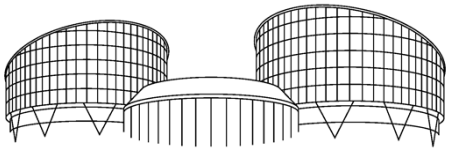

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF T.T. v. POLAND

(Application no. 51505/20)

JUDGMENT

STRASBOURG

16 October 2025

This judgment is final but it may be subject to editorial revision.

In the case of T.T. v. Poland,

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Davor Derenčinović*, President*,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 51505/20) against the Republic of Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 17 November 2020 by a British national, T.T. ("the applicant"), who was born in 1963, lives in Essex and was represented by Ms C. Marin Pedreño, a lawyer practising in London;

the decision to give notice of the complaint concerning the non-enforcement of the court decision ordering the return of the applicant's daughter to the United Kingdom to the Polish Government ("the Government"), represented by their Agent, Mr J. Sobczak and subsequently, by Ms A. Kozińska-Makowska, of the Ministry of Foreign Affairs, and to declare the remainder of the application inadmissible;

the decision not to have the applicant's name disclosed;

the decision of the United Kingdom Government not to exercise their right to intervene in the proceedings (Article 36 § 1 of the Convention);

the parties' observations;

Having deliberated in private on 25 September 2025,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The application concerns the non-enforcement of the return order issued in the framework of the proceedings under the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ("the Hague Convention") instituted by the applicant, a British national, in respect of his minor daughter, found to have been wrongfully retained in Poland by her Polish mother.

I. BACKGROUND

2. On 8 February 2019 the Łódź Regional Court (*Sąd Okręgowy,* "the Regional Court") held that the mother of the applicant's child, E.S., had failed to return the child, R.T., born in 2013, to the United Kingdom after a holiday in August 2018, and, by doing so, she had wrongfully retained the child in Poland. Accordingly, the court ordered E.S. to ensure R.T.'s return to the United Kingdom within two weeks of the order becoming final.

3. On 17 July 2019 the Warsaw Court of Appeal (*Sąd Apelacyjny*) dismissed E.S.'s appeal against that order, rendering it final and enforceable.

II. ENFORCEMENT PROCEEDINGS

4. On 3 September 2019, at the applicant's request, the Regional Court ordered that R.T. be forcibly removed from her mother's care and handed over to the applicant by a court-appointed guardian (*kurator sądowy*).

5. On 12 September 2019 the guardian and the applicant went to the address of the child's maternal grandparents, where E.S. and R.T. were believed to be living. Having been informed by the child's grandmother that the child was in kindergarten, the guardian went there, to find out that the child had stopped attending it in August 2019. On the same day, following the guardian's application, the Regional Court issued a search warrant of the grandparents' house. During the search, conducted immediately, neither R.T. nor E.S. were found, and the household members questioned did not offer any relevant information.

6. In a letter dated 16 September 2019 the Regional Court ordered the police (*Komenda Miejska Policji*) to establish R.T.'s whereabouts.

7. On the same day, the guardian made another unsuccessful attempt to retrieve R.T. at the address previously visited.

8. On 1 October 2019 the Regional Court ordered the police to search for R.T. The police replied that, according to the child's maternal grandfather, she and E.S. had moved to an unknown place.

9. Between 8 and 11 October 2019 the police carried out another search of the grandparents' house. The officers were told by E.S.'s relatives that she had moved to an unknown place and that they did not have any contact with her. Some neighbours, when approached by the police, corroborated that they had not seen E.S. or R.T. for at least a month.

10. Responding to the inquiry made on 2 December 2019 by the Regional Court, the Ministry of National Education confirmed that R.T. had been enrolled in the primary school in the grandparents' village since 1 September 2019. The Regional Court also liaised with the Ministry of Family, Labour and Social Policy to seek information on E.S.'s place of residence. It is unclear whether any response was obtained.

11. On 13 December 2019 the Regional Court informed the police that there were fears for R.T.'s well-being, given that she had been hidden by her mother in an unknown place. It was further noted that R.T. likely did not attend school (which was compulsory), that her living conditions were unknown, and that it was unclear how E.S. made a living. The court asked the police to continue the search for R.T. and to report back biweekly on their progress.

12. On 24 December 2019 the Regional Court requested the primary school in the grandparent's village for information regarding R.T.'s

attendance. The school replied that the child had been attending pre-school classes since 2 September 2019 and that on 27 November 2019 E.S. had applied for permission to homeschool her.

13. On 31 December 2019 the Piotrków Trybunalski District Prosecutor ("the District Prosecutor") discontinued the investigation into the alleged abduction of R.T. Under Polish law, a parent could only be prosecuted for child abduction if he or she had been deprived of parental authority by a court. Since no such decision had ever been taken in respect of E.S., she could not be charged with any criminal offence.

14. In February 2020 the Piotrków Trybunalski District Court (*Sąd Rejonowy*, "the District Court") ordered a local inquiry (*wywiad środowiskowy*) at E.S.'s last known place of residence and at the child's primary school. The report of the inquiry, the contents of which were not submitted to the Court, was submitted to the District Court on 27 February 2020.

15. On 22 May 2020 the Regional Court asked the primary school and the Social Security Board for any information that might be relevant to the case.

16. On 24 November 2020 the Regional Court asked the primary school in the grandparents' village for new information regarding R.T. The school replied that R.T. was enrolled in Year 1 during the 2020/2021 academic year and that a decision had been taken on 4 September 2020 to allow her to pursue her education from home.

17. In a letter dated 10 December 2020, the police informed the Regional Court that, in the absence of a legal basis for including the case in the police databases, its actions to date had been carried out on an *ad hoc* basis. Those consisted of regular visits to E.S.'s last known address (the grandparents' house) and of interviews with the relatives and the neighbours. It was concluded that those efforts had not led to the discovery of R.T.'s whereabouts.

18. In a letter dated 23 December 2020, the Regional Court instructed the police to analyse the login details of the computer used by R.T. to attend online classes. In a letter dated 1 March 2021, the police responded that they could not comply, because neither R.T. nor E.S. had been registered in a missing persons database. In addition, the police asked for instructions on what actions to take if they were to encounter E.S. or R.T. On 19 April 2021 the Regional Court replied with a letter enumerating legal provisions serving as the legal basis for its previous instruction. Moreover, it informed the police that if they established R.T.'s place of residence, they should immediately report back to the court, and "continue to observe the child's place of residence" so that the court could arrange another retrieval attempt.

19. In a letter dated 10 February 2021, the Regional Court asked the Łódź Regional Police Headquarters (*Komenda Wojewódzka Policji*) to supervise or to take over the search for R.T.

20. At the applicant's request, by letters dated 19 April 2021, the Regional Court ordered E.S. and various institutions to provide any relevant information regarding E.S. The court also asked the Łódź Regional Prosecutor Office to consider opening a criminal investigation into the continued obstruction of the enforcement of the final return order by E.S.

21. It appears that on 28 April 2021 the police encountered E.S. and R.T. at the grandparents' house, and that E.S. provided the officers with her address. It is unclear from the case file whether E.S. provided a new address or told the authorities that she was living at her parents' house.

22. In a letter dated 4 May 2021, E.S. informed the Regional Court that she did not have a mobile phone number.

23. On 26 May 2021 the court guardian and the applicant went to the grandparents' house to forcibly retrieve R.T. They encountered E.S.'s relative who told them that E.S. and R.T. did not live at that address and that he did not know their current place of residence or phone number. Another visit to the house did not reveal any new information.

24. On 2 July 2021 the District Prosecutor opened an investigation into the alleged abduction of R.T. in the course of which E.S. was questioned. This investigation was later discontinued on the grounds that E.S. had not been deprived of her parental authority.

25. On 23 July 2021 the Regional Court asked the Regional Police Commissioner (*Komendant Wojewódzki Policji*) to personally supervise the efforts to find R.T., stressing that the return order had not been executed for more than eighteen months.

26. On the same day, the Regional Court ordered the court guardian to unequivocally establish whether E.S. and R.T. had their permanent residence at the grandparents' house or whether they were, only occasionally, staying there, as suggested by E.S.'s relative on 26 May 2021 (see paragraph 23 above).

27. The Government submitted that according to a note written by a police officer on 15 September 2021, the grandparents' house had been inspected thirty-one times. On three occasions, namely, on 24 July 2019, 9 September 2019 and 28 April 2021, the officers had encountered R.T. It was also noted that the police had assisted the court guardian in three attempts to retrieve the child which had taken place on 12 September 2019 (see paragraph 5 above), 16 September 2019 (see paragraph 7 above) and 26 May 2021 (see paragraph 23 above).

28. The applicant submitted that two further unsuccessful retrieval attempts had taken place in May 2022.

III. CASSATION APPEAL AGAINST THE RETURN ORDER

29. On 15 November 2019 the Ombudsman for Children (*Rzecznik Praw Dziecka*), acting at the request of E.S., lodged a cassation appeal against the return order.

30. On 17 December 2020 the Supreme Court (*Sąd Najwyższy*) dismissed that cassation appeal.

IV. PROCEEDINGS UNDER THE BRUSSELS II *BIS* REGULATION

31. On 11 March 2020 the applicant applied to the Polish Minister of Justice, seeking execution of the decision of the Family Court at Peterborough of 31 August 2018 declaring that E.S. had wrongfully retained R.T. in Poland and ordering her to immediately return the child to the United Kingdom.

32. On 6 May 2020 the Piotrków Trybunalski District Court held that it did not have jurisdiction to examine the matter and transferred the case to the Łódź Regional Court, which, on an unknown date, transferred the case back to the District Court.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

33. Relying on Article 8 of the Convention, the applicant complained of the non-enforcement of the final return order concerning his child.

A. Admissibility

34. The Government raised a preliminary objection that the application was incompatible *ratione materiae* with the Convention, because, in their view, the applicant had only complained about the expenses that he had to make in trying to ensure the return of his child, which was beyond the scope of Article 8. The Court notes that the applicant, in fact, complained about not being able to retrieve his child due to the alleged lack of effective procedural instruments of enforcement of judgments in cross-border family matters, particularly regarding parental child abduction. In addition, he submitted that, as a result of the situation complained of, he had incurred very high costs and faced great distress. Thus, since that the State's positive obligations under Article 8 of the Convention include a parent's right to have measures taken with a view to being reunited with his or her child and an obligation in respect of the national authorities to take such measures (see *Oller Kamińska v. Poland*, no. 28481/12, §§ 83, 18 January 2018), the applicant's complaint falls within the scope of this provision and the Government's preliminary objection must be dismissed.

35. The Government submitted that the Polish authorities had made important efforts to enforce the return order and had provided the applicant with all reasonable assistance. The Government thus argued that the applicant could not claim to be a victim of a violation of any of the rights guaranteed by the Convention (incompatibility *ratione personae*) or, alternatively, that the application was manifestly-ill founded.

36. The Court observes that the objection regarding the lack of victim status is closely linked to the substance of the applicant's complaint, as it relates to the steps taken by the Polish authorities to ensure the execution of the child's return order. It must therefore be joined to the merits (see, *mutatis mutandis*, *Y v. Poland*, no. 74131/14, §§ 40-41, 17 February 2022).

37. The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

38. The general principles concerning the non-enforcement of return orders issued in the context of international parental disputes have been summarised in *Oller Kamińska* (cited above, §§ 82-86, with further references) and *Stochlak v. Poland* (no. 38273/02, §§ 57-61, 22 September 2009)

39. The Court notes at the outset that it is clear that the tie between the applicant and R.T. falls within the scope of family life within the meaning of Article 8 of the Convention.

40. It observes that the core of the application is the non-enforcement of the decisions ordering the child's return to the United Kingdom. In the light of the general principles, what is decisive in this case is to determine whether the Polish authorities took all the necessary adequate steps to facilitate the enforcement of those decisions.

41. In this respect, the Court considers that the authorities' actions taken in the first weeks of the enforcement proceedings were not marked by unreasonable delays (see paragraphs 4-9 above). However, as the proceedings progressed, there were periods of relative inactivity with subsequent actions occurring after pauses of several weeks or even months (e.g., between June and September 2020). There were also administrative delays in dispatching various judicial orders by the court secretariat. It took five to eight weeks to dispatch the Regional Court's letters drawn up in April and June 2021 to the police, the prosecutor (letter of 19 April 2021) or to the Police Commissioner (see paragraphs 18, 20 and 25 above).

42. The Court also observes that several aspects of the case raise doubts as to whether the authorities acted with due diligence.

43. First, several attempts to retrieve the child were not sufficiently prepared. In particular, the court guardian in charge of the first such attempt

had not verified in advance the basic information regarding the child's school enrolment (compare paragraphs 5 and 12 above). Moreover, the Regional Court did not make the necessary inquiry with education authorities until 2 December 2019, almost three months after the failure of the first retrieval attempt. As a result, the authorities relied in this time on the misleading information provided by E.S.'s relatives, who had an obvious interest in hindering the enforcement efforts.

44. Second, at a later stage, the domestic authorities repeatedly took measures which had already proved ineffective or which were likely to fail from the outset.

45. In particular, between the start of the enforcement proceedings and 15 September 2021, the police inspected E.S.'s last known address on thirty-one occasions, with the officers obtaining the same information from the persons living there and from their neighbours, that the child was not living there (see paragraph 27 above). When the officers did encounter R.T., they did not take any concrete action aimed at enforcing the return order, except for taking E.S.'s declaration concerning her address (see paragraphs 21 and 27 above). It thus appears that the police did not have any specific strategy or orders as to the course of action in the event of finding the child. In fact, on 1 March 2021, as late as almost eighteen months after the start of the enforcement proceedings, the police asked the Regional Court for instructions. In response, the Regional Court merely ordered the police to "continue the observation" (see paragraph 18 above).

46. On 19 April 2021 the Regional Court suggested that the prosecution service should open a criminal investigation into the alleged protracted obstruction of the enforcement proceedings by E.S. (see paragraph 20 above). This suggestion was made despite the fact that, a year earlier, it had been determined that under Polish criminal law, parents could not be held responsible for child abduction unless they had been deprived of parental authority, which was not E.S.'s case (see paragraph 13 above). The second investigation was ultimately closed on the same grounds as the previous one (see paragraph 24 above).

47. Third, the authorities did not seem to have procedures in place to enable them to cooperate effectively. The police did not act upon the Regional Court's order of 23 December 2020 to look for the child by tracing the mother's internet connection, considering that the measure lacked legal basis. The ensuing exchange of letters between the Regional Court and the police lasted almost four months (see paragraph 18 above), and there is nothing in the file to suggest that the measure ordered was indeed taken.

48. Fourth, the existing supervision mechanisms did not produce any meaningful impact on the handling of the case. Notably, the Regional Court did not manage to have the Regional Police Headquarters or the Regional Police Commissioner take over or supervise the enforcement of the child's return (see paragraphs 19 and 25 above).

49. The Court acknowledges that the difficulties in enforcing the return order were mainly caused by E.S.'s hindrance. Ensuring enforcement of court orders issued in the course of parental disputes is not necessarily an easy task, especially if the behaviour of one or both parents is far from constructive (see *P.K. v. Poland*, no. 43123/10, § 88, 10 June 2014). This does not, however, explain the shortcomings described above, most of which were undeniably the responsibility of the domestic authorities. It must be stressed that E.S. was not beyond the authorities' reach. At least on several occasions she was directly approached by officials, including police officers (see paragraph 21 above) and prosecutors (see paragraph 24 above). She was also in contact with other institutions, including the Regional Court (see paragraph 22 above) and the primary school attended by R.T. (see paragraph 12 above).

50. The Court concludes that, notwithstanding the domestic authorities' efforts spanning a period of almost three years, they failed to take all necessary steps to facilitate the execution of the return order as can reasonably be demanded in the circumstances of the case (see *Veres v. Spain*, no. 57906/18, § 78, 8 November 2022). This, in turn, amounted to a breach of the applicant's right to respect for his family life.

51. It follows that the Government's preliminary objection concerning the alleged incompatibility *ratione personae* of the applicant's complaint with the provisions of the Convention (see paragraph 35 above) must be dismissed.

52. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

53. The applicant claimed, without specifying the amount or submitting any calculations or invoices, pecuniary damage, suffered in having to take his case to several courts in two different countries, and non-pecuniary damage resulting from emotional and psychological harm caused by the forced separation from his child.

54. The Government stated that the applicant had failed to specify and prove any damage sustained or the causal link between that and the alleged violation of the Convention.

55. In respect of pecuniary damage, considering that the applicant failed to specify the amount claimed and did not provide the Court with itemised particulars of his claims and supporting documents, the Court makes no award under this head.

56. By contrast, the Court is not prevented from examining claims for non-pecuniary damage which applicants did not quantify, leaving the amount to the Court's discretion. Therefore, the Court decides, on an equitable basis, to award the applicant EUR 9,800 in respect of non-pecuniary damage, plus any tax that may be chargeable to him.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins* to the merits the Government's preliminary objection concerning the lack of victim status and *dismisses* it;

2. *Declares* the application admissible;

3. *Holds* that there has been a violation of Article 8 of the Convention;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 9,800 (nine thousand eight hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 October 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President