

## Contribution from the Registry of the Court

### ECHR case-law (June 2022-February 2024)

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## Case-law relating to the child's best interest in care proceedings

### 1. JUDGMENTS AND DECISIONS

[\*I.G.D. v. Bulgaria\*](#), no. 70139/14, 7 June 2022

The Court found that the Bulgarian authorities had not applied the best-interests-of-the-child test and that the proceedings in issue had not included safeguards proportionate to the seriousness of the interference with the applicant's right to respect for his private and family life and to the importance of the interests at stake. Nor had the national authorities discharged their obligations to take steps to facilitate bringing the mother and child back together and to accommodate the child's individual circumstances.

[\*Hýbkovi v. the Czech Republic\*](#), no. 30879/17, 13 October 2022

The case concerns the applicant's separation from her sons when they were placed in a children's care home.

[\*A and Others v. Iceland\*](#), nos. 25133/20 and 31856/20, 15 November 2022

Removal of custody in children's best interests considered at risk despite father's sexual-abuse acquittal.

[\*Kılıc v. Austria\*](#), no. 27700/15, 12 January 2023

Art 8 read in light of Art 9. Refusal to return applicants' two youngest children to their care. Applicants' interest in children maintaining cultural, linguistic and religious bonds taken into account throughout proceedings.

[\*V.Y.R. and A.V.R. v. Bulgaria\*](#), no. 48321/20, 13 March 2023

No shortcomings in authorities' decision to place child for adoption without the biological mother's consent. Decision based on child's best interests. Domestic authorities not responsible for the breaking of family ties and bond between mother and child.

[\*Jírová and Others v. the Czech Republic\*](#), no. 66015/17, 13 April 2023

Court-ordered prohibition on contact between former foster parents and their foster child who was removed from their care on the grounds of negative impact on the child's psychological well-being. Domestic courts' decision corresponded to child's best interests, within their margin of appreciation and based on relevant and sufficient reasons.

[\*A.G. v. Norway\*](#), [committee], no. 14301/19, 11 July 2023 (decision)

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

[\*A.H. v. Norway\*](#), [committee], no. 39771/19, 11 July 2023 (decision)

Concerned a Norwegian national who complained about the refusal to lift a care order in respect of her daughter. The authorities had found that she was not capable of looking after her daughter and

that lifting the care order would cause her serious harm in view of the attachment she had developed for her foster parents.

[Å.N. v. Norway](#), [committee], no. 12825/20, 11 July 2023 (decision)

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

[F.K. v. Norway](#), [committee], no. 51860/19, 11 July 2023 (decision)

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

[H.L. v. Norway](#), [committee], no. 59747/1, 11 July 2023 (decision)

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

[I.M. v. Norway](#), [committee], no. 16998/20, 11 July 2023 (decision)

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

[J.B. and E.M. v. Norway](#), [committee], no. 277/20, 11 July 2023 (decision)

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

[M.A. and Others v. Norway](#), [committee], no. 41172/20, 11 July 2023 (decision)

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

[R.A. v. Norway](#), [committee], no. 44598/19, 11 July 2023 (decision)

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

[R.I. v. Norway](#), [committee], no. 7692/20, 11 July 2023 (decision)

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

[R.K. and Others v. Norway](#), [committee], no. 45413/20, 11 July 2023 (decision)

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

[T.H. v. Norway](#), [committee], no. 42796/20, 11 July 2023 (decision)

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

[D.R. and others v. Norway](#), [committee], nos. 63307/17 and 38105/19, 12 September 2023

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

[K.F. and others v. Norway and 5 other applications](#) [committee], no. 39769/17, 12 September 2023

[S.S. and J.H. v. Norway](#), [committee], no. 15784/19) 12 September 2023

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

[M.J.M. v. Norway](#), [committee], no. 44412/21, 12 December 2023 (decision)

[M.M. against Norway](#), [committee], no. 27182/21, 12 December 2023 (decision)

Concerned two Norwegian nationals' complaint about a care order issued in respect of their children and restrictions on their contact rights.

## **2. COMMUNICATED CASES**

[X and Others v. Slovenia](#), nos. 27746/22 and 28291/22, communicated on 4 October 2022

[VIEIRA NEVES and Others v. Portugal](#), no. 9760/19, communicated on 17 November 2022

[ANDRONACHE v. Romania](#), no. 3485/21, communicated on 13 January 2023

[A v. Slovenia](#), no. 53790/22, communicated on 18 January 2023

[ZAVRIDOU v. Cyprus](#), no. 14680/22, communicated on 8 March 2023

[I.H v. Norway and 4 other applications](#), no. 19628/21, communicated on 8 January 2024

[J.K. v. Norway and L.L. and P.L. v. Norway](#), nos. 24657/21 and 31423/22, communicated on 8 January 2024

[D.G and S.G. v. Serbia](#), no. 61347/21, communicated on 11 January 2024

[GOVOROV v. Ukraine](#), no. 54897/22, communicated on 22 January 2024

[LEBEDYEV and Others v. Ukraine](#), no. 53339/22, communicated on 23 January 2024

[A.C. and others v. Italy](#), no. 31983/23, communicated on 1 February 2024

[M.G.V. and others v. Italy](#), no. 39552/23, communicated on 1 February 2024