



Grand Chamber Panel's decisions

On Monday 11 May 2020 the Grand Chamber panel of five judges decided to refer one case and to reject requests to refer four other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

Abdi Ibrahim v. Norway (application no. 15379/16), concerning the decision by the Norwegian authorities to allow the adoption of a child by a foster family against his mother's wishes.

Referral accepted

[Abdi Ibrahim v. Norway \(application no. 15379/16\)](#)

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.

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.

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.

¹ 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.

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

Requests for referral rejected

Judgments in the following four cases are now final².

Requests for referral submitted by the applicants

Zakharchuk v. Russia (application no. 2967/12), [judgment](#) of 17 December 2019

Uzan and Others v. Turkey (nos. 19620/05, 41487/05, 17613/08 and 19316/08), [judgment](#) of 5 March 2019

Requests for referral submitted by the Government

Kavala v. Turkey (no. 28749/18), [judgment](#) of 10 December 2019

Kirdök and Others v. Turkey (no. 14704/12), [judgment](#) of 3 December 2019

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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.

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.