



Judgments 10 March 2020

The European Court of Human Rights has today notified in writing seven judgments¹:

two Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Dyagilev v. Russia* (no. 49972/16), *Hudorovič and Others v. Slovenia* (nos. 24816/14 and 25140/14), and *Altıntaş v. Turkey* (no. 50495/08);

two Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in English.

Hernehult v. Norway (application no. 14652/16)

Pedersen and Others v. Norway (no. 39710/15)

Both cases concerned child welfare measures.

The applicant in the first case, Dan Mikael Hernehult, is a Swedish national, born in 1961. His case concerned the authorities' decision to take two of his sons into care.

Mr Hernehult moved to Norway in 2013 with his wife, a Romanian national, and their three sons, A, B and C, born in 2000, 2005 and 2007 respectively. The children were placed in emergency foster homes the same year because of the child welfare services' concerns over their parents' ability to care for them, and the fact that they were bringing them up in isolation, with an unusual focus on illness.

In 2014 the County Social Welfare Board accepted the welfare services' application to place the children in care, concluding that there had been serious neglect. B and C were placed in foster care, while A went to an institution as the foster carers had found his special needs too demanding.

Mr Hernehult and his wife brought the case before the courts, with the High Court ultimately deciding the matter in 2015. Noting that A was very unhappy in the institution, it found that it would be in his best interests to move him back to his parents, giving the mother and father extensive assistance. As concerned B and C, it decided that they should remain in care because of their attachment to their foster home. Contact rights were set at six six-hour sessions per year.

The applicants in the second case, M.R. and T. Pedersen, a married couple, and their child, X, are Norwegian nationals who were born in 1969, 1962 and 2008, respectively. Ms Pedersen is originally from the Philippines. Their case concerned the authorities' decision to deprive them of their parental responsibilities in respect of X and to authorise his adoption.

X was placed in an emergency foster home when he was a few months old because his parents were mentally ill and incapable of looking after him.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

After some time, including a period in which Ms Pedersen stayed with him at a parent-child institution, the child welfare services applied to the County Social Welfare Board for a care order. The Board allowed the application and X was placed in a foster home. It took the view that the placement would be long-term and set contact rights at two two-hour visits per year.

Mr and Mrs Pedersen appealed and the case was then heard at three judicial instances, with the Supreme Court ultimately consenting in 2015 to X's adoption. The Supreme Court found that it would be in X's best interests to stay in the secure environment of his foster home, where he had lived almost all his life. It also took into account his deep attachment to his fosters parents, as compared to the lack of ties to his biological parents. It nevertheless considered it important that X maintain his ethnic ties to the Philippines and upheld the contact rights set by the lower courts.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complained about the domestic authorities' decisions concerning their children. The applicant in the first case complained in particular about the decisions to take B and C into care and the subsequent refusal to return them, while the applicants in the second case complained about the decisions depriving them of their parental responsibility for their son, allowing his adoption and restricting their subsequent contact.

In the case of *Hernehult*:

Violation of Article 8

Just satisfaction: 25,000 euros (EUR) to Mr Hernehult for non-pecuniary damage

In the case of *Pedersen and Others*:

Violation of Article 8

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the child X; it further held that the respondent State was to pay M.R. and T. Pedersen jointly EUR 35,000 for non-pecuniary damage and EUR 9,500 for costs and expenses.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.