

## **Evidence submitted by Fathers4Justice**

Today Britain is a strange place for decent, committed, but separated parents:

— Fathers who walk away from their children are rightly condemned— fathers who act when they find themselves blocked from continuing to be dads are equally condemned.

— Fathers are routinely stigmatized as abusers, yet a mother is twice as likely to kill her child than a father.

— Fathers are routinely stigmatized as violent, yet the NSPCC states that 65% of domestic violence against children is committed by a mother.

— Government says that fathers are almost always granted contact with their children yet over half of all contact orders are ignored and courts say that there is nothing they can do.

— Government rightly seeks to eradicate family violence BUT refuses to act when a man suffers the abuse of having his children used as an emotional weapon against him.

— Government says that there should not be a legal presumption of contact yet this same presumption exists in public law children cases.

— Over 40% of mothers admit to emotionally abusing their child by stopping contact, yet Government turns a blind-eye.

— Over 40% of fathers lose contact with their children following parental separation, yet the Government does nothing.

— Children, who would otherwise benefit from the love and care of a decent parent, suffer when one parent denies this.

Yet . . .

Government ignores this harm. It is blind to the hurt and injury it causes. By ignoring this abuse of children, Government is an apologist for those that abuse.

Whilst this war of words goes on, 100 children every day lose contact with a parent, adding to the 250,000 children who have suffered this fate since Tony Blair came to office.

What a strange place Britain is today when a decent, loving and caring parent cannot do the one thing that all decent parents are pre-programmed to do, protect and nurture his child.

### **CHILDREN ACT 1989:**

Where a child is in the care of a local authority, the authority shall (subject to the provisions of this section) allow the child reasonable contact with his parents . . . Where a child is being looked after by a local authority, the authority shall, unless it is not reasonably practicable or consistent with his welfare, endeavour to promote contact between the child and his parents.

Why, when Public Law protects the parent/child relationship, does the Government argue

that this protection should not apply in Private Law cases?

### **FAMILY LAW ACT 1996 (UN -ENACTED):**

children have the right to know and be cared for by both parents, regardless of whether their parents are married, separated, have never married or have never lived together.

The general principle, in the absence of evidence to the contrary, is that the welfare of the child will be best served by:

(i) his having regular contact with those who have parental responsibility for him and with other members of his family;

(ii) the maintenance of as good a continuing relationship with his parents as is possible.

Why, when this Act has been passed by Parliament, do children and parents still not have this protection in law?

### **EUROPEAN CONVENTION ON CONTACT**

As it is such an important human right, obtaining and maintaining regular contact between the child and his or her parents should only be restricted or excluded where necessary in the best interests of the child.

41. Article 4 paragraph 2 of this Convention provides that contact may be restricted or excluded only where necessary in the best interests of the child. Therefore the only criterion shall be the best interests of the child. However, it must be beyond any doubt that such restriction or exclusion of what essentially is a human right is necessary in the best interests of the child concerned. The appreciation, by judicial authorities, of the necessity of a possible restriction or even exclusion of the right provided in Article 4 paragraph 1 shall therefore take into account the following elements: there shall be no other less restrictive solution available; the possible restriction or exclusion shall be proportional; the necessity of the restriction or the exclusion shall be duly justified. The more the right of contact is to be restricted, the more serious the reasons for justifying such restriction must be.

Why, when Europe moves toward greater protection for the parent/child relationship, does the Government not want British children and parents to have the same protection?

### **GORDON BROWN:**

Nothing matters more than being a father.

Why doesn't this philosophy permeate Government policy?

### **FATHERS4JUSTICE SUBMISSION**

Our submission is brief, at its core is our Blueprint for Family Law in the 21st Century a document that sets out the problems of the Family Courts and potential solutions that would provide for a more equitable, less adversarial, and, ultimately more successful, family justice system for private law cases that really puts children first. Our Blueprint should be considered as the main body of evidence that we submit to the committee (not

printed). Secondly, we submit the judgement of Mr Justice Munby in the case of Re D [2004] EWHC 727 Fam and its associated chronology, which, in so many ways highlights how courts let children and parents down (not printed).

Lastly, we submit a very small selection of the thousands of emails received from parents, grandparents and children who have suffered through the failings of Britain's family justice (not printed).

In committee or court room it is easy to distance oneself from what this issue is really about, the love of a child for her parent and parent for his child. Something that is so precious, so important and easily tampered with during the emotional upheaval of parental separation, and something that we at Fathers 4 Justice believe should be protected by law.

Fathers4Justice has a unique insight into the hurt and harm that occurs when children and parents are split apart and we respectfully invite the committee to hear verbal evidence from us.

Gary Burch and Michael Cox

On behalf of Fathers4Justice

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