



THE REPUBLIC OF POLAND
Ombudsman for Children
Marek Michalak

Warsaw, 20 października 2017

ZSM.422.18.2017.JW

Ms. Margrite Kalverboer
Netherlands' Ombudsperson for Children

Dear Ms. Kalverboer,

My Office receives complaints from Polish citizens residing with their children in the Kingdom of the Netherlands asking for my involvement in connection with extensive interference of Dutch social services in the relationship of parents and children.

In the years 2016 and 2017 I noted a rise in the number of these complaints. From among all such complaints received by my Office from parents living abroad, complaints regarding the Netherlands constitute a majority.

In their letters Polish citizens say that as a result of actions of Dutch social services, children are being placed in Dutch foster families. The parents claim that minor children are separated from their siblings and placed in different foster families, and contacts between parents and children are subject to severe restrictions, e.g. Polish language is forbidden during meetings.

From the complaints it follows that Dutch authorities place Polish children in foster families which are culturally different and do not speak Polish. The Polish children are being deprived of their national identity, they lose their ability to speak Polish. This may impair communication with biological parents, to which children have right.

This practice of Dutch authorities raise my concern in terms of adequacy of measures taken and compliance with the Convention on the Rights of the Child, particularly art. 8 guaranteeing to respect the right of the child to preserve their identity, including nationality, name and family relations.

In my opinion even when circumstances justify taking a child away from parents, such child should stay with siblings, maintain relationships with family members and speak their mother tongue when together.



27 years of the Convention
on the Rights of the Child

On 7 October 2017 my representatives participated in a seminar organized by the Polish Consulate in the Hague „The Wellbeing of Polish Families in the Netherlands. Children Care Challenges”. Representatives of the Minister of Justice, Minister of Labour and Social Policy, Minister of Foreign Affairs, lawyers specializing in Dutch family law, representatives of Dutch institutions dealing with Polish families, Consuls and Polish parents also participated in the conference.

The event allowed for a debate on the situation of children of Polish citizens residing in the Netherlands, Polish and Dutch regulations regarding childcare, the scope of rights and duties of a parent in the Netherlands, and an exchange of experiences between domestic and foreign institutions dealing with Polish citizens residing in the Netherlands.

The ban for using Polish was also discussed. From the information obtained from parents, confirmed by Polish social workers and teachers working in the Netherlands, it follows that during meetings of parents and children placed in foster care the only language allowed is Dutch. Dutch is also compulsory for siblings in foster families.

At the seminar, the Polish parents shared that the aforementioned ban makes them feel discriminated against. The ban is too strict and leads to deprivation of national identity by the child.

Considering the above, I ask you as my counterpart, to investigate the problem at issue.

In particular, I ask you to evaluate the actions of Dutch social services in terms of compliance with the Convention on the Rights of the Child, and to inform me if you can, within your authority, take steps to protect the rights of Polish children.

I also ask you to support the Polish Consulate in the Hague in examining the cases concerning Polish children placed in Dutch foster families.

To the concern of:

Mr. Witold Waszczykowski
Minister of Foreign Affairs

Mr. Zbigniew Ziobro
Minister of Justice

Kind regards,
