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Court dismisses legal challenge against Norway's removal of children from Christian parents

Staff writer ⁽¹⁾ | 18 December 2020 | 10:05 AM



The Bodnarius family

The European Court of Human Rights (ECHR) has dismissed a legal challenge against Norway's child services agency for removing children from their evangelical Christian parents.

Five children, including a three-month-old baby, were taken from the Bodnarius family home in 2015 and placed in care.

The authorities claimed that parents Ruth and Marius Bodnarius had used corporal punishment on their children, something that is illegal in Norway. It later emerged that authorities in the family's community had believed that the family's Christian beliefs could "handicap the children's development".

Ruth, a paediatric nurse, admitted that they did occasionally smack the children for bad behaviour.

Following the removal of their children, Ruth and Marius launched legal action against the Norwegian government, claiming that the intervention was based on the lead social worker's prejudices against the family's Pentecostal faith.

They also accused the authorities of failing to properly investigate the matter before removing their children.

The authorities eventually returned their children to them, after which they fled Norway and settled in Marius' native Romania.

The family, assisted by the Christian Legal Centre in the UK, took their case to the ECHR, claiming that the actions by Norway's child protection agency, known as the Barnevernet, violated Article 8 of the European Convention on Human Rights, which protects the right to private family life, and the family's freedom of religion under Article 9.

Dismissing their legal challenge, the ECHR argued that it was possible for the family to challenge the government's actions within Norway before bringing a case to the European court.

The judgment said it was a "fundamental feature of the machinery of protection established by the Convention that it is subsidiary to the national systems safeguarding human rights."

Commenting on the judgment, Marius said that the family could not contemplate returning to Norway after the removal of their children.

"We would have never risked the possibility of further separation of our family by seeking damages within the system that so abused our rights," he said.

"Despite what happened to our family, we know that God is good and we are grateful for our beautiful family, which is all the stronger because of what happened to us.

"The worldwide attention this case has garnered has shone a bright light on Norway's child welfare services. I pray that no other family in Norway will ever again go through what we have.

"Our story must serve as a warning that upholding religious freedom and the legal right of parents to bring up their children in line with their beliefs is fundamental and crucial for any democratic society.

"The support we have received from around the world has been deeply humbling and my family and I would like to thank everyone for standing with us."

Andrea Williams, CEO of the CLC, said she was disappointed by the ECHR's decision.

"This case demonstrates the very real and growing hostility devout Christians families are having in raising their children. If this nightmare could happen to the Bodnarius, it could have to any of our families," she said.

"We are disappointed that the European Court would not substantively address the injustice that happened to this wonderful and loving family after so many years of hard-fought litigation.

"Nonetheless, my prayer is that this case will be much more than just a cautionary tale; that it will in fact lead to real change in the way childcare issues are dealt with in Norway and across Europe."



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