



# **ITAKA - Centre for Missing People in Poland**

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# Agenda

1. **About ITAKA**
2. Parental abduction
3. What does ITAKA do about it?
4. Purpose

# ITAKA – Centre for Missing People

## Who are we?

- **the only** NGO in Poland, which provides comprehensive advisory services in cases of people going missing

## What do we do?

- **search for missing** adults, teenagers and infants
- **help** the families of missing people
- **counteract disappearances** by providing prevention trainings
- since 2009 we also deal with **parental abduction** cases

## Our teams

Helpline:

- 0 801 24 70 70 or +48 22 654 70 70
- 116 000 International hotline for missing children and teenagers

## Search and Identification Team

- 24h a day
- 7 days a week

**Legal department**

**Psychologists**

## Main search activities

- publishing missing persons ads on our website
- cooperation with media and various organisations, institutions and services (central authorities, foreign embassies and consulates, Police, Municipal Police, welfare centers, search and rescue teams, public transport enterprises, etc.)
- gathering and verifying information (if possible)



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# Parental abduction

## Art. 211 of the Polish Criminal Code

### Kidnap

Anyone who abducts or detains a minor under the age of 15, or a person who is helpless due to a mental or physical condition, against the will of the person appointed to take care of or supervise him or her, is liable to imprisonment for up to three years.

# Parental abduction

Due to a decision by the **Supreme Court of Poland** from 1979 a parent who has unlimited parental authority **cannot** commit this crime.

## **Solution:**

- Reporting a missing child case to the Police
- Civil Procedure
- Hague Convention on the Civil Aspects of International Child Abduction



## Reporting to the Police

- parental abduction is not a crime in Poland
- searching for the abducted child as a missing person
- finding the child ends Police procedures

# Searching in parental abduction cases by ITAKA

- only if reported to the Police
- only if there is no information on the abducted child at all
- only if all other attempts to establish contact with the abducting parent have failed

## Why are we reluctant?

once on the Internet – forever on the Internet

# Civil Procedure

## Jurisdiction

- jurisdiction does not depend on the child's nationality
- habitual residence after 6 months

## Weak points

- protraction of proceedings (months, even years)
- ineffectiveness of court's decisions

# Hague Convention

- securing the prompt return of children wrongfully removed to or retained to a foreign state
- protection of the child from negative consequences of the abduction
- no decision on the custody or access matters

# Hague Convention

- faster and more effective than national law
- difficult to execute in Poland



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## What does ITAKA do?

- informing authorities, members of the Polish Sejm, the Police, other NGOs and the society about the problem
- close cooperation with the Police
- national and international exchange of experience
- attempts to change the current civil law

**Hoping to contribute to better  
protection of children**

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# Purpose

To change Polish law in a way, which makes it possible for parents, who have all court orders in their favor, to execute their rights.

# Summary

1. About ITAKA
2. Parental abduction – legal situation
3. What does ITAKA do?
4. Purpose





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