

Lea Feuerbach*

SUMMARY OF THE INTERNATIONAL SCIENTIFIC CONFERENCE ON “CONTEMPORARY THREATS TO PARENTAL RESPONSIBILITY. SELECTED LEGAL ASPECTS” ORGANIZED BY THE CENTRAL EUROPEAN ACADEMY OF THE UNIVERSITY AS PART OF THE CENTRAL EUROPEAN PROFESSORS’ NETWORK 2022

INTRODUCTION

The international conference entitled ‘Contemporary Threats to Parental Responsibility: Selected Legal Aspects’ was organized on December 5, 2022, at the Hungarian Academy of Sciences. The conference aimed to summarize the results of the research group “Content of the Right to Parental Responsibility” working within the framework of the Central European Professors’ Network 2022. The conference was divided into three sections and an opening panel.

The conference was organized by the University of Miskolc – Central European Academy in cooperation with its partners: the Ferenc Mádl Institute of Comparative Law, the Institute of Justice in Warsaw, the Central-European Association for Comparative Law, the Hungarian Association for Comparative Law, the Slovak Association for Comparative Law, the Scientific Association for Comparative Law Poland, the Association for the Advancement of Comparative Law Researches in Serbia, the Romanian Association for Comparative Law, the University of Opole and the Cardinal Wyszyński University in Warsaw.

THE OPENING PANEL

The first panel was opened by Prof. János Ede Szilágyi (University of Miskolc, the Ferenc Mádl Institute of Comparative Law – FMI), followed by Prof. Marcin Romanowski (Undersecretary of State, the Ministry of Justice of the Republic of Poland) who held an opening speech and welcomed the participants. After a short presentation of the structure of the Conference referring to the topics and issues that will

* Lea Feuerbach, PhD student at University of Miskolc Deák Ferenc Doctoral School of Law and researcher at Central European Academy in Budapest, Hungary; leafeuero7@gmail.com
ORCID ID: orcid.org/0009-0004-3763-7889

be discussed, the Director of the Central European Academy, Prof. Tímea Barzó (University of Miskolc, Central European Academy) introduced all the participants. Her presentation's focus was on the Central European Academy's work through its outcomes in 2022, main activities, research groups, programs, and others. As member of the Central European Professors' Network, Prof. Paweł Sobczyk (University of Opole, Institute of Justice Warsaw) introduced the research group "Content of the Right to Parental Responsibility". The first panel was closed by Prof. Marcin Wielec (Cardinal Wyszyński University in Warsaw, Institute of Justice Warsaw) who presented the results of the book "Content of the Right to Parental Responsibility. Experiences – Analyses – Postulates".

PANEL 1

The conference's first panel was presided over and moderated by Dr. Katarina Zombory (University of Miskolc Central European Academy). The first presenter, Prof. Aleksandra Korać Graovac (University of Zagreb, Croatia) held a presentation about the procedural rights of the child in family proceedings in Croatia. She presented an international framework for child protection and the Convention on the Rights of the Child as the fundamental act in this area. She went on to present the activities of the Fundamental Rights Agency and gave a historical overview of Croatian law with a focus on the Family Act of 2015. She concluded by elaborating the need for specialized family courts in Croatia.

The next presenter was Prof. Zdeňka Králíčková (Masaryk University, Czech Republic) with the paper entitled "Exercise of parental responsibility in special cases: the Czech Republic experience – good and bad practice". She presented parental responsibility in the Czech Republic in a historical perspective, and discussed the general principles of parental responsibility focusing on divorce law and the right of the child to participate and express an opinion.

The presentation about anomalies related to the child's health care was given by Prof. Tímea Barzó (University of Miskolc Central European Academy). She discussed patients' right to self-determination in health care, consent to healthcare, the right to medical confidentiality, and the right to access medical records. After an overview of the selected case law, she concluded that the legal provisions of the Healthcare Act 2022 are in no way sustainable.

PANEL 2

The second panel was opened by Prof. Bartłomiej Oreziak (Cardinal Wyszyński University Warsaw, Institute of Justice Warsaw, Poland).

In this panel the first presentation was given by Prof. Marek Andrzejewski (Institute of Legal Sciences of the Polish Academy of Sciences). His topic was the specificity of limitations of parental authority. After explaining the controversial situations, such as the abuse of intoxicants, poverty, prevention, or obstruction of a child's contact with the parent that they do not live with, refusal of permission to implement a medical procedure, sharenting and violation of the autonomy of the child, he emphasized the importance of family courts and family judges as a specialized body.

The presentation entitled "Content of the Right to Parental Responsibility and the Activities of Non-Governmental Organizations in Poland" by Prof. Michał Ponia-towski (Cardinal Wyszyński University in Warsaw, Institute of Justice Warsaw) outlined the legal basis for the activities of non-governmental organizations in Poland and the welfare of the child and assistance to the family as the goal of the activities of non-governmental organizations. He concluded that the starting point for resolving a possible conflict should be a holistic understanding of the best interest of the child.

The last presentation in this panel was given by Prof. Paweł Sobczyk (University of Opole, Institute of Justice Warsaw, Poland) focusing on the influence of parents on (sexual) education in public schools in Poland. Additional information was given about provisions in the Polish Constitution and the implementation of constitutional guarantees in lower-level legislation in practice. Ways in which parents influence children's education such as parents' councils, parents' cooperation with the school, and legislative attempts were discussed with the focus on the so-called "Lex Czarnek" and its influence on school activities.

PANEL 3

The third panel was moderated by Prof. János Ede Szilágyi (University of Miskolc Central European Academy, Hungary, Ferenc Mádl Institute of Comparative Law, Hungary).

The first presentation was given by Prof. Gordana Kovaček Stanić (Faculty of Novi Sad, Serbia) on „Important Issues Concerning a Child: Decision-making and Resolving the Parental Conflict“. After introducing the subject of family relations and the importance of the equal role of the parents, she pointed out the most serious problem which concerns the relocation of the child. She highlighted the lack of Serbian legislation which does not have provisions for resolving a conflict that may appear regarding the decisions about the medical care of a child. The absence of procedures for addressing a dispute that can arise regarding decisions concerning a child's medical care was highlighted as a weakness of the Serbian legislation.

Prof. Lilla Garayová (Pan-European University, Slovakia) was the next presenter who introduced the topic of parental authority and the best interest of the child.

She started by explaining the meaning of parental responsibility and comparing the approach of other countries to the Slovakian approach. Furthermore, the presenter pointed out the importance of the Recommendations of the Committee of Ministers to Member States about Parental Responsibilities. By analyzing legal terminology in the Czech Republic, Germany, France, Denmark, Poland, Lithuania, Spain, Sweden, Greece, Finland, the UK, Ireland, the Netherlands, and Switzerland, different approaches that exist in different countries were presented.

The last presenter, Prof. Suzana Kraljić (University of Maribor, Slovenia) discussed parental care evolving from autonomy to deprivation. The presentation focused on the principles in the Constitution of the Republic of Slovenia of 1991 and the provisions of the Slovenian Family Code. She pointed out that parents have priority over any other person concerning the right and obligation to protect a child's interests. She further emphasized that, despite the courts' broad latitude in deciding what is in the child's best interest, they must always adhere to the idea of proportionality.

The last presentation was followed by a positive and fruitful discussion. The conference was an invaluable opportunity for prominent Central European experts to exchange best regulatory practices that could be used to safeguard the interests of children. The results and recommendations made during this Conference will be used as a foundation for recommending laws and practices that respect parental obligations while also advancing the best interests of the child. Prof. Szilágyi thanked the participants for contributing to the discussion at the end of the conference.