

Brussel, 13 November 2015



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MOTION AND PETITION

We are writing to the European Parliament with a request to become acquainted with and take action in an issue, in which we are parents, together with our children, are discriminated against and injured by the Family Courts of the Republic of Poland, as well as its legal authorities and organs, our break our basic right to family life.

In spite of the June 25 2015 amendments to the Family Code (KRiO), in particular, articles 107 and 58, which envisages full joint custody and alternate 50-50 residential custody over children following the break-up of a family, the Polish courts are purposefully dragging their heels in applying this law when making rulings over custody, even though they have full freedom to make various types of rulings over custody, including ones that involve 50-50 custody where the child(ren) spend equal time with each parent. In this way, the actions of the Polish Family Courts show that they do not see the basic issue of the family and children, in which the basic right it to have both parents.

In the current situation it is not parents, but Polish state bureaucrats who decide the fate of our children. In Poland we are trying to ensure that the family is regarded by the courts as the most important nucleus of society, and that both parents have an equal right in raising their children and spending equal time with them. Currently, our children are needlessly suffering and are the victims of a bad Polish court system, and the courts rather than seeking to deal with the problem, only work towards escalating the problem. Over 4 million Polish children are denied the right to care by the other parent (the father in 96% of cases) by the use of Parental Alienation which is supported by the Family Courts and other public organs, such as court experts like the Family Assessment Unit (RODK).

Errenous regulations which the Republic of Poland via Justice Ministry Decrees has purposely adopted in relation to the operation of the Family Assessment Unit (RODK) in relation to family cases and custody issues has resulted in damaging families and allowing the opinion of RODK units to be accepted as evidence into courts, to which they have no right. The breaking the Constitution in this area has been highlighted by a ruling of the Constitutional Tribunal on October 28 2015 under the sygnakt number U6/13.

At the same time, court psychologists, in accordance with the Law on the Profession of Psychologists and the regulations governing the actions of family court psychologists (2001) are presenting opinions even though they have no legal right to do so, as they do not belong to Regional Chambers of Psychologists, as the authorities of the Republic of Poland have not created these Regional Chambers.

Such situations in family issues should not have any place in a country where the rule of law applies – and in particular where not only the family, but fate of children are at stake. In the Republic of Poland there is systematic abuse of basic rights and laws granted in the Constitution by Family Courts, as the Constitution itself states that parents have the right to raise their children (article 48, point 2), which reflects the Children’s Rights Convention, which was ratified by Poland 25 years ago!

Rulings issued by Family Courts in relation to parental rights and contacts with children are not covered by any meaningful way that they can be executed. For example, there are rulings on a parents right to contact with their children which cannot be effectively executed even after many years.

For all these reasons we are writing to you and request help to ensure any kind of meaningful assistance by the European Parliament, as under the present rule of law we feel **SECOND CLASS CITIZENS AND OUR CHILDREN ARE ORPHANS.**

In spite of the fact the second parent is **ALIVE**, that parent is marginalized, not treated seriously by the state and has been reduced to solely acting as the person who is to finance the family through child support payments, which are arbitrarily set by the courts, and often set with no attachment to the actual earning ability of the parent or the real needs of the child has led to the financial ruin, discrimination of the parent and denies the child help from that parent in the future. This dramatic situation has led to many suicides of desperate parents.

Our Association would like to stress to the European Parliament that we request that the chamber takes serious interest in our case and the question of the problems of family life, in which both children and parents are the victims.

We hope that our motion and petition will be dealt with urgently by Parliament.

In concluding, we request that you set a day, time and location so that we can meet with Representatives from the European Parliament with the aim of jointly working out necessary solutions in order to avoid further damaging dramas.

We want to be treated as citizens of the European Union and our children are its future.

Yours sincerely