



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Application no. 29587/24
Sofia PALM
against Sweden
lodged on 8 October 2024
communicated on 2 September 2026

SUBJECT MATTER OF THE CASE

The application concerns restrictions on the applicant's contact with her children and the proceedings related to those restrictions.

The applicant is the mother of two children (born in 2013 and 2014), who have been in public care since March 2020. The applicant submits that her contact with the children has been restricted since they were taken into public care. The children's father has sole custody of them since June 2022. On 26 June 2024 the District Court decided that the father was to remain the sole custodian and that the District Court would not regulate any contact between the children and the applicant since, while the children were in public care, it was up to the social services to regulate their contact with their parents.

On 13 June 2024 the relevant City District Department, issued two decisions (one for each child) restricting the applicant's contact with the children in such a way as to only allow contact through letters, photos and presents. The applicant appealed against these decisions and at the same time requested review of their legality (*laglighetsprövning*).

On 6 August 2024 the Administrative Court struck out the case and handed over the applicant's appeal to the City District Department. The court stated that the decisions in question could not be subject to review of their legality and that an appeal was to be submitted to the authority which had taken the decision, not directly to the court. That authority should examine whether the

appeal had been lodged within the prescribed time limit (*rättidsprövning*) and, if so, transmit it to the court.

The Administrative Court of Appeal dismissed the applicant's appeal against the Administrative Court's decision and, on 27 September 2024, the Supreme Administrative Court refused leave to appeal.

On 12 June 2025 the City District Department transmitted the applicant's appeal to the Administrative Court, stating that it had previously overlooked examining whether the appeal had been lodged within the prescribed time limit. Having now carried out that review, it found that the appeal had been lodged in time. It was therefore transmitted to the court for consideration.

On 8 July 2025 the Administrative Court rejected the appeal without examining the merits, on the grounds that the impugned decisions were not subject to appeal.

On 15 September 2025 the Administrative Court of Appeal upheld that decision, essentially finding as follows. Decisions imposing restrictions on contact in respect of parents who had custody or contact rights established by the general courts (*allmän domstol*) were taken pursuant to section 14 of the Act with Special Provisions on the Care of Young Persons (*lag med särskilda bestämmelser om vård av unga*, 1990:52). Such decisions were subject to appeal. However, as the applicant did not have custody or contact rights established by the general courts, the impugned decisions had been taken pursuant to section 11 of the Act. Decisions under that provision were not subject to appeal. Under Article 6 of the Convention, the applicant was entitled to have her right of contact with her children determined by a court. However, that did not require the statutory prohibition on appeals to be set aside. The applicant could bring civil proceedings against the other parent before the general courts seeking contact rights and thereby obtain a judicial determination of that issue. If the general courts granted her contact rights, the basis for the impugned decisions would cease to exist, and any future decisions imposing restrictions on contact would be taken pursuant to section 14 of the Act and would thus be subject to appeal. Accordingly, her right to have the matter determined by a court was secured in that way.

On 5 December 2025 the Supreme Administrative Court refused leave to appeal.

Invoking Article 8 of the Convention, alone and in conjunction with Article 13 of the Convention, as well as Article 6 of the Convention, the applicant complains about the City District Department's decisions of 13 June 2024, restricting her contact with her children, and the proceedings related to those decisions. In particular, she complains about the lack of judicial review of those decisions and the City District Department's delay in transmitting her appeal to the Administrative Court. She also submits that the decisions entailed a severe interference with her family life, which was not necessary or proportionate, that the decisions were not based on sufficient reasons and that the proceedings were not fair.

QUESTIONS TO THE PARTIES

1. Did the applicant have access to a court for the determination of her contact rights with her children in accordance with Article 6 § 1 of the Convention (see, *mutatis mutandis*, *O v. the United Kingdom*, no. 9276/81, §§ 61-64, 8 July 1987; *McMichael v. the United Kingdom*, no. 16424/90, §§ 82-83, 24 February 1995; and *Plazzi v. Switzerland*, no. 44101/18, § 40, 8 February 2022)? In particular, did she have access to a court considering that the City District Department’s decisions of 13 June 2024 were not subject to appeal pursuant to domestic legislation and that the administrative courts therefore rejected her appeal without an assessment of the merits?

2. Did the applicant have a fair hearing in the determination of her contact rights with her children in accordance with Article 6 § 1 of the Convention?

3. Was the length of the proceedings in the present case in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention (see, for example, *Laino v. Italy* [GC], no. 33158/96, § 22, ECHR 1999-I, and *Paulsen-Medalen and Svensson v. Sweden*, judgment of 19 February 1998, § 39, *Reports of Judgments and Decisions* 1998-I)?

4. Did the City District Department’s decisions of 13 June 2024, restricting the applicant’s contact with her children, entail an interference with the applicant’s right to respect for her family life, within the meaning of Article 8 § 1 of the Convention?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see, *inter alia*, *Strand Lobben and Others v. Norway* [GC], no. 37283/13, §§ 202-13, 10 September 2019, and *Sommerfeld v. Germany* [GC], no. 31871/96, §§ 62-66, ECHR 2003-VIII (extracts))?

In particular, were the procedural requirements implicit in Article 8 of the Convention complied with? Notably, was the applicant involved in the decision-making process, seen as a whole, to a degree sufficient to provide her with the requisite protection of her interests and enable her to fully present her case (see, *inter alia*, *Strand Lobben and Others*, cited above, § 212, and *Sommerfeld*, cited above, § 66), especially considering that the City District Department’s decisions of 13 June 2024 were not subject to appeal pursuant to domestic legislation and that the administrative courts therefore rejected her appeal without an assessment of the merits?

Moreover, did the domestic authorities exercise the requisite diligence (see for example, *Ribić v. Croatia*, no. 27148/12, § 92, 2 April 2015; *T.C. v. Italy*, no. 54032/18, §§ 57-58, 19 May 2022; and *Popadić v. Serbia*, no. 7833/12, § 85, 20 September 2022, all with further references), considering, in particular, the City District Department’s delay, between 6 August 2024 and

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12 June 2025, in transmitting the applicant's appeal to the Administrative Court?

5. Did the applicant have at her disposal an effective domestic remedy for her complaint under Article 8, as required by Article 13 of the Convention?