

Petition No 0321/2018 by [REDACTED] (Indian) on the alleged abusive placement of his children without parental consent by the UK authorities

The petitioner and his wife are Indian nationals living in the UK. The petitioner claims that his two minor children were abusively taken away from their parents by the social services (the Local Authority) in 2015. Since then, the petitioner and his wife claim they were not allowed to see their children or speak to them on the phone. Meanwhile the petitioner's wife, who was expecting their third child, left the UK, as she feared that the authorities could take her third child away if he was born in the UK. In February 2016, the family court authorised the Local Authority to place the petitioner's children for adoption.

The petitioner's appeal against the family court's decision was dismissed, and so was his attempt to bring the case to the UK Supreme Court. He submitted an application to the European Court for Human Rights based on Article 8 and 6 of the European Convention on Human Rights, which was declared inadmissible as the complaint had been submitted too late.

The petitioner is asking the Parliament to intervene and help his children to be repatriated to their home country and reunited with their family.

Information

- PETI conducted a fact-finding mission to London in 2015 to look at the specific issue of forced adoptions (adoptions without parental consent) in the UK, including specific cases involving non-UK parents.
- a report on "Adoption without consent" was published by Policy Department C in July 2015, and the Parliamentary Assembly of the Council of Europe published a report in March 2015 which raised some concerns about the situation in the UK;
- Petitions alleging abusive placement of children without parental consent: petitions n° 2546/2013; 2498/2013; 063/2014; 0344/2014; 1507/2014; 0195/2015.
- The petitioner and his wife sent additional information through separate mails, including a copy of their application to the ECHR, accompanied by a letter of support from the Consulate General of India in the UK, offering consular assistance to the petitioner and his children for their return to India and reunification with their family; a copy of the Birmingham family court's judgement was also sent to the Secretariat.

Recommendations

- Declare admissible;
- ask the Commission for information;
- refer the matter to the UK authorities for additional information, with reference to the recommendations made by PETI further to its fact-finding visit to London in November 2015;
- send the petition for information to the Parliamentary Assembly of the Council of Europe

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To: The Chair of the Petitions Committee
 European Parliament
 B-1047 BRUSSELS

Dated 22 -02-2018

Sub: most violation against to the children and the pregnant mum by the UK Birmingham city council, when I was submitted my application to ECHR at FRANCE its copy enclosed for your valuable perusal Sir/Madam

RE: 'Extremely-Urgent- Denied- Access-To-Justice-By-ECHR'

I, Mr [REDACTED] submitted to the Respected Court above the following Case in Bundle Format For APPEAL-AGAINST-decision of Supreme Court Of U.K.

1) The case was served within the time limit permitted by the (ECHR) for ease of reference my letter dated 25th of January 2018-enclosed;

2) I was astonished at the response letter that was sent by the (ECHR); WHICH stated the following: Dated- 18/01/2018 for ease of reference letter enclosed;

3) ".....inadmissible"

4) Application no. (78297/17);

5)Accordingly, the compliant has submitted too late.

6) The Court declares the application inadmissible.

7) The Judge Presiding Name ([REDACTED]); for ease of reference letter enclosed;

8) I sent letter stating with evidence that I have indeed sent my appeal bundle within the time line and I have in turn received letter stating that the court will not be dealing with the case there decision is final; Dated- 05/02/2018 for ease of reference letter enclosed

9) How can this be so when for the avoidance of all doubt and clarity so that nothing gets lost in translation and for all transparency they failed to look into the matter?

10) I have been denied justice I seek immediate intervention from your selves to hold the court to account.

Article 6: Right to a fair trial

(1) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

I LOOK FORWARD TO YOUR RESPECTED RESPONSES

Yours Sincerely



Civil Litigant in Person.

Enclosed:

1. My explanation letter copy dated on 25-01-2018 As per the article 35§1 my application reached to ECHR within time limit, with:
 - a) Indian Gov. Request Letter copy
 - b) Fax report copy
 - c) ECHR application copy
 - d) UKSC letter copy
2. ECHR letter copy dated on 18-01-2018 and 05-02-2018

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX -FRANCE

Dated 25 January 2018

Dear Sir /Madam

1. As per the Article 35 § 1 of the Convention to first exhaustion of domestic remedies as such I had six-months time-limit to appeal with ECHR and I followed above Art and duly submitted my application within six months of time limit, and also I engaged Art 34, 3, 6 and 8 request your highness that my application may please be admitted by the ECHR
2. In these children's case which contains remarkable and sexually abused, severe psychological damaged, request to ECHR to protect my children for prevent further imminent risk of serious and irreparable damage to children/family. UK- Royal Court of Justice [REDACTED] says that "wrong in the law of care/placement order to my children".
3. UK - [REDACTED] said that " most extreme abused human rights in the UK family courts, UK journalist Mr. [REDACTED] said that 'horribly corrupted system in UK to children seized from their loving parents for the council collect child funds from the Central Government of UK and mistreat to the children/ parents "Children are intensely unhappy and infrequently abused. Foster careers and social workers routinely conspire to tell bewildered children that their parents neither love them nor want them back. Its 100% true in my children case
4. Very big democracy country of INDIA and Singapore Government believed ECHR to save Justice by releasing their nationals who are innocent children from UK Birmingham city council's detentions or hardship custody.
5. With reference to the final letter dated 9 and 26 May 2017 from UK Supreme Court I have posted my appeal application via UK- Royal mail special delivery on 07 November 2017 which was prior to deadline dated 26 November 2017 respectively. and I faxed my application and Indian Government request letter to ECHR on 8 November 2017 hereby enclosed the transmission report copy. I honestly inform that my appeal application was reached ECHR within the deadline date.
6. I most humbly request your highness that in this letter and my all case bundle may please be passed to Hon. Judge [REDACTED] and The Grand Chamber to reopen the case to save the Justice to release my children from UK Birmingham city council and hand over to us.

Yours truly

[REDACTED]
[REDACTED] Children's beloved father

I herewith enclosed the following documents for your kind perusal and consideration:

- 1, Indian Government request letter copy,
- 2, on 8th November 2017 faxed my application to
- ECHR its transmission report copy
- 3, UKSC letters copy
- 4, my ECHR application copy



Consulate General of India
"The Spencers", 20, Augusta Street,
Jewellery Quarters, Hockley
Birmingham, B18 6JL
Tel. 0121 2121444

No. [REDACTED]

Dated 4.01.2017

To,

The Court Manager,
The Family Court at Birmingham,
Civil Justice Centre,
The Priory Courts,
33 Bull Street,
Birmingham B4 6DS

Sir/ Madam,

This is with reference to Birmingham City Council's letter No. [REDACTED] regarding a Family Court hearing [REDACTED] at Nottingham Combined Court Centre, Canal St, Nottingham NG1 7EG, in a case between Birmingham City Council v [REDACTED] for the custody of children of [REDACTED] and [REDACTED].

2. In this connection, we would like to state that Mr [REDACTED] and his both children are [REDACTED] national. [REDACTED] and his family are able to provide emotional and financial support to their children in [REDACTED]. Further, Mr [REDACTED] brother of [REDACTED] who is financially sound, has also agreed to look after the children as guardian in [REDACTED]. Therefore, the custody of children may be given to [REDACTED] father of children.

3. Further, Consulate General of India, Birmingham will be providing all consular assistance to [REDACTED] and his children including making travel arrangements for their return to India and reunification with family. Hence the children may be allowed to return to India on humanitarian grounds at the earliest for their well being.

4. It is requested that the above mentioned position/ view of "the Consulate General of India" may be conveyed to the Hon'ble Justice, hearing the case.

Yours Sincerely



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

ENG - 2016/1

Application Form

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria **MUST** be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

2. First name(s)

3. Date of birth

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

e.g. 31/12/1960

4. Place of birth

5. Nationality

6. Address

7. Telephone (including international dialling code)

8. Email (if any)

9. Sex ☒ male ☐ female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

TRANSMISSION VERIFICATION REPORT

TIME : 08/11/2017 16:03
NAME :
FAX :
SER.# : BROH0F164996

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

08/11 15:58

00:05:33

14

OK

STANDARD

ECM

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed

- | | |
|--|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input checked="" type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

D.1. Organisation official

37. Capacity/relationship/function (please provide proof)

38. Surname

39. First name(s)

40. Nationality

41. Address

42. Telephone (including international dialling code)

43. Fax

44. Email

D.2. Lawyer

45. Surname

46. First name(s)

47. Nationality

48. Address

49. Telephone (including international dialling code)

50. Fax

51. Email

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

52. Signature of organisation official

53. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

54. Signature of lawyer

55. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

56.

I, [REDACTED] earnestly submitted my application to ECHR by the INDIAN GOVERNMENT advice for the children wellbeing to reunification with their birth parents. This children case on international element United Kingdom/India/ Singapore. my loving children name [REDACTED] they are Indian National

UK- Birmingham family court [REDACTED] 5 months well analyzed the case and on 8-1-2016 he order that immediately children return to father, my beloved children were happy while in my care and custody as a natural and biological parents who can reveal love for their pleasure as such my 3d child who is under mother care is receiving our pleasant and best care in Singapore. UK Police National Computer showing both parents are nothing any crime. but UK-BCC- Birmingham city council deny to HHJ Plunkett Judgement therefore on 10 March 2016 children's father appeal to Royal Court of Justice at London in person [REDACTED] found erred in the law to the care/placement order therefore on 17-8-2016 Black LJ granted permission to appeal with two grounds

Ground 1

- a) The Judge erred in failing to give;
- b) Proper weight to all the factor relevant to the decision whether adoption was necessary in the interest of the children;
- c) Proper consideration to alternative adoption

d) sufficient reasons as to why a permanent severance of the children's relationship with their family was in their interest

Ground 2

- a) The Judge erred in granting a full care order on the basis of facts found

My lawyer without my concern told to appeal Judges on 27 October 2016 that the father accepted the care order that was made on 18-2-2016, I and my wife never agreed the care order or fact finding but my lawyer acted contrary to instruction in agreeing to both. If we accepted care order why we are appeal to RCJ? And very long time we were waiting in his represent in my children case? Why I attended the RCJ two times, only the reason I went RCJ for return of our children in our best care. If my lawyer explain our side of facts to RCJ and they would release my children but the lawyer acted contrary to my instruction therefore the appeal Judge dismissed appeal on the care order.

ECHR Act 1950 Art 3 breached my children case by the UK-BCC

An imminent risk of serious and irreparable damage to my children / family by the UK Birmingham city council therefore we are request to ECHR that our children rescue from UK-BCC and immediately return to us. ECHR 1950 Art 3 enshrines one of the most fundamental values of democratic society. Article 3 of Convention states that No one shall be subjected to torture or to inhuman or degrading treatment/ punishment.

My daughter physical and sexual abused in council's school

My children 100% attendance, excellent home work report in the school, UK law says the studies are compulsory when the child is five years of age. When my daughter was 3 1/2 years old she was put to full time nursery by us. Everything was going well until council involved with the children in the school thereafter the council control school activities also started to change

My daughter told to us that on 13 April 2015 and 20 April 2015 social worker and other people forcibly naked my daughter and punched her private part and some bleeding her anus therefore my daughter more feared and refused go to school, the social worker when was visit my house On 20 May 2015 around 03:35pm my daughter identification to [REDACTED] sitting on the chair in [REDACTED] another women stripped my daughter dress than another women punched my child's anus, trachea and ears with kind of a needles or similar object and also my daughter said that above incident to deferent police officer deferent occasion on 23/4/15 around 02:00PM and 13/5/15 around 05:00PM. But school / council / UK courts did not give Justice to children rather than Our beautiful family has been ripped apart and shattered have been thrown everywhere by the UK-Birmingham city council, Without committing any crime, our children have lost happiness, laugh, smile in face, our bond, our unity and our lives. It is very hard to digest all these at once being a small children its mental torture and ill fate degrading treatment punishment to my innocent children

Statement of the facts (continued)

57.

Indian and Singapore Government request to council that allow children contact to parents by phone but still council deny it this suspected their activity. On 2014 /15 Britain -UK Almost 5,000 children missing disappeared from UK council care The statistics, unveiled under FOI, have been called 'alarming' by NSPCC. The NSPCC -UK said the figures were "hugely concerning" as missing children are at risk of sexual exploitation Ref: www.dailymail.co.uk/news/article-2651980/Britains-missing-babies

UK- BBC TV News says that On 15-9-2017, two young boy put in the bomb in passenger train (tube) at London the boys from UK foster home where an elderly couple served as foster parents for many children over several decades. They have been honoured by The Queen Elizabeth II UK for their work on behalf of children. Foster carrier is a paid worker . They just submit reports as how the UK council wants. they do not care about children future they want just money. Could you please aware of the boys make bomb in the foster home in UK until that what the foster doing. Is this how the foster looking after the children in the UK?

UK somerset country council removed 4yrs old boy namely [REDACTED] from the birth parents and admitted in foster home in good health than the boy died on 24 November 2013 in foster care , boy family asked UK police to make enquiry ,police says no evidence and closed the case , the boy's family lost their loving child , no one can return this boy

The horrific story of [REDACTED] girl is highlighted in a UK-BBC television programme presented by [REDACTED] which reveals how she was sexually abused by 25 men over two years – despite being known to social services and having been placed on the Child Protection Register. Even when she was put in a children's home – six months after her earliest allegations of abuse -staff allowed her to be used as a prostitute for fear their intervention might infringe her human rights. If the "UK-social services" cannot prevent a young girl in their care from working as a prostitute then surely they cannot prevent other young people

UK Birmingham council report said that my son eyes colour and his eyes never really looked very bright and also he has dark circles under his eyes appear blood shot its very clearly set out my son do not sleep well and also crying a lot every day. Emotionally it's very danger for his health and possibly leads to mental disorder.

in our best care my son was healthy, clear eyes and pleasant face. When my best care Children hospital Doctor letter indicated that my son is pleasant boy, eye tested report says fine. Then how could be the Birmingham council report says that my son eyes have dark circle and blood shot? Because of the negligent in the foster care and UK council /foster carrier is torturing our children mentally/physically

HM Government UK children act 1989 volume 2 cares Planning, Placement and Case Review March 2010 Page 139 said that they looked after children have clinical mental health disorder. The impact of the experiences of a child before she/he starts to be looked after can often have a negative impact on the child's emotional development, and is frequently reflected in his/her behavior in their placement, schools and other settings. Emotional and behavioural difficulties may be a trigger for a child entering council custody. Emotional and behavioral problems, often arising from stressful life event new evidence from neuro science 32 provides clearer evidence of the link between early abuse and neglect and brain development, including the development of social and emotional skills.

The OFSTED report UK on 23rd May 2014 said that Birmingham City Council children service overall inadequate, Looked after children and young people has historically been poor and inconsistent. Some Social Worker do not always listen to what children and young people say. Furthermore in their statutory review, children feel that they are being talked about and not consulted or involved, and that their opinions are not considered as important. Looked after children do not achieve well in education.

On 18-8-15 Suddenly BCC Social worker cruelly dragged out my loving children who were screaming and crying without their wishes. when my wife was 23 weeks pregnant We were feeding the children and the social worker didn't give any sympathy and dragged our children by their hands in front of eyes. I do not know how long my children were crying and about their current condition. would really have a serious impact in my son's health issue because he is treated specially for kidney /nutrition gastroenterology. These medical complications have been notified to the SW but the so called professional didn't even take any notice of it. since two years not allow see birth parents even children not allow to telephone contact to birth family its Indubitably serious psychological brain damage to my children, BCC report said that "Therapeutic and Emotional Support Service (TESS) declined to work with my children's emotional wellbeing" its clearly showing that the TESS cannot solve my children's emotional behaviors and they very well aware of that my children need parent's love and care. Because children are more attached to the birth parent, Therefore, I respectfully request to your highness to ECHR that my case may please be considered officially and urgently under ECHR 1950 Art 8 and 6 and 3 and humanitarian grounds by releasing my children from Birmingham city council UK and hand over to me and prevent further imminent risk of serious and irreparable damage to children /family sir /madam.

Statement of the facts (continued)

58.

ECHR act 1950 Art 8 as set out HR Act 1998 breached my children case by UK-BCC

UK- BCC report indicate that my son [REDACTED] said that he wanted to talk to parents over the phone but Birmingham city council past two year not allow to talk their parents /grandmother/family member its serious consequences the children psychological wellbeing and long term social emotional and behaviors development even children father [REDACTED] On 29 February 2016 applied section 26 adoption and children act 2002 contact order in Birmingham family court but who just on week see the case and unjustly passed care/placement order on first prosecuting to the same Hon. Judge [REDACTED] [REDACTED] do not permission to see my children as per [BCC] Birmingham city council instruction Its perhaps more serious , the Judge has not ruled on the parents application for a contact order even if our application for rehabilitation were refused the judge failure to deal with our application that our right under Art 8 of the European Convention for the protection of Human Rights and Fundamental freedoms 1950 precluded the court from severing all ties between them and their children

ECHR Act 50 Art 6 breached my children case by UK-BCC

As a beloved parents not attended court hearing dated 18-8-2015 because WE WAS NEVER NOTIFIED OF DATE OR TIME OR EVEN THAT WERE TO TAKE PLACE , We assert therefore our children were taken unlawfully and therefore WE SHOULD BE GIVEN PROPER HEARING AT WHICH WE should be allowed to put our case and hopefully recover our children the moment they are in breach of ECHR act 1950 Art 6 especially pars '1'and '3d' please page 8/13 for full detail on this Art

UK-CA 1989 S 31(2) breached my children case by UK-BCC

Court may only make a care order or supervision order if it is satisfied—

- (a)that the child concerned is suffering, or is likely to suffer, significant harm; and
- (b)that the harm, or likelihood of harm, is attributable to—

- i)the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
- ii)the child's being beyond parental control.

What determine the UK-BCC to the wrong in the parenting / suffering in birth parents care? GP / children hospital report says children pleasant in birth parents care /school report 100% attendance, excellence home work in my children UK Police National Computer showing both parents nothing crime

I have never neglected or abused my children.

I have no criminal record, and I have never been charged with any crime.

I have no problems with alcohol

I have no problems with drugs.

I have no mental problems, or learning difficulties.

I have never been involved in incidents of domestic violence.

I and My wife have a similar record. [PNC showing both parents do not have crime]

My children have always been happy, well dressed, clean, and had a good attendance record at their schools, when in my care ,my accommodation is very suitable and has always been kept clean and tidy

our beloved children has been cruelly abused by the removal from my loving care contrary to section 8 ECHR act 1950 that gives us all right to private family life undisturbed by public authority

The law says the studies are compulsory when the child is five years of age. We even sent our baby to play school when she was six weeks old. When my daughter was 3 1/2 years old she was put to full time nursery by us. It was the Social Workers who spoiled their studies by visiting the school and bringing up unnecessary issues. In the end blamed the parent

please see more detailed to attached my statement with legal frame work

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

59. Article invoked

Explanation

ECHR 1950 Art 8

children father [REDACTED] On 29 February 2016 applied section 26 adoption and children act 2002 contact order in Birmingham family court but Hon. Judge [REDACTED] do not permission to see my children as per [BCC] Birmingham city council instruction Its perhaps more serious , the Judge has not ruled on the parents application for a contact order even if our application for rehabilitation were refused the judge failure to deal with our application that our right under Art 8 of the European Convention for the protection of Human Rights and Fundamental freedoms 1950 precluded the court from severing all ties between them and their children

our married life after fourteen years later born children therefore we love our children more than our life , my children who are in council custody were so anxious to welcome their little sister , they use to talk to her , play to her ,showing toys when my wife Jasminen was pregnant now the facts has distance me and 3d child from my two oldest children and mother, B'ham council totally destroyed my children's happy and freedom

ECHR 1950 Art 6

As a beloved parents not attended court hearing dated 18-8-2015 because WE WAS NEVER NOTIFIED OF DATE OR TIME OR EVEN THAT WERE TO TAKE PLACE , We assert therefore our children were taken unlawfully and therefore WE SHOULD BE GIVEN PROPER HEARING AT WHICH WE should be allowed to put our case and hopefully recover our children the moment they are in breach of article 6 ECHR 1950 Act especially pars '1' and '3d'

Article 6: Right to a fair trial

(1) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(3) Everyone charged with a criminal offence has the following minimum rights –

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

<p>60. Article invoked</p> <p>ECHR Art 3 enshrines one of the most fundamental values of democratic society. Article 3 of the Convention states that No one shall be subjected to torture or to inhuman or degrading treatment or punishment</p>	<p>Explanation</p> <p>My children very clearly exposed to their wish that always living with birth parents and also my son told to foster, mum [REDACTED] new baby born in December 2015 its clearly showing my children living to new sibling with birth parents, my children request to council return to parents but council deny again my son request to council at least talk to parents over the phone but two year council refused.</p> <p>All the prisoners in the world such as Murderers, rapists, and even serial killers in jail are allowed to phone out to their family and discuss their case and any things else they like with visitors, relative but 8 and 6 years old innocents children of ours are not allowed speak to own parent by council UK Its mental torture and ill fate degrading treatment punishment to my innocent children without committing any crime</p>
<p>ECHR 1950 Art 8(2)</p>	<p>Right to respect for private and family life</p> <p>1. Everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others</p> <p>Given the issues as to the 'threshold criteria' which arise in this case and the submissions made by the local authority, I make these further observations in relation to the law which must be applied. Firstly, in order to establish that a child is likely to suffer significant harm, the court must be satisfied on the balance of possibilities, that the facts upon which that prediction is based did actually occur; it is not enough that they may have done or that there was a real possibility that they did</p>
<p>UNCRC 1989 Art 37</p>	<p>Article 37 of the UNCRC says that children and young people:</p> <p>Should not be torture Should not be imprisoned for life with no chance of release Should not lose their freedom for no reason or in a way that is illegal Children have the right not to be punished in a cruel or harmful way.</p> <p>But the council breach the law that [REDACTED] (IRO) Indicate her report that my son [REDACTED] said that he wanted to talk to parents over the phone but Birmingham city council past two year not allow to talk their parents /grandmother/family member its serious consequences the children psychological wellbeing and long term social emotional and behaviours development</p> <p>on 18-8-2015 BCC took away our loving children against their wishes. The children were screaming and crying. When my wife was 23 weeks pregnant. Our children released poop and urine in their dress its mental agony emotional torture</p>
<p>UNCRC 1989 S22(4) Art 12</p>	<p>According the law of United Nation convention on the right of child (UNCRC) is an International Human Right treaty to which the UK is a signatory section 22(4) of the act 1989 act consistent with article 12 of the (UNCRC) to practicable, ascertain the wishes and feeling of the child but the council always against the children's wishes and feeling</p> <p>My children very clearly exposed to their wish that always living with birth parents and new little sister but the Birmingham city council UK against my children wish</p> <p>I therefore respectfully request to your highness to ECHR that my case may please be considered officially and urgently under humanitarian grounds by releasing my children from Birmingham city council UK and hand over to me slr /madam</p>

G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

61. Complaint	Information about remedies used and the date of the final decision
First prosecuting in the Birmingham family court England UK case number [REDACTED]	UK- Birmingham family court [REDACTED] was extremely unhappy with Birmingham City Council Activities, the Judge well analyzed since 18-8-2015 and dismissed the case on 8th January 2016 to immediately children return to father from this very clear [REDACTED] judgment that no harm will happen if the children meet their parents instead the children will be happy to see their parents even after six months but the BCC did not obey the Judgment, they were re – allocated to Her Honor [REDACTED] just within a week contacted final hearing and she make unjustly placement order and care order.
Dated on [REDACTED] to [REDACTED]	My children very clearly exposed to their wish that always living with birth parents my children request to council return to parents but council deny again my son request to council at least talk to parents over the phone but 2 year council refused to children request its serious consequences the children psychological wellbeing and long term social emotional and behaviors development even children father [REDACTED] On 29 February 2016 applied section 26 adoption and children act 2002 contact order in Birmingham family court but who just on week see the case and unjustly passed care/ placement order on first prosecuting to the same [REDACTED] do not permission to see my children as per [BCC] Birmingham city council instruction Its perhaps more serious, the Judge has not ruled on the parents application for a contact order even if our application for rehabilitation were refused the judge failure to deal with our application that our right under Art 8 of the European Convention for the protection of Human Rights and Fundamental freedoms 1950 precluded the court from severing all ties between them and their children
Children's father [REDACTED] applied section 26 adoption and children contact order act 2002 to UK- Birmingham family court UK case number [REDACTED]	Royal court of Justice UK [REDACTED] found erred in the law to the care/ placement order therefore on 17-8-2016 Black LJ granted permission appeal The children father's lawyer contrary his instruction and told to court the father agreed council care therefore the appeal court judge dismissed the appeal, we are NEVER agreed the care order or the fact finding but barrister acted contrary to instructions in agreeing to both, If we accepted care order why we are appeal to RCJ? And very long time waiting his represent in my children case? Why I am attend the RCJ two time, only the reason I went RCJ that our children return in our best care
Father appeal to Royal court of Justice at London case number [REDACTED]	I attended [REDACTED] hearing on 31-1-17 and 1-2-2017 and I explained in my side of facts he said nothing wrong in the birth parents and children will send to India their uncle care which was recorded in court audio tape, two hours later he passed order unjustly placement order
Remitted placement proceeding [REDACTED]	On 21 -2-2017 I appealed to RCJ, but Hon JF refused my appeal without hearing, he said that the ground of appeal and argument very large but father's statement sixteen page and seven ground of appeals [UK-court limitation 25 of pages]
I appeal to UK- RCJ dated [REDACTED] case No. [REDACTED]	On 9-5-2017 I appeal to supreme court of UK but UKSC refused my appeal on 9-5-2017 without hearing than I was lots of explanations to the UKSC that its against the human rights/ children rights to removed my children in our best care. sub Section 54(4) Access to Justice Act 1999 -UK clearly states in the following extract "does not affect any right under rules of court to make a further application for permission to the same or another court" also I notified to UKSC that UK Parliament House of Lords Standards Commissioner advise that It is possible to apply to the Supreme Court itself to seek permission to appeal, if the Court of Appeal has already declined to give such permission. ECHR please be considered officially and urgently under humanitarian grounds by releasing my children from UK- BCC sir /madam
Father appeal to Supreme Court of UK Dated on [REDACTED]	

62. Is or was there an appeal or remedy available to you which you have not used?

☐ Yes

☒ No

63. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

H. Information concerning other international proceedings (if any)

64. Have you raised any of these complaints in another procedure of International investigation or settlement?

☐ Yes

☒ No

65. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

66. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

☒ Yes

☐ No

67. If you answered Yes above, please write the relevant application number(s) in the box below.



I. List of accompanying documents

You should enclose full and legible copies of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

68. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found.

- | | |
|---|------------|
| 1. European court of Human Right Application ENG - 2016 | 1-13 p. |
| 2. Consulate General of India Request letter | 14-14 p. |
| 3. My statement | 15-33 p. |
| 4. GP Doctor letter - both parents well looked after children | 34-34 p. |
| 5. UK police report ,both parents are nothing crime | 35-35 p. |
| 6. Indian MLA request letter | 36-36 p. |
| 7. my brother affidavit for alternative care my children | 37-37 p. |
| 8. My children school report -100% attendance ,excellent home work when my care | 38-42 p. |
| 9. My son own hand writing for always living with birth parents | 43-44 p. |
| 10. My son told to doctor that upset of UK -BCC activity to him | 45-45 p. |
| 11. my permission to appeal granted by UK- RCJ | 46-47 p. |
| 12. RCJ [REDACTED] Judgment of granted permission to appeal | 48-54 p. |
| 13. My wife niece letter to UK-BFC for alternative care my children | 55-56 p. |
| 14. father request to UK Family court for Interim care / recovery order copy | 57-57 p. |
| 15. Father care order appeal dismissed by RCJ | 58-59 p. |
| 16. RCJ -Judgement of allowed to placement order appeal | 60-72 p. |
| 17. RCJ refused my appeal | 73-73 p. |
| 18. UK Parliamentary House of Lord Advice | 74-74 p. |
| 19. UK-Assess to justice act 1999 notification | 75-75 p. |
| 20. Supreme court of UK refused my appeal | 76-76 p. |
| 21. UK- Birmingham family court judgment | 77-94 p. |
| 22. [REDACTED] children contact application refused | 95-96 p. |
| 23. Remitted placement - [REDACTED] Judgement | 97-108 p. |
| 24. My children photos which was my pleasant care | 109-111 p. |
| 25. father request to UK Family court for [REDACTED] Transcript on 8-1-2016 | 112-112 p. |

Any other comments

Do you have any other comments about your application?

69. Comments

Best person to bring up a child is the natural parent. It matters not whether the parent is wise or foolish, rich or poor, educated or illiterate, provided the child's moral and physical health are not in danger. Public authorities cannot improve on nature (██████████ in Re KD (A Minor: ██████████) its universal truth, my beloved children were happy while in my care and custody as a biological parents who can reveal or provide the real love for their pleasure as such my 3d child who is under our care is receiving our pleasant care, please be consider the fact under humanitarian grounds as well as family

Declaration and signature

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

70. Date

█	█	█	█	█	█	█	█
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

The applicant(s) or the applicant's representative(s) must sign in the box below.

71. Signature(s) ☒ Applicant(s) ☐ Representative(s) - tick as appropriate

██████████

Confirmation of correspondent

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

72. Name and address of ☒ Applicant ☐ Representative - tick as appropriate

--

The completed application form should be signed and sent by post to:

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE





The Supreme Court of the United Kingdom
Parliament Square
London SW1P 3BD
Telephone: 020 7960 1992
Fax: 020 7960 1901

9 May 2017

[REDACTED]

I acknowledge receipt of the papers you sent to this Court.

I am sorry but [REDACTED] order of 11 April 2017 is not an order that can be appealed to the Supreme Court. This is because the Appeal Court has refused to grant you permission to appeal and, under section 54(4) of the Access to Justice Act 1999, there is no appeal to the Supreme Court against a decision of an Appeal Court refusing permission to appeal to that Court.

Yours sincerely

Louise di Mambro.

Louise di Mambro
Registrar of the Supreme Court of the United Kingdom

Sub Section 54(4) Access to Justice Act 1999 -UK clearly states in the following extract

"does not affect any right under rules of court to make a further application for permission to the same or another court " Ref with www.legislation.gov.uk

On 11 - 5- 2017 UK Parliament House of Lords Standards Commissioner advise that It is possible to apply to the Supreme Court itself to seek permission to appeal, if the Court of Appeal has already declined to give such permission

[REDACTED] - children's beloved father



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

DECISION

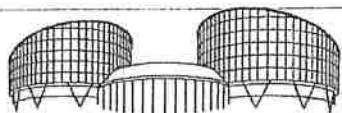
The European Court of Human Rights, sitting on 11 January 2018 in a single-judge formation pursuant to Articles 24 § 2 and 27 of the Convention, has examined the application as submitted.

The application refers to Article 3 of the Convention and Article 8 § 1 of the Convention.

The Court finds that the domestic decision it considers "final" within the meaning of Article 35 § 1 of the Convention was taken more than six months before the date on which the complaint was submitted to the Court. Accordingly, the complaint has been submitted too late.

The Court *declares* the application inadmissible:

Armen Harutyunyan
Judge



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

T: +33 (0)3 88 41 20 18
F: +33 (0)3 88 41 27 30
www.echr.coe.int

ECHR-LE11.00R
PMC/CWM/adz

18/01/2018

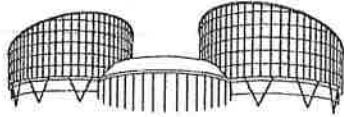
Application no. [REDACTED]
[REDACTED]

The European Court of Human Rights, sitting in a single-judge formation, decided to declare the application referred to above inadmissible.

Please find enclosed the decision reached by the Court.

This decision is final and is not subject to appeal, whether this be to a Committee, a Chamber or the Grand Chamber. Consequently, no further correspondence will be sent by the Court in connection with this case. In accordance with the Court's archiving practice, the file will be kept no longer than one year after the date of the decision.

The Registry of the European Court of Human Rights



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

T : +33 (0)3 88 41 20 18
F : +33 (0)3 88 41 27 30
www.echr.coe.int

FIRST SECTION

ECHR-LE11.2R
PMC/CWM/ds

5 February 2018

Application no. [REDACTED] (inadmissible)
[REDACTED] v. the United Kingdom

Dear Sir,

I acknowledge receipt of your letter of 25 January 2018.

I should remind you that the European Convention on Human Rights does not contain any provision for appeal against a decision by which the European Court of Human Rights has declared an application inadmissible. The Court's decision declaring your application inadmissible is therefore final.

I should also point out that, by virtue of Article 35 § 2 (b) of the Convention, the Court could not deal with any further application submitted by you which was substantially the same as the above application and which contained no relevant new information.

Yours faithfully,
For the Registrar

Petition 0321/2018

The Commission's observations

Under the Treaty on European Union and the Treaty on the Functioning of the European Union, the Commission has no general powers to intervene in individual child protection cases, which are set in a purely national context and have no link with EU law. In the same way, the Commission has no general powers to intervene with the Member States in the area of fundamental rights. It can only do so if an issue of European Union law is involved¹.

On the basis of the information provided by the petitioner, it does not appear that the matter is related to the implementation of European Union law. In the case described, the relevant UK authority has applied British family law. In the matters referred to in the petition, it is for the Member State concerned to ensure the respect of its obligations regarding the protection of the rights of the child and of the fundamental rights of their parents, as resulting from international conventions and from national law. In accordance with these conventions, Member States have to ensure that in all actions relating to children, the best interests of the child are a primary consideration. The national courts are in the best position to assess the application of the principle of the best interests of the child in individual cases.

Decisions by competent national authorities concerning parental responsibility and custody when there is no cross-border element are not regulated by European Union law. EU law as it currently stands, in particular Regulation (EC) No 2201/2003 ('the Brussels IIa Regulation')², indeed covers placement decisions as far as they are carried out in a cross-border context. Thus, the Brussels IIa Regulation focuses only on the cross-border elements of parental responsibility proceedings by laying down common rules to determine which Member State's courts are competent to deal with a case (jurisdiction) and how to recognise and enforce in one Member State a judgment given in another Member State. It also contains specific rules as regards cooperation between courts in two Member States in cases where placement across borders is considered.

In the absence of any specific agreement, cross-border cooperation between authorities of Member States and third countries can be based on international law, including the 1996 Hague Convention on Child Protection.

Substantive family law issues, such as the conditions for taking a child under care, its conditions and the possible limitation of parental rights, do not therefore fall under Union competence. These matters, governed by national law, are the sole responsibility of the Member States. The Commission does not monitor their application by national courts.

In recent years, the Commission has targeted funding under the rights of the child priority (Rights, Equality and Citizenship Programme 2014-2020) at capacity-building for judicial and other practitioners (such as child protection professionals) and professionals on child-friendly

¹ According to its Article 51(1), the Charter of Fundamental Rights applies to Member States only when they are implementing European Union law. For more information concerning the Charter and the circumstances in which it applies, you may consult the fundamental rights section of the website of the European Commission's Directorate General for Justice and Consumers - http://ec.europa.eu/justice/fundamental-rights/index_en.htm.

² Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (so-called Brussels IIa Regulation).

justice and children's rights in alternative care.¹ When designing funding priorities, international standards are referenced to ensure that EU funding serves to better implement standards in Europe, namely the UN Convention on the rights of the child, the Council of Europe Guidelines on child-friendly justice and the UN Guidelines for the alternative care of children.

At a global level, more and more focus has been put on the need for a systems approach to child protection, to ensure that the system meets the needs of all children. With this in mind, the 2015 European Forum on the rights of the child focussed on coordination and cooperation in integrated child protection systems and proposed 10 principles for integrated child protection systems.²

As regards the proceedings before the European Court of Human Rights, the European Commission, as an institution of the European Union, does not have any power in respect of the procedures of the European Court of Human Rights.

Conclusion

The Commission will continue to prioritise capacity-building on rights of the child for judicial and child protection authorities. However, based on the elements provided in the petition, the Commission cannot pursue this case, as the matter falls outside its competence.

¹ See summary of EU-funded projects on the rights of the child and violence against children 2013-present: <https://ec.europa.eu/info/sites/info/files/summaryofeu-fundedprojectsonrightsofthechildandviolenceagainstchildren2013-present.pdf>

² https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-protection-systems_en; 10 principles for integrated child protection systems: http://ec.europa.eu/newsroom/just/document.cfm?doc_id=49907