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Chairman of the Senate of the Parliament of the Czech Republic
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Dolní Břežany, 6 June 2025

Dear President of the Senate,

My name is Zuzana Andreatta and outside of my working hours I am intensively trying to improve the system of protection of the rights of children and families in the Czech Republic, because during my life journey and from my detailed surveys of families and children, I have found out that the situation in the Czech Republic is critical.

With this letter, I would first like to provide you with a practical perspective, as it brings concrete experience that can help to gain a deeper understanding of the impacts of the current setting of legislation and the functioning of individual institutions. In March this year, I sent a letter to the Minister of Justice and the Minister of Labour and Social Affairs for the purpose of eliminating the causes of negative consequences, as well as the detailed changes to the laws and other measures that I propose in order to eliminate the causes of negative consequences. So far, I have only received an answer from the Ministry of Justice, and I am also sharing this answer with you in this way for a comprehensive view, through attachments.

I want to share my practical experience with you because you will soon be discussing in the Senate the Government Bill amending Act No. 89/2012 Coll., the Civil Code, as amended, and other related acts, according to **Parliamentary Document No. 728**, which, if adopted, will significantly damage the protection of the rights of children and families in the Czech Republic, than it is at the present time, and I consider the current situation to be alarming, as it has very negative consequences for children and unconditionally loving endangered parents. It is necessary to change the legal norms concerning children and families, but I am of the opinion that it is completely different from what is stated in the current proposal. **I will be grateful if you evaluate all documents (letter to the ministries, letter from the Ministry of Justice, and this letter) as important documents/materials related to the legislation under discussion and send them to the senators. At the same time, I hereby ask you to return this bill for substantial redrafting.**

As you can read in more detail in the attached report, I do not agree with the opinion that simplifying and speeding up the divorce process, as well as deciding on the circumstances of a minor child for the period after divorce, will lead to an improvement in the system of protection of the rights of children and families. I also disagree with the statement in the explanatory memorandum to Parliamentary Document No. 728 that *"the current legal regulation of divorce contains some elements that are assessed as obsolete from the point of view of application practice and legal theory. It cannot be assumed that there is a public interest in the preservation of the elements or an interest in the protection of either spouse."* I am of the opinion that, on the contrary, there is a substantial interest in the protection of one of the spouses and also an interest in the protection of the safe environment of the household where the child is and in which he or she is to experience a happy and satisfied childhood, i.e. in fact an interest in protecting the needs of the child.

Below I summarize other essential information that the appendix processed from practice at the beginning of this year does not mention. Therefore, I ask you to pay attention to the texts below, which will help you to deeply understand the issue of family relationships, because when creating laws, it is necessary not to look at the area with your own view, your own impressions and feelings (your own upbringing from your parents), i.e. not to put yourself in others, but it is necessary to create laws in such a way as to protect and regulate situations, which in practice arise and should not arise in the family scheme, because the main goal of the status of marriage is to protect the family, while protecting the family, i.e. parents and children, is also necessary in the divorce phase, which subsequently has an extremely serious impact on the future life of parents and children after divorce.

A partnership relationship begins with getting to know each other's needs, finding out about the needs of each other, fulfilling the needs of each other, which continuously strengthens the partnership. With the arrival of a child, the position in the relationship changes significantly. The family relationship is already strengthened automatically, with the arrival of the child. The position of partners/parents in a family relationship is different, one cares more (maternity leave, parental leave), the other works more. Quite logically, the working parent is in a stronger position (especially economic) in the family scheme and the other parent becomes the so-called endangered parent. At this point, the relationship continues healthily only if the parents respect the principles of marriage, i.e. mutual support, help, equality and belonging. Parents are able to honor these principles only if they have experienced (learned) these principles from their childhood, from their mother, from their father, from their family. If these principles are not followed by a parent in marriage, various types of domestic violence arise, which in many cases result in the divorce phase.

The claims of MPs that *"Children must not be victims of disputes between parents"*, or judges who require parents to *"put some of their conflict on the back burner, avoid conflict situations and act in the best interest of the child, which should be crucial for both parents, so that their affairs are resolved by agreement of the parents and not by court decisions"* are caused by a mere misunderstanding of the issue of the family scheme, as they look at cases with their own eyes. They do not perceive that **the cause of these proceedings** (child custody proceedings, maintenance determination and proceedings

in the matter of the division of the joint marital property) **is not the conflict between the parents, but precisely the effort of one parent to achieve such a state that will be in the interest of the child, namely that the child will be provided with a happy and satisfied childhood in a safe family household.** In practice, an agreement between the parents, as required by judges and deputies, is only possible if both parents operate **on the principles of mutual support, assistance, equality and belonging, which are the principles of marriage.** However, findings from practice show that it is precisely the failure to comply with the principles of marriage that is the reason for divorce and, according to sociological surveys, domestic violence of various kinds, as a result of non-compliance with the principles of marriage, manifests itself in every 3rd family in the Czech Republic. A fair agreement between the parents in the interest of the child, as required by deputies and judges, is therefore not possible in practice, because often one parent refuses mutual support, assistance, equality and belonging. In fact, this bill and the current practice of judges put pressure only on the other parent, who is, however, the so-called endangered parent whom the state is supposed to protect, just like the child. The proposed introduction of an arranged divorce, the abolition of the mandatory investigation of the causes of divorce, the promotion of amicable solutions, the simplification of proceedings and the modernisation of childcare (the abolition of alternating custody and single-parent custody) will therefore lead to a substantial deterioration of the system of protection of the rights of children and families.

At the same time, it should be noted that in the past, legislators have already put the so-called parental agreement into practice, through the status of joint custody. As practice shows, joint care is harmful. In practice, this causes that the principles of support, assistance, equality and belonging are not fulfilled by the first parent, and the endangered parent and child continue to face, after the termination of the marriage, mainly irregular care and non-participation in the maintenance of the child by the first parent. In practice, the endangered parent and their household thus fall into a financial trap, which deepens and deepens significantly more in cases where the child falls ill for a week or two, because the benefits in the OCR are lower than the parent's normal income. In practice, the endangered parent does not routinely arm himself against these unequal conditions, due to the legal financial burden and, in particular, for fear of ensuring a happy and satisfied childhood for the child who wants to be with the parent from whom he feels love, because the endangered parent often faces the threat of shared custody from the first parent, which the current judicial practice has been widely acknowledging since 2013 in the case of when the parent only shows interest. The courts do not examine the past, i.e. the actual interest shown in the child by the parent, and therefore do not assess what is the real reason for the parent requesting joint custody. If in the past the parent did not show real interest in the child, did not take care of the child with love and the child does not feel love from the parent, then, as practice shows, the real reason for the interest in shared custody (in some alarming cases even sole custody) is the unwillingness to pay alimony, the effort to force the return of the other parent, or revenge on the other parent for the so-called "disobedience in marriage" through the child, who, however, does not actually want to be with the other parent, because he does not feel love from him. Very often, practice shows that such a parent, even at the moment of achieving shared custody, provides this care through other persons, not personally, or if he provides it personally, the child suffers psychologically, which in some cases results in lifelong frustration of the child (in the event that he or she does not receive

psychological support) and also has an extremely negative impact on his or her future development and on the child's future family relationship, For we bring the basis for our own family life from our own childhood.

The above-mentioned automatic emergency brake must therefore also work at the stage of determining child care, in such a way that child care is determined only and exclusively in accordance with the child's interests.

What needs to be assessed in order to make a decision in the best interest of the child has already been judged many times in our society; *'The criteria which the ordinary courts must take into account in the best interests of the child in such proceedings include, in particular: '(1) the existence of a blood bond between the child and the person seeking custody of the child; (2) the degree to which the child's identity and family ties are preserved in the event of the child's custody of a particular person; (3) the ability of the person seeking custody of the child to ensure the child's development and physical, educational, emotional, material and other needs; and (4) the child's wishes'.*¹

Since 2013, the right of a parent to raise a child has been pitifully placed above the child's right to a happy and satisfied childhood in court practice. The courts have begun to interpret the interest of the child in such a way that it is in the interest of the child to have both parents, both female and male elements, because neither can replace the other and the separation should affect the child as little as possible, and therefore the parent has the right to continue to maintain the mutual relationship. It is true, of course, that a child generally needs a male and female element for its development, but at the same time, and this is crucial, it is necessary to examine whether the parent actually passes this element on to the child as he should. A child needs a mother/father, but only on the condition that the mother/father, as a loving parent, looking at the interests and needs of the child, really works, and if this is not the case, then maintaining such a relationship (especially shared custody) is a lifelong frustration for the child and has an extremely negative effect on his future development and on the future family relationship of the child, because we bring the basis for our own family life from childhood. Therefore, only the relationship between parent and child should be preserved to such an extent that the parent does not actually harm the child's development. The best indicator for assessment is to examine how the parent viewed the interests and needs of the child in the marriage regime. If, in fact, the parent did not show love, care and consideration for the interests of the child in the marriage and the child therefore quite logically wants to be with the other parent, then the courts' procedure is against the interest of the child, because they effectively elevate the parent's right over the child's right. It is not in the interest of the child to see the parent, it is in the interest of the child to have a happy and satisfied childhood, and if he does not feel love from the parent, then alternating/exclusive custody from the parent is definitely not in the interest of the child. Therefore, in the event of a custody dispute, it is always necessary to analyze the parent's behavior towards the child in the past, during the marriage, and listen to and comply with the child's wishes if he is already able to express his feelings and wishes (usually from 5-6 years of age). It is

¹ <https://www.zakonyprolidi.cz/judikat/uscr/ii-us-1338-20-3>

necessary to focus on the child and always look at the situation through the eyes of the child in order to preserve a happy and satisfied childhood, not to decide on the parent's right to upbringing, which has developed in the Czech Republic since 2013.

It is pathetic to observe how we destroy our own children and their future development when we do not want to allow them to grow up in a safe environment in which they feel love and care, as was the case, for example, in the case of a nine-year-old boy in December 2024² who begged the Constitutional Court to be with his mother, or in the case of a ten-year-old boy in June 2023³, who was even sent to a crisis center for 3 months by the court, to make him change his mind about contact with his father.

It is necessary to realize that love from the child must be built, precisely by giving it to the child as a parent, not by forcing the child's respect and obedience through the court. Please see the practical implications of such decisions for families and children, e.g. "mixed anxiety-depressive disorder, post-traumatic stress disorder, polyvalent allergies and autoimmune diseases"⁴, "but both suffer from post-traumatic stress disorder and autoimmune illness as a result of experienced psychological stress"⁵, as we have experience from the past. I am convinced that the significant increase in children's mental problems is not caused by COVID, as is often lectured, but by the family environment in which the child has to grow up. After all, the Safety Line has recorded a significant increase in calls on the topic of violence against children (CAN Syndrome) in recent years. In 2024, there were 2,433 calls. Mental health problems account for 38% of all calls, specifically over 20,000 calls in 2024.

For children, such court decisions are devastating, because the child needs love for his development more than the mere presence of the masculine/feminine element. The court constantly prioritizes the parent's wishes over the child's wishes, and this therefore has clearly negative consequences for the child's future personal development.

The child's wishes, whatever they are, must always be placed above the wishes/requirements of the parent and only by looking only at the child's wishes, through the eyes of the child, will we remove any possible manipulations on the part of the parents to achieve through the care of their personal interests (e.g. revenge, low or no alimony, etc.). Only a procedure that fully respects the child's wishes can ensure a happy and contented childhood for the child, which is the goal. A child is aware at an early age (meaning from the moment he speaks) with whom he is happy and satisfied (from whom he feels love), and it is therefore possible to find out through appropriate psychological methods. A confirmatory indicator is the examination of the past, which should always be carried out by the court/OSPOD.

Please look more deeply into the other consequences that current judicial practice causes when it does not take into account the interest and wishes of the child. Of course, an unconditionally loving parent

² https://www.idnes.cz/zpravy/domaci/ustavni-soud-chlapec-zamitnuta-zadost-usneseni-stiznost.A241203_102955_domaci_vank

³ <https://www.novinky.cz/clanek/krimi-soud-poslal-hocha-do-ustavu-nechtel-vidat-otce-40433322>

⁴ <https://blog.idnes.cz/vodickovamarie/jmenem-republiky-znicene-detstvi-i-znicene-zdravi.Bg16102180?setver=full>

⁵ <https://blog.idnes.cz/vodickovamarie/jmenem-republiky-znicene-detstvi-i-znicene-zdravi.Bg16102180?setver=full>

who provides love and care to a child logically tries to ensure that the child has a happy and satisfied childhood, because the greatest pain for an unconditionally loving parent is the moment when his child is unhappy and cries. In current judicial practice, however, this parent is punished with financial sanctions (fines currently reach as much as CZK 1 million) for insufficiently supporting the child's relationship with the other parent. Again, the court effectively enforces the respect and obedience of the child by enforcing respect and obedience from the other parent. How painful is it for a child when his "loving parent" begins to force him to go to the other parent from whom he does not feel love? This child, quite logically, loses the feeling of love even from the first parent and begins to actually hate him for what he does to him (forcing him to go to the second parent, even if the child does not want it). The impacts on the child are drastic, for their psychological development and for their future family relationship.

It cannot be forgotten that parents who protect the interests and wishes of their children are currently facing criminal proceedings and their children are taken from their care into the sole care of the other parent because the first parent does not sufficiently support and create the child's love for the second parent. However, the other parent should and should create it in the child himself, with his care, love, looking up to the needs of the child, because only in this way will the child love him. Love cannot be forced, we receive love in return for giving it. Achieving one's goals (respect, obedience) by an order is therefore devastating in practice for both the child and the loving parent.

I ask you to change your approach to decision-making about care in connection with a deep look into practice, so that children have a happy childhood, feel love and thus base their future family life on the right principles.

In conclusion, I ask you to change the legal norms governing marriage and the divorce phase and set up in accordance with the principles of marriage described above, so that even a parent who does not have the principles of mutual support, help, equality and belonging from his childhood (from his family) must comply with these principles automatically, i.e. that the legal norms do not allow him to behave in such a way at all, or prevent undesirable family behaviour as much as possible, which will largely eliminate the cause of violence in families and the status of marriage will fulfil what it is supposed to fulfil – that is, to protect the principles of mutual support, help, equality and belonging.

I also ask you to always have an emergency brake from the courts for the control of the determination of alimony and the control of the fair distribution of the joint marital property for endangered parents and children, automatically for all divorces in this country, so that the principles of mutual support, assistance, equality and belonging are maintained even in the divorce phase, because it is this phase that has a significant impact on the future life of the parent and the children.

At the same time, at the end of this letter, I would like to inform you that everything I have provided to you, including this letter, I am also sending to the President of the Czech Republic with a request to veto the bill in this wording.

Confident that the system of protection of the rights of children and families will be improved.

Kind regards

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Attachments:

- 1) Report to ministers of 19.3.2025
 - 2) Response from the Ministry of Justice of 23.5.2025
 - 3) Statement of the Safety Line of 12.5.2025
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