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Date: 21/07/2025

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Meeting:	1537th meeting (September 2025) (DH)
Item reference:	Revised Action Report (21/07/2025)

Communication from Norway concerning the group of cases of Strand Lobben and others v. Norway (Application No. 37283/13)

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Réunion :	1537e réunion (septembre 2025) (DH)
Référence du point :	Bilan d'action révisé (21/07/2025)

Communication de la Norvège concernant le groupe d'affaires de Strand Lobben et autres c. Norvège (requête n° 37283/13) ***(anglais uniquement)***

DH-DD(2025)726-rev: Communication from Norway.
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ROYAL NORWEGIAN MINISTRY OF CHILDREN AND FAMILIES

DGI
21 JUIL. 2025
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Council of Europe Secretariat of the Committee of Ministers, Attn: Department for the Execution of Judgments of the European Court of Human Rights
Palais de l'Europe
Avenue de l'Europe F-67075 Strasbourg Cedex

Your ref	Our ref	Date
	24/4503-	21 July 2025

STRAND LOBBEN AND OTHERS V. NORWAY - EUROPEAN COURT OF HUMAN RIGHTS CASE NO. 37283/13 – CONSOLIDATED ACTION REPORT

Name of applicant	Application no.	Final judgment date	Supervision
Strand Lobben and others	37283/13	10 September 2019	Enhanced procedure
J.	2822/16	6 December 2018	Closed
A.S.	60371/15	17 March 2020	Enhanced procedure
K.O. and V.M.	64808/16	15 April 2020	Closed
P. and others	39710/15	7 September 2020	Closed
H.	14652/16	7 September 2020	Closed
M.L.	64639/16	22 March 2021	Closed
F.Z.	64789/17	1 July 2021	Closed
K.E. and A.K.	57978/18	1 July 2021	Closed
R.O.	49452/18	1 July 2021	Closed
M.F.	5947/19	25 November 2021	Closed
E.H.	39717/19	25 November 2021	Closed
Abdi Ibrahim	15379/16	10 December 2021	Closed
A.L. and others	45889/18	20. January 2022	Enhanced procedure
S.S and J.H. v. Norway	15784/19	12 September 2023	
K.F and others	39769/17 and 5 others	12 September 2023	
D.R and others	63307/17 and 38105/19	12 September 2023	

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1 INTRODUCTION

1.1 General

The *Strand Lobben* group of cases concerns various violations of the biological parents' right to family life in the period between 2011 and 2018. The shortcomings in this group relate to the following three categories:

- the decision-making process, the weighing of conflicting interests (the balancing exercise between the interests of the child and its biological family) or the reasoning for decisions taken;
- the contact regime; and

- the authorities' duty to work towards reunification of the child and the parents.

The Court has found *no violation* or *dismissed* the applications as manifestly ill-founded in cases raising similar questions against Norway in *M.L* (43701/14), *Mohamad Hasan* (27496/15), *O.S* (63295/17), *E.M and T.A* (56271/17), *S.A* (26727/19), *E.M and others* (53471/17), *C.E* (50286/18), *A.A.* (59082/19), *S.P.* (54419/19. A.G (14301/19), *A.H* (39771/19), *R..A*. (44598/19), *F.K* (51860/19, *H.L* (59747/19), *J.B. and E.M*. (277/20), *R.I* (7692/20), *I.M*. (16998/20), *M.A. and others* (41172/20), *T.H*. (42796/20), *R.K. and others* (45413/20), *Å.N* (12825/20), *Hernehult (*20102/19), *R.A*. (1461/21).

The Court has also declared the application *Ibrahim v. Norway* (41803/22) inadmissible as incompatible ratione materiae with the provisions of the Convention.

1.2 Case description – Strand Lobben

Strand Lobben and Others v. Norway concerned the question of whether the Norwegian authorities had violated the right to respect for family life as set out in Article 8 of the Convention with regard to a mother (the first applicant) and her child (the second applicant) by not revoking a care order under the Norwegian Child Welfare Act and at the same time depriving the first applicant of parental authority over the child and giving consent to the foster parents to adopt the child under the Norwegian Child Welfare Act. The proceedings regarding this care order were instituted in 2011, and the last decision became final on 15 October 2012.

The Court found that the first and second applicant's rights under Article 8 of the Convention had been violated. Paragraphs 202–213 of the judgment set out the general principles of interpretation of Article 8 on the basis of which the Court had decided the case. The Government observes that the Court's concept of the best interests of the child has been expanded so as to include an obligation for the domestic authorities to put in place practical and effective procedural safeguards for the protection of the best interests of the child and to ensure their implementation (§ 207 in fine).

In § 214–226 these principles were applied to the facts of the case. The Court found that not all the views and interests of the applicants had been duly taken into account in the decision-making process leading up to the district court judgment that in 2012 upheld the decision to revoke the first applicant's parental authority and to consent to the foster parents adopting the child. The Court was thus not satisfied that the procedure had been accompanied by safeguards that were commensurate with the gravity of the interference and the seriousness of the interests at stake.

Three procedural shortcomings of the district court's decision-making process are significant for the Court's finding of a violation of Article 8 (see paras. 225–226):

i. insufficient reasoning as to the second applicant's continued vulnerability despite his having spent so long in a foster home;

ii. the failure to order a fresh expert examination of the first applicant's capacity to provide care in the light of her new family situation and to appreciate its importance in the district court's assessment; and

iii. excessive conjecture with regard to the first applicant's ability to provide proper care on the basis of a relatively limited number of contact sessions.

1.3 Follow-up judgments

In the cases of P and others; M.L; F.Z., E.H; S.S and J.H.; and K.F and others the Court reiterated the principles set out in Strand Lobben in cases regarding domestic authorities consent to adoption without the biological parent(s) consent.

In the case of Abdi Ibrahim, the Grand Chamber reiterated the principles set out in Strand Lobben § 203-213, and held that the domestic authorities consent to adoption without the applicant's consent entailed a violation of Article 8. The Grand Chamber also found that the arrangements made after the care order as to the applicant's ability to have regular contact with her child, culminating in the decision to allow for his adoption failed to take due account of the applicant's interest in allowing the child to retain at least some ties to his cultural and religious origins.

In her pleadings before the Grand Chamber, the applicant argued that the Court should indicate individual measures under Article 46 of the Convention, referring in particular to the possibility of ordering a reopening of the adoption proceedings. The Grand Chamber did not find that any measures should be indicated under Article 46, for the following reasons:

"180. The Court reiterates that under Article 46 of the Convention the Contracting Parties have undertaken to abide by the final judgments of the Court in any case to which they are parties, execution being supervised by the Committee of Ministers. It follows, inter alia, that a judgment in which the Court finds a breach of the Convention or the Protocols thereto imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in its domestic legal order to put an end to the violation found by the Court and to redress as far as possible the effects (see, among other authorities, Guðmundur Andri Ástráðsson v. Iceland [GC], no. 26374/18, § 311, 1 December 2020).the Court and to redress as far as possible the effects (see, among other

authorities, Guðmundur Andri Ástráðsson v. Iceland [GC], no. 26374/18, § 311, 1 December 2020).

181. The Court further notes that its judgments are essentially declaratory in nature and that, in general, it is primarily for the State concerned to choose, subject to supervision by the Committee of Ministers, the means to be used in its domestic legal order in order to discharge its obligation under Article 46 of the Convention, provided that such means are compatible with the conclusions and spirit of the Court's judgment. However, in certain special circumstances the Court has found it useful to indicate to a respondent State the type of measures that might be taken to put an end to the situation – often a systemic one – which has given rise to the finding of a violation (ibid., § 312).

182. As to the applicant's request in the instant case, the Court firstly notes that in a case of this type, in general the best interests of the child must be a paramount consideration also when it is to consider indication of any individual measures to be taken under Article 46 of the Convention (see, mutatis mutandis, Haddad v. Spain, no. 16572/17, § 79, 18 June 2019; and Omorefe v. Spain, no. 69339/16, § 70, 23 June 2020).

183. The Court notes that X and his adoptive parents currently enjoy family life together, and that individual measures could ultimately entail an interference with their respect for that family life. It follows that facts and circumstances relevant to Article 46 of the Convention could raise new issues which are not addressed by the present judgment on the merits (see, mutatis mutandis, Johansen v. Norway (dec.), no. 12750/02, 10 October 2002).

184. Furthermore, although the applicant did not request any measure of a more general character, the Court observes that, in so far as there might be a certain systemic issue in question, the respondent Government have shown that they are making efforts to implement the judgments rendered by the Court concerning various types of child welfare measures in which violations of Article 8 have been found (see, for example, paragraphs 62-66 above). It also observes that the respondent State is in the process of enacting new legislation (see paragraph 67 above).

185. For the above reasons, the Court does not find that any measures are to be indicated under Article 46 of the Convention."

In the cases of *J.*; *H.:, A.S.*; and *A.L. and others*, the Court reiterated the principles set out in Strand Lobben, The Court found violations of Article 8 based on a combination of deficiencies in the decision-making process and the extent of contact rights

In the cases of *K.O and V.M*; *K.E. and A.K.; R.O; M.F.;* and D.R. and others, the Court reiterated the principles set out in Strand Lobben, and held that the limitations on contact rights entailed a violation of Article 8 of the Convention. The Court found no violation of Article 8 as regards the care orders.

2 JUST SATISFACTION

The just satisfaction awarded by the Court has been paid.

In the case of Strand Lobben the Court awarded 350 EUR as coverage of expenses for Strand Lobben's travel to Strasbourg in connection with the grand chamber case. The Ministry therefore paid 23 June 2020 350 EUR to Strand Lobben’s bank account. The Government also paid default interest calculated from 5 December 2019.

3 OTHER INDIVIDUAL MEASURES

3.1 General

It is important to distinguish between the different situations of the applicants in this group of cases.

Where the applicant’s child has been adopted by a final decision, the only remedy available to the applicant is reopening on the grounds of procedural error. This is further described in section 3.1.1 below.

Where the child has not been adopted, but remains subject to a care order, the biological parents – in addition to the right to demand reopening of the impugned proceedings – have a continuing right to demand a review of the care order decision every twelve months, as further described in section 3.1.2 below.

In addition, in all cases where there is a care order in place, the child welfare services (the “CWS”) have a continuing and ex officio obligation to consider whether the contact rights should be increased or decreased based on the development of the child and its parents. This is described in further detail in section 3.1.3 below.

3.1.1 Reopening on the grounds of procedural error

Decisions on adoption under the Norwegian Child Welfare Act are final and sever all legal ties between the natural parents and the child. Neither the CWS nor any other public agency has the authority to change the adoption decision. A natural parent whose rights the Court has found to be violated under the Convention is entitled to request a reopening of the domestic court’s final ruling.

The civil procedure legislation offers two possible avenues. An applicant may petition for reopening if a judgment of the Court in the same matter suggests that the domestic court ruling in substance was based on an incorrect application of the Convention. Alternatively, an applicant may petition for reopening if, in a complaint against Norway in respect of the same matter, it is found that the domestic ruling’s procedure violated the Convention. According to the case law of the Supreme Court, it is a condition for reopening the case that this is necessary to remedy the violation of the Convention.

The time limit for a petition for a reopening is in both cases six months from the date on which the party became aware of, or ought to have become aware of, the grounds for the petition.

The domestic court examines whether the conditions for reopening the case are fulfilled, and if the petition succeeds, the reopened case is heard pursuant to the procedure applicable to the type of case in question.

The case will not be reopened if there is a “reasonable probability” that a fresh consideration of the case would not lead to a change in the substantive aspects of the judgment that affects the party.

3.1.2 Specific remedies in the case of care orders

When a care order has been issued, the parents have a right to demand a review of the care order decision unless the case has been dealt with by the child welfare tribunal (previously known as county social welfare board) or a court of law in the preceding twelve months, cf. section 5-7 of the Child Welfare Act.

If a demand for revocation of the previous order or judgment was refused on the ground that revocation would lead to serious problems of the child, proceedings may only be demanded when documentary evidence is provided to show that significant changes have taken place in the child’s situation.

Further, the applicant has a right to contest a decision on access rights before the child welfare tribunal, unless the case has been dealt with by the tribunal or a court of law in the preceding eighteen months, cf. section 7-4 of the Child Welfare Act.

3.1.3 The CWS’ ongoing obligations

Regardless of the above-mentioned legal remedies available to the applicant, the CWS responsible for the case may on its own initiative increase the amount of contact between the parents and the child where this is in the best interests of the child or request the county social welfare board for a revocation of the care order. The CWS has an independent duty to observe the development of the parents and the child. This follows from section 8-3 of the Child Welfare Act:

> *The Child Welfare Service must follow up a child that has been taken into care. The Child Welfare Service must monitor the child’s development and whether they are receiving proper care.*
>
> *The Child Welfare Service must also follow up the parents after a child has been taken into care. The Child Welfare Service must monitor the parents’ situation and development, and must contact the parents shortly after the child has been taken into care and offer*

them guidance and follow-up. If the parents so wish, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

Unless consideration for the child warrants otherwise, the Child Welfare Service must take steps to help the parents regain responsibility for the care of the child). The Child Welfare Service must systematically and regularly assess whether it is necessary to modify the measure, or whether the care order can be revoked.

As soon as possible after the Child Welfare Tribunal has issued a care order, the Child Welfare Service must prepare a plan for the child's care situation and the follow-up of the child and the parents. The plan must, among other things, describe the child's needs and any follow-up that might help the parents regain responsibility for the care of the child. The plan must be modified if the child's needs so warrant.

The duties of the CWS include supervising the parents' and the child's development, evaluating any changes, offering the parents guidance and follow-up, and facilitating reunification between the parents and the child (in other words a revocation of the care order) in situations where the best interests of the child do not indicate the opposite.

3.2 Status – reopening proceedings and follow-up of cases

3.2.1 General

At its 1483rd meeting (December 2023), the Committee of Ministers invited the Government to inform the Committee about the outcome of the pending proceedings in *A.S.*; *A.L. and others.*; *K.F. and others*; *S.S. and J.H.*; and *D.R. and others*.

3.2.2 Strand Lobben and others

The first applicant's counsel petitioned the Appeals Selection Committee of the Supreme Court for a reopening of the case on 3 December 2019. On 9 June 2020, the Supreme Court found that the petition to reopen should be considered by the district court, as the Court (Grand Chamber) had based its judgment on procedural errors in the district court ruling.

On 6 November 2020, the first applicant brought a reopening request to the district court, which considered the child's right to be heard. The district court had appointed an expert who was given a mandate to consider whether the child should be heard before the court ruled on the request for reopening. The district court pointed out that the duty to hear a child is not absolute. In very special situations, exceptions can be made if the child's best interests dictate it. The district court found it likely, based on the child's history, age and the expert's account, that informing the child about the applicant's request and giving the child the opportunity to give his opinion would cause considerable distress and have harmful effects to the child. After a balancing of the various interests, the district court concluded that it was in the child's best interests to be spared from taking part in the question of reopening.

By decision of 31 August 2021, the district court rejected the applicant's request for reopening. In brief, the district court found that it was "completely unlikely" that reopening the proceedings nine years after the final judgment would lead to overturning the adoption decision.

The applicant appealed the decision to the High Court, who quashed the decision inter alia because the child had not been heard.

Subsequently, the biological mother's request to reopen the judgment consenting to adoption was rejected by the District Court on 10 June 2022. The District Court found that it was clearly not likely that the reopening of the proceedings would lead to overturning the adoption decision. The child had been heard, and he did not want to meet or to have any contact with his biological mother or her family. He had lived with his adoptive parents since he was three weeks old, and consent to adoption had been granted ten years ago when the child was three years old. The decision not to reopen the adoption proceedings was upheld by the High Court on 4 August 2022, The High Court explicitly considered the state's obligation under Article 46 of the Convention, and found that it was materially impossible to put the biological mother in the position she would have been had the violation not taken place, without violating the best interest of the child and the established family life with his adoptive family. The High Court explicitly referred to § 179 et seq. of the Court's judgment in Abdi Ibrahim v Norway, app.no 153798/16 [GC], and to the child's expressed opinion. The biological mother's appeal was rejected by the Supreme Court on 6 October 2022, and accordingly the decision has obtained force *res judicata.*

Since this is an adoption case, the remedies and obligations described in sections 3.1.2 and 3.1.3 are not available to the applicant.

As acknowledged by the Committee of Ministers at its 1483rd meeting, no further individual measures are required or possible in this case.

3.2.3 A.S.

The applicant requested reopening (as set out in 3.1.1 above) and a review of the care order (as set out in 3.1.2 above).

The applicant petitioned the District Court for a reopening of the proceedings that led to the original care order being upheld (i.e. the proceedings that were impugned by the European Court). On 27 February 2023, the District Court rejected her request. On 10 June 2024, the High Court dismissed the applicant's appeal, as the High Court considered that a revocation of the care order would lead to serious difficulties for the child and clearly not be in his best interest. The applicant did not appeal is decision, and the decision not to reopen the case has obtained *res judicata.*

The applicant has no other pending case before domestic courts or before the Board.

3.2.4 A.L. and others

On 23 March 2022, the parents' requested a reassessment of the frequency of contact rights before the Child Welfare Tribunal. An expert was appointed by the tribunal. On 21 November 2023, the Child Welfare Tribunal decided that there should be no contact between the parents and the child. The parents brought the case before the District Court. On 21 June 2024, the CWS and the parents, represented by counsel, agreed to adjourn the case that there at present should be no contact sessions, and agreed to work towards reestablishing contact sessions. On 6 June 2025, the mother requested that the case be continued. The District Court has stated that it will convene a meeting to plan the further proceedings. The father has not been active in the case since the mother requested that the case be continued.

3.2.5 K.O. and V.M.

The supervision of the execution of this judgment was closed by CM/ResDH (2021)92.

3.2.6 J.

The supervision of the execution of this judgment was closed by CM/ResDH (2021)43.

3.2.7 P. and Others

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.8 M.L.

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.9 F.Z.

The supervision of the execution of this judgment was closed by CM/Res DH(2022)327.

3.2.10 K.E and A.K.

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.11 R.O.

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.12 M.F.

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 327.

3.2.13 E.H.

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.14 Abdi Ibrahim

The supervision of the execution of this judgment was closed by CM/Res/DH(2022) 252.

3.2.15. S.S. and J.H.

To the Government's knowledge, the applicant did not lodge a reopening request of the impugned adoption decision before the domestic courts within the statutory deadline.

3.2.16 K.F. and 5 others

K.F and A.F.
To the Government's knowledge, the applicants did not lodge a reopening request of the impugned adoption decision before the domestic courts within the statutory deadline.

S.E and T.E.
To the Government's knowledge, the applicants did not lodge a reopening request of the impugned adoption decision before the domestic courts within the statutory deadline.

M.A. and M.A.
To the Government's knowledge, the applicants did not lodge a reopening request of the impugned adoption decision before the domestic courts within the statutory deadline

G.B.
To the Government's knowledge, the applicant did not lodge a reopening request of the impugned adoption decision before the domestic courts within the statutory deadline.

G.G.
The applicant lodged a reponing request of the impugned adoption decision. The District Court dismissed the request on 11 June 2024. The applicant appealed the decision.
On 22 October, the High Court dismissed her appeal. The High Court found that a reponing would not be in the child's best interest, with reference *inter alia* to A*bdi Ibrahim v Norway* paras. 182-183, and to the expert's assessment. On 4 December 2024, the Supreme Court's Appeals Selection dismissed the applicant's appeal.

L.S. and O.V.
To the Government's knowledge, the applicants did not lodge reopening requests of the impugned adoption decision before the domestic courts within the statutory deadline

3.2.17 D.R and others

D.R.
The applicant did not claim non-pecuniary damages before the European Court of Human Rights and was not awarded damages, see D.R and others § 14.

The applicant sought to reopen the contested domestic decision in order to submit a claim for non-pecuniary damages before domestic courts. She explicitly stated that she did not wish to reopen the domestic court's decision regarding contact rights.

Her request was based on Chapter 36 of the Civil Dispute Act, as the domestic decision she sought to reopen had been handled under that chapter. On 5 November 2024, the District Court ruled that claims for non-pecuniary damages could not be submitted under Chapter 36 of the Civil Dispute Act and therefore dismissed the request to reopen the case. However, the District Court found that her claim for non-pecuniary damages could be pursued under the general provisions of the Civil Dispute Act, and that part of her case was not dismissed.

The applicant did not appeal the District Court's decision to dismiss the request for reopening. She later withdrew her claim for non-pecuniary damages.

The are no ongoing domestic procedures before the Boards or the Courts. The applicant has stated that she does not want to meet the Child Welfare Services.

D.J and P.J.
Prior to the Court's judgment, the CWS increased the frequency of the contact sessions. On 3 June 2024, the Child Welfare Tribunal decided to revoke the care order, and P.J. was returned to D.J.s care.

4 GENERAL MEASURES

4.1 General

In the Government's view, the violations found by the Court indicate that adjustments in accordance with Article 8 of the Convention are called for in Norwegian child welfare practice. Following the Court's judgments, the Government has drawn up and initiated a number of general measures that have been or will be implemented to strengthen the Norwegian child welfare service, as set out below. In its Grand Chamber decision of 20 March 2020 (HR-2020-661-S) para. 112, the Norwegian Supreme Court also found that certain aspects of the child welfare practices needed to be adjusted. With reference to the case law of the Court in child welfare cases, the Supreme Court noted that some of the judgments had demonstrated that "the decision-making process, balancing exercise, or the reasoning have not always been adequate". The Supreme Court also noted that the Court in particular "had found, violations with regard to the duty of the authorities to work towards reunification of the child with the parents".

The Government submits that the violations found by the Court do not indicate a conflict between the Convention and the Child Welfare Act as such. The Grand Chamber rulings by the Norwegian Supreme Court note that there is no conflict between the Court's case law and the substantive and procedural principles following from the provisions in the Child Welfare Act on deprivation of parental authority, adoption and care order (see HR-2020-661-S, § 170 and HR-2020-662-S, § 56). In the latter paragraph it is assumed that the current threshold for a care order may be continued. Regardless and independently of the Strand Lobben case law, in 2014 the Government began a full revision of the Child Welfare Act,

which led to the adoption of a new Child Welfare Act on 10 June 2021. The new Child Welfare Act entered into force on 1 January 2023.

Although the Government finds that legislative amendments are not necessary for the execution of the Court's judgments, the new Act reflects the developments in the case law of the Court. A summary of relevant aspects of the new Act is set out below under 5.3.

4.2. Measures to improve contact rights

At its 1398th meeting, the Committee underlined that the CWS and the child welfare tribunal from the very outset consider all of the relevant requirements under Article 8, including the positive duty to take measures to facilitate family reunification, not to give up on reunification at too early a stage and to implement contact regimes that effectively support that goal. The Committee also wanted to be informed of how the measures taken by the Government will address practical arrangements to ensure that contact sessions are organised in a manner conducive to letting parents and children bond. At its 1483rd meeting, the Committee underlined amongst other, the importance of working towards family reunification and implement contact regimes that effectively support that goal and to double the efforts to finalise the CWS guidelines concerning the organisation and quality of contact sessions.

Several measures have been or are being implemented to facilitate a practise which support the goal of reunification. This include more specific rules on contact in the new Child Welfare Act. The new provisions underline for example that the strengthening of family bonds shall be taken into consideration when contact rights are set. Moreover, national guidelines on contact rights are being set, and research projects on contact have been initialised. Furthermore, several information measures directed towards both the CWS and the tribunals have been initiated. In addition, the Parliament on 11 June 2025 adopted further amendments regarding contact, see 4.2.2.

Overall, it is the opinion of the Government that a more distinct framework for contact, and together with implemented information measures, provide a good basis for good child welfare practice in line with Article 8 of the Convention.

4.2.1 National guidelines on contact rights

Following Strand Lobben, the Directorate of Children, Youth and Family Affairs (Bufdir), was commissioned to develop two national guidelines on contact rights. The first guideline concerns determination of the level of contact between children in care and their parents. The second guideline concerns the organisation of contact sessions. Both guidelines are developed by a group of experts, in cooperation with both children and parents with experience from child welfare cases, and representatives from the Child Welfare Sector.

The expert group's draft guideline regarding the level of contact was sent on public hearing in the beginning of 2022.[1] The input from the hearing was processed by Bufdir, and the final guideline was published 12 December 2022.[2]

The guideline has been implemented in all municipalities. The implementation of the guideline started already during the development, as representatives from the CWS were part of developing the guideline. After the guideline was published, all municipalities and county governors were sent written information about the guideline. The guideline was also highlighted in the newsletter from Bufdir, and it was also highlighted on the website and through the launch of the guideline. About 160 people attended the physical launch, and about 1000 people attended the launch digitally.

The guideline is also implemented in the Child Welfare Quality System (BFK), see also further description of this system under 4.6.3. The guideline concerns subjects such as the involvement of the parents, the situations of the parents and the vulnerability of the child etc. A specific recommendation in the guideline also concerns the linguistic, cultural and religious background of the child. Among other things the guideline highlights the importance of how contact can develop and maintain the cultural, linguistic and religious background of the child.

Further, Bufdir is currently preparing the second guideline concerning the organisation of contact rights and how to conduct visits between the child and their parents following a care order. It is currently under public consultation. The guideline is planned to be completed by the autumn of 2025. This guideline focuses on the organisation of contact rights and will contribute to more clarified norms and increased competence in the CWS regarding children's contact with parents, implementation of contact and good follow-up of the contact. The purpose of the guideline is to provide evidence-based recommendations on what the CWS should do to ensure that contact between children and parents (and possibly other close relatives) is of good quality and fulfils the intentions of the contact arrangement that has been decided.

When Bufdir develops evidence-based guidelines both an internal project group and an advisory external expert group are established. The expert group represents researchers in the field, employees in the services that will use the guideline and other potential users of the guideline. The guidelines are sent for internal and external consultation and revised before they are finalised and published.

Given the thorough work with internal and external consultations, the guidelines will build on an extensive and broad knowledge basis. The guidelines will be adopted this autumn. Since the guidelines are only one minor part of the wide range of measures adopted by the Government in response to the Court's judgments in the *Strand Lobben* group, the

[1] Høring: Nye retningslinjer for vurdering av samvær etter omsorgsovertagelse (bufdir.no)
[2] https://www.bufdir.no/fagstotte/produkter/samvar__retningslinje_for_vurdering_av_samvarsordning_ved_omsorgsovertakelse/

Government considers that it is not necessary to await the final adoption of the guidelines in order to close the supervision.

4.2.2 The Quality Improvement Initiative

The Government presented a Bill to the Parliament in April this year which included a number of proposals that will collectively contribute to a quality improvement in CWS, and better ensure that children receive help that they need.

The Government proposed several measures regarding contact. A new legal basis for the CWS to temporarily stop harmful contact between parents and children was proposed. The goal is to protect children when needed, and to give the CWS a clear legal basis to be able to intervene quickly. The legislation enables the CWS to make a temporary decision that contact shall be stopped if there is a risk that the child will suffer if contact is carried out. The CWS can make a temporary decision that there should be supervision during the visit. This means that a third person must be present when parents and children have access.

A decision to stop contact will generally apply for three weeks, or until the case of a change of contact has been processed by the Child Welfare Tribunal. If the CWS believes that a permanent change to the access arrangement is needed, the Tribunal must decide on this.

Furthermore, the Government has proposed to investigate whether the Child Welfare Act should include a separate scheme for children who express strong opposition to access.

The Parliament adopted the proposals in the Bill 11 June 2025, see 5.4.

4.2.3 Research projects on contact rights

Several research projects have been initiated in recent years. Bufdir commissioned in 2020 a main research project on contact between children in care and their extended family after placement. The main project included examination of practice in visitation cases through four sub-studies: one survey, one online examination, on qualitative case study and one legal review of case law in the aftermath of the Court's decisions against Norway.

The first part of the main project was the study in 2021 "*Visitation after care takeover – a study of practice from county boards and courts of appeal*."3 The report contains a study of 37 child welfare tribunals decision and 32 High Court judgments from 27 March 2020 – 31 December 2020. In most of the access cases in the study, contact is set to 8-12 times per year, which is in accordance with recent Supreme Court case law. Based on the topics examined, and the underlying material, the overall conclusion is that both the practice of the child welfare and health boards and the case law of the Court of Appeal are in general, with some exceptions, in accordance with the requirements set out in current law in the wake of the Norwegian child welfare cases in the ECHR and the Supreme Court's Grand Chamber

[3] Source: Alvik, I. F. (2021). Publication series 2021 no. 4. Oslo Metropolitan University- Oslo Metropolitan University. And https://www.bufdir.no/rapporter/dokumentside/?docId=BUF00005402

cases of 27 March 2020. The findings of the supplementary project were assessed in the main research project on contact, see below.

Further, in 2023 the main project. *Visitation in practice. A research-based study of visitation arrangements in the child welfare service"* was finalised.[4] The material shows that many visitation arrangements probably work well for children, parents and foster parents. Characteristics of «good visitation» are a high degree of flexibility, good preparation in advance and follow-up during and after visitation, inclusive attitude of foster parents vis-à-vis biological parents, acceptance of the biological parents for the care takeover and a high degree of participation for children and parents.

Another study in 2024 has been "*Removals under the auspices of the Child Welfare Service"*.[5]. The study is about, among other things, family and network foster homes and how it works in terms of visitation. The study also provides new knowledge about return homes for children and young people who have lived in foster homes or institutions, where visitation plans and repatriation goals are discussed.

Moreover, in October 2024, Bufdir started the research project "*Children's need for continuity in childhood – experiences and consequences for children who have experienced a care takeover*". Knowledge needs to be answered are 1) Systematic evidence summary, 2) Status and development of the extent of temporary placement, 3) Children's experiences with and perceived consequences of temporary placement in the care situation – in the short and long term. Visitation arrangements will be part of the data material. The project is being carried out by Sintef and is scheduled for completion in October 2028.

Bufdir is also drafting a contract with VID Specialised University for the research project "*Follow-up of parents after care takeover*". The main issues of the assignment are: How do the CWS ensure follow-up of parents after a care takeover? In the study, VID will focus explicitly on what help the parents receive to carry out visitation. The study will be completed on 30 June 2026.

Other research projects are NORCE at Skotheim & Havnen (2022-2026) which looks into reunification and visitation in the wake of the judgments of the Court. Further, in 2022, Anne Bjørke began a public sector PhD under the auspices of Bufdir. The theme is stability in foster homes and the child's right to family life. This includes the topic contact. The doctoral degree is scheduled to be completed in the summer of 2027.

[4] Stang, E. et al (2022). Visitation in practice. A research-based study of visitation arrangements in the child welfare service. Main report from the project "Visitation after care takeover". Publication series 2023 no. 1 Oslo Metropolitan University -Stockholm Metropolitan University.. https://www.bufdir.no/rapporter/dokumentside/?docId=BUF00005721

[5] Eide, K. et al (2024). *Removals under the auspices of the Child Welfare Service*. Publication series from the University of South-Eastern Norway no. 145 2024. https://www.bufdir.no/rapporter/dokumentside/?docId=BUF00005853

4.3 Determination of contact - Child Welfare Tribunals

The Child Welfare Tribunals have registered data on the results of access cases since September 2019. The trend of increased contact which has been seen since 2019, has continued further. New statistics from the tribunals indicate that in most cases, access is set at once a month, although there are still many instances where access is set to 4-6 times a year. Furthermore, there seems to be a greater dispersion in the determination, which may indicate a more individually adapted assessment. There is also a slight increase in the number of cases where access is granted more frequently than once a month.

The tribunals also register the outcome of first-time access determination between mother and child, father and child and joint access between parents and children. The tribunal's practice for contact rights determination has changed significantly since *Strand Lobben v. Norway* and subsequent rulings in the Court and the Supreme Court. In 2020 and 2021, the tribunals established access between mother and child once a month in the majority of cases. The share of decisions that stipulated access more often than once a month has also increased since autumn 2019. There has also been an increase in access set at once a month for father and child. We also see the same development where the child welfare tribunals determine joint contact for mother and father.

The level of contact continues to rise. Compared to nearly 60 per cent of the decisions set 3-6 visitations in 2019, almost 70 per cent of the decisions set 12 or more annual visitations in 2023 and this year through August 2024. An analysis of the reasoning in the first 30 visitation decisions from 2024, conducted by the special advisor on human rights at the tribunals, showed that all decisions, except for one, explicitly determined visitations based on the goal of reunification under the Convention. There is no reason to believe that the findings are not representative of the practice in the tribunals.

The far more differentiated determination of contact may be seen in connection with the use of the conversation process as an alternative to ordinary treatment. The purpose of the conversation process is to improve communication between the parties and investigate the possibilities for a voluntary resolution of the case. Conversation process is now used in over 50 per cent of the cases. A third of the cases dealt with in the discussion process lead to the parties agreeing on a solution. These cases are decided in writing by the tribunal chair. A large part of the petitions for care orders or revocation of care orders are also withdrawn by the parties, because they enter into voluntary agreements.

Furthermore, the figures from the Child Welfare Tribunals show a decrease in cases concerning custody takeover. Regarding cases involving the reversal of custody takeover decisions, there is a slight decrease in the number of cases being processed. However, the number of children being returned remains stable. Decisions on consent for adoption have decreased significantly and adoptions is now a rarely used child welfare measure, see also 5.5.

4.4 Measures to ensure due consideration of the child's cultural and linguistic background

At its 1398th and 1483rd meeting, the Committee of Ministers invited the authorities to submit more information on measures taken or planned to ensure that the child's cultural and linguistic background is given due consideration.

4.4.1 The Child Welfare Act

The Norwegian Child Welfare Act places great importance on family ties and continuity in children's upbringing. Most children who cannot live with their parents are placed in a foster home. The child's best interests are decisive when the CWS chooses a foster home. The choice shall be made on basis of the child's distinctive characteristics and individual needs. The municipality in which the foster home is located is responsible for approval and supervision of the home.

Section 1-8 of the new Child Welfare Act contains an overarching provision that emphasises the CWS's responsibility to give due regard to the child's ethnic, cultural, linguistic and religious background. It also states that the specific rights of children belonging to the Sami minority shall be safeguarded. This provision is new and applies to every stage of the CWS's work and every type of decision, not just the choice of foster home or institution (as is the case under the legislation currently in force). The Government expects that the provision will increase the awareness of these issues in the CWS, and lead to improved decisions in the best interests of the child, see the preparatory works (Prop 133 L (2020-2021) page 18).

In addition to the legislative amendments, the Supreme Court in its judgment in HR-2021-475-A held that the Convention on the Rights of the Child supports the notion that the child's ethnic, religious, cultural, and linguistic background must be taken into account and given weight when the CWS makes its decisions, including the choice of foster home or other situations where it is necessary to place the child outside of its home. The rights of minority children must also be an important criterion when determining what is the best solution for the child.

4.4.2 Other measures

Other measures have been the implementation of a competence Strategy for the municipal CWS (2018–2024). A key purpose is to strengthen the employees' knowledge of how to safeguard and facilitate the participation of children and parents. The strategy includes new educational programs that aim to promote greater understanding and sensitivity in the follow-up of children and families with minority backgrounds. Higher competence requirements for child welfare employees have been adopted in the new Child Welfare Act.

A specific recommendation in the guideline mentioned in 4.2.1 also concerns the linguistic, cultural and religious background of the child (recommendation no. 7).

The responsible agencies Bufdir and the Office for Children, Youth and Family Affairs work actively to recruit more foster families from various ethnic minority groups. However, finding enough suitable foster homes is challenging, particularly among minority groups. Foster parents are subject to mandatory training. Bufdir has developed the first step of a new basic training program for foster parents. The basic training program was launched 15 March 2023 and is based on different modules. One of the modules contains training for potential foster parents in the child's ethnic, religious, cultural and linguistic background. A second and third step is under development, in which the child's cultural and linguistic background also will be included. In addition to the basic training program, the Office for Children, Youth and Family Affairs also offers further training in being a foster home for children and youth with another ethnic background than Norwegian. This training aims to increase the foster parents' understanding for the cultural and linguistic background of the child, parents or others close to the child.

Moreover, Bufdir has also amended the circular for the child welfare service's case management.[6] The circular was published the 30 March 2023 and addresses specifically the child's ethnic, religious, cultural, and linguistic background throughout all the different phases of the case management. The circular will be implemented in CWS in all municipalities through written information to all municipalities and county governors, as well as through a newsletter to all CWS.

The Norwegian Government presented a white paper on foster care to the Parliament in June 2024. One of the main proposals of the white paper on foster homes is to strengthen and undergird the municipalities in their task of providing support and supervision to foster homes. Among the range of other measures proposed in the white paper, the Government signals a commitment to strengthen the recruitment of foster parents with minority backgrounds. In the event that foster parents' backgrounds do not mirror that of the child, other measures must be taken to ensure that the child's connection to their cultural, linguistic and religious background can be maintained. The Government also proposes to develop specific schemes for the training, supervision, and follow-up of foster parents who provide care for children of a different cultural, linguistic and/or religious background.

4.4.3 The European Commission against Racism and Intolerance (ECRI)

Moreover, the Government refer to the European Commission against Racism and Intolerance (ECRI) conclusions of 29 March 2023. In its report on Norway (sixth monitoring cycle), ECRI had recommended that all Norwegian CWS further develop their intercultural sensitiveness and knowledge, reach out to minority groups and promote mutual understanding and trust. Based on Norway`s reply to the recommendations, ECRI concluded that its recommendation had been partially implemented and recognised the significant efforts made and the positive steps taken.

[6] https://www.bufdir.no/contentassets/ed7a489b2fbf4c808e4637c037e51450/saksbehandlingsrundskrivet.pdf

4.4.4 The Quality Improvement Initiative

With the Quality Improvement Initiative submitted to Parliament in April 2025, the Government signals the commitment to improve interpretation services within the child welfare sector. Insufficient use of interpreters can be a barrier to equitable services, both for parents who do not have full command of the Norwegian language, and for the children. The Government's ambition is that interpreters must be used whenever there is a need, and for all interpreting in the public sector to be carried out by qualified interpreters. The Government wants to monitor the use of qualified interpreters within the child welfare sector.

The Government also wants to develop a national guideline for the use of interpretation services within the sector, and to assess how the procurement of interpretation services within the sector can be improved. Moreover, cultural mediators (sometimes called link workers or cultural liaisons) are sometimes used to assist and ease the communication between CWS and families with minority backgrounds. With the Quality Improvement Initiative, the Government signals the intention to develop national recommendations for the use of such mediators.

Besides, minorities are underrepresented as workers within the child welfare sector. With the Quality Improvement Initiative, the Government signals the intention to explore measures that may increase the increase the recruitment of workers from minority backgrounds.

The Parliament adopted the proposals in the Bill 11 June 2025, see 5.4

4.5 Domestic case law

In October 2019 the Supreme Court decided to assess three sets of child welfare cases referred to it. On 27 March 2020, the Supreme Court (the Grand Chamber with a panel of 11 judges) delivered three unanimous decisions, two of which (HR-2020-662-S and HR-2020-663-S) concerned public care orders with restricted parental access (the third, HR-2020-661-S, concerned adoption as a welfare measure).

All three Supreme Court decisions make extensive reference to Strand Lobben § 202–213 and cases building on these general principles of interpretation of Article 8 of the Convention.

With reference to the Court’s practice, the Supreme Court judgments emphasise among other things the temporary nature of public care, the positive duty of the authorities to facilitate family reunification, the importance of contact between parents and child in promoting reunification, and the necessity of determining the nature and frequency of contact sessions according to the circumstances of the individual case.

The judgments also emphasise that measures must be based on adequate and updated information, including an expert opinion when required, a fair and broad balancing of interests and adequate of reasoning, in compliance with the Court’s directives.

In the concrete cases, a unanimous Supreme Court:

- in HR-2020-661-S set aside the district court's judgment as being seriously flawed;

- in HR-2020-662-S held that the conditions for continuing public care had been met, but that the ultimate goal of family reunification implied that the contact should be extensive enough to strengthen and develop the child's bonds to its parents. It therefore increased the number of contact sessions per year,

- in HR-2020-663-S dismissed the appeal as there were no serious flaws in the district court's judgment.

As a general rule, child welfare cases are considered in closed court. However, the Supreme Court decided that the three cases under discussion here should be considered in open court so that both the press and the general public could be present, given the current extensive public interest in child welfare cases before the Norwegian courts. The name of the parties was anonymised. This decision provided the general public with information on the case law of the European Court of Human Rights.

The judgment in HR-2020-661-S § 140 -141 also notes that the natural parents' exercise of judicial remedies with a view to obtaining family reunification with their child cannot as such be held against them (see *Strand Lobben*, § 212, Abdi Ibrahim § 154, F.Z. § 55-58, M.L. § 95). The Supreme Court noted that the expression "as such" shows that if repeated processes doubtlessly will be harmful for the child, this may be accorded weight, even if the parents cannot be blamed for exercising judicial remedies. The Supreme Court underscored that such a viewpoint must be established after a thorough assessment. This has been followed up in domestic case law, see for example LA-2021-17386 and LB-2020-163354.[7]

Moreover, the Supreme Court has subsequently decided to consider a number of other cases concerning other aspects of public care and access restrictions. All referrals were prompted by the Court's judgments on child welfare cases against Norway. A summary of some examples follows below:

- In a judgment of 15 September 2020 (HR-2020-1788-A) on a case concerning a request for revocation of a care order, the Supreme Court found that at this time reunification was not in the best interests of the child, but emphasised that there was no basis for abandoning the goal of family reunification altogether. A regime had been set up by a court of appeal in which the contact sessions were gradually increased to eight hours 12 times a year. The Supreme Court found that the lower court had weighed the competing interests in a process of reasoning that followed the guidelines set out in the Court's practice.

[7] The Committee will recall that the Court in Aune v. Norway, no. 52502/07 § 71 accepted that adoption would counter the eventuality that a latent conflict about where the child would live could erupt into challenges to A's particular vulnerability and need for challenges, and found no violation of Article 8 in a case regarding adoption.

- On 15 September 2020, in case HR-2020-1789-A, the Supreme Court set aside the court of appeal's decision to refuse to appeal against a district court judgment denying an application for the return of a child after a care order. The Supreme Court found that the district court's reasoning failed to meet the criteria set out in the case law of the Court and the Supreme Court, including the fact that the district court had not provided for an updated expert opinion on more recent developments.

- On 1 July 2021, in case HR-2021-1437-A, the Supreme Court granted a maternal grandmother standing in a case concerning contact rights. The background for the case was that according to section 4-19 of the Child Welfare Act, relatives of the child are only granted standing in such cases where the biological parents have been granted "very limited" contact rights. In light of the case law in the Strand Lobben group, the Supreme Court found that the prevailing understanding of what constituted "very limited" contact rights had been too narrow. With reference to para. 79 in the European Court's judgment in M.L. v. Norway, the Supreme Court held the level of contact should be more than eight times per year where the goal of reunification has not been abandoned and the interests of the child do not require more restrictive contact rights. The Supreme Court further held that contact less than six times per year constitutes "very limited" contact rights for the purposes of section 4-19 of the Child Welfare Act.

- On 2 March 2021, the Supreme Court decided on three cases regarding contact right; HR-2021-474-A, HR-2021-475-A, HR-2021-476-A, based on the Court's case law in Strand Lobben, K.O. and V.M; and M.L.:

  In case HR-2021-474-A, The Supreme Court noted several factors to be considered when deciding on the frequency of contact sessions, such as the child's vulnerability, the child's attachment to his or her parents, the child's own view, the quality of the sessions and the possibility to provide guidance to the biological parents in order to improve the quality, and whether or not the foster parents had a different language or cultural background than the biological parents. The Supreme Court emphasised that children have the right to knowledge about their culture, and that this right had to be protected regardless of the cultural background of the foster parents and the biological parents.

  When deciding the frequency of contact session in the concrete case, the Supreme Court noted that the child was now six years old, and the CWS had taken over the care of her when she was seven months old after providing assistance measures to her biological parents since she was three weeks old. The child had massive linguistic and social difficulties compared to other children, as also noted by the court appointed expert and with reference to information from the kindergarten. One of the experts in the case had explained that inadequate care during a child's first months of life might damage basic ability to interact with others, also damaging a child's ability to learn and understand languages.

In the opinions of three different experts in the case, the contact sessions should be few and short, as the child had reactions after the contact sessions with her biological parents. The expert before the Supreme Court had recommended three contact sessions per year, noting that further sessions could inhibit the child's development. The Supreme Court explicitly mentioned that contact sessions must be arranged to strengthen and develop the bonds between the parents and the child. Contact visits three times per year, as stipulated by the Court of Appeal, would as a starting point not be sufficient to obtain this. At the same time, the Supreme Court noted that consideration of the best interests of the child was paramount, and the extent of access must not be of such scope that it would expose the child to an unreasonable burden or would be harmful to the child's health or development. The Supreme Court also emphasised the importance of hearing the child's own opinion. The Supreme Court granted the parents six contact sessions per year, noting that reunification could still take place, but it was not realistic in the short run.

Case HR-2021-475-A regarded two children, now aged eleven and seven years. After lengthy and futile efforts of assistance measures from the CWS (for a period of eight years), care orders had been issued in 2015. The father had extensive alcohol use, and two out of four children had told that they had been subject to domestic violence from both parents. The mother and the father were convicted in criminal proceedings for violence against the three eldest children. The Supreme Court determined the extent of contact rights between the parents and the children at five times per year. The goal of reunification had not been abandoned, although a revocation of the care order was unrealistic in the nearest future. Both children had vulnerability factors that had to be considered when determining the extent of access. There had been challenges concerning the quality of the contact visits that had been carried out, which had been burdensome for the children. Due regard also had to be paid to the children's minority culture when determining the extent of access, see Article 30 and Article 20 (3) of the UN Convention on the Rights of the Child.

In case HR-2021-476-A, the Supreme Court held that the biological father should be granted contact with his four children four and six times per year respectively, even though the Supreme Court itself, based on the European Court's case law, noted that this level of contact rights was not conducive for family reunification. The Supreme Court made a thorough decision based on testimony from an expert who had interviewed the children. The Court noted that two of the children were particularly vulnerable (they had been diagnosed with Post Traumatic Stress Disorder) and had a great need to find peace and stability in the foster home. The Supreme Court further noted that it should be a "clear ambition" and goal to increase the contact rights, always provided that this would not set aside the best interests of the children.

On 30 November 2022, the Supreme Court again decided on a case regarding contact rights (HR-2022-2292-A). The judgment contains numerous references to recent case law from the

Court in cases against Norway. A 12-year-old girl had been in a foster home since she was three, with very limited contact – lately only once a year – with her biological mother, who had sole parental responsibility. Two experts were appointed before the Supreme Court. One expert recommended only one contact sessions per year, whereas the other recommended only two contact sessions per year, given the considerable, severe and long-lasting reactions the child had after contact sessions. The Supreme Court found that the contact should now be set at two hours twice a year, after a concrete assessment of the child's reactions after contact sessions. The Supreme Court found that there was a real and present risk that more than one or two contact sessions per year would expose the child to undue hardship. The Supreme Court stressed that reunification was still the goal, but that this had to take place in the future, given the child's severe psychological and physical reactions after each contact session.

On 26 June 2024, the Supreme Court found that deficiencies the CWS follow-up of the goal of reunification after a care order violated a mother's right to family life. (HR-2024-1169-A). The mother was deprived of the care of her daughter shortly after the birth. After the care order, the contact between the mother and child was gradually reduced to its current level of three times a year. The girl had lived in the same foster home the whole time, and was strongly connected to her foster family. The Supreme Court stated that the municipality's follow-up after the care order violated the mother's right to family life pursuant to Article 8 of the Convention. The severe restriction of access in reality meant an abandonment of the goal of reunification between the mother and daughter. The measure was not based on a sufficiently broad and up-to-date basis for decision-making, and the reasoning given did not show that it was necessary, proportionate and based on a balanced balance of conflicting interests. The violation of the right to family life entitled the mother to compensation for non-pecuniary damages from the municipality in an amount of NOK 200,000. The Court has itself held that the Supreme Court's judgment in HR-2024-1169-A is an "important step" which clarifies the possibility under Norwegian law to obtain compensation for non-pecuniary damages arising from human rights violations, see *Haugen v. Norway* (app. no. 59476/21, at § 116). The Supreme Court's judgment demonstrates that there are effective remedies available under domestic law.

4.6 Capacity-building measures

Several measures have been implemented to inform stakeholders in child welfare cases about the case law of the Court and the Supreme Court.

4.6.1 Follow-up of the courts

The Norwegian Courts Administration (NCA) is following up the Court's judgments in various ways. The goal is to ensure that all judges have the necessary knowledge and information. Among various measures the NCA has made a national guide for the courts on how cases under the Child Welfare Act should be dealt with. The introductory programmes for newly appointed judges and deputy judges now address the Court's case law in child welfare cases

thoroughly by means of lectures, discussions and workshops. The NCA established a working group which in December 2021 submitted proposals for increasing the level of competence for judges in cases concerning children, including child welfare cases.

Most of the proposals have now been implemented, including the establishment of professional groups for cases regarding children in all courts as well as a national professional group. The NCA is also arranging seminars that are open to all judges where the different aspects of child welfare are addressed. Further, the NCA has made digitally available a number of discussions, papers, lectures and debates regarding the Court's case law and what it entails for Norwegian court practice.

4.6.2 Follow-up of the child welfare tribunals

The child welfare tribunals (former county social welfare boards) decide individual cases under the Child Welfare Act. The Ministry of Children and Families sent a letter dated 18 December 2019 to the tribunals reminding them of their duty to remain up to date regarding relevant case law, including judgments from the Court. Among the duties of the Central Office of the child welfare tribunals is to provide information and training for the chairs. The Central Office works continuously to improve the quality of the tribunals' proceedings, including follow-up of judgments from the Court.

The Central Office has implemented a number of measures to increase the tribunal leaders' insight into and understanding of Court's decisions and the Supreme Court judgments. All newly employed tribunal chairs must complete a modular training programme during the first year, where they are given, among other things, an introduction to child welfare law. In this training, great emphasis is placed on informing about practice from the Court.

Further, the Central Office arranges *monthly professional meetings* for the tribunal chairs. The meetings are held digitally. There are one or more introductions on various topics, with subsequent questions and reflection. In several of the meetings, the topic has been the judgments of the Court. One topic has been the presentation from the Norwegian Human Rights Institution of the report "Why is Norway convicted in the Court ?". "Children's right to protection" has also been a topic, including the Norwegian Human Rights Institution presenting its report "Children's right to protection against violence, abuse and neglect". Further, University Lecturer Ingunn Alvik at Oslo Metropolitan University has also presented her report "Contact after a care order" at the tribunal chairs' professional meeting. See also a description of the report in point 4.2.2 Another topic at this meeting was the Court's Grand Chamber decision in the case of Abdi Ibrahim v. Norway. In June 2022, all employees of the tribunals gathered for a three-day meeting, where the judge in the Court elected in respect of Norway, Arnfinn Bårdsen, gave a lecture entitled "The Court's practice and the child welfare tribunals".

In 2023 and 2024 the topics of these meetings have been various issues related to children's right to participate and child-friendly process. In 2025 The Central Office has organised two digital professional meetings for the tribunal chairs. The first meeting concerned the interpreter's role in tribunal cases and background checks of interpreters. The professional

meeting was followed by group reflections. The tribunal chairs have also had a professional meeting on the tribunal's decision-making process and active case management. The next meetings focus on mediation techniques and conversations with children and children's participation in the conversation process, followed by reflections.

Further; *conferences* have been arranged. The topic of one of the conferences has been reunification of children and parents after a care order. Key professionals presented the developments in child welfare law following the Court's grand chamber decision in the case Strand Lobben v. Norway. The conference had several hundred participants. The conference is mandatory for the tribunal chairs and is included in the tribunal's competence plan. Another example is The child welfare tribunal in Vestland's annual conference (for lawyers, judges, child welfare workers, and tribunal leaders) on the topic of children's participation and child-friendly process, 2024.

Moreover, the tribunal's *intranet* is actively used to inform the tribunal leaders about new and relevant judgments from the Court, the Supreme Court and the courts of appeal. A dedicated tab for human rights sources, including analysis of new decisions from the Court, has been established.

The Central Office has as well issued *a guide* for tribunal leaders. The guide is incorporated into the tribunal's case management system. A new guide was completed on September 10, 2024. The guide provides several recommendations based on, among other things, practices from the Court and recent Supreme Court practices, the UN Committee on the Rights of the Child's General Comments, and the Council of Europe's Committee of Ministers' guidelines for child-friendly judicial processes. Key themes include active case management to ensure a sufficient and updated basis for decision-making, including recommendations for the use of expert assessments and the child's right to participate. The guide also offers recommendations on writing justifications.

The Central Office has also established a *Special Adviser on Human Rights*, whose main task is to monitor the legal development of human rights and ensure the quality of the Central Office's competence measures so that international human rights are included in this work as well. In 2023, the task of the special adviser will be to create a systematic scheme to ensure that the tribunals follow up relevant judgments from the Court. The Special Adviser has held several external lectures and presentations.[8] [9]

Further, staff at the tribunals have contributed to relevant scientific publications.[10]

[8] .Digital seminar 'Visitation in the Best Interest of the Child,' 2023. Organiser: SOS Children's Villages. Lecture on the topic; are the child welfare tribunals on the right human rights track in child welfare cases? Conference in Bergen, 2023. Organiser: The Child Welfare tribunal in Bergen.
[9] I.e. presentation at the Lawyer Forum on the development in the Child Welfare Tribunal after the Strand Lobben judgment, and suggestions for what the Supreme Court should consider clarifying. Oslo 24 October, 2024. Organiser: Supreme Court of Norway.
[10] I.e. Merete Akerø-Kasango, "Barns medvirkning innenfor den alternative prosessformen samtaleprosess – et innblikk anno 2023 og potensialet fremover", Tidsskrift for familierett, arverett og barnevernrettslige spørsmål, 2024. 4.7.3 Follow-up of the county governors and child welfare services

4.6.3 Follow- up of the CWS and the county governor offices

The Ministry of Children and Families

On 10 June 2020 the Ministry of Children and Families circulated a letter concerning the handling of child welfare cases to all municipalities and county governor offices. The letter contained information about the Supreme Court's findings in the three above-mentioned Grand Chamber decisions (HR-2020-662-S, HR-2020-663-S and HR-2020-661-S), and their consequences for the application of Article 8 of the Convention.

In the autumn of 2021, the Ministry carried out courses for the CWS and the county governors. The objective was to inform the CWS about the new Child Welfare Act which was adopted 1 June 2021.

Furthermore, in a letter of 19 December 2019, the Ministry of Children and Families assigned the task of informing the CWS authorities about the Court’s judgments against Norway in child welfare cases to Bufdir.

Bufdir

Bufdir provides nationwide recommendations and guidance to municipalities on which requirements should be met and how the CWS can be improved. The directorate advises the county governor offices on relevant competence measures and issues financial incentives for the county governors and municipalities to participate in these measures. The country governors supervise the municipal CWS to ensure they meet legal requirements and provide adequate services.

Bufdir has initiated several measures to raise competence in the CWS, including continuing education programs, new training programs, learning networks, and dedicated guidance teams. The Directorate also provides financial support to municipalities to help them achieve the new requirements.

One example is the three-hour course for the CWS. The objective is to strengthen their understanding of the judgments of the Court and the Supreme Court and how to apply them. The course focuses on the right to family life under Article 8 of the Convention, including care orders as a temporary measure and proper justification in decision-making. Other topics are the facilitation of family reunification, the contact rights of children and parents and the principle of the best interests of the child. Special focus is given to assessment and documentation. The course has been filmed and published on Bufdir’s website.[11]

Furthermore, Bufdir has developed national guidelines for determining contact between children in care and their extended family, as described in 4.2.1 above.

[11] https://www.bufdir.no/fagstotte/barnevern-oppvekst/kurs-emd/?_gl=1*1i04o4n*_ga*NDIwNzQ3NjgzLjE2ODM3OTgwMzA.*_ga_E0HBE1SMJD*MTY4Mzc5ODAzMC4xMTAuMC4xNjgzNzk4MDMwLjAuMC4w

Bufdir has also amended the main circular for the CWS based on recent case law of the Court and the Supreme Court. The circular was published 30 march 2023, and highlight, inter alia, that care orders issued under the Child Welfare Act must be founded on an adequate, updated basis for decision-making, a sufficiently broad balancing of interests and satisfactory reasoning. The circular also address that the authorities have a positive duty to strive to maintain the relationship between the child and the parents and to facilitate reunification. This means that the authorities must monitor the child's and parents' development closely, cf. section 8-3 of the Child Welfare Act. As long as reunification is the aim, the parent–child contact must be designed to make this possible. The main purpose of the contact sessions is to strengthen family ties. The authorities are to ensure as far as possible that the contact sessions are of good quality. This requires a thorough and frequent assessment of the frequency and content of the contact sessions. If the sessions do not function well, adjustments or alternatives should be tried, such as changing the meeting place or providing guidance in connection with the meeting. The circular further expresses that even if a reunification is not possible, contact sessions have an intrinsic value for maintaining family bonds as long as this does not harm the child. The circular will be implemented in CWS in all municipalities through written information to all municipalities and county governors, as well as through a newsletter and publication on Bufdir's website.

Moreover, Bufdir has mapped how the municipalities work with parents after a care order. This includes questions concerning the routines for the follow up of the parents after a care order, organisation of the work, assessments of contact and whether the conditions facilitate a revocation of care orders.

In addition, the Directorate has developed a new-e-learning course designed to support staff at CWS in their work with child protection referrals. The course aims to promote sound case management by strengthening the ability in the CWS to work systematically and make correct and well-reasoned decisions at all stages of the case handling process. So far 153 staff have participated in the e-learning course.

Although the course focuses on child protection referrals, it is also transferable to other areas of the work in the CWS. The course consists of three parts: Part 1: Legal framework, Part two: The decision-making process and part 3: Course assignment. The course was published in spring 2025 and is available digitally. It can be completed individually or used as part of professional discussions within the service.[12]

Bufdir has also started developing a digital training program for the CWS. The training program aims to increase the services' competence within the Public Administration Act. This includes good competence in analysing, assessing and documenting of the decisions and processes. The digital training program contains some chosen themes, in addition to overarching legal principles. The digital training program will train the CWS in how to use the legal framework in the daily work.

[12] Kurs: Arbeidet til barnevernstenesta med bekymringsmeldingar | Bufdir

The Directorate established a Competency Strategy (2018-2024) for municipal CWS. The main goals of the strategy were to increase the quality of the municipality's services for children and their families and prepare municipalities for the child welfare reform. The reform changed the responsibilities between the state and municipalities in the child welfare sector from 2022, and involved, among other, a more holistic approach when working with child welfare. A final evaluation of the Strategy commissioned by the Directorate was published in January 2025.[13] The recommendations will be informing the continued work to strengthen the competence in the CWS.

In terms of competence measures related to the mentioned rulings by the Court and CSWs human rights obligations it is particularly relevant to mention the continuing education for CWS workers on "Assessment of the Best Interest of the Child". It gives the participants 30 ECTS at master's level and is offered at two Universities: Oslo Metropolitan University (admits 64 students on a yearly basis): https://www.oslomet.no/studier/sam/evu-sam/vurdering-barnets-beste. Vestland University College (admits 32 students on a yearly basis): https://www.hvl.no/studier/studieprogram/vurdering-av-barnets-beste/

An other relevant competence measure is "Law in Child Welfare Practice" which is also a continuing education for CSW-workers. It gives the participants 30 ECTS at master's level and is also offered at two Universities: Oslo Metropolitan University (admits 32 students on a yearly basis): https://www.oslomet.no/studier/sam/evu-sam/juss-barnevernfaglig-arbeid. University of Stavanger (admits 32 students on a yearly basis): https://www.uis.no/nb/evu/studier/juss-i-barnevernfaglig-arbeid-e-mjb150.

For both continuing educations, CSW receive a maximum of 110 000 NOK in governmental grants to cover substitute workers when the student is absent, travel expenses for the student, study materials, etc. Bufdir administers the grants.

Child Welfare Quality System

DigiBarnevern is a digitalization project that started in 2016 with the aim of providing correct help at the right time to children and families in need. One part of the DigiBarnevern project was the development of a digital Child Welfare Quality System (BFK). The system aims to provide child welfare workers with digital support in their daily tasks, both with subject matters and guidance related to the legal framework. The goal is to achieve a more equal and quality assured practice in all CWS in Norway.

As of 2023 the system is developed and published on Bufdir's web page. BFK is currently integrated into two different case management systems that are offered to municipalities. It is up to the municipalities to decide when to change to these new generations of case management systems. Bufdir reports to the Ministry once a year on the number of

13 https://cms.bufdir.no//siteassets/rapporter/barnevern/Tverrgaende_analyse_av_fem_tiltak_folgeevaluering_av_kompetansesatsingen_for_det_kommunale_barnevernet_2018_2024.pdf

municipalities that have started using it. The aim is that by the end of 2023, 100 municipalities have started using the system.

Integrated Children's System 'The child's best interest'

In order to ensure an appropriate decision-making process and weighing of interest, the Directorate is encouraging the use of the Integrated Children's System (ICS) as a framework in case proceedings. Great emphasis is placed on ensuring that the child's needs are at the centre when implementing various measures. This means that the measures should be tailored to the individual child's situation and needs. The model aligns with the new Child Welfare Act, which places the child's needs at the centre and contributes to increased prevention of negative behaviour and supports early intervention. The model is also integrated into the Child Welfare Quality System (BFK) to make it easily accessible and to provide support in case management.

Moreover, the "Service Support Program" is one of the measures in the Competency strategy and is designed to assist municipal CWS with their own development. The program is primarily focused on strengthening services in four main areas: investigations and decisions, collaboration with families, understanding the child's needs, and implementation of measures. The Integrated Children's System model is an incorporated part of the program, and to make the method and model available to all employees, a project to develop digital training tools has been initiated. This project is a collaboration between the Directorate and the Service Support Program, with participants from the Child Welfare Quality System (BFK) and the Integrated Children's System (ICS) team.

4.8 Publication and dissemination

The Court's judgments in this group of cases have been published on the website of Bufdir. Summaries of the judgments in Norwegian, with links to the original judgments, have been published on the website Lovdata. The Norwegian summaries are compiled by the Norwegian Centre for Human Rights, University of Oslo. The Lovdata website is the principal online source of information about Norwegian legislation and is widely consulted by the legal community and the general public.

There has also been extensive media coverage of the Court's judgments in this group of cases. The cases have generated considerable public debate, in which the public authorities, including the Minister of Children and Families and Bufdir, have taken part together with academics, legal representatives and others.

5 ADDITIONAL MEASURES

5.1 Introduction

Over the past few years, the Norwegian government has taken significant steps to strengthen CWS through legislative amendments, new policies, research initiatives, and

financial commitments. These reforms aim to build a system that better serves children and families in need of help and to ensure that CWS remain effective, transparent, and responsive to the needs of children.

The Government maintains that the legislative amendments are not necessary to execute the Court's judgments in this group, see the discussion of this in section 4.1. However, and in response to the Committee's decision at its 1398th and 1443rd meeting, the Government welcomes this opportunity to describe the legislative developments below.

5.2 Legislative amendments

Norway has implemented extensive legislative changes in recent years. The Child Welfare Act Committee was appointed in 2014 and tasked with revising the 1992 Child Welfare Act and proposing a new act. The committee was given a broad mandate, where the main objectives were to make the legislation more accessible to users and strengthen the legal safeguards for children and parents. The committee delivered its report in 2016.

The first amendments to the former Child Welfare Act based on the Child Welfare Act Committee's report came into effect on 1 July 2018. The aim of reuniting children and parents and the (as a rule) temporary nature of care orders is further clarified. The amendment specifies that where the child's best interests do not exclude it the CWS should assist the parents to regain care for the child. The preparatory works emphasises that decisions on care orders should as a rule be temporary and that the CWS should actively work towards reuniting the parents and the child where possible and when this is in the best interests of the child.

Further, the duty of the CWS to collaborate with parents and children was also explicitly regulated in the Act in 2018. An overarching provision underlines as well explicitly that all children who can form their own opinions should have the right to participate in all matters relating to them. The new provision specified that decisions made by the CWS and the county social welfare boards should take account of the child's opinions and the significance of the child's opinions. The decision should also specify what factors were considered when assessing the best interests of the child.

5.3 New Child Welfare Act

The Parliament adopted a new Child Welfare Act on 10 June 2021 and the Act went into force on 1 January 2023. The new Act increases the emphasis on prevention and early intervention, and to strengthen the legal safeguards for both children and parents. The new Act reflects the development in the Court's case law. The new Act contains some more clarifications, and provides comprehensive reviews of our human rights obligations.

The former Child Welfare Act was almost 30 years old. The new Act is better adapted to today's society. The CWS is primarily an auxiliary service, but the Child Welfare Act also

regulates very invasive enforcement measures. This places great demands on the CWS's work and for ensuring that the rule of law for children and parents is safeguarded in a good way.

The goal of the new Act is to put children's needs at the centre and contribute to increased prevention and early intervention. The CWS shall build on the resources that exist around the child and facilitate the involvement of the child's family and networks. Child welfare measures shall not be more invasive than necessary.

The child's best interests are the basic consideration for CWS, and the new Act highlights this consideration in a new overarching provision. At the same time, other basic rights and principles such as children's right to care and protection, the right to family life, and the principle of least intervention, are explicitly regulated at the beginning of the Act.

The new Act is extensive and contains many changes compared to the former legislation. Amendments which particularly reflect the case law of the Court are among others measures/regulations to ensure a justifiable decision-making process. The Act contains a duty for the CWS to keep a journal over the child welfare case. The duty will ensure that the CWS documents all information that is significant for the child welfare case and the process related to the case. Furthermore, the Act strengthens the duty to state the reasons the child welfare measure is based on. The reasons given for a decision must display explanations and considerations that have been emphasised. In addition, it follows from the Act that it should be stated how the consideration of the family ties between children and parents has been assessed. This requirement will contribute to greater awareness of this consideration, and to improve the balancing of interests in cases where they conflict. The Government also refers to the legal amendments in 2018 were the aim of reuniting children and parents and the temporary nature of care orders was further clarified.

Questions about the access and follow-up of children and parents have been central to several of the cases from the Court and the Supreme Court. Care takeovers are basically temporary and the goal should be reunification. It is emphasised in the Act that the CWS must systematically and regularly assess whether decisions concerning takeover of care can be overturned. Furthermore, it is specified in the Act that access must be determined after a specific assessment in the individual case.

The new Act regulates access between a child and the parents with a view to reunification after a care order has been issued. The Act legislates the main considerations for determining the level of access. The main considerations are the need to ensure the child's right to protection and development, as well as the child's and parents' ability to maintain and strengthen the bonds between them. The need to execute a comprehensive and individual assessment of whether the companionship is in the child's best interests is highlighted. Another amendment in the Act is the introduction of a duty for the CWS to draw up a plan for access and contact between children and parents. The access plan shall also include access with siblings and other close associates who have an established family life and close

personal ties to the child. Thus, it is specified in the new Act that the CWS should regularly assess whether there is a need to change the access plan. Furthermore, it is clarified that the CWS may grant more access than stipulated by the county social welfare boards. The goal is to provide a more flexible and dynamic access determination.

Children's participation and their possibility to explain themselves to CWS in a safe environment has been further strengthened in the new Act. The child should be able to explain themselves as freely as possible to the CWS. An exception to parents' right to access documents is therefore adopted. A child can also speak directly to the county social welfare board. Children under the age of 15 shall to a greater extent be granted party rights in compulsory cases before the board. This builds on amendments in 2018 when the Child Welfare Act became a Rights Act, the child's right to participation was clarified, and there were statutory requirements for documentation of assessments of the child's best interests and how the child's opinion is emphasised in decisions.

Moreover, competence requirements are essential to improve the quality of the CWS's work. Thus, requirements for child welfare master's degrees or other relevant education have been introduced in the Act. This applies to employees in the CWS who will carry out core tasks, the manager and the deputy leader.

Further, the Ministry has revised some regulations to the new Child Welfare Act.

5.4 The Quality Improvement Initiative

A significant step in the journey to strengthen CWS came in 2023, when the new Child Welfare Act came into force, marking a shift toward stronger legal protections and increased emphasis on prevention and early intervention. More recently, in April 2025, the Government introduced "The Quality Improvement Initiative", formally known as Proposition 83 L (2024–2025), which includes proposed amendments to the Child Welfare Act. In addition to legal changes; it also includes a comprehensive report section that outlines the vision and direction for improving CWS.

The Quality Improvement Initiative builds on solid groundwork. In 2021, the Government appointed the Child Welfare Committee, which delivered its report NOU 2023:7 *Safe Childhood, Secure Future.* The proposals focused on strengthening due process for both children and parents throughout the entire child welfare journey — from the initial investigation to aftercare. Among others, the Initiative also builds on recommendations from the NOU 2024: 24 *With the child all the way*» and the Government’s strategy «*Our Shared responsibility -A new direction for Child Welfare Institutional Services*» from spring 2024.

The Initiative aims to give children predictability and stability. This will be achieved through targeted improvements in three key areas:

- Institutions – ensuring they provide safe, supportive environments.
- Foster homes – strengthening the support and structure around foster care.

- Municipal housing – creating more reliable and appropriate housing solutions for children in care.

Other proposals i.e. are increased party rights for children, introduction of a new obligation for the child welfare service to provide follow-up support to the family for up to six months after the child has been returned to the family after a care order and, a duty for the Child Welfare Tribunal in its decision to state the parents' need for support and the estimated duration of the care order if there are grounds to assess it. Moreover a new legal basis for the CWS to temporarily stop harmful contact between parents and children has been proposed, see 4.2.2 for further information.

An important goal of the Initiative is to strengthen public trust in CWS by making the system more transparent, more collaborative, and more inclusive. Thus, It will become easier for the public, the media, and policymakers to access key information—like how decisions are made, how cases are handled, and what the overall state of the sector looks like. Further, children and parents will be more actively involved in the process. Their voices will be heard and respected throughout the case handling journey.
The system will work harder to ensure that all stakeholders—especially those directly affected—are part of the conversation and the decision-making. This shift toward openness is a crucial step in restoring confidence and ensuring that CWS are working in the best interests of children and families.

The parliament adopted the proposals in the Bill11 June 2025 (Lovvedtak 125 (2024-2025)).

5.5 Change in the number of enforcement measures pursuant to the Child Welfare Act.

Since 2013 there has been a steady decline in the number of requests for enforcement measures pursuant to the Child Welfare Act. Since 2019, requests for care orders and adoption in particular have been reduced. There may be several reasons for this development and the causes are likely multifaceted.

The Ministry has tasked Bufdir with gathering more knowledge about the causes of this development. In 2023, Bufdir was commissioned to initiate a research project. The project "*Decline in care takeovers in the child welfare service 2013 – 2022*" aims to provide knowledge about the reasons for the decline in the number of care takeovers from 2013 to 2022. The project will be completed in 2026. The Government will continue to monitor the development. We need information and knowledge in order to assess whether the decrease in number of measures is due to less protection of children.

At its 1443rd meeting, the Committee of Ministers noted that the trend of increasing levels of contact between biological parents and children was “positive”, and that the authorities should ensure that the trend was consolidated. At its 1483rd meeting, the Committee

underlined the importance of working towards family reunification and implement contact regimes that effectively support that goal.

The Ministry respectfully notes that its purpose is to ensure that biological parents and children have the right to contact, but without exposing the child to undue hardship. Accordingly, the level of contact between parents and child cannot be viewed in isolation but should be assessed after concrete assessments of the facts in each case.

The Child Welfare Committee addresses the judgments from the Court in the report "NOU 2023:7 *Safe childhood, secure future. Review of due process for children and parents in child welfare*". The report takes into account the development in the Court's case law. However, the Committee expresses concern related to the increases in the level of contact.[14] The Committee finds that there may be cause for concern that after the Court's judgments, the pendulum may go too far in the opposite direction, in that too much contact is stipulated and that insufficient consideration is given to the best interests of the child and the child's view. Reference has also been made to unclear thresholds for what should be regarded as an unreasonable burden (undue hardship) for the child. The Committee also expresses concern for a risk for a situation where the stipulation of access becomes standard, but at a higher level than before, and consequently that the level of access which is decided is not in the best interests of the child.

6 CONCLUSION

6.1 Individual measures

The Government recalls that the Court's findings of violations in this group of cases mainly relate to procedural shortcomings and the extent of contact rights.

As described above, the applicants may request reopening of the impugned proceedings, and in the case of care orders, reviews as provided for by sections 5-7 and 9-8 of the Child Welfare Act. Moreover, the CWS has an ongoing duty to adjust the amount of contact between the child and its biological parents. Accordingly, the Government considers that the applicants have and have had effective remedies at their disposal.

The applicants in *S.S and J.H*. have not requested a reopening of the domestic judgment, and the Government invites the Committee to close its supervision of the execution of this case. The Government also invites the Committee to close its supervision of *K.F and 5 others.* Out of the six applications decided jointly in this judgment, only *G.G.* requested the domestic court to reopen the domestic proceedings. The decision not to reopen that case has obtained res judicata. None of the other applicants (*K.F and A.F*; *S.E and T.E*; *M.A and M.A; G.B*: and *L.S and O.V.)* have requested reopening of the domestic proceedings within the statutory time limit.

[14] NOU 2023:7 *Safe childhood, secure future. Review of due process for children and parents in child welfare*" p 278

6.2 General measures

The judgments from the Supreme Court indicate a tangible shift in domestic case law as a direct result of the Court's judgments in this group. For instance, the case in HR-2021-1437-A demonstrates that the Supreme Court applies the principles in *Strand Lobben* and follow-up judgments in other contexts, such as procedural questions of standing. The Supreme Court has taken note of, and applied, the Court's statements on the frequency of contact rights as set out in *K.O*. and *V.M*. *v. Norway para.* 69 and subsequent judgments.

Moreover, the Supreme Court in a string of cases has been involved in determining contact rights in specific cases, as it did in HR-2021-476-A. The Supreme Court's extensive involvement in concrete child welfare cases shows its awareness of its responsibility to contribute to fulfilling Norway's obligations under Article 46. The Supreme Court's contribution is twofold: Firstly, the Supreme Court has made thorough and balanced assessments in specific cases. Secondly, since the lower courts attach great weight to the case law of the Supreme Court, its elaboration of the principles in the Court's case law constitutes important guidance to lower courts, the child welfare tribunals and to the CWS. This guidance from the Supreme Court facilitates the domestic authorities' application of the Court's case law in domestic law. See for example LE-2022-105808 (contact rights set to 10 times annually), LB-2021-78038 (contact rights set to 12 times annually) and LG-2020-100709 (contact rights set to 12 weekends annually, three weeks during summer holiday, and during autumn holiday, Christmas holiday, winter holiday and Easter holiday). In LF-2024-45023, where the biological father was sentenced to 21 years in prison for having raped and killed the child's biological mother, contact sessions were denied as the High Court found that contact sessions at present would subject the child to "undue hardship", cf. HR-2020-1967-A paras 61-62. But the High Court underlined that the CWS regularly had to assess if the child's circumstances (including his vulnerability) would change, and if contact sessions could be reintroduced, with reference to HR-2020-662-S para. 129 (with further reference to the Court's case law).

The Government emphasises that it cannot be inferred from the statistical data that the level of contact rights currently determined is too low. The statistical data says nothing about the facts or concrete assessments in each case, see also M.F. para. 51 noting that "the Court is mindful that in cases such as the present one, there will inevitably be particular circumstances that need to be accommodated and takes into account that it falls to the domestic authorities to make the proper assessment to that". The Child Welfare Tribunals make their determinations based on the particular circumstances in individual cases following oral hearings, direct evidence and expert testimony. In addition, the Government points out the concerns from the Child Welfare Committee as described in 5.5 above, that an increase in contact is not necessarily desirable in and of itself.

Accordingly, the Government maintains that although contact sessions in some cases are still fixed at greater intervals than mentioned in *K.O. and V.M. v. Norway* para. 69, this does

not in itself indicate that current practice is contrary to Norway's obligations under the Convention. This is supported by the Court's decision in a string of child welfare cases against Norway finding no violations or that the applications are manifestly ill-founded, although the frequency of contact sessions are set at far greater intervals than in *K.O. and V.M.* para. 69. The Government refers to the Court's decisions of 9 and 30 September 2021 in the cases of *E.M and T.A*. (56271/17) and *O.S.* (63295/17). In both cases, contact sessions were set at far greater intervals than specified in *K.O. and V.M.* para. 69 – three times annually in *E.M. and T.A.* and four times annually in *O.S.* Regardless, the Court held that the application in *E.M and T.A*. was manifestly ill-founded and that the application in *O.S*. disclosed no violation of Article 8. The Government also refers to the Court's decision 1 July 2021 in *A.A*. (59082/19), and its decision 21 October 2021 in *S.A*. (26727/19). In *A.A*., contact rights were set to one and a half hours once a year, under supervision, and the Court held that the application was manifestly ill-founded. In *S.A*., contact rights were set at one contact session a year, under supervision. In both *A.A* and *S.A.,* the Court held that the applications were manifestly ill-founded. The care orders in these cases seem to have been issued out of concern that the children had been subject to physical violence or sexual abuse, but the Government reiterates that children have the right to be protected against all forms of violence, also mental violence, injury or abuse, neglect or negligent treatment, cf. the Convention on the Rights of the Child Article 19 § 1 and the Committee on the Rights of the Child General Comment No 13 (2011) on the right of the child to freedom from all forms of violence section 4:

> "For the purposes of the present general comment, "violence" is understood to mean "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" as listed in article 19, paragraph 1, of the Convention. The term violence has been chosen here to represent all forms of harm to children as listed in article 19, paragraph 1, in conformity with the terminology used in the 2006 United Nations study on violence against children, although the other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight. In common parlance the term violence is often understood to mean only physical harm and/or intentional harm. However, the Committee emphasizes most strongly that the choice of the term violence in the present general comment must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment)."

In this vein, the Government also refers to the Court's decisions of 4 June 2024, see for example *M.T. v. Norway* (24248/22)*, A.M v. Norway* (2287/22), *I.L. v. Norway* (28160722); *T.E. and J.E. v. Norway* (43483/22); and *S.G. and S.O* (18004/21 and 54072/21).
The Government also emphasises the several other measures such as capacity-building and awareness-raising measures which have been implemented to inform stakeholders in child welfare cases about the case law of the Court and the Supreme Court.

6.3 Closure of supervision

Over the past few years, the Norwegian government has taken significant steps to strengthen CWS through legislative amendments, new policies, information measures, research initiatives, and financial commitments. These reforms aim to build a system that serves children and families in need of help and to ensure that CWS remain effective, transparent, and responsive to the needs of children. The legal safeguards for both children and parents have been strengthened and there have been regular briefings with the CWS in order to ensure a practice in line with the Convention.

The findings of the Court and their consequences for the application of Article 8 of the Convention have led to a shift in the practise and been thoroughly implemented in the child welfare sector. Thus former procedural shortcomings related to the decision-making process, the weighing of conflicting interests and the reasoning for decisions taken and furthermore the contact regime; and the authorities' duty to work towards reunification of the child and the parents have been clarified and corrected.

The Government finds that the measures that have been taken will prevent similar violations in the future.

Finally, the Court has not communicated any new cases within this sector against Norway since January 2024. Further, although violations of the European Convention on Human Rights (ECHR) have been confirmed in 23 cases, the Court has also ruled no violation or dismissed more than 40 cases as manifestly unfounded. Though the picture is complex, these numbers demonstrate that authorities have safeguarded the rights of children and parents in the vast majority of cases that have been considered. In addition, the numbers support the Government's observation that the aforementioned measures have led to improvements.

Consequently, the Government considers Norway's obligations under Article 46 paragraph 1 of the Convention fulfilled, and invites the Committee of Ministers to close its supervision of this group of cases.

Yours sincerely

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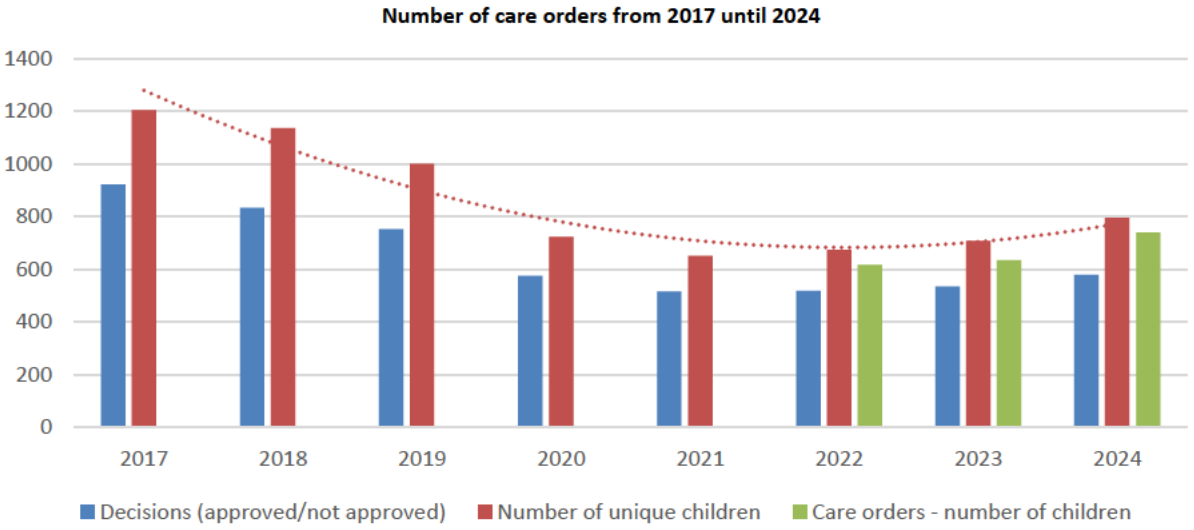
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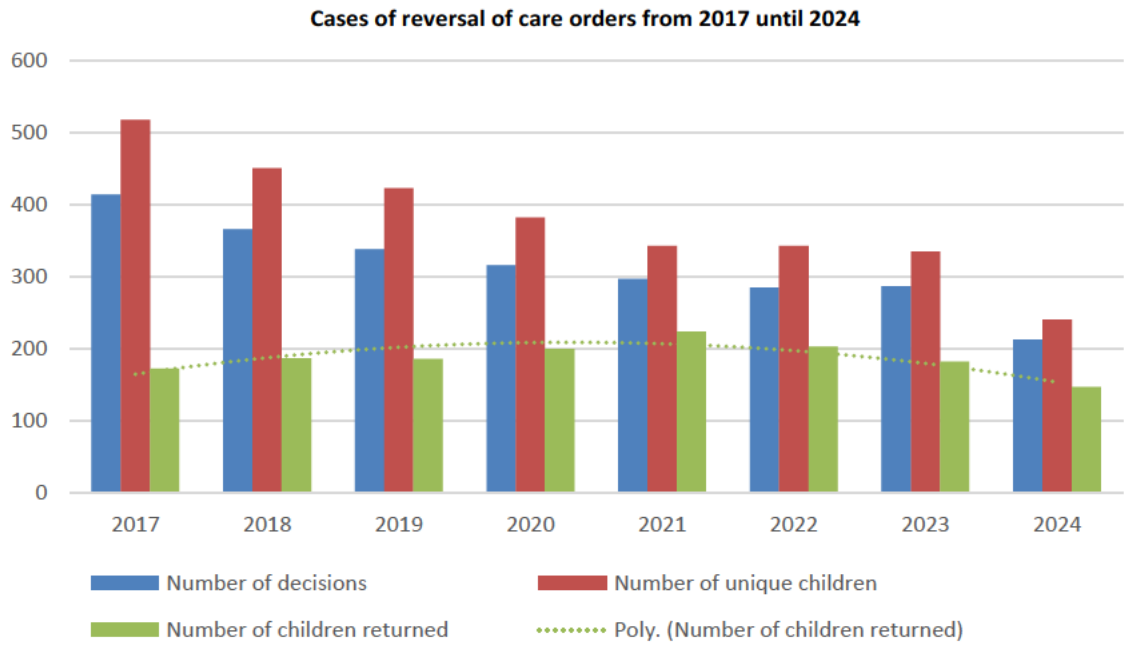
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Trends and statistics

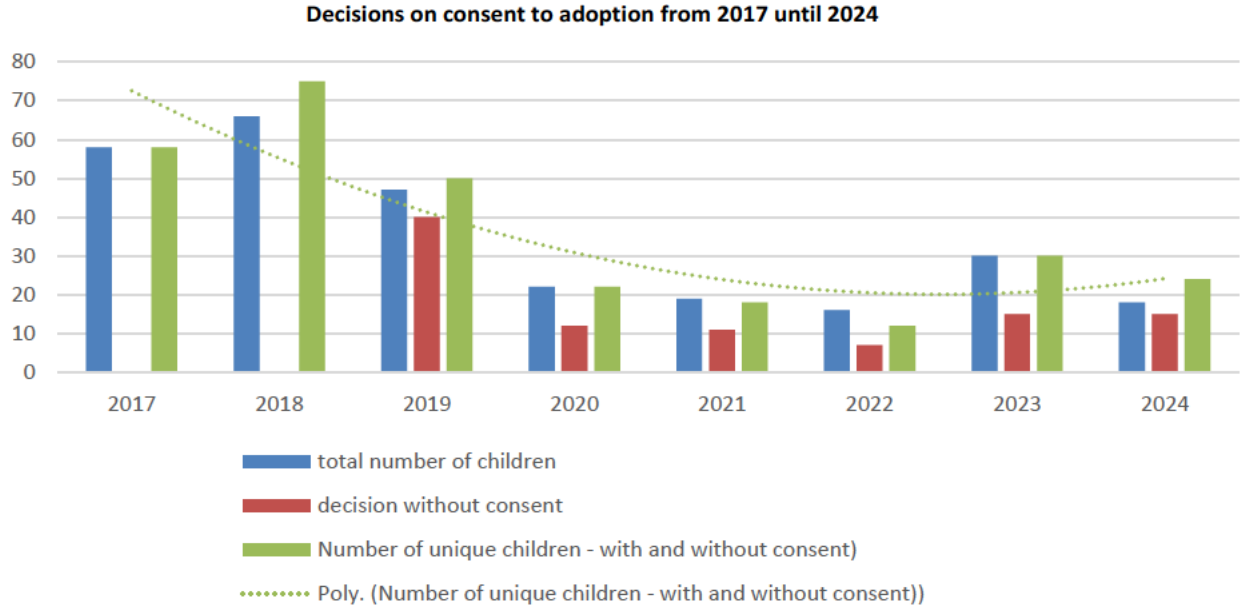
The figures from the Child welfare tribunals show a decrease in cases concerning custody takeover. The last two years we have seen a minor increase, from 674 unique children in 2022 to 795 in 2024.



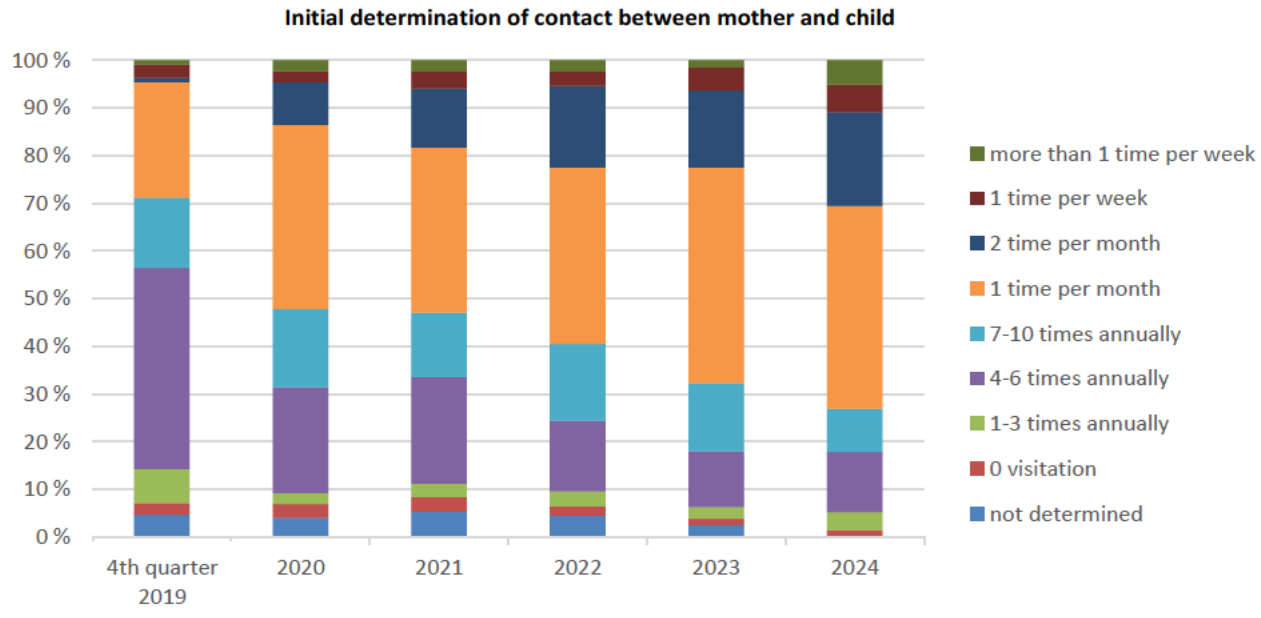
Regarding cases involving the reversal of custody takeover decisions, there is a decrease in the number of cases being processed. However, the number of children being returned has decreased from 2023 to 2024.



Decisions on consent for adoption have decreased significantly, and adoptions are now rarely used as a child welfare measure.



The level of contact continues to rise. In 2024, 70% of the decision set 12 or more annual visitations. This represents a doubling since 2019, where around 30% of the decisions set 12 or more annual visitations. The frequency of visitations vary within this group. One time per month was the most usual decision, amounting to 40% of the decisions made that year, while nearly 20% of the decisions set two visitations per month, and 10 % of the decisions set one visitation per week or more. 12% of the decisions set 4-6 visitations annually in 2024, while this decision was four times as usual in 2019.



An analysis of the reasoning in the first 30 visitation decisions from 2024, conducted by the special advisor on human rights at the tribunals, Christian B. Sørensen, showed that all decisions, except for one, explicitly determined visitations based on the goal of reunification under the ECHR. There is no reason to believe that the findings are not representative of the practice in the tribunals.