

REVIEW OF ECTHR DECISIONS FOR THE FIRST HALF OF 2026: ANALYSIS OF DECISIONS DIRECTLY OR INDIRECTLY CONCERNING CHILDREN'S RIGHTS

CONTENTS

1. INTRODUCTION

2. Main topics and analysis of decisions:

2.1. Right to life

2.2. Prohibition of torture or inhuman or degrading treatment or punishment

2.3. Right to liberty and security

2.4. Right to a fair trial

2.5. Right to respect for private and family life

2.6. Freedom of expression

2.7. Prohibition of discrimination

3. CONCLUSIONS



INTRODUCTION

Experts of the NGO “Article 3” systematically analyse the case-law of the European Court of Human Rights (hereinafter – the ECtHR or the Court), paying particular attention to cases concerning the protection of children’s rights.

In the first half of 2026, out of 441 judgments delivered by the ECtHR (including by the Grand Chamber, Chambers and Committees), **28 directly or indirectly concerned children**. The analysis of ECtHR judgments makes it possible to assess the effectiveness of national mechanisms for the protection of children’s rights and to identify key trends and systemic problems across different States.

2. Main topics and analysis of decisions:

2.1. Right to life

Total number of decisions: 3

55046/16 - Case of PETKANYCH AND OTHERS v. UKRAINE

Essence of the case: The case concerned four applications relating to the ineffectiveness of domestic proceedings in connection with deaths allegedly resulting from medical negligence. In application no. 55046/16, one of the applicants was the deceased patient’s minor daughter, born in 2005. Her mother died following hospitalisation and medical treatment, which raised questions as to the accuracy of the diagnosis and the adequacy of the medical care provided. The subsequent proceedings lasted for many years and involved repeated expert examinations and reviews.

Essence of the decision: The ECtHR found a violation of Article 2 of the Convention under its procedural limb. The Court concluded that the Ukrainian authorities had failed to ensure an effective, thorough and timely examination of the circumstances surrounding the patients’ deaths in the context of the provision of medical care. The domestic proceedings were characterised by excessive delays, repeated remittals of the cases due to deficiencies in the investigations, the loss of medical records, and a failure to properly establish the relevant circumstances of the cases and any possible errors in the provision of medical care.

19741/23 - Case of BADI ET BOULAKSIL v. FRANCE

Essence of the case: In July 2022, the applicants’ 16-month-old daughter, I., drowned in a swimming pool during a family holiday. After resuscitation, she was hospitalised, but medical examinations revealed severe brain damage, and the child did not regain consciousness. Following several unsuccessful attempts at extubation, the doctors concluded that further treatment was no longer justified and decided to discontinue life-sustaining treatment. The applicants, the child’s parents, disagreed with that decision, maintaining that the child’s life, even with a severe disability, was preferable to death.

Essence of the decision: The Court concluded that France had not violated Article 2 of the Convention. French law provided appropriate protection for the child’s life, and the decision to discontinue life-sustaining treatment had been taken following a collective medical assessment, with due consideration given to the parents’ views and the child’s best interests.



54213/19 and 61041/19 - Case of ROMANI AND CANCELLI v. ITALY

Essence of the case: The case concerned two applications relating to the length and effectiveness of civil proceedings concerning alleged medical negligence. In application no. 54213/19, the applicants brought proceedings in connection with the death of their mother, which they attributed to negligence on the part of medical staff; the civil proceedings lasted 14 years. In application no. 61041/19, the applicant complained in connection with the death of his daughter, who had suffered from congenital heart defects since birth. The father considered that the child's death was linked to inadequate medical care; the corresponding civil proceedings lasted 16 years and 7 months.

Essence of the decision: The ECtHR found a violation of Article 2 of the Convention under its procedural limb. The Court did not assess on the merits whether medical negligence had occurred, but examined whether the State had complied with its procedural obligations to ensure an effective examination of such cases. The civil proceedings lasted 14 years and 16 years and 7 months respectively and were marked by significant and unjustified delays. The ECtHR concluded that the domestic courts had failed to act with the diligence and promptness required by the circumstances of the cases.

2.2. Prohibition of torture or inhuman or degrading treatment or punishment

Total number of decisions: 7 separate decisions and 1 decision in which the prohibition of torture or inhuman or degrading treatment or punishment was considered together with other Articles of the Convention (section 2.5.)

25395/19 - Case of REMEZ v. UKRAINE

Essence of the case: The case concerned the ineffectiveness of the investigation into the ill-treatment of the minor applicant by her father during an unsuccessful abduction attempt. When the girl was two years and eight months old, her father grabbed her from her grandmother's arms and forced her into a parked car, but passers-by intervened and prevented the abduction. A medical examination revealed abrasions and bruises on the child, which were classified as minor bodily injuries. The police opened criminal proceedings but repeatedly discontinued them for lack of evidence. The domestic courts quashed those decisions because of deficiencies in the investigation, and the regional police subsequently acknowledged that the investigation had been ineffective and replaced the investigator. Despite repeated requests from the mother and judicial instructions concerning the need to carry out procedural steps, the proceedings were finally discontinued in September 2021.

Essence of the decision: The ECtHR found a violation of the procedural limb of Article 3 of the Convention on account of the prolonged and ineffective investigation into the applicant's ill-treatment. The Court noted that although the criminal proceedings had been initiated promptly, the investigation subsequently remained effectively inactive, while the mother's numerous requests and the decisions of the domestic courts did not lead to the proper conduct of the necessary investigative measures.

41645/23 - Case of H.D. v. ITALY

Essence of the case: The applicant, an unaccompanied minor migrant from Burkina Faso, was placed for more than five months after his arrival in Italy in the Sant'Anna centre, which was intended for adult migrants. He was accommodated in inadequate conditions, without services specifically tailored to children, in contact with adults, and was effectively deprived of the possibility of leaving the centre.

Essence of the decision: The ECtHR found a violation of Article 3 of the Convention, holding that the placement of an unaccompanied minor for more than five months in a centre for adults, in inadequate conditions and without services appropriate to his age and vulnerability, amounted to inhuman and degrading treatment. The Court also found a violation of Article 13 taken in conjunction with Article 3 on account of the lack of an effective remedy.

The Court further found a violation of Article 5 of the Convention, since the applicant's deprivation of liberty had no clear and accessible legal basis, he had not been properly informed of the legal grounds for his detention, and the judicial review of the lawfulness of his deprivation of liberty had not been sufficiently prompt.

27737/22 - Case of M.S. AND OTHERS v. ROMANIA

Essence of the case: The mother of two children reported physical, psychological and sexual violence by the father against the daughter, as well as physical and emotional violence against the son. The investigation concerning the daughter lasted almost five years. The child, who had reported sexual abuse, was examined in the presence of the alleged perpetrator – her father. The social services and investigating authorities acted with significant delays and failed to take appropriate measures to protect the children.

Essence of the decision: The ECtHR found violations of Articles 3 and 8 of the Convention in respect of both children. The Court concluded that the authorities had failed to ensure a prompt and effective response to the reports of violence that met the requirements of child protection. The handling of the allegations was marked by substantial delays, shortcomings in the work of experts and social services, and insufficient protection of the children from further traumatising. The Court placed particular emphasis on the standards of the Lanzarote Convention concerning the protection of children against sexual exploitation and sexual abuse. It stressed the need for interviews with children to be conducted by specially trained professionals, without unjustified delay and with safeguards against secondary victimisation.

35640/22 - Case of X v. GEORGIA

Essence of the case: The applicant reported repeated sexual abuse by her stepfather, which, according to her, had occurred when she was 13 years old. Following her complaint to the police, criminal proceedings were opened. At the initial stage, the investigation was conducted actively; however, from July 2021 onwards, it effectively ceased to progress and remained inconclusive for several years. The applicant was not granted victim status, as a result of which she was unable to participate fully in the proceedings. During the investigation, certain investigative measures were also carried out which caused her additional psychological suffering, including a gynaecological examination and improperly formulated questions during questioning.

Essence of the decision: The ECtHR found violations of Articles 3 and 8 of the Convention. The Court held that Georgia had an adequate legislative and regulatory framework in place to combat sexual violence against children, but that the authorities had failed to ensure its effective application in practice.

The investigation remained inconclusive for a prolonged period and was characterised by significant periods of inactivity, while the applicant was not properly involved in the proceedings as a formally recognised victim. The ECtHR also concluded that certain investigative measures may have caused the applicant additional and unjustified suffering and amounted to secondary victimisation. In particular, the Court found no sufficient justification for the necessity of the gynaecological examination and was critical of the question as to whether the applicant herself might have desired sexual attention from her stepfather, since such wording could induce self-blame and cause further humiliation.

65267/19 - Case of A.N. AND OTHERS v. GREECE

Essence of the case: The case concerned minor Afghan nationals who arrived in Greece unaccompanied by adults and applied for international protection. After being recognised as minors, they remained for a prolonged period at the Reception and Identification Centre on the island of Samos or in the surrounding area, awaiting transfer to accommodation suitable for unaccompanied minors. The conditions were characterised by overcrowding, inadequate sanitation, insufficient access to medical and psychological care, food, effective guardianship and protection from violence. In respect of some of the applicants, the ECtHR applied interim measures under Rule 39, requiring that they be provided with appropriate accommodation.

Essence of the decision: The ECtHR found a violation of Article 3 of the Convention. The Court held that the applicants had remained for a prolonged period in conditions of overcrowding, inadequate sanitation, insufficient access to medical and psychological care, food, effective guardianship and protection from violence. The ECtHR emphasised that unaccompanied minors constitute a particularly vulnerable category and that their age and lack of autonomy require special protection. Despite the difficult migration situation and the measures taken by Greece to improve its reception system, the State had failed to ensure appropriate conditions for the children who were already staying at the centre. In view of the length of their stay and the applicants' particular vulnerability, the Court concluded that those conditions amounted to inhuman and degrading treatment.

As regards the other complaints under Articles 8 and 13 of the Convention, the Court did not find a separate violation: some of the complaints under Article 8 were withdrawn by the applicants, while in respect of the remainder the Court considered that there was no need for a separate examination.

59809/19, 8034/20, 14407/20, 17008/20 - Case of R.E. AND OTHERS v. ICELAND

Essence of the case: The case concerned four applications relating to the investigation of reports of sexual violence in Iceland. Two of the applicants were minors at the time of the events. The applicants alleged that the police and prosecution authorities had failed to ensure an effective investigation into their reports of rape and other sexual offences. In respect of the minor applicants, separate issues arose concerning compliance with special procedural safeguards, the involvement of child protection services, and the provision of legal and psychological support.

Essence of the decision: The ECtHR found no violation of Articles 3 and 8 of the Convention. The Court held that the domestic legislation provided an adequate legal framework for protection against sexual violence and that the investigations conducted had, overall, complied with the requirements of the Convention. As regards the two minor applicants, the Court found that the authorities had applied special procedural safeguards: representatives had been appointed to protect their rights, child protection services had been duly involved or informed, and psychological assistance had been available to the applicants. The Court concluded that the special safeguards for minor victims had been applied in accordance with Convention standards. Although there had been certain delays in some of the proceedings, they had not reached a level that would indicate a failure by the State to comply with its procedural obligations. The ECtHR also found no violation of Article 14 of the Convention in connection with the alleged gender discrimination.

Essence of the case: The applicant alleged that she had been subjected to domestic violence by her husband over a prolonged period. Their two minor children had witnessed the violence and, during interviews, reported physical and psychological violence against their mother. According to a psychological expert report, the applicant and both children suffered from post-traumatic stress disorder. Despite a substantial body of evidence, the domestic courts acquitted the husband on three occasions.

The case did not directly concern complaints lodged by the children; however, it is relevant to this review because the applicant's two minor children witnessed the domestic violence, themselves suffered its psychological consequences, and their statements and the findings of the psychological expert were of significant importance to the assessment of the case.

Essence of the decision: The ECtHR found a violation of the procedural limb of Article 3 of the Convention. The Court held that the domestic courts had assessed the evidence in an overly formalistic manner, failed to take into account the specific nature of domestic violence, failed to carry out an appropriate gender-sensitive and contextual analysis, and gave insufficient weight to the children's statements and the expert findings. The court proceedings lasted for more than seven years, which did not comply with the requirement of promptness.

The complaint under Article 14 taken in conjunction with Articles 3 and 8 was declared manifestly ill-founded and inadmissible.

2.3. Right to liberty and security

Total number of decisions: 1 separate decision and 2 decisions in which the right to liberty and security was considered in conjunction with other Articles of the Convention (sections 2.2. and 2.5.)

35454/19 - Case of ÇETİN v. TÜRKİYE

Essence of the case: The applicant was 14 years old when he was placed in pre-trial detention on suspicion of armed robbery. He remained in detention for 10 months and 15 days. The domestic courts justified his initial and continued detention by referring to the nature and seriousness of the offence, the state of the evidence, the risks of absconding and influencing witnesses, and the insufficiency of alternative measures. At the same time, the courts did not carry out an individualised assessment of those grounds and did not explain why alternatives to detention, including special measures applicable to children and referred to by the applicant's lawyer, could not be used.

Essence of the decision: The ECtHR found a violation of Article 5 of the Convention on account of the lack of sufficient grounds for the applicant's detention. The Court noted that the domestic courts had relied on general and formulaic reasoning without an individual assessment of the circumstances of the case and had failed to explain why alternative measures would have been insufficient. The ECtHR placed particular emphasis on the fact that the applicant was 14 years old, yet the domestic courts had effectively failed to take his age into account, even though the detention of children should be used only as a measure of last resort and for the shortest appropriate period of time.

2.4. Right to a fair trial

Total number of decisions: 2

70945/17 - Case of B.G. v. France

Essence of the case: At the age of 16, the applicant reported that she had been forced to perform oral sex on a 17-year-old boy.



The investigation into her complaint was discontinued, and the prosecution authorities subsequently issued her with a warning in connection with a false accusation, effectively treating her as a person who had committed the relevant criminal offence. The applicant denied that her report had been false, but had no opportunity to challenge that finding before a court.

Essence of the decision: The ECtHR found a violation of Article 6 of the Convention. The Court noted that the applicant had effectively been treated as a person who had committed an offence related to making a false accusation, yet she had not been afforded an opportunity to challenge that finding before a court. The ECtHR also emphasised that the discontinuation of proceedings concerning an allegation of rape for lack of sufficient evidence did not in itself mean that the report of sexual violence had been false. In this context, the Court drew attention to the need for a proper understanding of sexual consent and to the inadmissibility of relying on stereotypical assumptions about a victim's behaviour, including the absence of screaming, physical resistance or an explicitly stated "no".

44001/22 and 22881/24 - Case of K.A. v. AUSTRIA

Essence of the case: The applicant was convicted of long-term domestic violence against his wife and four children. The Austrian courts found that he suffered from a severe mental disorder which gave rise to a high risk of repeated serious violence against members of his family and ordered his placement in a forensic therapeutic centre. The applicant argued that he did not suffer from a mental disorder capable of justifying compulsory detention. He also complained of a violation of his right to a fair trial, claiming that he had not been given an adequate opportunity to put questions to his children during their examination and that their statements had been interpreted to him only in an abridged form.

The case did not directly concern complaints lodged by the children; however, it is relevant to this review because the applicant's children were victims of long-term domestic violence, and the statements of three of them were of significant importance in the criminal proceedings.

Essence of the decision: The ECtHR found no violation of Article 5 of the Convention. The Court held that, on the basis of objective psychiatric expert reports, the domestic courts had properly established that the applicant suffered from a mental disorder of a nature and degree warranting compulsory detention, as well as that there was a high risk of serious violence against members of his family. The need for the continuation of his detention had also been duly reviewed on the basis of an up-to-date medical assessment.

As regards the complaints under Article 6 of the Convention relating to the criminal proceedings, the Court declared them inadmissible. The ECtHR took into account that three of the children had been examined as particularly vulnerable victims using audio and video links, while the applicant and his lawyer had been able to follow the examination and put questions to them. As regards the review of the lawfulness of the applicant's detention, no separate issue arose under Article 6.

2.5. Right to respect for private and family life

Total number of decisions: 13 separate decisions and 6 decisions in which the right to respect for private and family life was considered in conjunction with other Articles of the Convention (sections 2.2. and 2.7.)

50181/22 - Case of C.P. v. SPAIN

Essence of the case: The applicant, a pregnant woman, planned to give birth at home with the assistance of a midwife. At 42 weeks of pregnancy, doctors identified an increased risk to the foetus, including the risk of hypoxia and intrauterine death. A court ordered the applicant's compulsory hospitalisation for induction of labour, if necessary.

Essence of the decision: The ECtHR found no violation of Article 8 of the Convention. The Court held that the interference pursued the legitimate aim of protecting the health of the mother and the unborn child, was based on medical assessments indicating a high level of risk, and was proportionate. The domestic authorities had properly balanced the woman's right to choose the place of delivery against the need to protect the health of the unborn child.

28322/20 - Case of Y v. SERBIA

Essence of the case: The applicant, who was living with a foster family, lost contact with her younger half-brother after his intercountry adoption by a foreign family. She argued that the State authorities had failed to preserve the family ties between the siblings following the adoption, in violation of her right to respect for family life.

Essence of the decision: The ECtHR found no violation of Article 8 of the Convention. The Court concluded that the Serbian authorities had acted in the best interests of the adopted child. Taking into account the boy's need for a stable and permanent family environment, the fact that no prospective adopters had been found for him in Serbia, and his young age, the intercountry adoption was justified. The interests of the adoptive family and the child outweighed the interest in restoring contact with the biological family. The Court noted that the Convention does not impose a general obligation on States to ensure contact between an adopted child and his or her biological siblings following a full adoption.

24011/23 - Case of BADEA v. ROMANIA

Essence of the case: The applicant, the father of a 15-year-old child, initiated proceedings for the return of his daughter to Switzerland, where she had been habitually resident with him, after the child refused to return from a holiday spent with her mother in Romania. The girl explained her refusal by referring to her father's behaviour, her fear and anxiety about returning, and the risk of renewed self-harm. The domestic courts refused to order the child's return, relying primarily on a psychological assessment and the child's own views.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The Court noted that a refusal to return a child must be based on a proper examination of the circumstances of the case and be sufficiently reasoned. In the present case, the domestic courts relied mainly on the psychological assessment and the child's views, but failed to examine properly the substance of her serious allegations concerning her father's behaviour and the reasons for her reluctance to return. They also failed to explain how the established circumstances corresponded to the exceptions provided for in Article 13 of the Hague Convention and why the child's objections justified refusing her return. The domestic courts did not demonstrate that they had properly balanced the father's right to family life against the other interests at stake in the case. In addition, the proceedings lasted approximately 15 months, which did not comply with the requirement of promptness in child-return proceedings.

6656/24 - Case of NOVÁK v. THE CZECH REPUBLIC

Essence of the case: Following the parents' separation, their two young children were under joint custody. Without the father's consent and without prior judicial authorisation, the mother moved the children from Brno to Prague, approximately 200 km from their previous place of residence, and changed their school. The father repeatedly applied to the courts seeking the children's return and the establishment of joint or sole custody, but the domestic courts refused to order interim measures. Over time, the children adapted to their new place of residence, after which the courts granted sole custody to the mother and awarded the father contact every other weekend and during school holidays.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The Court concluded that the domestic courts had failed to strike a fair balance between the interests of the father, the children and the mother. By refusing to order interim measures and delaying the resolution of the situation, the courts had effectively allowed the circumstances unlawfully created by the mother to become consolidated. The children's subsequent adaptation to their new place of residence then became one of the key factors on which the refusal to award joint custody was based. The ECtHR emphasised that future relations between parents and children must be determined in the light of all relevant circumstances, and not merely by the passage of time, and that an unlawful relocation of children should not place the parent who carried it out in a more advantageous position.

34324/24 - Case of M.A. v. FRANCE

Essence of the case: The mother took her 12-year-old daughter from Tunisia to France. The father applied to the French courts seeking the child's return. The child repeatedly stated that she did not wish to return to Tunisia, referred to her fear of her father, reported inappropriate behaviour on his part, and asked to remain in France. The French courts ordered the child's return to Tunisia.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The Court held that the domestic courts had failed to give proper consideration to the child's best interests and to her clearly expressed views. Although the child had been heard on several occasions, due weight had not been given to her opinion. The Court also concluded that the allegations of a serious risk to the child in the event of her return had not been adequately examined in the light of all relevant circumstances and the child's best interests.

42101/23 - Case of V.N. AND OTHERS v. SWEDEN

Essence of the case: The applicants were a married couple and their daughter and adult son, all Azerbaijani nationals. The father had been refused a residence permit in Sweden and remained subject to an expulsion order, as the authorities considered him a threat to public order and security. At the time the matter was examined, the mother's health had significantly deteriorated due to cancer, and medical records indicated that her life expectancy was short. The applicants argued that the father's removal in those circumstances would violate their right to family life.

Essence of the decision: The ECtHR found no violation of Article 8 of the Convention in respect of the father, the mother and the daughter. The Court concluded that the domestic authorities had struck a fair balance between the interests of the family and the State's interests in controlling immigration and protecting public order and security. In doing so, they had taken into account, among other factors, the information on which the assessment of the threat posed by the father was based, his immigration history, his family, cultural and linguistic ties with Azerbaijan, his wife's state of health, and the situation of the daughter. The ECtHR held that the State had not exceeded the margin of appreciation afforded to it.

15147/23 and 38303/23 - Case of SZELÉNYI AND OTHERS v. HUNGARY

Essence of the case: The case concerned Hungary's "integrity testing" system, which allowed covert surveillance of broad categories of public officials. The applicants included professionals working in the field of child protection: an adoption counsellor and a child guardian. They complained that the law allowed them to be subjected to covert surveillance and other information-gathering measures without sufficient safeguards against abuse and without effective remedies to challenge such measures.

The case did not directly concern children's rights; however, it is relevant to this review because of the professional activities of two of the applicants in the fields of adoption and child protection.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The Court held that Hungarian legislation allowed integrity tests and the related covert surveillance measures to be carried out without sufficient safeguards against abuse: such tests could be ordered without an adequate factual basis, the person concerned did not receive sufficient information about the measures applied to them, and had no effective access to an independent body to challenge them. The legislative framework failed to meet the "quality of law" requirement and did not ensure that the interference was limited to what was necessary in a democratic society.

39386/20 - Case of ALTINTOP AND OTHERS v. TÜRKİYE

Essence of the case: The applicants, who were detained in different prisons in Türkiye, complained about restrictions on visits and/or telephone calls with their school-age children at weekends. The prison administrations justified those restrictions by reference to security considerations, staff shortages and the operational capacities of the institutions. The domestic courts found no violation of the applicants' rights. The case therefore concerned the extent to which restrictions on contact between imprisoned parents and their children were compatible with their right to maintain family ties and with the best interests of the children.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention, as the restrictions on visits and telephone contact between prisoners and their school-age children at weekends had been imposed primarily on the basis of the organisational capacities of the prisons, without due consideration being given to the right of parents and children to maintain family ties. The domestic courts had also failed to carry out an adequate assessment of the proportionality of those restrictions.

52031/21 - Case of N.P. v. SUISSE

Essence of the case: The case concerned the removal of the applicant, a Swiss national, from custody of her son and restrictions on her personal contact with him. In 2019, the child's father, a French national, applied for custody to be transferred to him. Referring to concerns about the child's safety, the court temporarily granted custody to the father and suspended the mother's contact with her son. The court subsequently allowed the mother limited contact, and in September 2020 she saw her son for the first time after a prolonged period of separation. The applicant challenged the decision, arguing that it had unjustifiably disrupted her relationship with the child; however, the Swiss courts upheld the decision that the child should reside with the father, and in 2021 the Federal Court held that the French courts were henceforth competent to deal with disputes concerning the child.

Essence of the decision: The ECtHR found that Switzerland had violated Article 8 of the Convention. The Court noted that the decision to remove the applicant's custody rights and suspend contact with her son had been based mainly on unsubstantiated concerns, without sufficient reasoning and without consideration of less restrictive measures. In addition, the mother had effectively been deprived of contact with the child for five months, although the medical findings did not confirm that she posed a danger to her son. In the Court's view, the domestic authorities had failed to give sufficient consideration to the interests of both the mother and the child, and the decision-making process had therefore not provided adequate protection for their family life.





31423/22 - Case of L.L. AND P.L. v. NORWAY

Essence of the case: The case concerned a decision to replace the applicants' daughter's placement in foster care with adoption and to deprive the biological parents of parental responsibility. Even during the mother's pregnancy and after the child's birth, the Norwegian authorities had expressed concerns about her ability to provide adequate care. Psychologists concluded that the child showed signs of insufficient care and inadequate developmental stimulation, and at the age of five months she was placed with a foster family. The parents were allowed supervised contact for one hour three times a year, which was later increased to one and a half hours three times a year. In 2019, the child welfare authorities initiated proceedings for the child's adoption by her foster parents. The domestic authorities concluded that returning the child to her biological parents would not be in her best interests, deprived the applicants of parental responsibility and authorised the adoption. In 2021, that decision was upheld by a court, which considered that exceptionally weighty reasons existed for the adoption.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The Court held that depriving the applicants of parental responsibility and authorising the adoption of their daughter constituted an interference with their right to respect for family life, which pursued the legitimate aim of protecting the child's health and rights. However, the domestic authorities had failed to provide sufficient reasons for applying such an extreme measure, which permanently severs the legal ties between biological parents and their child. In particular, despite the involvement of numerous experts, the child's vulnerability and the specific shortcomings in the applicants' parenting abilities had not been identified with sufficient clarity and consistency. At the same time, several experts considered that, with appropriate support and guidance, the parents could provide adequate care for a child with ordinary needs. The ECtHR also drew attention to the very limited contact between the parents and the child from the outset of her placement in foster care, which made family reunification more difficult. The Court was also critical of the fact that the domestic court had taken into account the risk of future litigation by the parents: the exercise by biological parents of their right to challenge decisions concerning custody or restrictions on contact forms part of their right to family life and cannot, in itself, be used against them. Taken as a whole, the ECtHR concluded that the domestic authorities had not provided sufficient reasons to establish the existence of exceptional circumstances justifying the replacement of foster care with adoption, and that the interference was therefore disproportionate and in violation of Article 8 of the Convention.

5769/19 - Case of DOULGERAKIS v. GREECE

Essence of the case: The case concerned the length of judicial proceedings relating to the custody of the three children of the applicant and his former wife. At the initial stage, the domestic court granted the applicant custody of the eldest child and the mother custody of the two younger children, while also determining contact arrangements and granting the mother temporary use of the family home. The applicant repeatedly applied to the court seeking to modify those measures and to obtain temporary custody of the other two children, but his requests were dismissed. Subsequently, both younger children moved to live with the applicant. Following a new application, the court temporarily allowed all three children to reside with him pending determination of the case, but later partly amended its previous decision: it granted the applicant temporary custody of one more child while restoring the mother's custody of the youngest child, taking into account the child's young age and emotional attachment to the mother.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention. The proceedings concerning custody of the children lasted approximately six years and eight months and involved three levels of jurisdiction, with the main delays occurring before the first-instance court.



The Court did not accept the Government's arguments concerning the exceptional complexity of the case and the applicant's substantial contribution to the delays in the proceedings, emphasising that it was for the State authorities to ensure particular expedition in cases concerning relations between parents and children. Of particular significance was a delay of almost two years following the appointment of psychiatric experts, during which several experts were replaced in succession and the court failed to exercise adequate supervision over the conduct of the expert examinations. After the expert report had been obtained, approximately ten further months elapsed before a decision was delivered, without sufficient procedural justification for that delay. The ECtHR concluded that the domestic authorities had failed to ensure the necessary expedition and effectiveness of the proceedings, thereby violating Article 8 of the Convention.

21480/16 - Case of O.A.G. v. UKRAINE

Essence of the case: In 2015, the applicant, the director of a radio station in Odesa, was remanded in custody on suspicion of offences against the territorial integrity of Ukraine. While in detention, it was established that she was pregnant, and in April 2016 she gave birth to a son. The newborn had serious health problems and required treatment in an intensive care unit. From 6 to 26 May 2016, the applicant was separated from her child because the conditions in the relevant unit did not allow mothers to stay with their newborns. After her son was transferred to another hospital where joint accommodation became possible, the applicant was again able to stay with him until her release. She complained that the temporary separation from her newborn son had violated her right to respect for family life.

Essence of the decision: The ECtHR declared the applicant's complaint under Article 8 of the Convention concerning the temporary separation from her newborn son manifestly ill-founded and inadmissible. The Court took into account the child's serious health condition and the need for him to remain in intensive care, and found no evidence that the administration of the pre-trial detention facility had arbitrarily prevented contact between the mother and the child. The ECtHR emphasised that the best interests of the child must be at the centre of decisions concerning the child's health and development. Once joint accommodation became possible, the applicant was transferred to the hospital together with her son.

Separately, the Court found a violation of Article 3 of the Convention on account of the inadequate material conditions of the applicant's detention in the Odesa pre-trial detention facility, and a violation of Article 5 of the Convention due to the insufficient justification for her continued detention.

3538/21 - Case of Z v. ICELAND

Essence of the case: The applicant, who was 16 years old at the time of the events, reported a sexual assault by a 23-year-old man during a festival. According to her, she woke up in a tent and found that the man was touching her breasts and genitals without her consent. During the investigation, the police interviewed the applicant, the suspect and witnesses. The man admitted that he had touched the applicant's breasts under her clothing while she was asleep or half-asleep, but claimed that he had had no sexual intent and had stopped the contact when he noticed her discomfort. The prosecution discontinued the proceedings, concluding that there was insufficient evidence to establish the requisite intent to commit sexual harassment.

Essence of the decision: The ECtHR found a violation of Article 8 of the Convention under its procedural limb. The Court held that the authorities had failed to apply an appropriate consent-based approach. The prosecution had focused primarily on whether the man had intended to commit sexual harassment, without giving adequate consideration to whether, in the circumstances of the case, he had had any grounds to believe that the applicant had consented to such contact.

The Court noted that the man himself had admitted that he had begun touching the 16-year-old applicant's breasts while she was drowsy or half-asleep, without any prior communication or other indication of her consent. The decisive issue was not that he had stopped the contact after noticing her discomfort, but that the sexual contact had been initiated without the minor's prior expressed consent. By failing to apply such an approach, the investigation did not provide effective protection of her physical and psychological integrity. At the same time, the Court did not express any view as to the man's guilt.

The ECtHR nevertheless found no violation of Article 14 of the Convention taken in conjunction with Article 8, as there was insufficient evidence of structural gender bias or a discriminatory approach on the part of the authorities.

2.6. Freedom of expression

Total number of decisions: 1

43388/17 - Case of MLADINA D.D. LJUBLJANA v. SLOVENIA (No. 2)

Essence of the case: The Slovenian magazine Mladina published, in a satirical column, a photograph of a well-known politician, B.G., and his family, including his three minor children, alongside a photograph of the family of Nazi official Joseph Goebbels. The politician brought proceedings before the domestic courts, arguing that the publication had infringed his honour and reputation. Separately, members of his family also brought domestic proceedings in connection with the publication: the children were awarded compensation, while the proceedings concerning the wife ended in a friendly settlement.

The case did not directly concern complaints lodged by the children before the ECtHR; however, it is relevant to this review because the disputed publication used a family photograph of the politician depicting his three minor children, and their rights in connection with that publication were protected in separate domestic proceedings.

Essence of the decision: The ECtHR found a violation of Article 10 of the Convention. The Court concluded that the Slovenian courts had failed to strike a fair balance between the publisher's freedom of expression and the politician's right to protection of his reputation. The Court emphasised that, in the proceedings at issue, the domestic courts were required to balance the publisher's rights specifically against the rights of B.G., rather than against the rights of his family members, who had pursued the protection of their rights in separate domestic proceedings. The domestic courts had failed to give sufficient weight to the broader political context of the publication, its satirical nature, its placement in a satirical column, and its limited impact on the magazine's audience. In those circumstances, the interference with freedom of expression was not "necessary in a democratic society".

2.7. Prohibition of discrimination

Total number of decisions: 1 separate decision and 2 decisions in which issues of discrimination were considered in conjunction with other Articles of the Convention (sections 2.2. and 2.5.)

46692/19 - Case of D.A. and R.A. v. THE UNITED KINGDOM

Essence of the case: A mother who was raising a young child on her own, together with her child, complained about the application of a cap on the total amount of social benefits payable to their family. Lone parents could be exempted from the cap if they worked at least 16 hours per week. The applicant argued that, because she was caring for a child under the age of two and there was no free childcare available for children of that age, it was excessively difficult for her to satisfy that requirement. In the applicants' view, lone parents of children under the age of two, and the children themselves, were in a significantly different position from other persons subject to the benefit cap.

Essence of the decision: The ECtHR found no violation of Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1 and/or Article 8 of the Convention. The Court accepted that lone parents of children under the age of two, and such children themselves, were in a significantly different position from other persons subject to the benefit cap. At the same time, the State enjoyed a wide margin of appreciation in the field of social and economic policy. The Court took into account that the impact of the cap on families with young children and the best interests of the child had been examined in detail during parliamentary and judicial scrutiny, and that other forms of State support relating to childcare costs were available to the applicants. In those circumstances, the decision not to exempt this category of families from the benefit cap was not “manifestly without reasonable foundation” and remained within the State’s wide margin of appreciation.



CONCLUSIONS

The ECtHR’s case-law in the first half of 2026 confirms the particular importance of the best interests of the child, the child’s vulnerability, and the right to be heard. A significant proportion of the cases concerned the protection of children from violence, family relations, conditions of detention, and procedural safeguards.

The ECtHR consistently emphasised the need for prompt and effective domestic procedures, due consideration of the child’s views and psychological condition, and the application of special safeguards to protect children from further traumatisation.

At the same time, the Court assessed each case in light of its specific circumstances and found no violation where the domestic authorities had duly taken the child’s interests into account and struck a sufficient balance between competing rights and interests.

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