant had placed more stress on the children.

9. On 20 January 2017 the District Court upheld the care order. The appointed expert considered that neither the applicant nor B could provide adequate care for X and Y. The applicant argued before the court that the children should live with B, while he should be granted visits every other weekend. He also pointed to a lack of any assessment of the assistance measures. The court noted that, at the time of its decision, there had been an ongoing criminal case against B and that the outcome of that case was uncertain. Compulsory mental-health treatment for B might provide safer conditions for the children but, on the other hand, it was also possible that such treatment would pose challenges in respect of their care. The court further noted that the applicant and B interacted daily and appeared to not have severed emotional bonds. The psychiatric evaluation concluded that the applicant's relationship with B posed the greatest risk of triggering a new

psychotic episode for B. The court found that, for the protection of X and Y, it was not justifiable to revoke the care order. The court considered that assistance measures could not remedy the situation. For the care order to be removed, B would have to undergo extensive treatment. Even though the applicant had not asked for the care of the children, the court noted that it did not consider that his situation allowed for such care. The court did not rule out that the children at some point might be returned to B. The court granted the parents 12 contact sessions per year, whereby B would have seven sessions for three hours each and the applicant five sessions for two hours each, with the possibility that some sessions could be held with both parents present. The court held that the sessions should be supervised but that the child welfare services would have discretion with respect to increasing the number of contact sessions in the future. The judgment was not appealed against.

10. The applicant and B divorced in 2018. In March 2018 B was sentenced to compulsory mental-health treatment for attempted homicide, as she was considered psychotic during the 2015 incident.

11. In 2018 B supported the applicant's request for a revocation of the care order.

12. On 13 May 2019 the Board, after hearing the parents and nine witnesses, upheld the care order. The applicant and B were granted supervised contact of three hours, four times per year.

13. On 14 February 2020 the District Court, after hearing an appointed expert, upheld the Board's decision.

14. On 13 May 2020 the High Court refused the applicant leave to appeal.

15. On 6 July 2020 the Supreme Court's Appeals Selection Committee, after finding some deficiencies in the assessment of the District Court and noting that these had not been remedied by the High Court's decision, quashed the decision and referred the case back to the High Court.

16. By a judgment delivered on 15 March 2021, after considering an updated expert opinion issued on 1 December 2020 and provided by the previously appointed psychologist, the High Court dismissed the appeal. The issue before the High Court was whether the care order should be lifted and daily care responsibilities be transferred to the applicant rather than to B. The High Court relied on the Supreme Court's case-law which implemented the Court's case-law. The court observed that the applicant had been diagnosed with moderate to severe recurrent depression, possibly accompanied by psychotic episodes, since 2005 and had undergone psychiatric treatment during various periods of his life. Despite treatment since the attempted homicide against him years ago, he still faced challenges and was on antidepressant medication. The expert had observed that the applicant had appeared preoccupied with his own mental difficulties. While living with the children, he had showed ongoing anger problems. The expert had found that the relationship between B, who remained under compulsory mental-health

care, and the applicant was problematic. The court noted that the children, then 13 and 9 years old, did not have a safe attachment to the applicant and had experienced adverse reactions following the contact sessions. The children had expressed that they wanted to continue living in the foster home. It was found that assistance measures could not remedy the situation.

17. In the light of the children's responses, the High Court found it justified that contact with the applicant had not been increased in 2018. The High Court noted that the expert believed the children's reactions would improve if the parents, especially the applicant, stopped trying to revoke the care order, and that a sense of security in the foster home could encourage more contact. The court granted both the applicant and B four supervised contact sessions per year for three hours per session but noted, however, that the child welfare services had discretion when it came to increasing the contact sessions in the future. The parents could choose to have joint contact sessions. The children had expressed the wish that the contact sessions be supervised. It had, furthermore, been the expert's recommendation that there be continued supervision. The High Court noted that phone contact prior to the contact sessions had proven stressful for the children but, as this had not been a point argued before the lower levels of jurisdiction, it was outside the scope of issues on which the court could decide.

18. On 23 June 2021 the Supreme Court refused the applicant leave to appeal.

19. Relying on Article 8 of the Convention, the applicant complained that the decisions not to revoke the care order in respect of X and Y and the limitation on his contact rights had resulted in a violation of that provision. The applicant argued that the care order had for a long time not been seen as a temporary measure by the authorities and that the authorities had not sufficiently assisted the family in being reunited. He argued that the authorities had never adequately assessed the applicant's caregiving skills and complained of the domestic courts' reliance on the 2016 and 2020 expert assessments in that regard. He submitted that the assessment of assistance measures had been lacking. The supervised contact sessions had made the atmosphere unnatural and the measure to restrict his phone calls prior to contact sessions had been an unreasonably restrictive measure.

THE COURT'S ASSESSMENT

20. The applicant complained under Article 8 that the decision not to revoke the care order and to limit his contact rights had not been "necessary in a democratic society" within the meaning of Article 8 § 2.

21. As for the scope of the case, the parties agreed that the previous sets of proceedings from 2015 to 2017 are not the subject of the present application.

22. The Court finds that the decision taken by the Board in 2019 and confirmed by the domestic courts to uphold the care order in respect of the applicant's children X and Y and to grant him limited contact rights with them entailed an interference with the applicant's right to respect for his family life for the purposes of Article 8 § 1 of the Convention. That interference was in accordance with the law, namely the 1992 Child Welfare Act, which was applicable at the material time. It pursued the legitimate aim of protecting the children's "rights" and their "health". The remaining question is whether the interference was "necessary" within the meaning of Article 8 § 2 of the Convention.

23. The general principles relevant to the necessity test were extensively set out in *Strand Lobben and Others v. Norway* ([GC], no. 37283/13, §§ 202-13, 10 September 2019) and have since been restated in, among other authorities, *Abdi Ibrahim v. Norway* ([GC], no. 15379/16, § 145, 10 December 2021). From those principles, it follows that the Court must determine whether, in the light of the entirety of the case, the reasons adduced to justify the measures in question were relevant and sufficient for the purposes of Article 8 § 2 of the Convention and whether the parents were adequately involved in the decision-making process seen as a whole (see *Strand Lobben and Others*, cited above, §§ 203 and 212).

24. The Court also bears in mind that it has previously delivered judgments in several cases involving the respondent State in which it found a violation of Article 8 of the Convention relating to the justifications provided by the domestic authorities for the establishment of particularly restrictive contact regimes (see, for cases where shortcomings in relation to decisions on contact rights in themselves led to the finding of a violation, *K.O. and V.M. v. Norway*, no. 64808/16, §§ 67-71, 19 November 2019, and *A.L. and Others v. Norway*, no. 45889/18, §§ 47-51, 20 January 2022; see also, for cases where similar shortcomings formed important parts of the context in which violations had occurred, *Strand Lobben and Others*, cited above, §§ 221 and 225; *Pedersen and Others v. Norway*, no. 39710/15, §§ 67-69, 10 March 2020; *Hernehult v. Norway*, no. 14652/16, §§ 73-74, 10 March 2020; *M.L. v. Norway*, no. 64639/16, §§ 92-94, 22 December 2020; and *Abdi Ibrahim*, cited above, § 152).

25. The Court has found, in particular, that severe limitations imposed on contact between parents and children in the context of childcare measures are normally incompatible with the aim of reunification and the principle that care orders should seek as far as possible to be temporary measures. It has emphasised that it is crucial that the contact regime, without exposing the child to any undue hardship, effectively supports the goal of reunification until – after careful consideration, and taking account of the authorities' positive duty to take measures to facilitate family reunification – the authorities are justified in concluding that the ultimate aim of reunification is

no longer compatible with the best interests of the child (see *A.L. and Others v. Norway*, cited above, § 48, and the cases cited therein).

A. Care order issued in respect of X and Y

26. In determining whether the domestic courts gave relevant and sufficient reasons for their decision not to lift the care order, the Court notes that the High Court thoroughly examined whether the care order could be lifted. It relied on the Supreme Court's case-law which implemented the Court's case-law and applied the principles flowing therefrom to the facts as they had been established by way of extensive proceedings. The High Court emphasised that the applicant's long-standing mental-health issues, including recurrent depression and anger problems, had continued to compromise his ability to care for the children. The High Court found, after taking into account the expert's conclusion made in 2020, that assistance measures would not sufficiently enhance the applicant's caregiving abilities, as had also been previously indicated by the expert appointed in 2016 (see paragraphs 16 and 8-9 above).

27. The Court observes that the applicant's complaint concerning the High Court's reliance on the 2016 expert assessment, in relation to which he argued that his situation had since changed, and the subsequent 2020 expert assessment, in relation to which he argued that the expert had spent only a limited amount of time with the applicant for the evaluation, primarily concerns a matter of evidentiary assessment. The Court finds no reason to disregard the High Court's conclusions in respect of those evidentiary matters and their assessment of the quality of the expert reports. The High Court further emphasised that the expert had found that the children had lacked a secure attachment to the applicant and had showed adverse reactions following contact sessions. Weight was given to the children's wishes to remain in their foster home. Furthermore, the applicant was heard in the proceedings and thus adequately involved in the decision-making process.

28. Bearing in mind the wide margin of appreciation that is afforded to domestic authorities in respect of care orders (see *Strand Lobben and Others*, cited above, § 211), the Court considers that the High Court advanced relevant and sufficient reasons as to why it upheld the care order.

29. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. The applicant's contact rights

30. Turning to the limitations that were imposed on the applicant's right to contact with X and Y, it is incumbent on the Court to carry out a "stricter scrutiny" of those measures (see *Strand Lobben and Others*, cited above, § 211). With respect to the number of contact sessions granted, the Court observes that the High Court concluded, in line with the expert's recommendation, that increasing the number of contact sessions was not compatible with the need to ensure the children's safety and well-being, even though the goal of reunification had not been abandoned. The court also noted that the child welfare services had discretion to increase the number of contact sessions as the situation subsequently would permit.

31. The applicant argued that it could not be reasonably held against him that he had appealed against the decision not to revoke the care order in the assessment of his contact rights. The Court observes that the High Court, in its assessment regarding the amount of contact to be granted, noted that the expert had concluded that the children's adverse reactions following the contact sessions would likely be reduced if the parents – particularly the applicant – refrained from seeking to have the care order revoked. It had been the expert's opinion that providing the children with a sense of security stemming from the assurance that they would remain in the foster home might lay the foundation for increased contact with the applicant (see paragraph 17 above).

32. The Court notes that the High Court appeared to have accepted the expert's view that the possibility of the applicant instituting future proceedings for the revocation of the care order would negatively affect X and Y's ability to develop a more relaxed relationship with the applicant. It reiterates in that context its reservations to any emphasis placed in the reasoning of the domestic courts on the need to pre-empt a biological parent from resorting at some future point to legal remedies to contest a care order or any arrangements for visiting rights. Biological parents' procedural rights, including their right to have access to proceedings in order to have a care order lifted or restrictions on contact with their child relaxed, form an integral part of their right to respect for their family life afforded by Article 8 of the Convention (see, for example, *M.L. v. Norway*, cited above, § 95, and *Abdi Ibrahim*, cited above, § 154). Biological parents' exercise of judicial remedies with a view to obtaining family reunification with their child may not therefore as such be held against them (see *Strand Lobben and Others*, cited above, § 212).

33. The Court notes in the present case that in its judgment the High Court made a factual assessment of what the expert indicated was necessary for X and Y to develop a more secure relationship with the applicant. More consideration was given by the High Court to the fact that both children had had strong reactions prior to and following contact sessions and that they

feared being moved from their foster home. The Court notes that the reference to instituting further proceedings appears, in the light of the circumstances above, not to be a decisive argument for upholding the limitation on contact rights (compare and contrast *Abdi Ibrahim*, cited above, § 154, with further references). The Court does not consider that it can lead, in and of itself, to the conclusion that the limitation on contact rights does not stand up to the "stricter scrutiny" that is required by the Court in cases where a limitation on contact rights, such as that adopted in the present case, has been imposed. In particular, the domestic courts, and the High Court in particular, cannot be said to have implicitly given up the goal of family reunification as the ultimate goal at an early stage in the circumstances (compare and contrast *K.O. and V.M. v. Norway*, cited above, § 68). The Court observes that the High Court emphasised that the established contact regime had provided for a minimum of contact, based the contact regime on the best interests of the children at the relevant time in the light of the adverse and stress reactions they had displayed and stated that it was at the discretion of the child welfare services to increase the number of contact sessions in the future.

34. The Court further notes the High Court's examination of the reasons for maintaining supervised contact, in which it emphasised the children's wishes for such supervision and the expert's recommendation to that effect. Furthermore, the applicant did not express before the High Court that the supervision had to end immediately, but rather that it was something which could gradually be phased out.

35. As to the applicant's complaint that the restriction on his telephone contact prior to contact sessions was unreasonably strict, the Court notes that the decision of the child welfare services on this matter was not challenged before the domestic courts. It follows that domestic remedies have not been exhausted in this regard, as required by Article 35 § 1 of the Convention (see paragraph 17 above).

36. In the light of the considerations above, the Court finds that, in so far as domestic remedies were exhausted, the interference with the applicant's right to respect for his family life was proportionate to the legitimate aims pursued and was thus "necessary in a democratic society" for the purposes of Article 8 § 2 and the application is manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention in this regard. It follows that the application must be rejected pursuant to Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 11 December 2025.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President