

WRITTEN QUESTION P-1420/03  
by Mario Mastella (PPE-DE)  
to the Council

Subject: Violation by the Polish Government of international conventions on the custody of children

In August 1999 Mrs Karolina Paetz Pozza (Polish), the wife of Mr Paolo Pozza (Italian), on the pretext of taking the couple's children, Valentina and Federica (aged 2 and 7), to Poland on holiday, illegally kept them in the country and subsequently prevented them from going to school and meeting their father. These facts are borne out by a motion tabled by Senator Mauro Fabris which was adopted by the Italian Senate.

Despite rulings by Italian and Polish courts giving custody of the two children to Mr Pozza, the latter has been unable to bring the children back to Italy, although the Poznan police had the wherewithal to repatriate to the two girls.

The failure to return the girls is attributable to the Polish police's inability to enforce on its own territory a custody order issued by Italy and based on the principles laid down in two international conventions to which both Poland and Italy are signatories, namely the Luxembourg Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and the Hague Convention of 25 October 1980 on International Child Abduction.

Given the above, would the Council state:

1. what steps it intends to take with a view to ensuring effective judicial cooperation with Poland in custody and international child abduction matters in the run-up to the country's now imminent accession to the European Union as a full Member State;
2. how it intends to go about ensuring that existing international agreements on the custody of children are fully complied with by the relevant judicial authorities, both in Poland and in the Member States;
3. whether it would not agree that it should exert some pressure on the Polish Government with a view to rapidly resolving this distressing and regrettable family problem?