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**Report on the International Scientific Conference
“Contemporary threats to parental responsibility.
Selected legal aspects” organised within the framework
of the 2022 Central European Professors Network
(Miskolc, Hungarian Academy of Science,
5 December 2022)**

**Sprawozdanie z międzynarodowej konferencji naukowej
pt. „Współczesne zagrożenia dla odpowiedzialności rodzicielskiej.
Wybrane aspekty prawne”, zorganizowanej w ramach
Sieci Profesorskiej Europy Środkowej
(Miskolc, Węgierska Akademia Nauk, 5 grudnia 2022 r.)**

MARIA MASŁOWIEC

University of Miskolc – Central European Academy
maslowiec.maria@student.uni-miskolc.hu

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Abstract: This paper aims to provide a comprehensive report on the conference “Contemporary threats to parental responsibility. Selected legal aspects” held on 5 December 2022 in Miskolc and organised by University of Miskolc – Central European Academy as part of the Central European Professors Network. It includes a presentation of individual papers by conference participants from Croatia, Czechia, Hungary, Poland, Serbia, Slovakia and Slovenia. The conference was the final event crowning the activities of the research group dealing with parental responsibility, the outcome of which will be publishing of a monograph.

Keywords: parental responsibility/authority/care, Central Europe

Abstrakt: Celem niniejszego tekstu jest przedstawienie sprawozdania z konferencji pt. „Współczesne zagrożenia dla odpowiedzialności rodzicielskiej. Wybrane aspekty prawne”, zorganizowanej 5 grudnia 2022 r. w Miskolcu przez Uniwersytet w Miskolcu – Akademię Środkowoeuropejską w ramach Sieci Profesorskiej Europy Środkowej. Zaprezentowane zostaną poszczególne referaty uczestników konferencji z Chorwacji, Czech, Węgier, Polski, Serbii, Słowacji i Słowenii. Wydarzenie było zwieńczeniem działalności grupy badawczej nad odpowiedzialnością rodzicielską, rezultatem której będzie publikacja monografii.

Słowa kluczowe: odpowiedzialność/władza/opieka rodzicielska, Europa Środkowa

1. Introductory information

On 5 December 2022, the International Scientific Conference devoted to contemporary threats to parental responsibility from the point of view of selected legal aspects took place in the venue of the Hungarian Academy of Science in Miskolc.

The event was organised by the University of Miskolc – Central European Academy in partnership with: Ferenc Mádl Institute of Comparative Law in Budapest, Institute of Justice in Warsaw, Central European Association for Comparative Law, Slovak Association for Comparative Law, Polish Scientific Association for Comparative Law, Association for the Advancement of Comparative Law Research in Serbia, Romanian Association for Comparative Law, University of Opole, Cardinal Wyszyński University in Warsaw. The conference was held within the framework of the 2022 Professors Network: an international project aimed at strengthening academic cooperation in the Central European region. One of the sections of the 2022 edition was devoted to the question of the content of parental responsibility.

The following professors and scholars participated in the works of the research group dealing with this topic: Prof. Dr. Tímea Barzó – University of Miskolc-Central European Academy, Hungary; Prof. dr. sc. Aleksandra Korać Graovac – University of Zagreb, Croatia; prof. JUDr. Zdeňka Králíčková Ph.D. – Masaryk University in Brno, Czech Republic; Prof. dr hab. Marek Andrzejewski – Institute of Legal Sciences of the Polish Academy of Sciences; Dr Michał Poniatowski – Cardinal Wyszyński University in Warsaw, Poland; Ph.D. Full Professor Gordana Kovaček Stanić – University of Novi Sad, Serbia; PhDr. JUDr. Lilla Garayová Ph.D. – Pan-European University in Bratislava, Slovakia; Prof. Suzana Krajlić Ph.D. – University of Maribor, Slovenia; dr hab. Paweł Sobczyk, prof. UO – University of Opole, Poland (leader of the group).

The outcome of the work of the research project was preparation of the monograph entitled *Content of the right to parental responsibility. Experiences –*

Analyses – Postulates, edited by Prof. Paweł Sobczyk.¹ The conference held on 5 December was the final event concluding the research group's activities.²

2. Opening panel

The introductory panel of the conference was moderated by Prof. Dr. János Ede Szilágyi (University of Miskolc, Ferenc Mádl Institute of Comparative Law).

The first speaker of the opening panel was Dr Marcin Romanowski (Undersecretary of State in the Ministry of Justice of the Republic of Poland). In his welcoming words, he indicated the significance of regional academic cooperation and partnership, which may be the answer to contemporary problems and challenges, particularly those in the area of family law.

The next speaker, Prof. Dr. Tímea Barzó, the Director-General of the Central European Academy presented the idea and the achievements of this institution. It is worth noticing that this is the Central European Academy which coordinates the Professors Network. It represents one of the three important pillars of the activity of the Academy. Others, such as Central European Academy Junior Programme and Central European Academy Publishing were also presented. The number of projects and events organized within the framework of the Professors Network or Junior Programme, as well as outcomes of the publishing house, are highly remarkable.³

The third speaker, Prof. Sobczyk, presented the introduction to the activity of the research group. It was focussed on the concept of child and the concept of parental responsibility. The core question remains to determine the content of the parental responsibility with the special emphasis on the situation of the child and family after divorce. The need for indicating the basic principles and values underlying the right to family *in genere* (resulting from human dignity) was also pointed out.

Prof. Marcin Wielec (Cardinal Wyszyński University in Warsaw, Institute of Justice in Warsaw) concluded the opening panel and presented the book *Content of the right to parental responsibility. Experiences – Analyses – Postulates*.

¹ Sobczyk Paweł (ed.), *Content of the right to parental responsibility. Experiences – Analyses – Postulates*, CEA Publishing (in preparation)

² It is worth noticing that in the previous year, a similar, to some extent, group of researchers prepared an interesting publication on family protection from comparative perspective in general, see Barzó Tímea, Lenkovics Barnabás (ed.), *Family Protection from a Legal Perspective Analysis on Certain Central European Countries*, Budapest/Miskolc 2021, DOI: 10.54237/profnet.2021.tbblfl. The research project in question was therefore designed to explore the selected issue of parental responsibility in a more detailed manner.

³ More information may be found at the webpage of the Central European Academy <https://centraleuropeanacademy.hu/en/> (last accessed: 9 January 2023).

In this context questions on the rights of the family members, taking into consideration different strategies adopted on the domestic and international level (e.g. strategies of the European Union or reasonings of the European Court of Human Rights) were asked.

3. Section I

The moderator of the following thematic section was Dr Katarzyna Zombory (University of Miskolc – Central European Academy).

The first speaker, Prof. Korać Graovac, explained the challenging issue of the procedural rights of the child in family proceedings in Croatia. Recent solutions regarding the participation of children in the justice system were presented. The Croatian family law reform was aimed at the implementation of the UNCRC, as well as the guidelines of the Council of Europe or the EU. Despite good assumptions and principles: respect for the views of the child, the right to be heard, according to the child's age and maturity, or providing information and advice for the child, the reform in this area is questionable, especially in the context of the child's status of the party in all family proceedings or the person of 'special guardian' through which a child has the right to express the views. In the most general terms, it can be said that the law imposes many obligations which, due to inaccuracies or systemic inadequacies, encounter practical implementation problems (from the perspective of the authorities, the family and the child). As a result, solutions that were intended to serve the realisation of children's rights do not necessarily serve them.

The second speaker, Prof. Králíčková, addressed the issue of the exercise of parental responsibility in special cases from the Czech perspective. The general aims and principles, as well as the content of parental responsibility according to Czech law, were presented. Particularly, the need for the protection of minors – their best interests and participatory rights was emphasised. Also, the issue of equality of parents, despite the character of their relationship, was addressed. The Professor highlighted the challenges of the current regulations of divorce. It may be considered not flexible enough, as issuing by the court of the final and conclusive decision on the minor's situation (especially custody and maintenance) is the precondition for the divorce. At the end of the presentation, Prof. Králíčková provided examples of good and bad practices from the Czech case law on parental responsibility.

The third speaker, Prof. Barzó, introduced a topic at the interface of family law and medical law. The presentation entitled "Parental responsibility (authority) related to the Child's Health Care" concerned the issue of self-determination in healthcare with the special emphasis on anomalies related to minors' situation

in this regard. It is worth remembering that in the case of children, the involvement of a statutory representative is needed. However, an important point in this respect is the age of 16. Issues of parental consent to surgery, the right to medical confidentiality and the right to access to medical records in the case of minors were presented. As shown during the lecture, cases where parental authority is not exercised jointly by both parents can be particularly difficult.

4. Section II

The second thematic ‘Polish speakers’ section was chaired by Dr Bartłomiej Oręziak (Cardinal Wyszyński University in Warsaw, Institute of Justice). The first contribution concerned limitations of parental authority. The topic was addressed by Prof. Andrzejewski. He first noted the construction of the limitation. It is a response by the court (the state) to an endangered good of the child in the person of the parent. The aim is to remove the threat without any delay. However, it is not a form of repression towards a parent. There may be different reasons for the limitation, determining its scope. Depending on the cause, secure contact between parent and child may be needed or preventing those contacts may be necessary. Among the controversial cases mentioned were deprivation of parental authority because of poverty (when support for the family should be provided), because of refusal of permission to implement a medical procedure, or violation of autonomy or privacy of a child. Prof. Andrzejewski pointed to the great social role of the family judge in this respect, who should communicate with the institutions monitoring the situation of a family and coordinate their work.

The following paper “Content of the Right to Parental Responsibility and the Activities of Non-governmental Organizations in Poland” was delivered by Dr Poniatowski, the secretary of the research group. The speech brought closer the situation of parents who are not isolated from other entities, like activities of NGOs within the scope of their statutory aims. This is particularly relevant in connection to church associations, charity and care associations. It is worth considering that the interaction between non-governmental organisations’ operations and the use of parental authority is very nuanced. Due to the growth of non-governmental sector, this complexity will only increase in the future. The speaker pointed out the issue of fragmented regulation of this problem and possible collisions between different sources of law.

The final presentation of the panel was a lecture by Prof. Sobczyk, the leader of the research group. It was entitled “The influence of parents on [sexual] education in public schools in Poland”. The professor drew attention to the constitutional basis of the right to bring up children in accordance with one’s

beliefs. In addition, mechanisms for the implementation of this right in the area of education were presented (e.g. the functioning of parents councils at schools). The subsidiary role of the school in the upbringing of children vis-à-vis parents was emphasised.

5. Section III

The final, third thematic session was again presided over by Prof. Szilágyi. The contribution of Prof. Kovaček Stanić from Serbia had the remarkable title “Important Issues Concerning a Child: Decision-making and Resolving the Parental Conflict”. The presentation addressed matters of parental equality and the possibility of the joint and independent exercise of parental authority under Serbian law. Among the cases of parental conflicts that threaten the rights of the child, relocation and abduction were cited. It is worth noting the need to seek appropriate ways of resolving parental conflicts. This is why the possible solutions from European states were presented in a comparative way. Also, Prof. Kovaček Stanić reiterated the need for specialisation and qualification of family judges.

The next speaker, Prof. Garayova, undertook to address a difficult task. The issue of the various possible terms by which authority/responsibility/parental care is called was hinted at by previous speakers. Moreover, it was even evident in the titles of the speeches. The professor, therefore, traced the different concepts in various national laws/languages and current guidelines from international institutions. The conclusion, however, was that content is more important than the name.

The last presentation in the section was the contribution of Prof. Krajlić from Slovenia: “Parental responsibility – from autonomy to deprivation”. The speech emphasised the constitutional grounds of parental rights and duties. The best interests of the child and family life, including parents, should be protected. Joint custody of parents should be promoted, as well as the priority of parental care. It is why deprivation may take place only when no other measures significantly protect the child. If possible, less restrictive measures for parents should provide adequate protection. The speaker underlined the possibility of parental care being renewed if the reason for deprivation ceased, obviously in the best interest of the child. The presentation addressed also the issue of contact and maintenance, treated separately from parental care itself. Furthermore, Prof. Krajlić pointed out some procedural issues and listed examples of reasons in cases of deprivation of parental care.

The concluding open discussion concerned the rights of the child as a patient, particularly from Hungarian and Slovenian perspective, sexual education

in the context of current legislative works in Poland and divorce in the context of care for children and domestic violence in the Czech example.

The evening ended with a ceremonial part with thanks and gifts to the members of the research group.

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