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

FOURTH SECTION

DECISION

Application no. 23134/24
Anabela NEVES CARATÃO PINTO
against Portugal

The European Court of Human Rights (Fourth Section), sitting on 28 April 2026 as a Committee composed of:

Anne Louise Bormann*, President*,
Ana Maria Guerra Martins,
Sebastian Răduleţu*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 23134/24) against the Portuguese Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 5 August 2024 by a Portuguese national, Mrs Anabela Neves Caratão Pinto ("the applicant"), who was born in 1969 and lives in Caldas da Rainha, and was represented by Ms S.I. Feitor, a lawyer practising in Famões;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the non-enforcement of the applicant's contact rights in respect of her children further to a judgment delivered by the Court. The applicant relied on Articles 6, 8 and 13 of the Convention.

2. The applicant is the mother of D. and T., both born on 28 November 2011, who were placed under the care of relatives (hereinafter, "foster families") pursuant to a decision of 30 March 2012 of the Commission for the Protection of Children and Youth (*Comissão de Proteção de Crianças e Jovens*).

3. Following an application of 24 May 2019 lodged by the applicant, by a judgment of 13 July 2021 the Court found a violation of Article 8 of the Convention on three grounds (see *Neves Caratão Pinto v. Portugal*, no. 28443/19, §§ 16-80 and § 97, 13 July 2021). Firstly, it held that the

renewal of the foster care order in respect of the applicant's children had lacked relevant and sufficient reasons (ibid., § 127). Secondly, it found that the authorities had not complied with the positive obligation to ensure the preservation of family ties, leading to the severance of the family bond as a *fait accompli* which, nevertheless, called for caution as regards the implementation of the applicant's contact rights (ibid., § 135). Thirdly, it held that the decision-making process had not ensured adequate protection of the applicant's interests (ibid., § 140).

4. The supervision of the execution of the Court's judgment is still pending before the Committee of Ministers. The authorities provided an action report on 23 February 2022. Since then, both the applicant and the authorities have provided additional information as to the development of the case at domestic level on several occasions.

5. In the context of the proceedings subject of the Court's judgment in *Neves Caratão Pinto v. Portugal* of 13 July 2021 (ibid.), by a judgment of 26 June 2022, the Sintra Family Court granted parental responsibilities *vis-à-vis* D. and T. to the respective foster families and established a progressive regime of contact between the applicant and her children, conditioned on prior technical assistance.

6. On the applicant's appeal, on 27 October 2022 the Lisbon Court of Appeal reviewed the contact regime defined by the Sintra Family Court. It determined, *inter alia*, that in-person gatherings between the applicant and D. and T. were to begin within ten days after the start of the therapy sessions, and that, after six months, the applicant would be entitled to spend a weekend with the children every three weeks, to meet them once a week on a working day after school and to have dinner together, to spend a week with the children during their summer break and to have lunch or dinner with them on festive occasions. The Court of Appeal referred extensively to the Court's judgment in *Neves Caratão Pinto v. Portugal* of 13 July 2021 (ibid.) and noted that the above arrangements concerning the applicant's contact with D. and T. aimed to remedy the violation found by the Court in that judgment.

7. The enforcement of the judgment of the Lisbon Court of Appeal is still ongoing. It has been marked by difficulties and tensions between the applicant and the foster families and by the children's refusal to spend time with the applicant.

8. Relying on Articles 6, 8 and 13 of the Convention, the applicant complained of the non-enforcement of the above decision of the Court of Appeal and the lack of effective remedies thereto, of the excessive length of those proceedings and of the lack of diligence by the domestic authorities in reuniting her with her children.

THE COURT'S ASSESSMENT

9. The Court, being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), considers that the complaints are to be examined solely from the standpoint of Article 8 of the Convention.

10. In the present case, the question arises as to whether the Court is prevented by Article 46 of the Convention from dealing with the complaints lodged by the applicant. In this regard, the Court reiterates that questions of compliance by the High Contracting Parties with its judgments fall outside of its jurisdiction if they are not raised in the context of the "infringement procedure" provided for in Article 46 §§ 4 and 5 of the Convention (see, for example, *Bochan v. Ukraine (no. 2)* [GC], no. 22251/08, § 33, ECHR 2015, and *Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 102, 11 July 2017). However, the Committee of Ministers' role in the sphere of execution of the Court's judgments does not prevent the Court from examining a fresh application concerning measures taken by a respondent State in execution of a judgment if that application contains relevant new information relating to issues undecided by the initial judgment (see *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2)* [GC], no. 32772/02, §§ 61-63, ECHR 2009, and *Bochan*, cited above, § 33). The Court has, therefore, to determine whether the present application concerns a "new issue" undecided by the Court's judgment in the applicant's previous case.

11. The Court notes that a supervision procedure in respect of the execution of its judgment of 13 July 2021 is still pending before the Committee of Ministers (see paragraph 4 above).

12. While the Court takes note of the developments subsequent to the judgment in *Neves Caratão Pinto v. Portugal* (ibid., see paragraphs 5-7 above), it considers that they are a continuation of the proceedings subject of that judgment and to be regarded in the context of its execution. As such, it finds that the applicant's complaints concern, in substance, an alleged lack of compliance with the Court's judgment in that case and do not contain relevant new information relating to issues undecided by the judgment which require separate consideration (contrast, for example, *Serrano Contreras v. Spain (no. 2)*, no. 2236/19, § 25, 26 October 2021). In these circumstances, the Court has no jurisdiction *ratione materiae* with the provisions of the Convention to deal with the complaints.

13. It follows that the application is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) of the Convention and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 May 2026.

Simeon Petrovski Deputy Registrar	Anne Louise Bormann President