



**Doc. 14058**  
04 May 2016

## Legislation and practice of removal of children from their families in Norway

### Written question No. 704 to the Committee of Ministers

by Mr Valeriu GHILETCHI, Republic of Moldova, Group of the European People's Party

In Resolution 2049 (2015) on social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States, the Parliamentary Assembly recommended that, except in urgent cases, initial decisions of removal of children from their families be based only on court orders, in order to avoid unwarranted removal decisions.

Removal decisions shall be taken where the child is judged to be at risk or imminent risk of suffering serious harm, in particular physical, sexual or psychological abuse, or of being badly neglected. However, in some Council of Europe member States, decisions of removal of children may be sometimes taken for reasons that have little to do with the best interests of the child principle.

In this respect it is worth mentioning a number of cases involving the Norwegian Child Welfare Service (*Barnevernet*). For example, in November 2015, the Bodnariu family, a mixed Romanian-Norwegian family living in Norway, saw their five children – including a three months breastfed child – removed in an abusive way and placed within different temporary foster families far from their parents which were also prevented from seeing them. Other similar abusive removals involve foreign parents from Slovakia, Lithuania, Russia or Germany.

Such removal decisions taken by *Barnevernet*, an administrative body, are not based on court orders, nor conducted under the supervision of a judge/prosecutor, nor subject to judicial review in order to make sure that the administrative interim order is founded, lawful, proportionate and not abusive.

While children have the right to be protected from all types of violence, abuse and neglect, they also have the right not to be wrongly separated from their parents against their will.

In its 1996 Judgment in the case *Johansen v. Norway*, the European Court of Human Rights considered, in the light of Article 8 of the European Convention on Human Rights, that “taking a child into care should normally be regarded as a temporary measure to be discontinued as soon as circumstances permit and that any measures of implementation of temporary care should be consistent with the ultimate aim of reuniting the natural parent and the child”.

Mr Valeriu GHILETCHI,

To ask the Committee of Ministers,

What steps does the Committee of Ministers intend to take to ensure that Norway respect the European Convention on Human Rights with regard to the removal of children from their families and the refusal or the limitation of parents' access to their children?

