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## **REVIEW OF THE INTERNATIONAL CONFERENCE ON THE PARENTAL RESPONSIBILITY<sup>1</sup>**

### **PRIKAZ MEĐUNARODNE KONFERENCIJE O RODITELJSKOJ ODGOVORNOSTI<sup>2</sup>**

In the cooperation of University of Miskolc – Central European Academy as the main organizer and its partners Ferenc Madl Institute of Comparative Law, Institute of Justice in Warsaw, Central-European Association for Comparative Law, Hungarian Association for Comparative Law, Slovak Association for Comparative Law, Scientific Association for Comparative Law Poland, Association for the Advancement of Comparative Law Researches in Serbia, Romanian Association for Comparative Law, University of Opole and Cardinal Wyszyński University in Warsaw, International Scientific Conference was organized of 5<sup>th</sup> December 2022. The topic was very current considering all the changes that children, but also parents, are going through in today's world.

After the warm welcome at the Hungarian Academy of Science, Conference started with the opening panel presided and moderated by Prof. Dr. Szilágyi János Ede (University of Miskolc) who as the head of the Ferenc Mádl Institute of Comparative Law greeted all the present speakers and listeners. After a short introduction, Professor gave the floor to Marcin Romanowski (Undersecretary of State, Ministry of Justice of the Republic of Poland) who held an opening speech and welcomed all participants. Mr. Romanowski gave his thoughts and explained the importance of the values of the European Union and its need for change connecting it to parental responsibilities in modern times. He explained the structure of the Conference

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<sup>1</sup> International Scientific Conference on *Contemporary threats to parental responsibility. Selected legal aspects* held on 5 December 2022 at Hungarian Academy of Sciences in Miskolc, Hungary

<sup>2</sup> Međunarodna naučna konferencija Mađarske akademije nauka na temu *Savremene prijetnje roditeljskoj odgovornosti – odabrani pravni aspekti*, održana 5. XII 2022 u Miskolcu u Mađarskoj.

referring to the topics and issues that will be discussed and shortly announced each presenter separately. Then, the director of the Central European Academy Prof. Dr. Barzó Tímea had a presentation concerning the Academy itself. She described the work of 5 research groups within the Central European Professors' Network that started its 1<sup>st</sup> edition of international comparative law research activity on 1 January 2021 under the coordination of the Ferenc Mádl Institute of Comparative Law. A 2<sup>nd</sup> edition started on 2 January 2022 with active participation of seven countries (the Czech Republic, Croatia, Hungary, Poland, Serbia, Slovakia, and Slovenia) and 47 researchers, organized in five research groups. Central European Professors' Network categorizes those groups as follows: the first group regarding the issues of 'constitutional protection of national symbols' led by Prof. Dr. Tóth J. Zoltán (Károli Gáspár University, Hungary), the second 'right to privacy' directed by Prof. Dr. Wielec Marcin (Cardinal Stefan Wyszyński University, Poland), the third is 'content of the right to parental responsibility' whose leader is Prof. Dr. Sobczyk Pawel (University of Opole, Poland), then follows 'constitutional framework for the protection of future generations and the environment under the supervision of Prof. Dr. Szilágyi János Ede (University of Miskolc, Hungary) and finally, 'constitutional identity and relations between the EU law and domestic law of member states' led by Prof. Dr. András Zs. Varga. Additionally, Professor Barzó acquitted us with Central European Junior Program and publishing activities under the Central European Academy as well as high-quality international events organized by each group depending on the topic.

As the head of the research group that was responsible for organizing this conference, Prof. Sobczyk gave a short report about the group activities and their outcomes. Professors' starting point was famous Appendix No. 3 which goes into the details of family proceedings rules. Finally, as the last speaker of the opening panel, Prof. Dr. Wielec Marcin (Cardinal Stefan Wyszyński University, Institute of Justice Warsaw, Poland) introduced the book entitled 'Content of the right to parental responsibility. Experiences – Analyzes – Postulates.'

The first section was moderated by Dr. Zombory Katarzyna (University of Miskolc Central European Academy, Hungary). She gave a word to the first presenter Prof. Dr. Korać Graovac Aleksandra (University of Zagreb, Croatia) who spoke about the procedural rights of the child in family proceedings in Croatia. Prof. Korać Graovac described the relevant framework on the international level mentioning the Convention on the rights of the child as a basic document, especially focusing on Article 12 – the right of the child to be heard. Furthermore, Professor highlighted General Comment no. 12. Of the

Committee on the Rights of the Child which emphasizes the right of the child to be heard. At the national level, Professor pointed out relevant provisions from the Croatian Family Act leaving us with some open questions. She also stressed the urgent necessity for specialized family courts in the Croatian legal system with an aim for better protection of children's rights. Next presenter was Prof. Dr. Králíčková Zdeňka (Masaryk University, Brno) who had her presentation entitled Exercise of Parental Responsibility in Special Cases – good and bad practice providing the Czech legislative highlighting the importance of general principles of parental responsibilities. Her presentation started with a historical overview of parental responsibilities in the Czech Republic, continuing with the analysis of duties and rights exercised by parents. Professor also tackled regulation on divorce law in her country which prescribes that marriage cannot be dissolved if the previously passed decision on custody of a child hasn't become final and conclusive. The last presenter of the first section was Prof. Barzó. She delivered the topic about Parental responsibility (authority) related to Child's Health Care. Professor explained Hungarian legal solutions regarding this issue emphasizing the importance of parental consent to healthcare distinguishing 'regular' healthcare and 'urgent intervention'. After the presentation and the overview of selected case law, Prof. Barzó concluded that legal provisions as they are currently formulated in Healthcare Act 2022 are in no way sustainable.

After the break, the conference continued with section two presided by Dr. Bartłomiej Oręziak (Cardinal Stefan Wyszyński University in Warsaw, Institute of Justice Warsaw, Poland). The first speaker was Prof. Dr. Andrzejewski Marek (Institute of Legal Sciences of the Polish Academy of Sciences, Poland) who focused on the specificity of limitations of parental authority. He delivered some procedural and organizational remarks while talking about the interference of the state in parental authority suggesting a 'tailor-made' approach, the necessity of 'both ways' cooperation, and the duty of the court to cooperate with local institutions. Professor emphasized the importance of family courts and family judges as a specialized body reasoning it by controversial situations that may occur. Further, Prof. Dr. Poniatowski Michał (Cardinal Wyszyński University in Warsaw, Poland) brought the topic regarding the content of the right to parental responsibility and the activities of non-governmental organizations in Poland. Professor outlined the legal basis for non-governmental activities in Poland from the perspective of exercising parental authority pointing out that the welfare of the child and assistance to the family should, in this context, be the goal of the non-governmental organizations. He concluded with the opinion that the starting point for resolving a possible conflict should be approached in a holistic way always considering the best interest of the child. At the end of the second

section, Prof. Dr. Sobczyk Pawel (University of Opole, Poland) talked about the influence of parents on sexual education in public schools in Poland, mainly oriented to the guarantees prescribed in the Polish Constitution. Apart from well-known common ways of parental inclusion in a child's education, such as parents' councils in schools and parents' cooperation with the school, Professor presented an attempt of legislative to strengthen the influence of parents on school activities by passing the so-called Lex Czarnek.

The last section was moderated by Prof. Dr. Szilágyi János Ede. The first speaker was Prof. Dr. Kovaček Stanić Gordana (University of Novi Sad, Serbia) with the topic entitled: Important Issues Concerning a Child: Decision-making and Resolving the Parental Conflict. Professor focused on the question of who is the subject in family relations - parents or child providing the legislative framework of Serbian Family Act. Additionally, she highlighted the lack of Serbian legislation in the sense that it does not have provisions for resolving a conflict that may appear regarding the decisions about the medical procedure of a child. At the end of the presentation, Professor delivered some *de lege ferenda* ideas and emphasized the fact that judges in family law courts must be specialized. The next presenter was Prof. Dr. Garayová Lilla (Pan-European University, Slovakia) with a focus on parental authority and the best interest of the child. Professor explained the scope of parental responsibility and show the actual legislation in Slovakia. Further, she delivered an interesting overview of variations of legal terminology in different countries (e.g. in Czechia, Germany, France, Denmark, Poland, Lithuania, Spain, Sweden, Greece, Finland, UK, Ireland, Netherlands, Switzerland) and suggested preferable change of term parental authority to parental responsibility. In the end, Prof. Dr. Kraljić Suzana (University of Maribor, Slovenia) delivered a topic on parental care describing the development from autonomy to deprivation. She focused on the provisions of fundamental principles of the Constitution of the Republic of Slovenia. Professor emphasized the priority of parents over any other person concerning the rights and obligations with the goal to protect child's best interest. Also, Professor underlined that even though courts have wide discretion in defining the best interest of the child, they must always be in accordance with the principle of proportionality.

The last presentation was followed by a constructive and fruitful discussion with many questions and comments. The fact that the interest in this scientific conference was great is also confirmed by the fact that the discussion lasted longer than the organizers predicted. The conclusions and suggestions reached during this Conference will serve as a basis for proposing policies and practices in the context of respecting parental responsibilities, but also

strengthening the best interest of a child. At the very end of the conference, Prof. Szilágyi thanked all the participants for attending and contributing to the discussion. Finally, the purpose of the conference was met since the great exchange of knowledge, experiences, and outstanding cooperation was achieved.