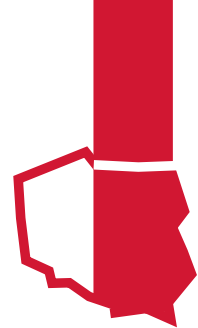


# **LOCAL GOVERNMENT CHARTER OF THE RIGHTS OF THE FAMILY**

Commune

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**Resolution No. .... / ..... / 2020**

**Commune Council**

.....

of ..... 2020

**on the adoption of the Local Government Charter of Family Rights by Commune**

.....

Pursuant to Art. 18(2)(2) in connection with Art. 7(1)(6a), (8) and (16) of the Act of 8 June 1990 on county self-government (Journal of Laws of 2019, item 506, as amended) and § ..... of the Statute of Commune ..... constituting an appendix to Resolution No. .... / ..... / ..... of the Council of Commune ..... dated ..... on adopting the Statute of Commune ..... (Dz. Urz. Woj. .... item ..... as amended) - the following is passed:

**§ 1**

The Local Government Charter of Family Rights, constituting an annex to this Resolution, is adopted as an expression of the protection of values confirmed in the Constitution of the Republic of Poland, including the protection of marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, the right to protect family life, the parents' right to rear their children in accordance with their own convictions, and the child's right to be protected against demoralisation.

**§ 2**

The resolution is to be executed by the Commune Head/Mayor of .....

**§ 3**

The Resolution shall become effective upon its adoption.



# ART. 18. PRINCIPLE OF FAMILY PROTECTION

Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.

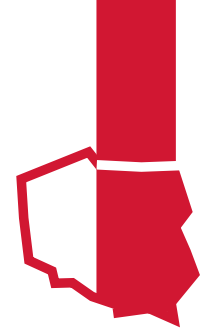
Dz.U.1997.78.483 - Constitution of the Republic of Poland of 2 April 1997.

The Constitution of the Republic of Poland

## The Constitution of the Republic of Poland



Rights for the  
family



## JUSTIFICATION

The purpose of the draft resolution is to realise the „principle of subsidiarity in the strengthening of the powers of citizens and their communities” confirmed by the constitution legislator in the preamble to the Constitution of the Republic of Poland, by strengthening the family as a basic social community, and ensuring its protection against influences of the ideologies that undermine its autonomy and identity.

Art. 18 of the Constitution requires public authorities to provide special protection and care for marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood. The basic law also imposes on public authorities the obligation to be guided by the good of family in their social and economic policy. The principle of subsidiarity regarding family is also specified in Art. 47 of the Constitution, guaranteeing legal protection of family life, and Art. 48(1), which confirms the right of parents to rear their children in accordance with their own convictions. Art. 72(1) of the Constitution sets out the constitutional principle of care for children and confirms that anyone can request public authorities to protect a child against demoralisation. Public authorities are obliged to take into account the welfare of the family in social and economic policy.

No community can grow without families — strong families are the foundation of a strong community. Today, when our country is facing demographic challenges and the weakening of social ties, including family ties, it is essential for the public authorities to ensure conditions for the proper functioning of families and marriage, and for strengthening the ties that they are based on.

In these circumstances, it is necessary to explicitly support the values confirmed in the Constitution of the Republic of Poland. To this end, the local government decides to introduce the specific solutions proposed in the Local Government Charter of Family Rights, which is a comprehensive program of measures to strengthen the family.

The adoption of the Local Government Charter of Family Rights is not only a declaration of support for a strong family, but also a commitment of a head of a county/mayor to take specific measures aimed at protecting the rights of parents and the welfare of children in school and kindergarten, taking into account the context of family rights in the social policy of local government, adjustment of social services to the needs of families, promotion of good practices regarding family rights in business, monitoring and enforcement of family rights throughout the area of local the government’s competence, and establishing family-friendly local law.



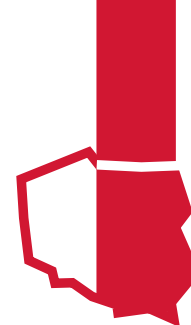
# RIGHTS FOR THE FAMILY

Programmes of partnerships with community organisations should respect the principle of strengthening the family and marriage and rule out the funding of any projects harmful to these values.

It is especially crucial to exclude any chance of allocating public funds and public property for projects that undermine the constitutional identity of marriage as a relationship between a man and a woman or the autonomy of the family. The terms and conditions of local government competitions for community organisations should be supplemented with standards that support the family and marriage and exclude the earmarking of funds for activities undermining the constitutional foundations of the family law or prejudicing the rights of citizens.



Protection  
for family



# LOCAL GOVERNMENT CHARTER OF THE RIGHTS OF THE FAMILY

**T**he foundation of social order and the basic social unit, family is an optimal environment for people to develop. It provides the indispensable support for all of its members, especially the youngest and oldest ones. No community is able to pursue common good without the involvement of families. Our future depends on their proper functioning.

Local government is the foundation for the rule of law. We are categorically against any attempts to undermine the constitutional rights of families at a local government level, including the rights of parents and children and the legal status of marriage.

We stand by the values stipulated in the Constitution of the Republic of Poland, i.e. family, marriage as a relationship between a woman and a man, parenthood and motherhood (Article 18), the right to protect family life (Article 47), the right of parents to raise their children in accordance with their own beliefs (Article 48(1)), and the right of a child to be protected against demoralisation (Article 72(1)). Public authorities are obligated to develop their social and economic policy taking into account the best interest of the family (Article 71(1) of the Constitution).

We urge everyone – families, associations and local governments – to join this Charter by defending the values it stands for and ensuring they are respected through enactments and measures that implement the solutions defined herein.

## **I. RIGHTS OF PARENTS AND THE BEST INTEREST OF THE CHILD AT SCHOOL AND PRESCHOOL**

**W**hen applied to the family, i.e. the basic community of citizens and the primary social unit, the constitutional principle of subsidiarity, which “strengthens the rights of citizens and their communities,” is realised in the constitutional right of parents to raise their children in accordance with their own beliefs. The task of educational institutions is to support the educational role of families without violating the constitutional rights of parents (Article 1(2) of the Polish Education Law<sup>1</sup>). The role of the education system is not to replace family upbringing. Unfortunately, in practice, even the statutory rights of parents are often ignored in the course of school and preschool education.

In view of the above, local governments must adopt a “Code of Good Practice” that would lay

1 Polish Educational Law of 14 December 2016 (Journal of Laws of 2018, item 996, as amended).



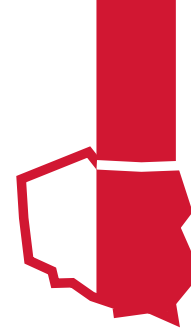
# RIGHTS FOR THE FAMILY

Proper exercise of the rights of families at local government level requires appointing a Speaker for Family Rights and establishing a local system for reporting violations of family rights.

The Speaker should monitor if local government institutions, including schools, respect family rights and intervene whenever they are breached. The Speaker may hold a helpline or a contact mail box to receive complaints. They should also keep parents informed about their rights.







down the model solutions showing how to organise the educational work of schools based on the principle of their educational subsidiarity to the family. Even though such a document will not be binding, it may substantially influence the structure of the organisational culture of schools managed by the local government.

Local government schools must respect the statutory rights of parents, especially the rights of the parents' board to adopt the education and prevention programme and to approve any partnership with NGOs, and they must each time secure the parent's consent to the child's participation in any extracurricular activities. Furthermore, it is a good practice to give parents an opportunity to become actively involved in those processes, also when it comes to the content taught.

Parents should be allowed to verify any external organisations operating on the premises of the school and any materials they use during non-compulsory classes dually: both individually and collectively – through the parents' board. It is a good practice to present information including not only the name but also the programme and profile of the organisation to each parent separately, in a way allowing them to become familiar with the content thereof before enrolment. A similar mechanism should be applied to any other teaching and educational activities pursued by schools or institutions that go beyond the curriculum or that involve issues covered by the curriculum of Family Life Education, including those financed from public grants.

It is also a good practice for the school to inform the parents about their rights even if this is not directly required by statute.

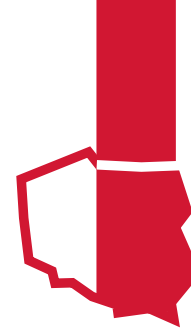
The local government managing the school should also make the information about any partnerships between schools and NGOs available to the public by posting it on the Public Information Bulletin (BIP) and on the local government's website. The notice should specify at least the names of the organisations approved by the headmaster and the nature of their activity. This will give the parents insight into the functioning of the school before they decide to entrust it with any tasks related to the upbringing of their child.

Such solutions should be supplemented by workshops for parents to develop their upbringing competences and for children – for supporting the upbringing role of the family in accordance with integral upbringing model. Local government should initiate and support teacher training that addresses those issues and focuses on relations with parents. Schools that develop and follow good practices related to the family rights should be supported and rewarded by the local government.

## **II. FAMILY RIGHTS IN THE LOCAL GOVERNMENT'S SOCIAL POLICY**

**T**he context of the family rights, autonomy and identity should be included in the development and implementation of any instruments of the local government's social policy.

**Programmes of partnerships with community organisations should respect the principle of strengthening the family and marriage and rule out the funding of any projects harmful to these values.** It is especially crucial to exclude any chance of allocating public funds and public property for projects that undermine the constitutional identity of marriage as a relationship between a man and a woman or the autonomy



of the family. The terms and conditions of local government competitions for community organisations should be supplemented with standards that support the family and marriage and exclude the earmarking of funds for activities undermining the constitutional foundations of the family law or prejudicing the rights of citizens.

**Local government programmes aimed at preventing violence and supporting its victims, preventing alcohol and drug abuse and supporting health prophylaxis should respect the integrity of the family, which may only be waived in special situations, such as threat to the life or health of its members.** It is the only way to avoid pathological situations of disproportionate, unfounded interference in the life of families, up to taking the children away.

It is important that the preventive and awareness programmes pursued by the local government address the key challenges that families face today, including procreational health promotion and measures to support the durability of marriages.

**Local government should support families that raise children, including large families. It is also necessary to exclude legal discrimination of marriages and the children they are raising from social policy.** Situations where the fact that the parents are married has negative consequences for the child happen way too often. This applies in particular to access to services and benefits offered by the local government which require a declaration on a single parent status. The situation can be managed through the introduction of a requirement, already known in the Polish legal system, for a single parent to present a judgement awarding child maintenance – to eliminate the abuse of that privilege

by those who are not eligible and to substantially limit the scale of the discrimination of marriages.

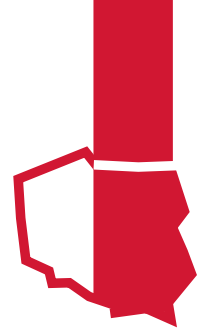
Another important element of the social policy of a local government should be **the creation of solutions that allow parents to choose between various forms of childcare for the youngest children.** Local authorities should implement mechanisms to allow the parents of the youngest children to choose between home care, institutional collective care and other forms of childcare to meet the diverse needs of various groups of parents and children. Such solutions would be also convenient for those parents whose children cannot use collective care.

The actual activity of local authorities depends not only on the applicable legislation but also on the knowledge of the clerks and on how well they are prepared. This is why it is important to train local government workers, including those in charge of **social welfare, on the autonomy and legal identity of the family, on the rights of parents and on the best interest of the child.** The training participants should receive reliable and ideology-free information about the existing legislation and effective methods of preventing any undesired phenomena, such as violence, addictions and other dysfunctions that may take place in households and public space. Even though empirical studies clearly confirm that strong family bonds effectively protect against violence, this basic knowledge has been undermined at many seminars delivered thus far.

### **III. SOCIAL SERVICES ADAPTED TO THE NEEDS OF FAMILIES**

**L**ocal government should also attempt to optimally adapt social services to the needs of families and, where possible, provide solutions





to make them available to families with children. Sports and leisure infrastructure should offer possibilities for families to spend time together.

It is also important to promote the significance of family, marriage and parenthood within the activity of the local government's cultural institutions.

#### **IV. PROMOTION OF GOOD PRACTICES REGARDING THE RIGHTS OF FAMILIES IN BUSINESS**

**G**ood practices regarding the rights of families should also be promoted in the business sector. **Local government should support certification programmes addressed to businesses that have adopted family-friendly solutions.** This may be a programme for certifying solutions addressed to consumers, such as discounts for families or amenities for families with children, or a programme of good practices regarding the situation of employees who are parents.

#### **V. MONITORING AND ENFORCEMENT OF FAMILY RIGHTS**

**E**xercise of family rights requires effective mechanisms for their enforcement. Families must also be aware of their rights.

**Proper exercise of the rights of families at local government level requires appointing a Speaker for Family Rights and establishing a local system for reporting violations of family rights.** The Speaker should monitor if local government institutions, including schools, respect family rights and intervene whenever they are breached. The Speaker may hold a helpline or a contact mail box to receive complaints. They should also keep parents informed about their rights.

#### **VI. ENACTMENT OF FAMILY-FRIENDLY LAWS**

**T**he significance of family rights is not limited to the solutions included in this Charter. The situation of families is also directly shaped by many legal acts whose primary focus is on other issues.

This is why **the enactment of every local law should be preceded by determination of whether it will affect the situation of families and the scope of their rights, including the rights of parents and children, in accordance with the *family mainstreaming* principle.** If it will, the law must be each time subjected to comprehensive assessment in this respect. It is particularly unacceptable for local laws to limit the constitutional and statutory rights of families and their members.

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Stowarzyszenie  
Rodzin Katolickich  
Diecezji Legnickiej



STOWARZYSZENIE  
RODZICE CHRONIĄ DZIECI

