



European Court rules on 21 applications against Norway concerning children taken into public care

The European Court of Human Rights has **today** unanimously declared **inadmissible 12 applications against Norway** concerning decisions by the authorities in respect of children who were in public care at the time.

The Court has also ruled this week – on 12 September 2023 - on **nine** other similar applications, where it held by contrast that there had been **violations of Article 8 (right to respect for private and family life)** of the European Convention on Human Rights.

It found that the facts in the 12 applications did not bear any resemblance to other cases against Norway in which violations had been found. The reasons for the authorities' decisions in respect of the children who had been placed in public care, including over contact rights, care orders and adoption, had been sufficiently justified. Overall, there had been no shortcomings in the decision-making process. It therefore rejected the applications as manifestly ill-founded.

In the nine applications where violations were found, it concluded that the facts did not differ from previous cases where there had been a violation of the European Convention. In particular, the circumstances of those cases had not been so exceptional as to justify the authorities' decisions limiting contact rights and/or authorising adoption with regard to the children placed in public care.

These decisions/judgments by the Court are final.

Over the last decade 14 applications against Norway concerning child-welfare decisions resulted in the finding of a violation, while a number were declared inadmissible. These cases have led to guiding principles in respect of the issues raised by children taken into public care. Notably, States had wide discretion when deciding on taking a child into care, but the Court had to carry out "stricter scrutiny" of any further measures taken, such as restricting contact rights. In particular, adoption had to be justified by "exceptional circumstances" and the overriding requirement of the child's best interests.

For more information, see links to previous press releases in the following cases: [Strand Lobben and Others v. Norway](#) (no. 37283/13), [K.O. and V.M. v. Norway](#) (no. 64808/16), [A.S. v. Norway](#) (no. 60371/15), [M.L. v. Norway](#) (no. 64639/16), [Abdi Ibrahim v. Norway](#) (no. 15379/16), and [A.L. and Others v. Norway and E.M. and Others v. Norway](#) (nos. 45889/18 and 53471/17).

Principal facts, complaints and procedure

The applications concerned decisions by the authorities in respect of the applicants' children, who were in public care at the time, including over contact, issuing and maintenance of care orders, the replacement of foster care with adoption or otherwise assigning the children to families through adoption, and child welfare.

They relied, in particular, on Article 8 (right to respect for private and family life).

The applications were lodged with the European Court of Human Rights on various dates between 2017 and 2020.

The decisions/judgments were given by a Committee of three judges, composed as follows:

Jovan Ilievski (North Macedonia), *President*,
Lorraine Schembri Orland (Malta),
Diana Sârcu (the Republic of Moldova),

and also Dorothee von Arnim, *Deputy Section Registrar*.

Committees of three judges deal with cases before the Court in two ways. They rule on the inadmissibility of a case in decisions and on the admissibility and merits in judgments which are covered by “well-established case-law” of the Court, meaning cases which have similar facts to cases already judged. These decisions/judgments are final.

Decisions of the Court

The issues raised in all 21 applications have already been ruled on by the Court, notably in the case of *Strand Lobben and Others v. Norway*. Guiding principles set out in that case have since been restated in a number of other cases.

The Court found that the facts of 12 of the applications had been different to the cases against Norway in which violations had been found. In particular, there had been a careful and thorough examination of each situation and the applicants had been able to participate fully in the proceedings. It could not see any manifest error or arbitrariness in the authorities’ assessment of the facts, which were in any case not normally for the Court to reassess. Nor did the Court consider that the authorities had in any way been responsible for a situation of family breakdown which would have led to the finding of a violation.

Overall, and as outlined below in each case, the Court could not find any shortcomings in the justifications provided by the authorities for their decisions, which had focussed on the children’s best interests, or in the decision-making process itself. It considered that the applications were manifestly ill-founded and rejected them as inadmissible.

[A.G. v. Norway \(no. 14301/19\)](#)

Concerned a Russian national who complained about the refusal to grant him contact rights in respect of his four children. The reasons for the decision had been severe neglect and the context of domestic violence. The children themselves had in any case opposed contact with their father.

[A.H. v. Norway \(no. 39771/19\)](#)

Concerned a Norwegian national who complained about the refusal to lift a care order in respect of her daughter. The authorities had found that she was not capable of looking after her daughter and that lifting the care order would cause her serious harm in view of the attachment she had developed for her foster parents.

[Å.N. v. Norway \(no. 12825/20\)](#)

Concerned a Norwegian national’s complaint about restrictions on contact rights with her four children. The authorities had found that it was necessary to limit contact with the mother based on concerns over her mental health. The courts did not rule out that she could regain care of the children if circumstances changed.

[F.K. v. Norway \(no. 51860/19\)](#)

Concerned a Turkish national and his complaint about the ban on electronic communication with his child who had been placed in foster care. The reason for the ban had been his hostility and threatening attitude during Skype calls which frightened the child and negatively influenced their relationship. Contact sessions in person had been made possible when a ban on the applicant re-entering Norway had been lifted.

[H.L. v. Norway \(no. 59747/19\)](#)

Concerned a Portuguese national and her complaint about the decision not to lift a care order in respect of her daughter. The child had originally been placed in care because of beatings. The authorities had refused to lift the order because the parents maintained that the child had been lying about the violence and discontinued contact sessions because they had been supervised. The overall length of the proceedings concerning the care order had not been excessive given the complexity of the case.

[I.M. v. Norway \(no. 16998/20\)](#)

Concerned a Norwegian national and the decision to replace the foster-care arrangement for her son with adoption. The authorities had found that the applicant, who had a mild intellectual disability and had significant problems carrying out daily tasks, was permanently unable to care for her son. Extensive contact sessions had initially been attempted, but the applicant had failed to appear at most of the sessions and had herself eventually requested less contact.

[J.B. and E.M. v. Norway \(no. 277/20\)](#)

Concerned a Nigerian national and Norwegian national, former partners, and the decision to have their parental responsibilities withdrawn in respect of one of their children and to authorise his adoption by his foster parents. The decision had essentially been based on the applicants' lack of interest in the child since his placement in foster care at a very young age (four months). They had not shown up for scheduled contact sessions and had never called or asked about him.

[M.A. and Others v. Norway \(no. 41172/20\)](#)

Concerned a Polish national and the withdrawal of her parental responsibilities and restrictions on contact in respect of her twin sons. The decisions were based on the wishes of the children, who were 16 years old at the time and had been in foster care for a very long time. Moreover, their mother had not applied for the care order to be lifted and had failed over long periods to actually use the contact rights that she had been granted.

[R.A. v. Norway \(no. 44598/19\)](#)

Concerned a Norwegian national's complaint about restrictions on contact rights with his daughter who had been placed in foster care. There had been concerns over trauma caused by violence. The daughter was being treated for anxiety and depression and, 15 years old at the time, had herself opposed her parents' appeal against the decision refusing contact rights. Less intrusive measures had been attempted, without success.

[R.I. v. Norway \(no. 7692/20\)](#)

Concerned a Norwegian national's complaint about the decision to allow the adoption of her son who had been in public care since he was six weeks old. The decision took into account criminal charges against the parents finding that they had severely abused their son; he had suffered 19 rib fractures in their care with a risk of lung collapse. The authorities concluded that the parents would be unlikely to give him proper care in the future.

[R.K. and Others v. Norway \(no. 45413/20\)](#)

Concerned two Norwegian nationals' complaint about a care order issued in respect of their son and restrictions on their contact rights. The decisions had been based on the parents' inability to provide basic care for the child: the mother had a learning disability which could not be compensated for by the father who also had significant deficiencies in his caring skills. Less intrusive measures had been attempted.

[T.H. v. Norway \(no. 42796/20\)](#)

Concerned a Norwegian national and restrictions on his contact rights with his two children who had been taken into public care when they were three and four years old. The decision to restrict contact had been based on the children's fear of contact with their parents, which was considered compatible with trauma. The authorities considered that any greater level of contact would be harmful for the children.

In contrast, in the remaining nine applications covering three judgments, the Court ruled that the facts were similar to previous cases in which a violation of the Convention had been found. For the reasons outlined below, the Court held that the authorities' decisions had violated the applicants' right to respect for their family life.

[D.R. v. Norway \(no. 63307/17\) and D.J. and P.J. v. Norway \(no. 38105/19\)](#)

The applicants in these cases are Norwegian nationals and one national of Bosnia and Herzegovina. They complained of decisions to withdraw and/or restrict contact with their children who had been taken into public care. No contact rights had been granted at all, except in respect of one of the children. Such restrictions had been so far-reaching that the applicants and their children had been deprived of all or almost all of their family life.

[K.F. and A.F. v. Norway \(no. 39769/17 and 5 other applications\)](#)[S.S. and J.H. v. Norway \(no. 15784/19\)](#)

The applicants in these cases are Norwegian nationals and one Moroccan national. They all complained about the adoption of their children without their consent. In these cases the Court found that the decisions had not considered it important enough that the placement in care should be temporary or that family bonds be preserved as far as possible.

The decisions/judgments are 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.